



COMMONWEALTH OF AUSTRALIA

# Official Committee Hansard

## SENATE

COMMUNITY AFFAIRS LEGISLATION COMMITTEE

**Reference: Social Security and Other Legislation Amendment (Welfare Reform  
and Reinstatement of Racial Discrimination Act) Bill 2009**

WEDNESDAY, 17 FEBRUARY 2010

ALICE SPRINGS

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**SENATE COMMUNITY AFFAIRS**

**LEGISLATION COMMITTEE**

**Wednesday, 17 February 2010**

**Members:** Senator Moore (*Chair*), Senator Siewert (*Deputy Chair*), Senators Adams, Boyce, Carol Brown and Furner

**Participating members:** Senators Abetz, Back, Barnett, Bernardi, Bilyk, Birmingham, Mark Bishop, Boswell, Brandis, Bob Brown, Bushby, Cameron, Cash, Colbeck, Jacinta Collins, Coonan, Cormann, Crossin, Eggleston, Farrell, Feeney, Ferguson, Fielding, Fierravanti-Wells, Fifield, Fisher, Forshaw, Hanson-Young, Heffernan, Humphries, Hurley, Hutchins, Johnston, Joyce, Kroger, Ludlam, Lundy, Ian Macdonald, McEwen, McGauran, McLucas, Marshall, Mason, Milne, Minchin, Nash, O'Brien, Parry, Payne, Polley, Pratt, Ronaldson, Ryan, Scullion, Sterle, Troeth, Trood, Williams, Wortley and Xenophon

**Senators in attendance:** Senators Adams, Crossin, Furner, Moore and Siewert

**Terms of reference for the inquiry:**

To inquire into and report on:

Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2009

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**Committee met at 10.54 am****EVERY, Mr David, Lawyer, Central Land Council****KELLY, Mr Daniel, Senior Solicitor, Central Land Council****ROSS, Mr David, Director, Central Land Council****WEEPERS, Ms Jayne Maree, Senior Policy Officer, Central Land Council**

**CHAIR (Senator Moore)**—We begin by acknowledging the traditional owners and paying our respects to all elders, past and present. This Senate Standing Committee on Community Affairs hearing is continuing consideration of a range of legislation to do with the Racial Discrimination Act. We welcome the witnesses from the Central Land Council. We have received your very detailed submission. We expect that some or all of you may have opening statements. We will go to that first and then we will have questions. Mr Ross, are you going to kick off?

**Mr Ross**—I have got a statement to read to you. As you see, I have got three members of staff with me from CLC.

**CHAIR**—I apologise, Mr Ross. I have just been reminded—we have become used to them at this inquiry—does anyone at the table have any objection to having the media present?

**Mr Ross**—No, Madam Chair.

**CHAIR**—I think it is part of your job, Mr Ross, but we need to check for our processes. We have representatives from the local media here as well. Please continue.

**Mr Ross**—I think we can live with that. I have three members of staff with me. It is a very technical piece of legislation and I am likely to need all the help I can get with this.

As you know, the Central Land Council is a statutory body established under the Aboriginal Land Rights Act and also a native title representative body under the Native Title Act. The Central Land Council represents Aboriginal people across the southern half of the Northern Territory. In this capacity we have made numerous submissions and representations to the government regarding the NTR. The Central Land Council has tried to not only highlight the flaws with the NTR but also to recommend specific strategies and actions to move forward, including through reinstatement of the RDA, engagement of Aboriginal people in planning their own future and supporting rebuilding legitimate Aboriginal governance arrangements. Unfortunately the CLC's proposals have largely been ignored. The CLC is deeply disappointed that the Australian government has squandered a very valuable opportunity to reform the NTR in a way that would maximise positive outcomes on the ground, respond to community concerns, heal the hurt caused by the NTR process and lay the foundations for a respectful and equitable relationship with Aboriginal people in the Northern Territory.

The Australian government's so-called redesign of the NTR as provided for in these two bills leaves the NTR measures virtually unchanged, basically a business as usual approach. With respect to the reinstatement of the Racial Discrimination Act 1975, the Central Land Council is astounded that the Australian government proposes merely to remove the clauses which exclude the operation of the RDA without making it explicit that the RDA prevails over the legislation which implements the NTR. This means the Australian government will continue to implement legislation that it knows is discriminatory. Of particular importance in the Central Land Council is the apparent intention of the government to deny Aboriginal landowners the opportunity to challenge the five-year leases under the RDA. The Australian government has stated that it considers the amended five-year leases will be a special measure and not discriminatory. Significant doubt is cast over the genuineness of this statement and the reputation of the government when its legislation prevents this being considered independently in the courts.

Overall, the government's approach to redesigning the NTR and reinstating the RDA raises six serious concerns. First, many of the critical recommendations of the NTR Review Board in 2008 remain unaddressed, particularly those relating to resetting the relationship with Aboriginal people and supporting legitimate Aboriginal governance arrangements. Second, the case for the retention of the five-year leases has not been made. Despite this, the Australian government intends not only to continue the five-year leases but to put their continuation beyond the reach of a challenge under the RDA. Third is the partial reintroduction of the RDA. Despite the rhetoric of the government in relation to its commitment to the RDA, the bills presented by the government achieve only partial reinstatement of the RDA. The government must ensure that the RDA prevails over the legislation which implements the NTR.

Fourth, the community consultation process undertaken by FaHCSIA was flawed and deficient. Statements connecting the consultation process with the assertion that the measures are special measures are disingenuous and misleading. Fifth, the retention and in some cases minor adjustment of measures is generally not based on a rigorous and independent evaluation of the effectiveness of the measure, nor an evaluation of the cost effectiveness or opportunity cost of pursuing those initiatives rather than alternatives. Sixth, while the proposed income management regime is less blatantly discriminatory, it is still highly punitive and based on the assumption that welfare recipients are unable to care for their children.

Providing for a national income management scheme without legislation primarily aimed at redesigning the NTER does not allow for adequate transparency or broader public debate about such a significant welfare reform proposal. The passage of the government's bills will not result in a redesign of the NTER but simply a continuation of the NTER, nor will the passage of the bills unamended achieve a full reinstatement of the RDA. A crucial opportunity to turn the NTER into something that has meaning and support on the ground has been lost.

Central Land Council recommends that the government bills not be passed in their current form, that the bills be amended to ensure that the RDA prevails and that other amendments proposed by the Central Land Council be adopted in relation to specific measures. The Central Land Council also recommends the provisions relating to the income management regime be removed from the current bills and be incorporated into a new bill allowing for greater transparency about such a significant national welfare reform proposal. Thank you.

**CHAIR**—Do any of the other officers at the table wish to make comments at this stage? If not, we will go to questions.

**Senator SIEWERT**—I have a number of questions. I would like to go to the comments that you made about the hurt caused by the current measures and the current intervention. What are the key things? When you say 'hurt', I presume you mean to the Aboriginal community of the Northern Territory. Could you outline what you mean by hurt caused by the current intervention?

**Mr Ross**—There are many Aboriginal people in Central Australia that I meet through my travels in communities, in public meetings in communities, in Central Land Council meetings and in discussions one on one with people in the street who are very demoralised with how they have been treated through this whole process.

With the original introduction of the NTER measures, the government of the day came and brought the army in. It was not with guns, but just having the army present was something very fearful for a lot of Aboriginal people. There was the introduction of government business managers, who have very few relationships with Aboriginal people. A lot of these things are happening without any consultation or any discussions et cetera with Aboriginal people.

There was the forcing of the welfare reforms onto Aboriginal people and the signs that have been put up in every town camp—certainly in Alice Springs—every community and on most roads going into Aboriginal communities. They are huge blue-and-white signs that say things about alcohol, pornography et cetera. These things have had an impact on many Aboriginal people who have never drunk alcohol, who have never participated in any bad behaviour and who have been good, decent citizens their whole lives.

There was pointing of fingers at most Aboriginal men to make them feel like they have been rapists and child molesters. And there was the way in which the media has portrayed a lot of this stuff over the last few years, which has had a hell of an impact on many Aboriginal people. So when I talk about the hurt, all of these things are part of that process.

**Senator SIEWERT**—In terms of the measures, your submission is very clear about what you think about a number of issues and, in particular, around the restoration of the RDA. There are a couple of extra things I would like to ask you about—maintaining the special measures. The legislation says these are special measures. In your opinion, do they meet the criteria for special measures under CERD as they are articulated in the current bills?

**Mr Kelly**—No, we do not believe that they meet that criteria. In that respect we would probably refer the committee to the advice of Sturt Glacken SC, which is attached to the NLC submission.

**Senator SIEWERT**—Thank you. In your opinion, if this legislation were passed do you think they would be challengeable in court as special measures?



**Mr Kelly**—No, we do not. We do not believe they are special measures, but this intervention legislation is later in time than the Racial Discrimination Act. This means that the intervention legislation will impliedly repeal any sections where it is inconsistent with the Racial Discrimination Act.

**Senator SIEWERT**—NLC also talked about where there is an inconsistency between the acts, and that the later legislation—the intervention legislation—would override it. Do you think that would actually stop people taking action to challenge the definition of special measures?

**Mr Kelly**—I think any action taken in those circumstances would be doomed to fail.

**Senator SIEWERT**—Okay. A number of people have also raised—and you have touched on it too—the concept of the impact being disproportionate on Aboriginal people, even though the income quarantining measures are being expanded. We have also had submissions to say that it would disproportionately impact on Aboriginal people, so it would still be discriminatory even though it has been expanded and is supposed cover a wider group of people. Do you have an opinion on that as well?

**Ms Weepers**—We have spoken to the human rights commissioner and others about this issue. While it is an issue that might need to be tested in the court, certainly when we looked at the income management model—while we welcome the fact that it is less blatantly discriminatory—the indirect discrimination and the fact that it is most likely to apply to a majority of Aboriginal people may well mean that it is still a discriminatory measure, yes. We would definitely think that.

I guess we are also concerned that there is nothing in the bill that actually guarantees where it will be rolled out, so it could still be applied primarily to, say, remote communities, although the minister has made statements publicly that suggested perhaps all of the Northern Territory would be included. But there is no guarantee of that either.

**Senator SIEWERT**—We were told both in estimates and in our preliminary hearing with the department into these bills that there would be a staged roll-out process. From what we were told the other day it would roll out in communities; Palmerston could be one of the first communities it would be rolled out to, for example. So, you are right: it is at the minister's discretion where it will be rolled out to, essentially.

We have had both written and oral submissions from the Aboriginal Health Alliance and written submissions from AMSANT that were very strong about the need to restore the RDA, but they were not as upfront and argued very strongly around the issues of how discrimination impacts on people's health, particularly around the issue of social determinants. You were talking about the hurt that this intervention has caused. Have you looked into the issue as it relates to the impact on people's health and do you consider that impact so great that you would accept these bills passing as they are, despite the fact that you have said that you do not think they should be passed? We are getting two messages—one concerns the hurt caused by the exemption to the RDA of the intervention measures being so great that action needs to be taken regardless of the other impacts of the bills, and the other message is that it does not restore the RDA and they are not good measures, but it continues the intervention. What would your advice to us be?

**Mr Ross**—The simple reality is that the whole thing should be subject to the RDA. If there is no problem with it, then make it subject to the RDA, put that amendment in, and these things can be challenged in court. Give that opportunity. In terms of people's health, I am not a health expert or anything in that field but I have never seen Aboriginal people from the bush so demoralised in all the years that I have been working with the Central Land Council. I was born and grew up in Alice Springs and dealt with many people. I have never seen people so demoralised. What have they got? Everything is shoved down their throats; they are branded as all sorts of things through the media because of all sorts of issues. To highlight that you only have to look at yesterday's Alice Springs *Centralian Advocate*. There is a paper showing the direct results of how people think in Alice Springs. I should have brought a copy so you could have a look at it. I am sure someone will be able to bring a copy along and have it tabled. These are the sorts results we get from this sort of behaviour. It has gone on now for a number of years. Making this legislation subject to the RDA and implementing a system of giving Aboriginal people the opportunity to be involved in this whole process so that you reset this whole agenda and give people that opportunity I think would be a way of going forward and giving people the opportunity of being involved in getting better outcomes, which is what should have been done in the first place, rather than just shoving things down people's throats.

**CHAIR**—Mr Ross, are you suggesting that the coverage we saw in yesterday's Alice Springs newspaper could be linked directly to the NTER legislation?

**Mr Ross**—I have no doubt about it.

**CHAIR**—I have not heard that before. Can you actually give us some more information about that?

**Mr Ross**—This is the result of people having to come to town because of the system that is now in place. People come to town to spend their money and go through the processes et cetera. They do not have things on their homelands or in their own communities in the bush. People get into town, they get stuck and the result of these things is bad behaviour et cetera. People have nowhere to live; they do not have places to live in their own communities. We are dealing with something that has not just come as part of the NTER in the last couple of years; this is the result of 30 years of neglect of people in the Northern Territory, where funds have come in through this whole process, money has been siphoned off for the northern suburbs of Darwin and Aboriginal communities have had very little money spent on them. This has been highlighted by the Taylor report into Wadeye. There is all sorts of evidence wherever you look. What we are dealing with is the result of 30 years of neglect by government at all levels.

**CHAIR**—I am interested, on the basis of this legislation, whether you or the council have any evidence that shows that the attitudes and the behaviours in Alice Springs are any worse now than they were four years ago.

**Mr Ross**—As I say, you can look at yesterday's paper and a few months ago we had another fellow who was selling T-shirts that were advertised. There were all sorts of racist intent in that. That was also part of the result of people's behaviour et cetera. These are things that have happened since the NTR has been place. These things have actually been highlighted. The problems have been there for a long time but they are now getting worse and being highlighted.

**Ms Weepers**—While there might not be rigorous academic reports on the issue, I can assure you—and you will have a lot of people before you today on this—that anyone who lives in Alice Springs can tell you racism is alive and well and discriminatory practices are alive and well. Certainly the introduction of the BasicsCard and its implementation have assisted to highlight just how different the arrangements are in this town for people who are black and people who are white.

**Senator SIEWERT**—Would you articulate that issue a little bit more in terms of experiences that people have had with the BasicsCard and its use?

**Ms Weepers**—There are people coming after us who I think will articulate that very well. They are subject to the BasicsCard. I know them and I think they will do that in great detail. But I can certainly tell you, from our council meetings and others, that there have been hours and hours of discussions around just how humiliating the administrative arrangements of the BasicsCard are for people.

**Senator SIEWERT**—I know that we are going to have to move on in a minute. I want to ask about the consultation process. You make comments around the flawed consultation process. Were you involved in any of the consultation processes? What feedback do you have about the process? Did you get feedback from others on it?

**Ms Weepers**—No. We were not officially involved. In fact, if we had had some notification of the community meetings coming up we would have made great efforts to be at them. There are some staff members who were present at one or two, so we can provide that comment. We do not have that first-hand ability to give you our view on how the consultations are run, but we certainly have had feedback and of course we have also looked at the documentation that has arisen. We would make a few general points. The CLC has got 30 years of experience in consultation on complex matters with remote communities. There are some things that are very critical, and we do not believe that this consultation process lives up to very high standards on any of those fronts. One of those is transparency about the purpose of the consultations. I think this is where the process was very flawed. We would have expected a process that was looking at a genuine redesign of the NTR, would allow people to look at the full scope of the measures to be presented with data on what the impacts have been, what the costs have been and what other measures have been considered by governments or by NGOs or by other parties that could perhaps come into play in preference to the measures that we have currently. Certainly there was no clarity around whether or not people were being asked to give any form of consent to the measures going forward into the future. Mr Avery was at one of the meetings.

**Mr Avery**—I was invited to attend a meeting by a community, Utopia, and a FaHCSIA officer was berated about income management. In particular senior people held up their green cards and challenged the officer to name a single white person who held one of these cards. The FaHCSIA officer handled it very well, but that was the challenge. They were clearly saying that this was discriminatory against them. They also averted to the double standards of the intervention, that there seemed to be rules for Aboriginal people defined on the blue signs outside Utopia, which they described with disgust, and that certain non-Aboriginal people resident in the

area were behaving in ways that were contrary to that sign. They referred to all that in this one meeting. That was the only one that I went to. I do not know whether that was an exception or whether there were more like that.

**Senator SIEWERT**—Ms Weepers has just described the issues and given your experience. I am not trying to put words in your mouth but, as I understand what you have been saying, it could not be seen as a process that would justify the government saying that they had informed consent for these measures.

**Ms Weepers**—Not even close, Senator.

**Senator SIEWERT**—Mr Avery, in the meeting that you were at, would you think you could have made that claim?

**Mr Avery**—No. It was the exact opposite. It was a well-informed opposition. It was non-consent.

**Senator SIEWERT**—Regarding the measures as they have been redefined—I am thinking about the alcohol measures in particular—we have had some feedback that, although people do not like the continuation of special measures, they say that if they have to have them at least there is an improvement on the alcohol restrictions. What is your opinion and what is the feedback you have received on that particular issue?

**Mr Avery**—The foundation to that is that virtually all Aboriginal communities in Central Australia were dry areas before the intervention.

**Ms Weepers**—We have spent a lot of time looking at the alcohol restrictions issue. Mr Avery makes the point that communities had already acted to make their community dry, so the blanket restriction did not have a particularly significant impact on the ground. We are happy to have a move that brings things back to a community driven process—that is as it should be—provided that people are given the support to do the planning and to police the plan that they come up with, which has often been a problem. I am sure that Tangentyere, who are next to give evidence, could provide examples of that. But it is also a fact that what is provided for in legislation is one very small part of the alcohol solution and we are not seeing the rest of it. That is really what is most significant. When are we going to see action on the buyback of alcohol licences in Alice Springs and Tennant Creek? When are we going to see a real regard for the other proposals that are put up, year after year, by Aboriginal organisations on restricting access to alcohol? The blanket restriction is the lazy option, to be frank. We already had it largely in place. It is not tackling the problem.

The other issue is that, where people are still accessing alcohol despite the restrictions, if you had talked to communities about how that happens, where the drinking areas are, who brings grog in, how people get around the restrictions, then you might have started to make some headway in terms of tackling the problem, but of course that was the last thing. It still has not happened.

**Senator SIEWERT**—Talking to communities about the issues you just mentioned did not happen in the first place. Has it happened since?

**Ms Weepers**—Not that I am aware of. That is not to say that some things might have happened that I am not aware of.

**Senator CROSSIN**—I want to pick up on the issue of alcohol restrictions. A number of communities have approached me on the issue you just talked about, Ms Weepers, and that is the ability for them to determine whether drinking occurs, where it occurs, the limit and the local alcohol management plan. Up until now they have not been able to do that, really, under this legislation. It has only been at the minister's discretion, and that has never been used. I asked FaHCSIA in hearings last week if the changes will actually allow for that. They assured us that they will. I wonder if there are communities in Central Australia who have not been made aware of that, essentially. Perhaps they are unaware of the ability for their alcohol management plan to be put in place and, hopefully, be resourced by the NT Liquor Commission and the police. That would apply to places like Elliott, Jilkminggan, Maningrida and Kalkarindji. Are there any examples in Central Australia of communities who have wanted to implement a local alcohol plan and who, up until now, have not been able to do that?

**Ms Weepers**—Not that I am aware of. I'm not saying that there aren't; I am just not aware of them.

**Senator CROSSIN**—So for the purposes of this inquiry, the majority of the communities in Central Australia would be dry?

**Ms Weepers**—Well, they were prior to the NTER.

**Senator CROSSIN**—But they still are?

**Ms Weepers**—Do you mean had they chosen to be dry? Yes.

**Senator CROSSIN**—Yes, and they still are so they do not need a local alcohol management plan because no alcohol is drunk on that community, is that right?

**Ms Weepers**—It depends on what the local alcohol management plan can encompass. People may still choose to be dry but there may still be alcohol issues in the community, obviously.

**Senator CROSSIN**—Sure, but I think that is a separate issue.

**Mr Avery**—There is only one community in central Australia that was slightly different from that: Yuendumu had a system where certain people held permits, but it was the only community that had that arrangement.

**Senator CROSSIN**—I am just trying to come to grips here with the evidence you have given. You are now telling us that you were not aware that there are any communities in central Australia that want to have a local alcohol management plan anyway because they are dry communities. So if you were bringing grog in at the moment, even before the intervention, you were breaking the law.

**Mr Avery**—Sure.

**Ms Weepers**—I guess what we are trying to say, and the same applies for our approach to the restrictions on prohibited material, is that you had a system where communities were empowered to make a decision around alcohol and they had made a decision. Now that decision may change over time, who knows, but the NTER effectively took that decision-making power away and gave it back to the government. What we are suggesting, and all the evidence shows in relation to substance issues that you need to engage the community that has the problem, is that we would welcome moves that allow that decision-making power to come back to a community level. I am not suggesting that people would make a different decision; I actually have no idea.

**Senator CROSSIN**—But these changes that we are considering in this inquiry allow that to occur. They put the decision making back into the hands of the community in allowing them to have local alcohol management plans. We had a big debate in Darwin on Monday about the powers under the Police Act, for example. This piece of legislation we are now discussing actually prevents police entering and searching people's homes unless, of course, the minister determines that they can, and she will only determine that after consultation with the community. So is that not a move forward in terms of benefits?

**Ms Weepers**—Yes, and in terms of our submission you will notice that we welcome that particular provision. We have welcomed the ability for local management plans and we welcome the removal of that particularly offensive power. We have welcomed other minor provisions in relation to other measures such as the removal of the power to compulsorily acquire a community store. So there are some things in these bills that are welcome, but the problem is that this is supposed to be the process that enacts the government's promise to reinstate the RDA, and it does not. So we are stuck with a pretty big dilemma, aren't we. There are minor changes that are welcome but, when you weigh up the whole intent and the effect of the bills should they pass unamended, then something as critical to our constituents as their compulsory acquisition of the five-year leases will not be able to be considered under the RDA. We will not be able to challenge whether or not that was a discriminatory act. So the positive things are pretty small in comparison to our assessment of the bills over all. That is the problem.

**Senator CROSSIN**—Would you still support the alcohol, pornography and five-year lease changes if they were not construed as a special measure? Or is the issue that you do not support those changes and you also believe that they should not be special measures? I guess, for starters, that you are saying that they should not be special measures?

**Ms Weepers**—We are saying they are not special measures.

**Senator CROSSIN**—But you have just said to me that the changes relating to community consultation and alcohol and the ability to have alcohol management plans is a good thing. That gets a tick. But the evidence you are giving to us is that if we were truly reinstating the RDA, there would be no aspects of this legislation designed as special measures.

**Mr Kelly**—No, not necessarily. I think the point we are making is that the government's position seems to be that all of the measures under the intervention legislation are special measures or they are now non-discriminatory. If that is true, then there should be no issue with that legislation being subject to the RDA; if that is true, there would be no inconsistency with the RDA and there would be no issue. We are saying that this

legislation should be made subject to the Racial Discrimination Act and subject to challenge under the Racial Discrimination Act.

**Senator CROSSIN**—By the insertion of the clause that you are suggesting?

**Mr Kelly**—Yes, by the insertion of a clause saying that the Racial Discrimination Act will prevail over the NTNER legislation.

**Senator CROSSIN**—The other thing I want to ask you about is your proposal to split this bill—to deal with the income management changes in a separate bill. Would the same wording be used?

**Ms Weepers**—We have not thought through it in a greatly technical capacity, but we wanted to make the point that it seems to us that the public debate around these bills is around the redesign of the NTNER and reinstatement of the RDA. It has not been publicly described as legislation that will facilitate the rollout of a national income management regime. It seems to us that the two should be separate and there should be a transparent discussion around such a significant welfare reform measure. That should be a stand-alone process that can be debated by people as they see fit and it should not necessarily be tied up with our NTNER redesign. As I understand it, it does not prevent the minister, for example, taking action to cease or not cease income management in declared areas in the Northern Territory now.

**Senator CROSSIN**—Let me further clarify this. I think you are right: this is not being couched as a national welfare reform measure. But you have not looked at the technical aspects of income management to decide whether or not it should simply be lifted as it is, word for word, into a separate piece of legislation?

**Ms Weepers**—Are you asking if we support it in its currently form?

**Senator CROSSIN**—Yes.

**Ms Weepers**—No, we do not. I do not know what the government would want to put in a stand-alone bill, but if it were up to us it would not be what is there now. Our position on income management is that there may be some benefit in income management for families that are really struggling. In that case there are two options. One is that you maintain a voluntary option for income management and you support people to access that scheme should they want to. The other is that we rigorously trial the use of triggers such as those already provided for in the NTNER legislation—child protection and school attendance. We are not convinced that even those triggers will work, but we certainly would be happy to see it rigorously trialled. We do not support the blanket compulsory income management regime. I will say that we are not opposed to welfare reform per se, and the other thing that this bill does not do is provide for a mechanism for a community based welfare scheme to be implemented that supersedes the existing arrangement.

**Senator CROSSIN**—Finally, can I ask you about the five-year leases. It was put to us by the Northern Land Council—I do not know if you have had a chance to examine their submission—on Monday that they would like to see a clause in there that communities can voluntarily opt to extend the provisions under the leases or to voluntarily have them acquired and dealt with rather than compulsory. Is that a change you would like to see?

**Ms Weepers**—We are all just saying the same thing, which is: that is what the land rights act provides for. If people want to extend a lease with the government, they can do it now. You do not need NTER legislation to provide for it. It would be a section 19 lease and it would be voluntary. The time frame could be negotiated between the parties. I do not think we see the need for any special insertion. In fact, you will notice that we have proposed that, if these bills did proceed, one of the amendments we would like is to see the government commit to the five-year leases ending when they end and not seeking to extend without it being a consent process. So, if there is no intention to roll out the five-year leases beyond the five years, then perhaps that could be put into the legislation.

**Senator ADAMS**—Thank you for your submissions. Mr Ross, I am just curious about your comment about the Army during the intervention. What do you understand the role of the Army was in the intervention?

**Mr Ross**—I guess it is all questionable as to what their role really was. You had the Army turn up and walk around, and people wondered why they were there, what they were really there to do. There was a lot of fear, as I say. In the end, I think they were given some different roles to undertake. I think there were some health checks and things of that nature, where they put up tents and helped people out with that process, but the real issue is: why was the Army used in the first place? Why was the Army used upfront as a bit of fear and scare tactic on Aboriginal people and communities throughout the Northern Territory?

**Senator ADAMS**—I do not think that was really their role. Their role was to be in support, to put the infrastructure up and to actually be involved. I have been involved with Centre Squadron here in Alice Springs and spent some time with them travelling around the communities, and I have not seen that fear that you are talking about. The kids just think it is wonderful—they come up and go through the vehicles and have a talk to everyone. Just looking at the work that has been done with NORFORCE over the last three or four years in this particular area, I think they should be commended for that. I am really quite disappointed that you saw the role as a fear and scare tactic, because that certainly was not the role they were there to play. As I said, I spent time with the people involved, and that was certainly not their intention. I would just like to put that on the record because I do believe that they were really trying to be part of the community, and a lot of the soldiers involved are Indigenous people, from here or from communities further up. They were really proud to be doing the job they were doing, interacting with the communities and helping out. That criticism, I felt, was rather unjust, but that is just my opinion, from my experience.

I would like to go on to the income management now. With this proposed legislation, pensioners will be exempt from income management. I have spoken to a number of elderly Aboriginal people who are under income management, and they are saying that the humbugging has really stopped, that they are not being pushed around. So I am really worried about, if this legislation does go through, how those older people are going to be able to cope if they are not under income management. Hopefully they will opt to stay there. Could you comment about that, just from the senior perspective?

**Mr Ross**—Certainly. I just want to clarify the comments about the Army. They were not my views. They were views that were put to me by many Aboriginal people from communities. Whether it was NORFORCE or some other force, I do not know, but I am just telling you that they were views put to me by quite a number of Aboriginal people. I just need to clarify that they were not my personal views. I was not there. I was relating what people have said to me and the issues that were raised in that instance.

‘Humbugging’ is lingo that comes from the Top End. It is generally used in the northern part of the Northern Territory and it is not a normal sort of language that is used throughout Central Australia. That is something else that needs to be clarified with people. People do have issues about how people are treated. I think there would be quite a few older people who have issues with the income management and things of that nature. You will hear from other people who are coming in today, certainly from Tangentyere, and from other representatives from the bush later on about people who they actually deal with on a day-to-day basis and how those people are dealt with on their income management et cetera. They can answer those questions much better than I can. There are many people who are not happy with being involved in the income management because it has been shoved down their throats. There are many Aboriginal people who had their own income management system in place before the government came in and shoved the Northern Territory Emergency Response down their throats and forced them into having income management in the way in which it has been done.

**Senator ADAMS**—The last time this committee was here we were over at Hoppy’s Camp and I was speaking to a number of elderly people there. They were very worried because before this happened and before they had their BasicsCard they were being pushed around by younger people and people coming into the camp wanting a drink and trying to get money. So what term do you use? If it is ‘humbugging’ up north what term do you use here for that type of thing when they have been pressured to hand over their money to the younger people?

**Mr Ross**—The term that has been used throughout Central Australia has been ‘harrassment’ and things of that nature. But really the issue comes back to what was in place previously. That is, people had a choice as to whether to have income management and if people want to do that then that is something that can be done. Those who do not want that process do not have to have that process. It is something that people need to make a choice about and be consulted and have some involvement in that process rather than have this shoved down their throats. That is why we have said very clearly that income management needs to be separated out from the rest of this legislation because, if you are going to roll it out nationally, and I think that is the intent of government, then it should be a separate debate for the whole of the country rather than the debate that we are having at this stage with Aboriginal people in the Northern Territory and it being pushed through this process.

**Mr Avery**—Senator, excuse me, but to follow up Mr Ross’s point, I think you have highlighted there that a voluntary consultative adoption of income management would be welcomed by some people in the age pensioner and supporting mother categories who may be subject to pressure to relieve them of their pensions.

That is the point that Mr Ross made: there are clearly people in those categories who would be assisted by being able to opt in to an income management process. I think that is the point.

**Senator ADAMS**—I am from Western Australia and we have a number of trials that started off in the city and now are through the Kimberley. It is quite amazing the number of people who are trying to opt in even though they are not covered by a blanket income management plan. But because of the problems—whether it be harassment, or humbugging, or whatever, they really feel safe if they have got that card and they can say, ‘This is my card—I do not have cash—that is it’. A number of those communities are still in the trial but that covers everyone. It is not covering just the Indigenous people; it is anyone on a Centrelink payment. As far as discrimination goes, that is part of the trial and I would imagine that is going to be run out further through Australia as it goes on.

**Ms Weepers**—I think a voluntary system would offer that protection. An opt-in system allows people who want it to opt in. We would agree with you on that point.

**Senator ADAMS**—I move now to the consultation process—Mr Avery went to one meeting. How many meetings were held throughout the Central Land Council area?

**Mr Ross**—I have no idea.

**Senator ADAMS**—You have been very critical of the consultation meetings, yet you do not know how many were held.

**Mr Ross**—We were critical of the process by which they were undertaken and of how the questions were put together in order to frame the outcome.

**Senator ADAMS**—I find it quite difficult listening to the evidence when your organisation covers the whole of the central area, which has a terrific number of communities within it, and you had one person from your organisation attend one meeting. These meetings were out there for the people of the communities to participate in and put their cases as to how they felt about what was happening. Only one person attended one meeting of the numerous community meetings and you are representing the community; surely you should have had people on the ground out there to go to the meetings and see what the concerns were.

**Mr Ross**—Yes and no. We have a limited number of staff to carry out the functions and duties of the land rights act and the Native Title Act, and there is a hell of a lot of other work that needs to be done. That is not an excuse for not attending any of these meetings, but, at the same time, we also have great faith in the ability of Aboriginal people to talk, understand and deal with people themselves. Those people also let us know what has happened and what has taken place in their communities and what was said. We do get some reporting back from Aboriginal people of their point of view on what was said and what took place. So we are giving what evidence we have and making comment based on what comes from our discussions directly with Aboriginal people, not based on what the bureaucracy has done on behalf of government.

**Senator ADAMS**—You did speak about the lack of transparency. What evidence have you got there? Have you collated information from all these different people and could we as a committee have it—perhaps a summary of how these meetings went and the comments that you have made? You have made some pretty strong comments, and this is why I am trying to tease out where they came from, how you got them and just what they were about.

**Ms Weepers**—I have a couple of points. One is that we did our own survey back in 2008, and I am happy to table that for the committee, if that is all right.

**Senator ADAMS**—Yes, we would like that.

**Ms Weepers**—I do not have it today, but I will forward it to the secretariat. It is a year or so old, but it will be useful for you. It would have been really helpful for the statutory body that takes care of the southern half of the Northern Territory to be invited to the consultation meetings; then we would have had staff at every one of them. That is my—

**Senator SIEWERT**—Did you go to the tier 4 meeting?

**Ms Weepers**—Yes; I can comment on the tier 4 meeting. It is a little bit like Mr Avery said before: for almost every one of the proposals discussed at the tier 4 meeting there were numerous issues and outright opposition to many of the government’s proposals.

**Senator SIEWERT**—Did the tier 4 consultation process go through the same questions? Remember the book that was the centre of and directed the discussions and asked the questions around income management and things? When you said the proposals were discussed, was that the same process?

**Ms Weepers**—It went through the proposals that were in that discussion paper.

**Senator SIEWERT**—Okay.

**Ms Weepers**—I will give an example, though. We have looked at what was presented to people on the five-year leases at the community meetings, and it is misleading to simply put to a community, ‘What are your views about the five-year leases, because they have been of benefit and if we did not have the five-year leases, we would not be able to carry out all these things in your communities.’ It was not presented as though the five-year leases were not in fact leases but compulsory acquisitions of Aboriginal land.

Every one of the things that have taken place in those communities, which is actually not a great deal yet, could have taken place without the presence of the five-year leases, for example. How you present information is critical to the feedback that you receive. This is where we have concerns about the consultation process. It was designed to emphasise the benefits of the measures. There is no evidence that we can see that shows that there was a balanced approach to try and give people the full suite of information you may need to make, for example, a decision around something like five-year leases or land tenure arrangements.

**Senator ADAMS**—I want to come to the blanket alcohol restrictions. On page 16 of your submission you have said that these restrictions:

... have failed to decrease the amount of alcohol related violence in Central Australia. Since the beginning of the NTER, alcohol related incidents reported to police have increased by 29%, substance abuse related incidents reported to police have increased by 77%, domestic violence incidents have increased by 61% and there has been an increase in confirmed incidents of child neglect from 63 to 177 cases.

This is the *Closing the gap* report, but I just wonder where that evidence has come from and how it has been collated. You might need to take this on notice, because it is quite a strong statement and there is quite a lot to it.

**Ms Weepers**—Senator, I do not think that is our submission.

**Senator ADAMS**—Am I on another one? Sorry about that, I thought it was yours.

**CHAIR**—Senator Adams, because of the fact it is not in that submission, perhaps we can move on.

**Senator SIEWERT**—It is the Central Australian Aboriginal Legal Aid Service submission.

**Senator ADAMS**—Anyway, with that evidence that we have got before us, would you consider that the alcohol restrictions have caused the extra numbers of incidents; or would that be because of the fact that the community people are prepared to go to the police and put in complaints, feeling a little safer than perhaps they were before?

**CHAIR**—If the witnesses would like to look at the issue rather than the evidence—I know the issue is there.

**Senator SIEWERT**—You might want to look at the submission and take it on notice.

**CHAIR**—Would that be something you would consider doing?

**Ms Weepers**—Yes.

**CHAIR**—I know it is a general question, but it is a very wide question—

**Senator ADAMS**—Yes, it is a very wide one but—

**CHAIR**—and we do not have the time, Senator Adams, to go further into that issue at this stage.

**Senator FURNER**—CLC did write to Dr Harmer on 28 July 2009 indicating that you were going to appear before the committee in terms of the Tier 4 consultations. I take it that you did go ahead and appear, and that has been confirmed. The department has indicated that over three months there were over 500 meetings covering all 73 NTER communities. In your view how did that compare to any consultations that occurred prior to the introduction of the initial NTER from the previous government?

**Ms Weepers**—We are starting from a pretty low baseline because there were none from the previous government.

**Senator FURNER**—So there were none?



**Ms Weepers**—No. As you know, they simply did it. I guess what we are saying is that if you are going to start to hold up this consultation process as best practice—500 meetings and all of the above—then you need to look very carefully at how it was conducted, what material was put to people, who was in charge of collating the material and who was in charge of holding the meetings. Now that you have government business managers in remote communities it is not so difficult for government to hold numerous meetings.

What we had hoped would come from a Rudd government that talks about evidence based policy is a rigorous, transparent and independent process that would start to establish good baseline data to save all the wrangling over which policies do and do not work. We have not yet seen that. This consultation process must not be looked at as best practice around getting community feedback to the NTER or around starting to look at getting rigorous data. It is not.

**Senator FURNER**—I guess it comes down to the opinions expressed about whether it be qualitative data or not. Someone, I think it was Senator Adams, asked for the copy of the surveys that you did on some 141 Aboriginal people. So we would appreciate as a committee getting copies of the actual survey and a summary of the results of that survey to demonstrate what process was followed by the CLC as well.

**Ms Weepers**—Sure, and I can be quite frank about the flaws in our survey process and I think that is what is needed: we all need to look at how difficult it is to go back now and work out what did and did not work, given the lack of clear policy objectives at the beginning of the intervention and the lack of baseline data. We are not putting up our survey as something we should design, for example, a national income management regime on. We would be quite happy to say: it was a small sample size; there were issues around getting people to understand all of the measures; there were any number of concerns. What is particularly troubling is that the government now has a couple of reports from inquiries into the effectiveness of the various measures, all of which have some flaws. Instead of just pretending that they provide a positive picture and therefore measures should be retained, we should be able to debate it much more honestly and much more rigorously. If you are going to, for example, keep income management on the basis of pretty much one report that in itself says that there were problems with the way the data was collected, who collected it and the sample size, then I find it astounding, quite frankly.

**CHAIR**—Thank you very much. We do apologise for the lack of time; it would be very easy to spend more time but we just do not have it. If there is anything that you want to add to the evidence you have given today or the submission you have provided, please be in contact with the secretariat. We do appreciate your time and the ongoing effort you give to this committee. I think you always come to us, so we thank you.

[11.57 am]

**McFARLAND, Mr Blair Andrew, Co-Manager, Central Australian Youth Link-Up Service, Tangentyere Council**

**RAY, Mr Tristan Michael, Manager, Central Australian Youth Link-Up Service, Tangentyere Council**

**CHAIR**—Good morning, Mr McFarland and Mr Ray; welcome back. Is anyone else from the council coming with you today?

**Mr Ray**—No.

**CHAIR**—That is fine; I just wanted to check. Thank you for coming to give evidence once again. Is there anything you would like to add about the capacity in which you appear today?

**Mr Ray**—Blair and I share the manager's role at CAYLUS.

**CHAIR**—Thank you. You are experienced at this process, so you know about the rules of evidence and protection. If you have an opening statement, please give it to us and then we will go to questions.

**Mr McFarland**—Thanks for inviting us. Just to be upfront: we will not be commenting too specifically about the legislation but more about the general aspects of the intervention in relation to the submission. Some of the senators may remember when we were going around Parliament House during the Opal stuff and we were saying, 'Opal—but also don't forget about the youth services.' We were hawking around a costing for how much that would be and we thought it was really quite a large amount of money, but it would have provided really good youth programs in every community in the southern part of the Northern Territory. Those would have provided support for young people; a way of binding the families together; a sort of foothold for a lot of agencies and other services to come in and have some meaningful engagement in communities; youth recreation centres that could have had training outcomes; vehicles for male and female youth workers to work in the communities with both genders; and a framework with which to get local people on the ground—hands-on training about how to progress and do that sort of work.

We did a costing of that and it was \$16 million. We thought the people out here were worth it and we thought it was a lot of money. So you might imagine how we feel now when that is one per cent of the money that is being spent in the Northern Territory on the intervention and the vast majority of those communities still lack what we consider to be those basic youth services. So we welcomed the intervention when it came. When it first happened we thought, 'Good, there is some attention to it.' We know there is a lot of goodwill in the general public towards Aboriginal people and the circumstances they have found themselves in, and we had some hope that the intervention might be a mobilisation of that goodwill in a way that would result in good things happening for Aboriginal people in remote communities. It is pretty disappointing how it has worked out and how it has actually manifested on the ground. It has not been an absolute and unmitigated disaster; there are good elements to it. The extra police is quite good in some communities, with the proviso that sometimes they are not the most sensitive police and possibly that could result in extra imprisonment and extra fines for people for things that before the police were there were not necessarily considered to be important crimes. But at the same time people have spoken very positively about the extra police. The food program in schools has been good. Schools I know were scrabbling for money to make that happen beforehand and now there is an income stream for that.

One aspect of it which we would like to comment on specifically is the pensions aspect. We are surprised that the government has rolled out something huge and highly expensive—in our submission we thought it was \$100 million but we have also heard from other submissions it is \$360 million.

**CHAIR**—\$350 million.

**Mr McFarland**—\$350 million on something which does not have any hard evidence behind it, and it is a really big impost on people to do that. That has happened. We are pragmatic and that is where it is at. But now to talk about rolling it back and leaving pensioners in a worse position than they were before it was rolled out just seems to be ludicrous. Now pensioners are the only ones who are going to have ready cash. How does that make them any safer? I am sure you understand what I am getting at. It just seems like insanity, particularly so in terms of our work with brain-damaged ex-petrol sniffers. A lot of them have been, quite sensibly, moved onto pensions because they have no capacity to manage their money. Even now we do fairly serious support work for them, even though they are on pensions and they do not fall out of the system and it is a much better system for them. We are concerned that they will holus-bolus drop back into getting all of their money again,

and a lot of the factors that led them to be petrol sniffers are still there. We are concerned, one, that it was rolled out in the first place; two, that it has continued to be rolled out with really no serious evidence being collated; and, three, that there is going to be this subsidiary problem created for pensioners and people with brain damage.

**Mr Ray**—With those individuals with brain damage, working with their families as we do, we would really advocate for 100 per cent quarantining of those people on that individual basis. It is really needed in that case. And there would be general support in those people's families because they feel the burden of having those people to look after., especially if they are blowing all of their cash.

**CHAIR**—I know other senators are going to have a lot of questions but I have got one question to start with, which I do not normally do. Specifically on the point about the quarantining, surely with the proposed options one is voluntary, and of course some people will have the strength to actually say yes, I want that. I understand the issues of community. However, the other process is the definition of vulnerable, which would seem to me from reading it in the detail we have had with Centrelink in particular, who will be carrying this out, that the cases you mentioned would fall under the issues of vulnerability. Particularly without question I would think the issues of people who are brain-damaged and are not able to make those decisions themselves would be under the issue of vulnerable and also some of the older people in that aspect. Have you given any thought to those two proposals?

**Mr McFarland**—Only that you would have to think any pensioner would be vulnerable. I am sure you understand the compulsory sharing nature of the Indigenous world view. Some people might strongly want to get their money back so that they can give it all to their family.

**CHAIR**—So where does that fall?

**Mr McFarland**—I see every pensioner as being vulnerable in that way.

**CHAIR**—Have I interrupted your flow, Mr McFarland?

**Mr McFarland**—No, not particularly. One thing we commented on was the social inclusion. As you probably know, we have been working with Aboriginal communities on various social issues quite successfully for an amount of time. Since the intervention and also since the rollout of the shires, we have found the communities have much less capacity to engage about social issues. We find them vastly disempowered by the intervention and by the shire process. We thought we would draw that to your attention.

**Mr Ray**—The NTER was introduced partly in the name of addressing passivity in remote communities. In the communities we work in, people are as passive as they have ever been as a result of NTER measures coupled with the shire process. So much has been delivered, whether people want it or not, and delivered by people from outside of the community. An ethic, particularly at the instigation of the intervention, of not engaging with the community fostered that passivity. Where that engagement happened, it was often difficult for people. Sheerly out of tiredness with the process, fewer and fewer people are engaging in those processes. When we would go to remote communities we would talk about petrol sniffing and it was something people felt very strongly about. People used to drag us to the meetings. They would create the meetings and say, 'You're coming,' and people would be there en masse. We just do not see that in the same way now.

**Mr McFarland**—That goes to the end of any statement that I would make.

**Senator SIEWERT**—Can I put your comments about pensioners in a context. Are you concerned, with the way the proposals in this legislation are outlined and with the changes that remove some people but keep pensioners on, that others will have less ready access to cash whereas pensioners will have access to cash and therefore the harassment will be greater on them because they have more cash under the government's proposals?

**Mr McFarland**—Yes. Before it all started, before there was any income management, there was a certain amount of humbug or harassment. But now there will be more.

**Senator SIEWERT**—Okay. From the comments that you made earlier, do I take it that you are not endorsing income quarantining per se but that your comment is on what the government has in its current legislation?

**Mr Ray**—Another way of coming at that problem would be to remove quarantining from the rest of the population. We, like everyone else, would like to see some rigorous evidence and some sort of process to evaluate it. Without that, we cannot really offer more than that.

**Senator SIEWERT**—I am particularly keen to follow up on where you started with your comment that what you do is deliver youth services. This committee has engaged with you over the long term on the roles that you have been carrying out in the delivery of services. I was one of the ones on the committee, as you know. We have spoken about the delivery of youth services, and we have chased it up repeatedly with FaHCSIA. What has been your experience with the intervention as it relates specifically to young people and the delivery of youth services? Also, have you seen an improvement in the section of the community that you work with? I am aware that you deal with people across the community but your focus is particularly on youth services. What has been your experience with those people? Have they improved or have they stood still? You have commented in general but specifically with young people?

**Mr McFarland**—Contextually, we are commenting as people who are outside that process looking in, because there has been a systematic consultation with CAYLUS as stakeholders and with people who have a certain level of corporate knowledge, memory and involvement in this process. We have not been part of that decision-making process and were not consulted about it. Occasionally we bang on the door and complain about the decisions that are being made, but not with any particular effect.

To comment on how it seems from the outside, that lack of any consultation has been pretty marked. As a consequence, we think that a lot of the money that has come in through the intervention marked for youth services has been wasted on short-term projects that do not actually achieve. Do you remember the \$16 million that we were hawking around a number of years ago? The money that has been spent has not been spent on that stuff; it has been spent on travelling roadshows of varying descriptions going to remote communities and doing something for a while and then going away. All the money that went to that just travels down the road in a big pile of dust and the community at the end of it has nothing to show for it in the longer term.

**Mr Ray**—And it has not necessarily been engaged. What we were talking about is a community development process; what that has been is a travelling roadshow. It is passive: it just drops something upon people. It happens, some with varying degrees of success, but it goes away and it has not seriously engaged people in long term.

**Mr McFarland**—The level of engagement is more like, ‘Hey, wouldn’t you like have a nice little travelling roadshow come for a few days for the kids?’ That level of consultation has happened, but it has not been, ‘We’ve got \$700,000. Will we spend it in a way that next year there will be nothing or will we spend it on developing some infrastructure and some local capacity?’ That question was never put to people. There is lack of consultation and there is a lack of any thought or planning in relation to how the money was spent.

We so tried to get into that tent and be part of that. We have no vested interest; we don’t want the money. We would like to see the money spent sensibly and we would like to see it directed towards things that are going to make a difference in the long term. We are just really concerned that any more money that comes through the intervention process is going to be similar—short term, look really great in photo ops type presentations but at the end of the process the communities will not be any better off as a consequence. We have tried to get in on the youth and communities executive planning thing. We tried hard to do that and we have just found out this week that we are definitely not in that.

**Mr Ray**—We first requested that of the senior executives committee that steers the youth and communities measure—that is \$28 million and is being put into youth services through the Closing the Gap measure, which I guess is the continuation of the NTER.

**Senator CROSSIN**—Mr Ray, what department is that?

**Mr Ray**—That is FaHCSIA.

**Senator CROSSIN**—Through FaHCSIA?

**Mr Ray**—Yes. Our role is that we support the delivery of other services. We are not in it to try and get money for us or for Tangentyere. Because of that we said: ‘You should deal with us. We have got some knowledge and history of what works and what does not work. Involve us from the outset in this thing and we will work impartially and we will work professionally and try and make this work, because it is really important this money. Let’s steer it into good things.’ We first requested that in October. We requested a further four or five times before we had any response, which was last week, and that was that we will not be able to sit on the senior executive committee. It is too late now. The policy decisions have been made in terms of that process. The funds are largely allocated to RSD sites. The communities where we see need—the many other communities where we see need—are allowed to apply. We humbugged enough that they became able to apply, but we think it is unlikely they will get any funding. We think the youth in those other communities—

like Utopia, with a population of 1,200, and Lake Nash, with a population of 700—have needs that are important, too.

**Senator SIEWERT**—RSD is the priority towns?

**Mr McFarland**—Yes. Youth and communities has a priority for RSD and Territory growth towns.

**Senator SIEWERT**—Thank you. In terms of the consultation process that FaHCSIA undertook—the big one—were you involved in any of that consultation process? Did you attend any of the meetings?

**Mr McFarland**—The most recent one?

**Senator SIEWERT**—The most recent one.

**Mr McFarland**—No.

**Senator SIEWERT**—You were not invited or you decide not to go?

**Mr Ray**—I don't think we were invited. At the outset of the NTER we went to meet with Sue Gordon. We said, 'We want to help them make this thing work.' But there was not any great response or support from Sue for that. She told us the ATSIC days where cars were handed out were over. We weren't asking for a car.

**Senator CROSSIN**—I could say something there but I will not, only that I think you are dealing with different people now. I want to talk to you about CDEP and the comments you make in your submission about that. A suggestion in your submission is about redirecting numerous job placement programs into the CDEP system. Can you give us some comments about your observation of what is happening with CDEP and communities and whether or not you think this is a way forward come 1 July?

**Mr McFarland**—Sure. It seems that CDEP, now that it is going to be Centrelink income managed, really is not as appealing as it used to be. From talking to Aboriginal people in the remote communities, I note it is a negative incentive to be on CDEP now. If you are just on sitdown money then you just get your sitdown money but if you are on CDEP you get the same amount of money, no top-up—there is no capacity for top-up—and income management and if you do not do this or that then you fall off the systems, so it seems to be riskier to be on CDEP now than it used to be to be in a passive welfare situation. That is one aspect of CDEP. CDEP had its problems but it was something that people really liked to be part of. I have seen people with tears in their eyes saying, 'My son has got a job. He is on CDEP now.' It was something that happened in the community by which people could have jobs and there was a certain level of something going on that local people could be part of. There is nothing else like it out there. It seems like there are all these agencies that go around and try to sign people up for training courses. They get money for signing people up to the training courses and they get money at stages during the training and at the end those trained are supposed to go into employment. But it is like they are putting the cart before the horse. It would be fine to spend that money in a city or on the coast or in places where there is some level of economic activity going on and people just need skills in order to participate in the work that was already happening, but it is just not like that in the remote communities.

**Senator CROSSIN**—Are you telling us though that the majority of people now just opt to go on Newstart, because there is no difference between that and CDEP essentially?

**Mr McFarland**—I am not sure about the majority of people, but people have spoken to me about how they are not going to do CDEP anymore because there is no difference and it is income managed. Going back to what they are trying to do with job creation, creating jobs—so mysteriously making them appear out of the air—is really like shamanistic nonsense. Unless you have got some sort of economic thing happening by which jobs are created, then training people for non-existent jobs endlessly is not on. I have been in this region for something like 24 years and I have seen that training go on and on. People could plaster the walls of their houses—if they had houses—with the sorts of certificates and the attainment things and various bits of paper that are the 'concrete outcomes' of their doing these courses. Sometimes they get a pair of safety shoes too. Yet there are still no jobs and there is still no work, although there is work for people driving around and signing people up for these things and for designing programs.

**Senator CROSSIN**—So the proposal you would put to us is that some of the job placement programs or the different various programs under the employment network could be rebadged as CDEP or handled as CDEP was previously?

**Mr McFarland**—Yes, instead of paying providers from interstate to come and sign people up for training courses. We think it is pretty cynically done. When people sign other people up the rules that are around those things are such that they get a payment when they sign them up and they get a payment one third of the way

through. We think that is what the trainers are after, and they cover all their costs and make all their profit from those two payments. The probability of people making it through and actually getting a job as a consequence is so minuscule that we do not think they are actually designing their programs to work. Rather, we think they are designing their programs so that when the people fail the job provider is not commercially or financially exposed.

**Mr Ray**—The system is premised on an expectation of failure. We ran a program last week in Mount Liebig whereby we had to plant some trees around a youth centre and do a bit of landscaping. We tried to get DEEWR money and all of that but it is so hard to get. It is premised on failure and we do not really want to fail, so we just paid for it. We paid a good trainer who knows lots of Aboriginal people and has worked with lots of Aboriginal people and knows how to work respectfully and sent him to Mount Liebig. He had four young, really great workers all week and the project came in \$7,000 under budget because of the amount of work that they put in. So the project got done and they had a week's good work. It is not that hard. That cost \$9,000 and we got a landscaping project done and had four young blokes engaged for the week. You could do that every week in Mount Liebig with no trouble.

**Senator ADAMS**—I want to start on the alcohol restrictions. Would you like to comment on the new legislation on alcohol restrictions as to how you see it working on the ground and how it is going to affect communities?

**Mr McFarland**—We think that unless there are alcohol restrictions in Alice Springs anything that is done in remote communities is going to have very little effect. Alice Springs has been described as the headwater for the rivers of grog that flow out into the communities and do all that damage, and I think that is the case. We support a position whereby the way to deal with alcohol abuse in the region is not just in an Indigenous community but is for everybody. You are probably aware of the statistics for the Alice Springs region. Let us take the overall numbers, and these are approximately right. In the world people consume five litres of pure alcohol per head per year. In Australia it is 10 litres and in the Northern Territory it is 15 litres and in Alice Springs it is 20 litres. The problem is that so much alcohol is coming here and being sold.

If you want to reduce the amount of alcohol damage, you have to not sell so much alcohol. That is not rocket science, but it is, as I said in the submission, something that a government seems to be particularly reluctant to do because there are so many vested interests opposing that seemingly very sensible and very straightforward proposal. We understand that the international research supports the way to address alcohol overuse as being by restricting availability through an increase in the cost price of alcohol to like \$1 a standard drink, instead of having cut-price cheap alcohol, and reducing the hours of availability of take-away alcohol. Those two measures, which have been proven to work internationally, could be applied here. It would not be a race based intervention but it would be effective. I guess that is a summary of our thinking in relation to alcohol. It is certainly supported by our experience with Opal. Until you address supply you will be endlessly chasing users. Until you address prevention you will endlessly be chasing more and more people who get caught up in the system and have not got the strength and have not got the support to pull themselves out of it.

**Senator ADAMS**—I am not sure if you were here before but we had some evidence from the Central Australian Aboriginal Legal Aid Service, whose acronyms are very like yours, which is a bit difficult for us. Their statement was that blanket alcohol restrictions have failed to decrease the amount of alcohol related violence in Central Australia. There are some very alarming statistics about the number of cases being reported to the police. With the Northern Territory intervention and now with the emergency response, do you think that people are prepared to come forward a lot more and report these incidents to the police? I am asking you because I am sure you would have feedback on that from the communities that you go to.

**Mr Ray**—In terms of alcohol measures, what happened is that just before the NTER the NT government introduced a very good set of alcohol measures based on what Blair talked about before. They were not as strong as we would have liked but they reduced take-away hours and made alcohol effectively more expensive and harder to get. Then the NTER came in, with another suite of measures. The evidence based measures are the ones that the NT government implemented. There is not a lot of evidence to support the NTER measures. At the same time, from the statistics that I am aware of, we had a significant reduction in the overall sale of alcohol in the region and in hospital presentations in Alice Springs associated with violence and alcohol.

**Senator SIEWERT**—Is that the previous set—the NT government set?

**Mr McFarland**—Yes. It started in 2006, and there was an immediate drop in sales as soon as it was brought in, because these things work straight away—supply reduction works straight away.

**Mr Ray**—Menzies attempted to go there and look at the various sets of measures—the NTER and the NT measures—to see what led to that reduction. And all Menzies could come back to—the same as us, really—was what we know works in other situations, and I think they concluded pretty happily that it was the NT based measures that led to a reduction in violence.

**Senator ADAMS**—Would you believe that there is a closer liaison with community people and the police with the reduction in alcohol and the number of presentations to emergency departments or to clinics?

**Mr McFarland**—Yes, there was a reduction. There are now more police out bush so there more police to report crimes and things to, particularly in remote communities. But we also understand that the NT police started collecting statistics in a different way. If you talk to the NT police they will be able to clarify that. They say that they have created a bump. This was something which the people who think that alcohol should be available to everybody all the time, as a sort of God-given right, said about those 2006 restrictions: ‘No, they’re not reducing crime; look at the police statistics.’ But then the police said, ‘No, we’re actually collecting statistics in a different way.’

**Mr Ray**—They put a trigger in; it became compulsory on any system entry around then that you would have to say whether or not it was alcohol related, whereas previously you could opt not to say yes or no to that.

**Mr McFarland**—They say that that artificially changed the way the statistics were being collected, and so it made it hard to make a comparison of before and after.

**Senator FURNER**—I was also interested in your proposal about alcohol management and selling less. I think you have answered my question: it was across the board; it was not directed at Aboriginals in particular. Do you have any other suggestions in terms of how you might manage that particular issue?

**Mr McFarland**—All of our experience with Opal is that there are no other management strategies that will work unless you start turning off the tap on the actual supplier of the substance that is causing the trouble. You have probably heard my metaphor about the factory a thousand times, but I will roll it out again because it is one of my favourites. There is this factory that produces people with substance-abuse problems, and a conveyor belt comes out of the factory. In the factory are things like powerlessness, forced passivity and poverty—

**Mr Ray**—Substance misuse.

**Mr McFarland**—substance misuse, generational problems, poor housing, illness and great tragedy in family groups. All of these factors are crunching in on people in the factory. Then there is a conveyor belt of these damaged people coming out and going and falling into a big heap at the end. A lot of interventions are just picking people off the conveyor belt: ‘We can save this one; we can save that one.’ But until you get into the factory and start taking that factory apart, there will always be more people on that conveyor belt than you will ever be able to pick off with those after-the-event measures. That is how we work in CAYLUS: we try and change the environment where people live rather than trying to foster in individuals some amazing change so that they can deny their family and deny their environment and rise up above it. One in a thousand people can do that. But clearly the strategic direction, if there ever was one, would be to change that environment and then there would be fewer people coming out on the conveyor belt. That is what Opal did: Opal changed that environment. So it could be like in Papunya: instead of there being 100 petrol sniffers there were 20, and when there were 20 the community could say, ‘That’s it; stop.’ And they did, and they have not sniffed since.

**Senator FURNER**—Can I ask about nutrition and whether you have noticed improvements. I and the committee have been with you in some of those stores. There has been some anecdotal evidence that there have been improvements of nutrition in some of those stores. Are you able to provide any evidence of that yourself?

**Mr Ray**—I think the store licensing—and maybe other things that came up in that time with the NTER—has led generally to better stores and better availability of fresh food, which is a great thing. Those stores are so important. I read the Australian Institute of Health and Welfare’s report looking at the methodology that was used to examine those claims about fresh food, and I think they came out saying that it did not really stand up. Investing in stores and making them better is definitely a really important thing to do, and fresh food is really important, but it would be good, again, to try and get some hard evidence and build on the things that work.

**Senator FURNER**—I have one last question: how effective do you think government business managers have been in the communities?

**Mr Ray**—I think that there are some really well-meaning government business managers out there, but I think that on the whole they seem to have a very nebulous job description. It is just the way that they fell from the sky. I have talked to people in communities, and they thought it was really insulting, particularly at Ampilatwatja. I talked to the Barkly Shire Council, which was meeting there, when I was there one time. We were talking to them about youth services, and they were talking about how in their community there was a serious shortage of housing, the housing was in really poor condition and there was no youth centre or community centre at all. That is what we have been trying to help them with. We have an ABA submission in at the moment to try and get one. We are putting a roof over the basketball court right now, because previously there was not even shade in the community and you could fry eggs on the playground equipment during summer. That is the context.

In that context, half a million dollars or \$700,000 worth of GBM buildings fell from the sky and appeared in the community. They found it so insulting that their needs, which they had been really clear about—you are probably aware of the walkout and that sort of stuff—were not listened to and were not reacted to. Instead the government put somebody—or a whole series of people—into that facility in that community with a very nebulous job description. The well-meaning ones can find little bits and pieces to try and do, but if anybody did a serious cost-benefit analysis—I do not mean internal to the department; I mean somebody outside the department having a look at the value of those people—then there would have to be some really serious doubts.

A GBM I spoke to recently said that he thought when he took the job on that he would be there to gather information to pass back up to Canberra to change policy and make the policy work on the ground. In relation to that, we were talking about a specific thing—which I will get back to, possibly—but what he has found is that he passes on report after report saying, ‘This policy isn’t working very well.’ That policy relates to that sort of job replacement and stuff like that. But there is no change. He passes up the information in good faith and there is no change. That is his experience and that is, I think, the experience of a lot of GBMs, who endlessly write reports to government that then go up. On the ground, they seem to be hoteliers; they open and close the doors so that other government workers can come and stay in the complex. Otherwise they have extremely nebulous job descriptions. We are trying hard, scraping and scraping, to get accommodation for youth workers in communities. In Ampilatwatja there is not any, yet there is this enormous complex for the GBM.

You might remember when they had the community employment brokers. When that happened there was another little subcomplex that appeared. I think the community employment brokers only lasted for a year, because somebody realised that there were no jobs there for the community employment brokers to put people into. Their supposed role of coordinating the training so that the training would result in people having jobs was predicated on the false presumption that there were jobs there and that the way you get people into work is by training them as opposed to creating economic things happening in the community that create jobs as a by-product.

In Ampilatwatja there is this whole complex which is totally empty, and dust blows through it, and there is nowhere for a youth worker. We made arrangements for the youth worker to stay in accommodation when we ran a program there over summer, but there is no capacity for that community to have a permanent youth worker because there is no accommodation. So it is frustrating to see that happen.

There are 78 places where those complexes have fallen from the sky, and there are empty ones. There is an empty one at Harts Range—sorry, not Harts Range; it is at Mount Liebig. There is an empty one at Ikuntji. There is an empty one at Wallace Rockhole. I do not know how many of these things are now empty, but I hope that at some point those resources will be handed back over to some agency that will provide some real service out of them so that the community might feel that they are not an impost on and an insult to them but actually something that is there to support them. Thank you.

**CHAIR**—Thank you, Mr McFarland and Mr Ray, again. We will no doubt be seeing you at future hearings on these processes. There was something you mentioned earlier.

**Mr Ray**—The Menzies report?

**CHAIR**—I have the Menzies report. There was something else you mentioned in your evidence, and it may well come to me when I read the *Hansard*. I made a mental note to get more information on it, and now, of course, I have forgotten it. But I will read the *Hansard* and get back in contact with you.

**Mr Ray**—No worries.



**CHAIR**—Thank you.

**Proceedings suspended from 12.36 pm to 1.28 pm**

**DOWNS, Mr Richard, Community Leader, Alyawarr Engkerr-Wenh Aherrenge Cooperation**

**MARTIN, Mrs Valerie Napaljarri, Private capacity**

**NELSON, Mr Harry Jakamarra, Member, Yuendumu Community**

**PECKHAM, Ms Elaine, Private capacity**

**SHAW, Ms Barbara, Member, Prescribed Area People's Alliance**

**SILVERTON, Mrs Raelene, Member, Prescribed Area People's Alliance**

**CHAIR**—Welcome. Do you have any comments to make on the capacity in which you appear?

**Mr Downs**—I am from the Luritja community, part of the Alyawarra leadership group.

**Mr Nelson**—I am from the Yuendumu Warlpiri tribe, right on the edge of the Tanami Desert.

**Ms Shaw**—I am a Nancy camp descendant of the Kaytetye, Arrernte, Warlpiri and Warumungu people.

**Mrs Silvertton**—I am from western Arrernte and central Arrernte.

**Ms Martin**—I am originally from Yuendumu.

**CHAIR**—Are you speaking on behalf of people in Yuendumu?

**Ms Martin**—I am speaking for my people, yes.

**CHAIR**—Thank you very much. Information on parliamentary privilege and the protection of witnesses is available from the secretariat. We have got you gathered here to give us your opinion, so we would like any of you or all of you to make an opening statement, and then the senators will ask questions. The important thing is that we hear what you have to say. Who is going to speak first?

**Mr Downs**—Senators, our opinion is that the NTER measures should be abolished because, for a start, what we ended up with was something totally different from what was developed and supported by the Labor Party. Where is the original *Little children are sacred* report with its 97 recommendations, and which Aboriginal people—all of us—feel comfortable with?

We are playing around the edges with the current measures to try to develop what works and what does not. At the same time you have disempowered people—people who are pressured—and you read in the papers about the incidents in Alice Spring in the last few weeks. Young and old congregate in parks and so on. What we are saying is that this is just the start. What is going to really happen? The Northern Territory government was supported by the federal government in starting to close the homelands down and pressuring Aboriginal people to go into the 20 town hub centres.

**CHAIR**—Mr Downs, I am sorry to interrupt you. I forgot to ask you whether you were comfortable with being filmed. I kind of thought you were but I need to ask whether everybody is comfortable with being filmed. You are. Sorry, Mr Downs, you were talking about the linkages and where we are going now.

**Mr Downs**—That is right. People are wondering about the incidents in Alice Springs and Tennant Creek. I see it pretty well everywhere. There is disempowerment and people are pressured and are now coming into Alice Springs and the townships. There is nothing out on the communities. There are no job opportunities. It is just basically work for the dole. With CDEP, as somebody mentioned, the wording alone is tactical. It is used to try to get support from Aboriginal people and Aboriginal leadership to work for the shire or wherever. But CDEP is just work for the dole; that is all. Our struggle in our community is that we were promised, seven months ago, a skip truck or garbage truck. That occurred at one of the consultation meetings and we are still waiting. We are just wondering whether it has broken down along the way somewhere. So the community is a mess. The shire does not do its regular daily or weekly skip rubbish pick-ups. People are disempowered. I am part of the leadership group that is being isolated, shut out, not being engaged on the way forward.

**Mr Nelson**—There is not much that I can tell you about. Most of the stuff—mainly complaints and those sorts of things—has been explained to some of you somewhere back along the track. You have been having meetings with a lot of people, no doubt.

Things, to be honest with you, have not improved since the intervention—certainly in the last two years. We have gone backwards, 20 or 30 years. What made it worse was the shire coming in—being introduced into these communities. They really did not help us at all when the intervention was being sent in. We are finding it really hard to try to negotiate properly with the heads of the government on our grounds. That is not allowed in some places with some people. We—my people and my tribe—are called the 'nutcases' because we are in a

situation where the federal government, and the Northern Territory government as well, are putting us, not so much up against the wall, but in a difficult position. I will be honest with you: we are not signing any of the 40-year housing leases until we get proper meetings and proper consultations among ourselves with the government people—until we sit around the table and talk and come to some kind of agreement.

**Ms Shaw**—First of all, I would like to welcome you to Alice Springs. Second, I would like to table some documents. The first one is a transcript of the consultations that happened in three communities last year. It clearly shows that people are not happy with the intervention. Out of this report came a book of statements from people and from communities as well. This is what we said. I would also like to table the United Nations Declaration on the Rights of Indigenous Peoples. In fact, the intervention contravenes 26 articles of the declaration. Basically, we are here to tell you how it is on the ground and how we feel as people affected by the intervention.

Income management makes providing for families and budgeting even more difficult. It treats everyone as proven guilty of bad management, alcoholism, child abuse, neglect or gambling. It exploits workers under the BasicsCard system. Our workers out in remote communities and in our town camps should be paid full salary packages instead of the income management system. It stereotypes all Aboriginal people that live in affected areas. It is also institutionalising racial discrimination. Here in this town the racism has gotten worse. I never faced so much racism when I was a child growing up in this town. Through the shops, Centrelink and other government agencies it fuels racist attitudes from non-Aboriginal people toward Aboriginal people. There is a widespread opposition to income management by people living in affected areas being ignored. The government is not providing clear evidence of support for the income management system. If you went out to Aboriginal communities today, you would find that the majority of people living in the affected areas do not like the income management system because it makes it hard for them. Health has gone backwards. I have lost weight because of income management. I cannot provide for myself while also providing for my family. My health is also deteriorating. People under the ID system find it hard to access our income management in certain shops in town.

I would also like to read an article of the United Nations Declaration on the Rights of Indigenous Peoples. Article 2 says:

Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

We should not have to be suffering under the intervention as Aboriginal people. We are a family orientated people. We look after our families. We look after our kids.

**Mrs Silverton**—I started fighting because my outstation was scrubbed out along with another 500 outstations. So, okay, I am not going to look after my outstation or the others. Why have they done that? Now they want to close the camp. They did not do any work at my outstation, I can tell you that. I have to fight with everybody and argue real hard to get what I want for my family.

I heard of the intervention and the BasicsCard, because I want to work and go forward, and they stopped everything, such as giving us cash. We could put it straight in the bank and we could do what we liked. We were all right with that. We had plenty. We used to save money but now we can't. It is real hard for people to live out there, trying to get away from everything: troubles, arguments, fights. But this government is bringing us back together to stay in one community. We grew up in one community. We grew up in the intervention. We want BasicsCard to stop, or help stop the BasicsCard for the age pension, because I am an aged pensioner as well and I get that green card. But for mothers with little ones it will be real hard, because it is hard now. When they go shopping, they spend all their money in the shopping centre straight out and for another week they go hungry. People are telling lies, or maybe just getting word from one person and making it real big. They do not go around. I went to Hermannsburg. A lot of people told me that this BasicsCard was not working right for people. Other people say it is right, but I do not know which ones. With this land lease, people want the Northern Territory government to build a house because theirs is crowded, they say. Yes, it is crowded. But for that, the government wants people to lease the land so it can build more houses for people. But that is not it. If the government gives Aboriginal people their land, why would they then want to get it back? If someone gives you something, they do not get it back. They give you a present, they do not get it back. You keep it for yourself. You feel happy. That is how we were happy for our land.

**Mrs Martin**—People do not go out there and visit our community to see for themselves. They do not go out. Therefore, last week somebody spoke up that BasicsCard is working. It is not. It is making it hard for us

to get food and look after our kids. But now the new system and the changes have come. You cannot work for the dole. How can you spread your money—your income—on the BasicsCard? It is not working.

At the time a few of us women were in the sorry camp. Some of us were not aware of it at the time when Macklin came out and spoke with the ladies. It was all sort of a well hidden agenda to them, a secret meeting. We liked it, but some of us didn't know. I didn't know because at the time I had lost my grandson. I was so angry from a small group of ladies who say, 'Yes; we like it.' But this is not true; it's not working.

You look after your kids with that so limited amount of money. Yes, in those days we looked after each other. Even with cash around, we had a lot of people coming to me. I looked after them; we looked after each other. When I ran out, they helped me out. This is how the law system goes in our culture: we look after each other. It is not a humbug.

The other thing is that people are being told to work for the BasicsCard. It is not on. You can't do that. With the law and the customs we have to follow too it is really hard on us in our cultural way. 'We have to work to survive' is the word for our kids, probably in the near future for our kids to survive too. Not only do we have to work for the BasicsCard; it is not on.

The racism is getting bad here. I walk down the streets and I am being shouted at. Even though I feel no good, deeply hurt inside, I just walk past. You try and ignore it. It is really bad. You get shouted at. My grandmother has as well, with nine grandkids. I limit my BasicsCard, which I am entitled to, but at least I help my grandkids and my daughters-in-law. Each one of us—it is in the family system. And nothing has been done in the communities since the five-year lease takeover; nothing at all. I have seen no changes at Yuendumu. Only the poor—we are sort of chucked in from our world when we used to work for our organisations. And what they spend so much money on—a rubbish tip. That is a laugh. You could have spent something for the community. It is not on.

**CHAIR**—Thank you, Mrs Martin.

**Ms Peckham**—G'day everyone and welcome. I would just like to talk more about the BasicsCard and me as an individual being placed on a BasicsCard. I was born and lived in Alice Springs all my life in a time when Aboriginal people had little if any human rights. We had to fight for any recognition or basic human rights in those days. It has been very hard at times but we remain here today.

I would just like to tell you how I felt the day when I first walked into Centrelink to be told I was going to be placed on a BasicsCard, although I am on a disability pension and have worked all my life. I have done a lot of work with a lot of children off the streets. I have worked at welfare, I have worked with domestic violence women when it first came out—to go out on those communities and do a lot of that work.

I will just read the letter out about the day I walked into Centrelink:

I am writing this letter to express my grievance and concerns in regards to the way I was treated by Centrelink staff on 7/01/08. I was making some inquiries regarding my disability payments following the receipt of a letter.

And I can honestly say that I went in voluntarily on that day. No-one came out and talked to me about the BasicsCard or anything like that; I just walked in and asked about it, because I just heard about it. I do not live in Alice Springs; I live out on the West MacDonald on my mother's and grandfather's country. I have lived here all my life, but now I have moved out there. The letter continues:

During and after the interview process I walked away feeling worthless, disempowered, confused and frustrated, and with a deep sense of concern about what the Northern Territory intervention is really doing to us all as Aboriginal women from Central Australia. I am a custodian of Mparntwe—

that is another name for Alice Springs—

and we consider ourselves to be good role models and well-educated leaders amongst members of my family and the broader community, just as my ancestors have done for countless of generations. I have always managed my income while in the workforce and did not understand why it should now be managed. To go through this process, you can imagine, is really disheartening, and I cannot believe this is now happening. The process the intervention has taken leads me to believe we Central Australians have no feelings at all, but we are all human regardless of our colour. Years ago we survived on our own life skill. When life got harder I went back to school to further my education, and reading and writing can make life a lot easier for myself. The question I would like to ask is: has Centrelink staff completed a culture awareness program? I believe they should, due to a large percentage of their clients being mainly Indigenous.

**Ms Shaw**—And Jenny Macklin too.

**Ms Peckham**—I said:

I believe that I had an experience that I would not wish any pensioner to go through, be they Indigenous or not, what I went through on that day. As an Aboriginal woman I feel our cultural rights and obligations to our culture do not mean a thing in regard to a white mens' world. We have dignity and pride and should feel we can hold our heads up high and be proud of who we are today. This to me is not about the money, but my pride and dignity this whole situation has put us in and we have to survive once again. I am a disheartened Aboriginal woman expressing my feelings towards the quarantining of my pension with the belief that I am not the only one feeling this way.

**CHAIR**—We will go to questions. There will not be a lot of time. As I said, the idea was for you to talk with us. Each of the senators have two questions. The important thing is that, if there is anything you want to add, you have the chance to do so.

**Senator SIEWERT**—We are talking about the government's new legislation. Do you think it restores the application of the Racial Discrimination Act to the intervention? Do you support the legislation?

**Ms Shaw**—First of all, I do not support the legislation, basically because it is going to be targeting a class of people. The majority of that class will, in fact, be Aboriginal, so we are still going to be discriminated against. Secondly, there is going to be a lot of money spent on rolling the income management system out across the Territory and to everybody on Centrelink welfare payments when that money could be spent on proper services for our communities and our organisations.

**Mr Downs**—Can I add to that. Look, it really is not going to make any change. So like we said, abolish it, get rid of it and start again. Macklin is going around and saying how wonderfully the income management and the nutritional things are benefiting the children: it is not. You can go to any of these shopping centres in the communities. As soon as you walk out of that shopping centre, the environment is a disgrace. There should be more preventative health measures and more education. The whole communities should be cleaned up.

There should be proper consultation and engagement with Aboriginal people. A lot of the problems here are to do with health. Instead of doing a Band-Aid treatment, start engaging with the people so they take ownership and responsibility for their health. It is one thing to talk about all the nutritional food but if you do not clean up the environment, if you do not work with the people to bring the people with you then nothing is going to happen. You may be talking about reinstating the RDA but again it is a stalling tactic. We would certainly like to see the support from the senators to say it is really starting us on a pathway of destruction, more oppression and more disempowerment. You are certainly going to see that hate and resentment build up.

How can you engage with people when you are controlled and under the thumb? It is like saying to our brother Harry, 'Here, sign me a 40-year lease or I am not going to build you a house.' How can you do that? Why did the Commonwealth and Northern Territory governments not utilise the corporations and associations that were in operation in an arrangement to bring those partners forward to run your Northern Territory housing programs and all the municipal programs? A lot of opportunities are lost. We have now wasted over \$1 billion which is not going to get us anywhere.

**Mrs Martin**—We should be working together. We should be able to sit down together and communicate better. Now we are going backwards to the ration days. It is not on. Work with us; talk to us.

**CHAIR**—If the lady at the back, who keeps making comments, wants to be recorded on *Hansard*, which is what this is about, you can come forward and ask the other people whether they want you to be at the table, get a microphone and have your comments recorded in *Hansard*. What you are saying is only able to be heard by us and not by the general public if you keep going from behind. It is up to you and the other people here whether or not you want to come forward.

**Mr Downs**—I know you said we have not got much time. I want to give the senators as much information as we can in a short time. I want to keep it rolling.

**CHAIR**—And keep people being engaged and to get it on *Hansard*.

**Mr Downs**—If you want a true story then we will give you the true story.

**Mrs Silverton**—When I was 16 years of age, I finished school and changes came to Aboriginal people where they were going to be equal like the white people. I felt real happy and wanted to work forward. I am still looking to go forward. This intervention is like where I grew up as a little kid right up to 16 years of age and started work just for rations. When the change came we thought we were going to work for money now. I thought we were going to get good wages but it was not good wages. It was only for \$10. We do not want to go back to that through the intervention.

**Mrs Martin**—This is not the way. We need to be able to sit down and work our way through together. When I was growing up and looking at my mother I do not want my grandkids to go through that again. I used

to see my mother getting rations, a bag of tea, a bag of sugar and a bag of flour. I do not want to see my grandkids going through that. It is not the way. Let us work together and be true Australians.

**Mr Nelson**—This is the question for Trish Crossin. More than \$1 billion has been spent on the intervention, and we demand accountability. You say Aboriginal people cannot look after their money and need a BasicsCard. So where has all the money for the Northern Territory Emergency Response gone?

**CHAIR**—I do not know whether Senator Crossin has to answer on behalf of the whole government, Mr Nelson. I will see whether Senator Crossin wants to make a comment.

**Senator CROSSIN**—Mr Nelson, thank you and thank you for attending today. I will answer your question to me in this way. The current NT intervention legislation that is before us is legislation that was put through in 2007 under the previous federal government. The legislation we have before us today came as a result of a number of reviews and consultations that FaHCSIA did with people last year. We have heard lots of comments today—and we did on Monday—about some of the good things about those consultations and some of the bad things about those consultations. This legislation I think starts to move forward some of your concerns and address some of your concerns. The question I have of the women is this. You have given us examples of people being on a pension or on a disability pension and of the young mothers of babies who are immunised. If this bill gets through the parliament—and that is a big question, because we do not have the numbers in the Senate—then they will not be income managed anymore. This is about trying to give Aboriginal people back their rights to manage their own money. You will not have your Centrelink payments managed anymore.

But it will mean that, for some people I have met in communities—particularly in north-east Arnhem Land—for example, older women, who want their money managed, Centrelink will still do that. It also will mean that non-Indigenous people who are long-term unemployed or who are not sending their kids to school—and there are plenty of non-Indigenous people not doing it—may well after a lot of discussion with Centrelink have their money income managed. Really, the net result of this will be that, for the examples you have given us, those people will have back their money in cash to do what they want with it. I would have thought that was an example of us trying to address your concerns and of us listening to what you have wanted.

**Ms Shaw**—If that is the case, the government should make it voluntary. There are in fact a handful of people who do live in areas affected by the intervention, but the majority do not. It should be people's choice. People should have a choice as to whether or not to be on income management. I know for a fact that when we first met Minister Macklin in 2008 we told her all the stories and she said she wanted evidence based reports. So my team and I came back here to Alice and we started going out and doing reports and finding information on people affected by income management. We found that a lot of the drinkers did not like it because it made their money short, so they had a little less money to drink. But, when you go and ask those same drinkers today, they like it because they have money to drink and they have money for food. So that balances their lifestyle. The homeless people here in Alice Springs who are on income management do not pay rent; all they do is have the money for the BasicsCard and their money to drink. They do not have children. Then you have families who are homeless and still living a nomadic life. They find it very hard to provide for their families, especially if they do not have a roof over their head or a table to put the food on.

**Senator CROSSIN**—Do not forget then that, if you have little kids and they are going to school, you will not be income managed. If you have really little babies and their immunisations are up to date, you will not be income managed. You can opt to be if you want to be. Are you saying to us that some of the changes to this—that is, that pensioners and people with disabilities will no longer be able to have the BasicsCard—are a good thing? Are you saying that people on Newstart or 18-year-olds who are not working and are not in school or training should have the choice as to whether or not they are income managed?

**Ms Shaw**—Everybody should have a choice to be income managed. It should be voluntary right across the board. If not, scrap it, like Richard said. There are people on Newstart allowance working out on remote communities picking up rubbish just so they can get that dollar on their BasicsCard. Vincent Lingiari actually walked off a cattle station for getting paid in rations—and that is what is happening today in remote areas. It is disgusting. How are you supposed to provide for a family?

**Senator CROSSIN**—So that person is not being employed by the shire council?

**Ms Shaw**—The shire council and Centrelink are telling them: 'Go out and do that job if you want your BasicsCard money.' It is wrong. These men and women who are supposed to be employed in full-time positions

and getting proper wages through the new intervention or the shire councils or the Territory alliance are actually in fact getting paid on the BasicsCard.

*Member of the audience interjecting—*

**CHAIR**—Sir, if you wish to be at the front table, you need to ask the other people here whether they want you to be at the table and then you can give evidence, because we cannot hear it. We are running out of time, and I am sorry. Senator Adams wants to ask a question and then we will have questions from Senator Furner. We have all the stuff you have told us. Ms Shaw, we have the comments you have made about voluntary issues and your concerns about what is happening in communities with working for the BasicsCard—which we have not heard before and which we will take up. That particular issue you have raised has not come to this committee before.

**Ms Peckham**—Chair, could I say a few words about the BasicsCard?

**CHAIR**—Certainly.

**Ms Peckham**—I am holding in my hands a BasicsCard which I am on. Pensioners and people with a disability will go off that. What does that guarantee us? I have tried to go through the process of getting off the BasicsCard. I found that I had to prove that I am a good mother and a good grandmother—and now I am a great grandmother. I did not have to prove anything to get this BasicsCard but now I have to prove myself to get off it. So what incentive is that for us? Where do we stand?

**CHAIR**—Ms Peckham, Senator Crossin actually explained that, under the current law—the one you have got now which is operational—it was introduced for everybody who lived in certain areas. There was no choice—you were put on the BasicsCard. This legislation that is being considered now—and there are no guarantees that this legislation will go through, and it is very hard to offer any guarantees ever, as all of you would know—if it goes through provides that if you are receiving a pension of any kind you will not be on the BasicsCard if you do not want to be.

**Senator SIEWERT**—That is not true. If you are classed as vulnerable by Centrelink, you can still be shoved back on the BasicsCard.

**CHAIR**—Senator Siewert, I was actually making—

*Member of the audience interjecting—*

**CHAIR**—This is not a free-for-all. I was just trying to explain, and I will get more detail for you. Senator Siewert has got onto the second part—which I was getting to before she came through. She is very welcome to put her contribution through, as we do. Under the processes set out now, it would not be automatic. But there is another proposal where, if there is considered to be a vulnerability—if you are defined to be ‘vulnerable’, for any reason—people can be put on payment. ‘Vulnerability’ means that you are at risk. That is the idea. I cannot explain to you in detail how that is going to work. I am happy to get people to come and explain that for you.

But, when you talk about guarantees, it would be wrong for anyone here to offer any of you a guarantee. What we are trying to do is to find out from the people who choose to come and talk to us—and that is always the issue; those who choose to come and talk to us—what the issues are that you want to raise. I do not want to get into a debate about whether it is right or wrong; that is not our job. Our job is to hear what you want to say. We can also do that outside this session as well. We are trying to get all the information you are giving us. I do want to give Senator Adams a chance to ask a question if she has one and then Senator Furner. We will then move on. We are not here to sell you this particular process; we are here to find out what you know about it and what you want to put on record.

**Mrs Silverton**—We want to stop the intervention. We want you people to stop the intervention. Then everybody will be happy.

**Senator ADAMS**—Thank you for your submission. I refer you to page 91 where it talks about the blanket alcohol restrictions failing to decrease the amount of violence and the substance abuse related incidents that are reported to the police. There are percentages here. Incidents reported to police increased by 77 per cent, domestic violence by 61 per cent and cases of child neglect from 63 to 177 cases. You have quoted that as coming from the *Closing the gap* report. In the communities that you represent, you cover and live in, is this really happening? Those communities were dry communities before, so I am wondering why all of a sudden these percentages have risen. Perhaps there is more police presence throughout the communities, so that police are more accessible for people to talk to.

**CHAIR**—Even though that information comes from somebody else’s submission, does anyone in this group have any comments on that?

**Ms Shaw**—I actually live in a town camp. It is true that a lot of the communities in the Northern Territory were dry communities. You had the odd rabbit runner who would go into town, buy the alcohol and take it out for families who wanted it. It was sort of police controlled, because you had the police and the night patrol. The 60 police who were called into the Northern Territory went out into remote communities. I live in town. If there is a job called out to one of our town camps, it takes up to two to three hours, if not the next day, and in those hours somebody could be seriously hurt or even killed.

The alcohol restrictions are not working. If they are not coming onto our camps, they are taking the alcohol outside the town boundary and drink driving back into town. If they are not doing that, they are taking it inside, whereas all the adults used to drink outside and the children were safe inside. On top of that, people are now drinking in public areas.

We now have by-laws in this town. There are three alcohol restrictions in this town. You have the intervention alcohol restrictions, the two-kilometre restriction—you cannot drink within two kilometres of a liquor outlet—and you cannot drink in public places. None of those are working in this town or territory.

**Mr Nelson**—Senator Adams read some statistics to us. The majority of those things are happening here in Alice Springs. Very little happens out in the bush communities.

**Senator ADAMS**—I am probably more interested in the alcohol restrictions within the dry communities. What is really worrying me is the outback communities more so than Alice Springs. I would like to leave that as a separate section because I believe it is. For the dry communities I am concerned about those statistics. There must be a reason why in those communities that were dry with the alcohol restrictions these percentages have risen so much. I am a nurse. If the statistics are true, I am concerned about why it is happening. I thought you might be able to tell me, seeing as you live in the communities.

**Ms Shaw**—Because of what is happening in their townships—where you cannot drink in public areas or in your own home—if you go out to a community you will find empty alcohol cans or bottles along the roads. It is not working. A lot of money is spent on it. No proper rehabilitation has been set up in Aboriginal communities. The police in this town are just shocking. There is more police assistance out in remote communities than there is in this town. I know that for a fact because I am member of the Tangentyere council and we had a meeting with the police commander. He said there are in fact not enough resources to take care of the alcohol and the antisocial behavioural problems in this town. There is a lot of money spent in the intervention to stop those issues.

**CHAIR**—Ms Shaw has talked about the issues around Alice, and the way that transfers. We will get a comment from Mr Downs and then we will have to move on.

**Mr Downs**—We have always had controls and measures in place in remote areas and the communities, working in partnership with the Northern Territory government over the last 30 or 40 years. We utilise tribal customs and ways. Punishment has to be dealt out, but it is done in a particular way. You follow the customary family line, so the family takes responsibility. We were able to control that but, since the AFP and the police came in, those controls and measures were taken away from us. So there is nothing much we can do. People say, ‘Why aren’t you people taking control of your kids?’ but as soon as we touch them we are portrayed as offenders. The tide has turned and there is nothing we can do. But we did have those controls and measures in the leadership group, and it was working. But we are losing it. We are losing people to the towns. That is where Senator Adams comes up with the figures. There are a lot more about people from remote areas coming into the town centres—Tennant Creek, Alice Springs and Katherine—and the young people are taking the grog back out.

**Senator FURNER**—Ms Shaw, you commented about the increasing discrimination. Is that in Alice Springs?

**Ms Shaw**—Yes.

**Senator FURNER**—I think there was a person from Yuendumu who came into town and was discriminated against on the basis of race. Do you associate discrimination on those sorts of grounds with your comment about the increase in discrimination linked to the NTER?

**Ms Shaw**—Before the racial discrimination laws were suspended, we used to walk freely down the street and say hello and have small talk with non-Aboriginal friends. But now they just look at you like you are a



piece of dirt and they downgrade you. People behind the counter used to say, 'Hello, how are you today; how's everything going?' but now you go to a cash register and they just swipe your card and do not even look at you. That is the sort of attitude we are getting from people. But it is not only that. When I go into a shop I know how much is on my BasicsCard, but they say, 'Do you have any money on your BasicsCard?' They talk to you like that. It is not nice. Nobody wants to come across that attitude when you go shopping and you are feeling good about buying food for your children. There has always been racism in this town but, with the suspension of the Racial Discrimination Act, it has come out from under the carpet.

**Senator FURNER**—But this legislation is about reintroducing the right of implementing racial discrimination, isn't it?

**Ms Shaw**—Yes. If this legislation gets past and racial discrimination gets reinstated, that will give Aboriginal people a bit more protection in how they get treated. It is not only about Aboriginal people; it is also about the international students in Australia.

**Mrs Martin**—They do not even trust us. We used to come in from remote areas for a week or so for shopping and we would bring the kids. But we cannot even book into hotels now. They say there is no room and it is all booked up. It was all right before, but now it is just not on.

**Senator FURNER**—But there is no guarantee of when or if the legislation will go through. There is no guarantee that.

**Mrs Martin**—I know. We can jump up and down—

**CHAIR**—I said there were no guarantees for anything, and that is true. Does anyone want to make another comment? You have come all this way to talk to us. Is there anything you want to add? Mrs Silverton.

**Mrs Silverton**—Before I used to get bush orders; now I cannot get them. We used to have plenty out bush. I got a box full of bush orders.

**CHAIR**—Okay; I have heard about the bush orders.

**Mrs Silverton**—There is nothing happening now.

**CHAIR**—Would anyone else like to say something?

**Mr Downs**—I have only found out in the last two days that the Senate hearing was here. Was it advertised widely? I would have prepared a written document for you. I just found out through word of mouth.

**CHAIR**—It was advertised. I can find the actual details for you. Basically, it goes through the local area so I will check with the secretariat to see how that was done. One of the big issues for us is how we make sure these messages get out. It was something raised in the evidence in previous consultations, as well. We have to do it better and we are keen to know a better way of getting information out. So if you have ideas, let us know. If you have got something else you want to tell us please give it to the secretariat. We have the things that you have tabled. Mr Nelson, would you like to say something?

**Mr Nelson**—I do a lot of consultation and meetings with people like yourselves with other committees on other matters and issues. I would like to go back with something in my heart thinking that you might improve or try to improve when you speak to your other colleagues in Canberra. Life is miserable up here since the intervention. We just wonder why we still keep ourselves going. That is all I want to say.

**Mrs Martin**—This intervention—this invasion—is not working for us. It might work for the others. But some of us are sick and tired. We want to get on with our lives now—in river bed; old people like us—and make sure for our kids in the future. We would like to know. Otherwise they are going to be under the same system. Get rid of it.

**Ms Peckham**—We would like to see our basic rights given back—not the BasicsCard. Also, I would like to see my grandchildren and great-grandchildren grow up like I grew up. We had a choice. Our parents gave us a choice to go out and get an education and go back and live on our land and follow our cultural obligations—that is, living on the land. That is what I want to see happening. I do not want to see my grandchildren be sad and keep saying to me, 'Nanna, can you sit down and tell us some more stories of when we grew up'—or whatever they want to know about the land. I say, 'I'm sorry; I cannot do that,' because this intervention has taken us away from our responsibility as grandparents and grandmothers to talk more about living on the land so they can have an understanding of what really took place in those days when our families had to struggle to get that land back for us to go back and enjoy. We are not enjoying it now. We did not have transport for the kids to go to school. So we spoke up about it—the mothers and the grandmothers and all of us out there. We

had no government help. We spoke up that we wanted a bus service out there. We finally got it after all these years only two weeks ago. That is my greatest thing—seeing a bus service and seeing our children and grandchildren get on that bus and be happy to be going to school without their parents struggling to get them there in non-roadworthy vehicles on that road where we are. That is what I am talking about—those services that people all over have. We do not have much service out there, but we manage to survive. And I would like to see us keep surviving with us grandparents and mothers speaking out and voicing out as much as we can until we get what we want.

**CHAIR**—Thank you, Ms Peckham, and I hope the bus service continues. Ms Shaw.

**Ms Shaw**—On behalf of the Prescribed Area People's Alliance I would like to thank you all for taking the time to listen to us and ask you to take into consideration what you have heard, because there will be lot of money wasted in rolling it out, like there are already has been. All I can say is—my call is: stop the intervention. Racism—no way!

**CHAIR**—Thank you, Ms Shaw, and thank you, Mr Nelson, Mr Downs, Mrs Silverton, Mrs Martin and Ms Peckham.

[2.27 pm]

**MILLER, Mrs Patricia, AO, Chief Executive Director, Central Australian Aboriginal Legal Aid Service**

**RIVETT, Miss Elise, Welfare rights legal practitioner, Central Australian Aboriginal Legal Aid Service**

**WALKER, Ms Lauren, Welfare rights lawyer, Central Australian Aboriginal Legal Aid Service**

**WEBSTER, Ms Emily, Welfare rights lawyer, Central Australian Aboriginal Legal Aid Service**

**CHAIR**—I welcome representatives from the Central Australian Aboriginal Legal Aid Service. Welcome, Mrs Miller. Do you have some opening comments?

**Mrs Miller**—I would like to welcome the Senate committee here to Mparntwe, Alice Springs, and, on behalf of my ancestors and my country, to Arrernte country. So welcome to Alice Springs.

**CHAIR**—Thank you.

**Mrs Miller**—First of all, I would like to say that the Central Australian Aboriginal Legal Aid Service covers the southern zone of the Northern Territory and it encompasses approximately 600,000 square miles, from the South Australian border to a community which is north of Elliott and stretching from the Western Australian border to the Queensland border. We service over 50 communities and outstations and more than 20 town camps that are situated in the region that we cover. Also, in this region there are something like 16 different language groups that we actually service, that come into our office either in the Tennant Creek area or the Alice Springs region, and so interpreters are required constantly, as English is either a third or a fourth language in the region.

CAALAS works extensively with Aboriginal people living in the Alice Springs and remote communities of Central Australia, providing legal advice, representation and community legal education in the areas of criminal, civil, welfare rights and family law. CAALAS is funded to provide advice, casework, community legal education and policy input regarding welfare rights issues, in particular the Northern Territory Emergency Response. CAALAS is one of the main sources of information and advice for Aboriginal and Torres Strait Islander people living in the Northern Territory and currently under welfare rights issues. I would just like to draw your attention to this planning board that I have here. These different coloured spots cover the area bush courts that we actually go to. The red is the Tennant Creek area—

**CHAIR**—Mrs Miller, I am not sure how you will do this, but we need to have you speaking into the microphone so it is picked up by Hansard. If you could speak into that while using the board we will get it on the record more effectively. Thanks.

**Ms Miller**—The chart I have here covers the eight to 10 different bush courts that we service from the Alice Springs region. The red dots are the Tennant Creek region that we do at least twice a month. That has increased. We used to do that once a month with the criminal law, but we do welfare rights, civil and family there now. The others are Hermannsburg, Ali Curung, Ti Tree, Kintore, Mutitjulu, Yuendumu, Papunya and Elliott. But, while we service those where the magistrates sit, we also service a lot of other communities that are not on there, such as Imanpa, Titjikala, Santa Teresa, Utopia, Ampilatwatja and Harts Range. So there are all the others that we do not do. Behind these coloured dots is the daily Magistrates Court. That goes on constantly. We also have Supreme Court every five to six weeks here now.

The area that we service has certainly increased. The workload has increased. We feel that the intervention has not eased the amount of people that we see, at the end of the day. I personally think that the intervention, sure, is okay for some people, but it should never have been a blanket cover over everybody, over every Aboriginal person that lives in a prescribed area. We have 50 per cent of the people who sit on our board currently under income management. These men and women, who have lived in Central Australia all their lives, who were educated under the old system, who went to school and sent their kids to school, and who are now grandparents and great-grandparents, feel that they are being discriminated against. They feel the shame of having to do shopping in today's society and being told, 'Get on this line; don't get on that line'—being ordered and redirected where they could shop. Yet all those years they were working and they were good citizens of the country. Now they feel that they have gone backwards. These are people that find time to come and be on our board so they ensure that other people can get a fair go under the legal system. With the laws that people have to face, it makes it very hard for people to get up in the morning and say, 'We're going to fight the fight today.' The laws are there restricting that positive factor in going ahead.

When CAALAS looked at the different areas of the intervention, we went around and visited communities. We also had a constant stream of traffic coming in and talking to our welfare rights lawyers. The federal Attorney-General's Department said we could have lawyers dealing with welfare rights and income management as a product of the Northern Territory intervention. So we have these legal ladies that have come into town to assist the Aboriginal Legal Service, specifically with work that is created by the intervention. There certainly is a lot of it.

At the onset CAALAS wishes to acknowledge its support for the intention to reinstate the Racial Discrimination Act in relation to the Northern Territory response measures. This is long overdue. Its absence has caused Aboriginal people to feel like second-class citizens who feel that they are treated differently to other Australians based on their Aboriginality. We feel racism has increased as a result of these measures. A lot of the stuff that we hear is not anecdotal; it is first-hand information of where people feel as if they have been really treated harshly since the intervention—being served last, road rage, getting sworn at and all those things that used to happen way back when have now reoccurred in today's society.

Anything that limits Aboriginal people challenging the Northern Territory Emergency Response measures undermines the positive effect of the reinstatement of the Racial Discrimination Act and is strongly condemned. We are disappointed at the cosmetic redesign of the NTER measures which, in practice, amount to little more than a continuation of the measures in their current form. We hope that this is not the case. We do not consider the government's evidence shows that the measures are achieving their objectives and so question their continuation and their characterisation as a 'special measure'.

We express concern at the consultation process undertaken by the government. In our experience the process was inconsistent at times, somewhat flawed, and manifestly inadequate. The consultations were presented as an opportunity for Aboriginal people to provide feedback on the NTER measures and not as the government's attempt to obtain information prior to informed consent on behalf of Aboriginal people affected.

The consultations cannot be held as an indication of consent to any one of the measures. A few of the consultations that our staff sat in on, when people asked, 'What does pornography mean?' the explanation was inadequate. A lot of Aboriginal people had never heard of that word before. Even young children today know what that means, which is sad. Families did not tell them what that was about—the signs told them what that was about. When they asked the question, 'What does pornography mean?' one of the gentleman that was giving the explanation said, 'It means when a man does a bad thing to a woman.' One of the ladies came into town and asked me whether that meant if you got hit with a firestick or had a billycan of tea thrown on you, and I said, 'No, you will have to go and ask your doctor,' because it was not right culturally for me to explain that to that woman. So I said, 'Next time you are at the doctor's, you ask what that means.' So the actual explanations were not coming through in the way that they should have. They never separated the groups into two groups where the men should be given an explanation and the women explained to separately. It was all in one forum. It was quite disappointing to hear that first-hand information getting back to us.

The proposed changes will operate to convert what is explicitly a racially discriminatory regime to an indirectly discriminatory regime. Put simply, if there are limited jobs and limited access to remote education and training throughout Central Australia, the barriers to jobs and education remain. Long-term unemployment rates will not improve and Aboriginal people will be disproportionately captured by the income management regime. In a sense, we are picking up a lot of clients who have now drifted into town to escape the income management out of town. You will have heard evidence prior to us coming on that town leases have been overcrowded, overindulged with visitors. People are now sleeping in the creeks, shivering in the wintertime, getting hot in the summertime. They find their way down to the Congress Medical Centre, and they are picking up extra people. The police are picking them up and charging them under the different bylaws of the town and we are seeing that traffic at the legal service as well.

We urge the committee to examine widely available alternatives to this program of top-down imposed reform and to embark on a true, respectful and open engagement with Aboriginal people and communities. We have got our legal officers here and they have a submission before you. They have heard first-hand from clients all around the different regions and from the 16 different language groups that we service. In just hearing the other witnesses give their evidence today, I can support what they say. It is heartbreaking to find that we live in a township that had gone from being a racially divided town in the 1940s and 50s to one that is now going back to that. Now we have people who are split in the community. Not only that, but Aboriginal people have split from Aboriginal people, and families from families, over the intervention.

I would like you to take back and make sure that you let people know that Aboriginal people and Aboriginal culture is very strong. It is alive and very well. The things that destroy it are laws that try to come in on top of Aboriginal culture and Aboriginal cultural law, and alcohol and all the other outside influences. When they say, 'Maintain your language and your culture,' it is very hard in a society where we have other people enforcing different laws and different cultures upon ours. Thank you very much for your time.

**CHAIR**—Is it your intention that the other people at the table also give evidence. I was not sure from what you just said. I am happy for that to happen, but I was not sure from what you said.

**Ms Miller**—They are available to comment on anything that you might read in the submission.

**CHAIR**—Does anyone have an opening statement? As there are no opening statements, we will go to questions. We are limited for time.

**Senator SIEWERT**—I have two questions regarding this complex legislation. Firstly, I want to touch on the Racial Discrimination Act and then I want to go to a bit of welfare stuff. In reading your submission I understand that, in your opinion, you do not believe that this legislation fully restores the Racial Discrimination Act. Is that a correct understanding of your submission and your position?

**Ms Webster**—Yes, it is a correct understanding. We do not believe that it reinstates in full the operation of the Racial Discrimination Act.

**Senator SIEWERT**—That is based on issues around special measures and also the disproportionate impact on Aboriginal people?

**Ms Webster**—Yes, it is also based on the fact that the proposed legislation will not instate a notwithstanding clause that would allow the Racial Discrimination Act to prevail over the contents of the NTER legislation. Without that, the rights of people to challenge any potential discriminatory measures under the NTER legislation will potentially be very limited. Because the NTER legislation was put in place after the Racial Discrimination Act the legal principle is that the more recent legislation will prevail over the older legislation. So we are concerned that, in the absence of a notwithstanding clause, people's ability to use the Racial Discrimination Act to its full extent will be limited.

**Senator SIEWERT**—I am particularly interested in the appeals process. You mentioned the appeals process in your submission. Since the appeals process was amended, how many people have you assisted and what was the nature of that assistance to appeal?

**Ms Walker**—Appeals in relation to?

**Senator SIEWERT**—To the intervention. You talk about the appeals process in your submission.

**Ms Walker**—That is specifically in relation to income management?

**Senator SIEWERT**—That is right. The appeals process was restored.

**Ms Walker**—That is correct.

**Senator SIEWERT**—There has been much made of the fact that, in the new bills, people will be able to use the appeals process. I am interested in how many people have used the appeals process since the changes were made last year?

**Ms Walker**—We are unaware of the number of people who have accessed the appeals process but, considering that the legislation is so tightly drafted, appeals in relation to income management would have been unsuccessful. There is no provision for a person to make an appeal based on the fact that they are complying with the objects of the legislation. Ms Peckham was speaking before about the fact that she was unable to obtain an exemption from income management on the grounds that she is a socially responsible person. We are unaware of appeals that have been made on those particular aspects of the legislation. If you live in a prescribed area there is no room within the legislation for an exemption to occur.

**Senator SIEWERT**—You have not been working on it with any of your clients?

**Ms Walker**—We have been working with it, but we have not lodged any appeals because they have very limited prospects of success.

**Senator ADAMS**—Thank you for your very interesting submission. There are communities, now part of the 73 communities, which earlier were dry communities. Page 16 of your submission contains a quote which I am very concerned about from the *Closing the Gap* report:

Blanket alcohol restrictions have failed to decrease the amount of alcohol related violence in Central Australia. Since the beginning of the NTER, alcohol related incidents reported to police have increased by 29%, substance abuse related incidents reported to police have increased by 77%, domestic violence incidents have increased by 61% and there has been an increase in confirmed incidents of child neglect from 63 to 177 cases.

Are those statistics for the whole of Central Australia or just from Alice Springs?

**Ms Walker**—Those statistics come from the government's *Closing the Gap* report. As far as I am aware those statistics relate to the entire Northern Territory. While I understand that you have concerns about dry areas and how the continued restrictions on alcohol have not improved situations, we consider that those increases cannot be solely attributed to increases in police presence and we would see those increases to be a manifestation of the lack of support services that there are for alcohol and substance abuse within communities and also within Alice Springs itself.

**Senator ADAMS**—Because you have included that in your report, have you done any background work yourselves on it?

**Ms Walker**—We are not a research organisation. From my attendance at the consultations a number of communities made the point that they did not see blanket alcohol restrictions as being effective and they saw that a way forward would be to resource support services and also to engage in alcohol management plans which involved both wet and dry areas.

**Senator ADAMS**—It states here that there have been blanket alcohol restrictions since the beginning of the NTER. These things were happening before but why have the percentages gone up rather than down?

**Ms Rivett**—Prior to the blanket restrictions there were individually tailored plans from the communities, and based on the geographical region, how many people were there and where they were situated, that was an agreement reached between the communities. With the blanket restrictions that are in place the signs have been put up in areas which can be up to 45 kilometres outside of a community, which increases the number of people in the criminal justice system and encourages people to get in their cars and engage in unsafe practices. That was noted in the *Closing the Gap* report.

**Senator ADAMS**—But we are talking about child neglect and domestic violence, so I cannot see really where that comes in.

**Ms Webster**—This is a government report and they have collated the statistics in that report. I do understand what you are trying to get at, which is why they have increased. As Ms Walker said, we are not a research organisation, so we cannot give you specific reasons as to why they may have increased. All we can say is that those statistics clearly point to the fact that whatever has happened in the past 2½ years is not working. It is not working to reduce alcohol related harm. Statistics have gone up. The exact reason why, we are unable to tell you. It is not the scope of the work we do. We predominantly do casework. That is what we are funded to do. In terms of working out exactly why they have increased would be a question for the people who have collated that report. It clearly shows that the measures that are in place have not worked to reduce alcohol related harm in the Northern Territory.

**Senator ADAMS**—You have put those percentages in here for a reason. I have read it and looked at it and thought, 'I really want to know about this.' You people are the people on the ground doing the casework. Some of these issues have probably come through you.

**Ms Webster**—None of us here are criminal lawyers so we do not really deal with those issues. So it is not appropriate for any of the three of us to comment on the increased criminal case load that CAALAS may have seen in the past 2½ years. But we can take it on notice and provide you with that information.

**Senator ADAMS**—I would appreciate that.

**Senator CROSSIN**—Can I thank you very much for your submission. I really appreciate the detail and the suggested amendments that you have covered in it. Can I just make an observation about your discussion with Senator Adams. On Monday we heard from the family and community services section that the number of welfare reports has gone up significantly in the last 12 months. That was put down to the fact that people know how to report and so there are more people reporting. Have you given some consideration as to whether the increase in the statistics Senator Adams was talking about has come about because there might be more police on communities and a few safe houses on communities and that it is not so much that the crime has increased but that people are actually reporting it more or doing more about it?

**Ms Walker**—We are unable to come to that conclusion because we do not have data which links the increases in assaults to those communities where there has been an increased police presence. I don't think the government has been able to provide those breakdowns of data.

**Ms Miller**—Just on that point, and having spoken firsthand with some of the criminal lawyers that the service has employed, there is a thought between them that that may be a factor because of the extra reporting that is available now, rather than it increasing.

**Senator CROSSIN**—Some of your recommendations here, such as the increasing enforcement mechanisms with Outback Stores, are pretty straightforward. You have suggested that there be a definition of 'vulnerable welfare recipient' put into the legislation. You have also suggested that there would be appeal rights under part 4 of the Social Security Act if you are deemed to be vulnerable—correct me if I am not right here; I am trying to summarise your suggestions for the *Hansard*.

**Ms Walker**—We are also concerned about the appeal rights that exist for people who are income managed under the child protection measure. As it currently stands, my understanding is that a child protection worker would give a notice to Centrelink and Centrelink then income manages the person. I don't think there is a decision that is made on behalf of Centrelink, so the decision is one of the child protection worker. As it currently stands, the appeal mechanisms for a decision of NT families and children is an internal mechanism and then there is also the ombudsman, but there is no external review process through, say, an administrative appeals tribunal.

**Senator CROSSIN**—What I need you to clarify for me, because I cannot get it from your submission, is a clear understanding of what you mean with recommendations 10 and 11. Recommendation 10 refers to the act being amended to provide for the removal of Indigenous violence and child abuse from the definition of 'federally relevant criminal activity' in the ACC Act. Are you suggesting that violence and child abuse is already in the ACC Act and you do not need to qualify it by the term 'Indigenous'?

**Ms Webster**—No, what we are suggesting is that at the moment, as the legislation was put in 2007, extra powers are given to the Australian Crime Commission to deal with Indigenous violence and child abuse. This extended their powers which, before, were to do with investigating organised crime. What we are recommending there is the ability of the Australian Crime Commission to use their powers to investigate Indigenous violence and child abuse should be removed. So essentially we are suggesting the repeal of the special powers that have been granted to the ACC under this legislation.

**Senator CROSSIN**—Would that mean that violence and child abuse would then go back to the Territory police, essentially?

**Ms Webster**—It will be dealt with in the manner that it is dealt with in every other state in the country, yes.

**Senator CROSSIN**—Wouldn't the argument though of the Australian Crime Commission be that they need those special powers so that they can work nationally across jurisdictions? Wouldn't it be so that they can work uninhibited across jurisdictions?

**Ms Webster**—I cannot comment on what the ACC believes it will do with those powers. I can say is that there is absolutely minimal evidence that those powers that have been given to the ACC have been used to achieve any of the government's stated aims of protecting women and children in that way. They are extraordinary powers that have been put in place. There is no evidence that they have worked to reduce violence in Aboriginal communities. This is one measure for which there is very little evidence of its benefit. There is very little evidence of it being used to prosecute any such crimes and there are already substantial mechanisms in the Northern Territory, as in other states and territories, to investigate and prosecute incidences of child abuse if they are occurring. We believe that there is no evidence for the continuation of this power for an indefinite period, which is what is suggested.

**Senator CROSSIN**—Can you just explain what you mean by recommendation 11 to me.

**Ms Webster**—What we mean by that is that we note that the bill before you does not deal with the issue of customary law. At the time the legislation was put in place in 2007 mechanisms allowing customary law to be taken into consideration in sentencing and in bail applications were removed. We are quite concerned that this has not been addressed at this point in time in the redesign of the legislation. We believe that those provisions that take away the right of a magistrate or a judge in the Northern Territory to take into consideration those issues should be repealed, therefore allowing them to take into consideration those issues when determining sentencing and bail applications.

**Senator CROSSIN**—In what situation under the NTER legislation could you be charged and therefore not have customary law and cultural applications in bail applications apply?

**Ms Webster**—It is actually not just about NTER legislation. It is about any crime in the Northern Territory. It is not about whether you are prosecuted under the NTER legislation. It is about when you appear before a court in the Northern Territory.

**Senator CROSSIN**—So part 6 interfered with Northern Territory laws right across the board no matter what your conviction was when it came to customary law and cultural practice?

**Ms Webster**—Yes. It amended Northern Territory legislation.

**Senator FURNER**—Thank you for your recommendations. It is worthwhile seeing that sort of response in a submission. In recommendation 15 you go to the issue associated with school attendance. You refer to the introduction of compulsory income management on the basis of child protection, school enrolment and attendance and other relevant behavioural triggers. Can you just elaborate further on what you define as school enrolment. Are you suggesting that the government's draft bill is acceptable in terms of income management based on the number of absences per semester? Also, can you explain what 'behavioural triggers' in recommendation 15 relates to.

**Ms Walker**—In terms of the determination of other relevant behavioural triggers, we consider that it should be up to communities to consult with government to identify those areas where they consider that income management has a role, if any, in addressing those type of behaviours.

**Senator FURNER**—How would that work though?

**Ms Walker**—By government entering into genuine consultation with Aboriginal communities about the ways in which they thought that income management could assist in resolving issues.

**Senator FURNER**—In relation to absenteeism?

**Ms Walker**—In relation to absenteeism, a school enrolment and attendance measures trial has been occurring in two communities in Central Australia for the past year and it is unclear at this point in time to what extent they have been properly evaluated and whether they have actually been successful. But in consultations with communities people are consistently saying that they would like school enrolment and attendance to be a trigger for income management if there is to be a trigger basis.

**CHAIR**—On Monday we were told that there is a current review going on, on the scene. We will follow that up, but that is what we were told.

We have run out of time, so thank you very much for your evidence and your submission. If there are any questions or comments you wish to add, please be in contact with the secretariat.



[3.00 pm]

**MORTON, Ms Wendy, Executive Director, Northern Territory Council of Social Service**

**PILBROW, Mr Jonathon, Central Australian Policy Officer, Northern Territory Council of Social Service**

**CHAIR**—Our next evidence is from the Northern Territory Council of Social Service. Welcome, and thank you very much for appearing this afternoon. You have information on the protection of witnesses and appearance at these committees, so if you have any questions please let us know.

If you would like to make an opening statement, then we will go to questions.

**Ms Morton**—I would like to speak first and make a bit of a general statement in relation to our submission, then Jonathon is going to give a short statement on his role here locally in Central Australia.

Thank you for the opportunity to talk to you today. The Northern Territory Council of Social Service is a peak body for the social and community sector in the Northern Territory and an advocate for those who are most disadvantaged in the NT. As with our submission, we would like to confine the scope of our discussion here today to whether there is sufficient evidence available which demonstrates that the income management measures have improved the lives of people living on prescribed communities in the Northern Territory.

In light of the proposal to pass legislation to extend these measures to other disadvantaged groups in the NT, we do not feel that the current available data supports this proposal. In addition, no evidence was produced by the previous federal government at the time of the implementation of the Northern Territory Emergency Response to show the extent to which welfare payments were supposedly being squandered.

The Australian Institute of Health and Welfare's *Report on the evaluation of income management in the Northern Territory* itself expresses serious reservations about the methodology used to assess the merits of the income management regime. It notes that the research studies used in the evaluation:

... would all sit towards the bottom of an evidence hierarchy.

and that:

There was a limited amount of quantitative data on which to base the evaluation findings.

For example, only 76 people from four communities were surveyed out of a potential 15,000 people on income management and these 76 people were not randomly selected. Interestingly, last week a major interstate newspaper cited that the Australian Institute of Health and Welfare put an even greater distance between itself and the report, saying it had ethical concerns about the project and would not accept such a commission again.

It is difficult to conclude that those on income management are purchasing healthier food. There has been no hard data gathered about the volume or type of sales; just the subjective view of store managers as well as information from what Centrelink customers say they will spend their money on—not what actual items they purchased. Any increase in the consumption could possibly reflect the increased availability of these products in remote community stores.

There have been mixed reports of the impact of alcohol restrictions under the NTER. Some anecdotal evidence suggests that there has been a reduction in alcohol related violence. There are others who report more grog running, drinking in unsafe places, road accidents and invasive police searches. Reporting of alcohol related incidents to police have increased, and the level of domestic violence reported to police remains high. It is unclear to what extent an increased police presence and alcohol bans in communities have affected these results, but without further information it is difficult to support the conclusion that income management has resulted in a reduction of alcohol use or violence in communities.

Another issue of concern is around sustainability and the question of whether people's long-term skills to manage their finances have or will improve. While financial counselling and money management services have been rolled out across many communities, evidence must also be collected on the effectiveness of these. Information across a broad range of indicators of child development and well-being and family financial stability is needed for the effects of income management to be properly measured and benchmarked to pre-intervention data.

The proposed new income management scheme assumes that people on income management support cannot manage their money or that they are not able to care for their children. In reality, many people struggle because income support levels are inadequate. Many long-term unemployed people lack work for a range of reasons, including disability, chronic health problems and limited job opportunities in the areas in which they live. As with the current income management system, the proposed scheme places an unfair stigma on those who are already vulnerable.

We call instead for more support for disadvantaged groups to assist them to build their skills and their capacity. Evidence collected from the Cape York trials suggests that many of the positive outcomes are due to the case management approach rather than income management, which has only been used in a minority of situations. The NTR has been in place for 2½ years. Most of the so-called evidence has been drawn from suggestive and questionable surveys and anecdotal information. This is not a sound evidence base. Research by ACOSS suggests that the implementation of the proposed new scheme will cost around \$4,400 per person per year. In any other area of public policy this expenditure would be widely questioned. These resources would be better spent on improving the adequacy of income support payments and funding appropriate and effective services for struggling individuals and their families.

**Mr Pilbrow**—In my role as the Central Australian Policy Officer for NTCOSS, I have collated extensive information from organisations and individuals over the past couple of years through various forums on income management which NTCOSS has helped facilitate with Centrelink. These forums have included non-government organisations, government agencies as well as some individuals affected by income management. I also attended one of the state stakeholder consultation forums on income management which was held last year. Information from these various forums has greatly assisted in informing NTCOSS's position taken in our submission to this inquiry. The reality is that a range of views has been expressed by different organisations and individuals in relation to income management but we believe this only serves to underline the absolute importance of evidence based research to put the anecdotal information into a broader context. Some individuals and organisations have opposed all forms of compulsory income management. Individuals subject to income management have reported the time-consuming nature of having to access money through income management; for example, in terms of more frequent trips to Centrelink to allocate funds, and the time required to purchase goods and services, which sometimes required several trips to Centrelink and shops to purchase goods. In the past, these would have required one visit with a simple cash transaction.

Individuals have expressed enormous feelings of shame and humiliation and of being treated differently, in addition to frustration about the time-consuming and restrictive nature of the income management. For example, the ability to pool resources as a family, like previously, to send down to a child in boarding school has been severely restricted. People have also reported feeling disempowered at having to be subject to income management. NTCOSS believes that this very human aspect of income management cannot be ignored in terms of an individual's and a family's well being.

There has also been an enormous burden placed on non-government organisations, particularly when income management was first rolled out. This was in terms of time spent assisting Centrelink customers who were at times very confused about the changes that were happening and unsure how to access their money. Non-government organisation workers have had to spend large amounts of time with clients sorting out payment issues either over the phone or having to accompany people personally to Centrelink. This has often taken up hours at a time just for people to access their basic entitlements. Income management has also placed a significant burden on the finance officers of many NGOs, who in some instances have had to set up additional parallel systems to manage the receipt of income managed funds. Of note is the fact that non-government organisations in the main have not received any additional resources to deal with the increased workload that came through not just income management but also the Northern Territory emergency response more broadly.

There has been some support for the application of compulsory income management in certain circumstances. For example, in some quarters there has been support for compulsory income management in terms of consequences for chronic drinkers or people misusing other substances. Some organisations support the continuation of income management in its current form, while others have advocated a system that allows people to be exempt from income management or to progress off income management when certain conditions are met. Some organisations have also called for income management to be applied to the broader community to ensure that the system is non-discriminatory. Interestingly, some of this support for a broader rollout has come in the context of concerns that income management unfairly discriminates against and burdens people who are doing the right thing and, in particular, unfairly discriminates against Aboriginal people, as well as in

the context of the significant workload that income management has meant for organisations. So, while there has been widespread acknowledgement that income management has been a difficult and in some ways flawed model, it appears that support for a broader rollout is based not on evidence but more on a principle of equal treatment—for example, if Aboriginal people in prescribed areas in the NT have to be subject to income management, all people on Centrelink payments should be subject to income management.

NTCOSS has great concerns with this approach to a further rollout of income management. We firmly believe that there needs to be a strong, solid evidence base. The reality is that there is not an evidence base to support the application of targeted income management or broad based income management, which leads us back to NTCOSS's main concern that the anecdotal information that has been presented in various reports is simply not sufficient to develop significant public policy. Robust evidence is required. This includes pre-income-management baseline data, which has been missing from all the data to date. If we are to be a fair society, we must strive for a social policy approach which ensures respect and dignity and builds capacity, especially for the most disadvantaged in our community.

**CHAIR**—Thank you, Mr Pilbrow.

**Senator SIEWERT**—You do not touch much in your submission on the actual Racial Discrimination Act and the provisions that this bill is predominantly supposed to be about. I am wondering about the reason for that. Do you have some comments? I have a follow-up question on that particular issue.

**Ms Morton**—Our position is that we would like to see the Racial Discrimination Act reinstated to the full extent than it was before the NTER. I think that in terms of the members of NTCOSS the view is quite mixed, from people who say, 'Well, we don't think a lot of the new proposed act but it's better than nothing,' to, 'Well, if that's all we're going to get then we don't want anything.' I think there is a mixed view, and our position at this point is that we would like to see it reinstated to its full extent.

**Senator SIEWERT**—The next question then—and you have touched on it yourself—is: do you believe the current legislation restores the RDA to the point where it was before the intervention?

**Ms Morton**—I will just start by saying that we are not a legal organisation. We have not sought a legal opinion on it. But the view that members have expressed to us is that, no, it is a watered-down version that does not bring back people's rights fully to the extent that they were before and there are still limited appeal processes available through it.

**Senator SIEWERT**—Mr Pilbrow, you mentioned that you were involved in the consultation process. When you say that, I presume you mean the big one that was rolling out mid last year.

**Mr Pilbrow**—It was last year, yes.

**Senator SIEWERT**—Which tier were you involved with?

**Mr Pilbrow**—It was predominantly non-government organisations that were represented at that forum.

**Senator SIEWERT**—So you would have been in tier 3 or 4—in other words, you did not go to the community consultation processes?

**Mr Pilbrow**—No.

**Senator SIEWERT**—Was your organisation surprised when the legislation came out expanding income quarantining across the wider categories that it will now apply to and potentially across the NT and across Australia?

**Mr Pilbrow**—I think we were, yes. I think it caught a lot of people in the non-government sector by surprise. We thought there might be alterations to the way income management is rolled out in the Northern Territory but probably did not expect it to go right out to other disadvantaged communities across the country.

**Ms Morton**—We probably did not expect that the whole of the Northern Territory would be classed as disadvantaged.

**Senator SIEWERT**—To be fair to the minister, the minister said it could be rolled out across the NT, but what we have been told through the inquiry and in estimates is that it is a legislative instrument which will then be used to roll it out across the NT. But the point is that it can be rolled out anywhere once the area is declared. Mr Pilbrow said he had been involved in the consultation process. Ms Morton, I do not know whether you were involved as well; you did not say that you had been. Was the potential for income quarantining to be expanded in the way we have discussed across the NT to a broader category of people discussed in that consultation process?

**Mr Pilbrow**—I guess it came up through some of the comments that the organisations made, and some of the comments I have alluded to in my presentation today reflect some of the discussion at that stakeholder forum. It was not an option that I recall being put to us by those doing the consultation. It was in the context of people feeling, in a sense, that this was a difficult system that had been imposed on Aboriginal people. There were concerns that it was only imposed on Aboriginal people, and I guess there was some frustration about that, with people saying, ‘Well, if it’s good enough to be rolled out to Aboriginal communities and Aboriginal people then it should be for all people.’ I guess that comes back to the comments I made. I am not sure that that is the best approach in making public policy—lumping everyone in the same basket because some are in that basket. I think we need to take a step back and ask: where is the evidence? Is this being effective? It was almost a resignation: ‘Well, we’re probably lumped with this, so we may as well roll it out to everybody and then everyone is treated in the same manner.’ But I think we need to take a step back and say: is this system fair, full stop?

**Senator SIEWERT**—I know that we are short of time. While I would like to explore some other issues, I do particularly want to go to your comment around increased impact on NGOs. Could you give us a quick snapshot of what you mean about the impact on NGOs—more call on emergency relief, financial counselling and those sorts of issues?

**Mr Pilbrow**—Yes. It relates specifically to when income management was first rolled out. Some people were wrongly placed on income management, and it was quite a cumbersome process for people to be taken off income management. They had to prove their place of residence. Sometimes it occurred where people might have been living in a hostel. They had their address on Centrelink as a remote community but they might have been in town for years having renal treatment, for example, but because the address in the system said that they lived on a prescribed community they were subject to income management. I know that it took hours for people going back and forth from Centrelink getting information, photocopying identifying information, writing letters of explanation and so forth. That was one example.

Also, there was an issue of people just understanding it—people were coming in with Centrelink statements saying, ‘This is what’s happening; this is where my money’s going,’ not fully understanding why only half of their money was going to their bank in cash—particularly for traditional people with limited English skills and limited literacy skills. I can also cite the example of a financial counsellor who does a lot of work around funerals and assisting families to pay for funerals. In one instance after someone passed away, income managed funds by mistake went out to a remote community. They were meant to go straight to the funeral parlour but they went to a remote community. There was a very cumbersome process for retrieving that money which held up the process for payment and the funeral. So there are a whole lot of logistical things, but primarily just helping people to understand the processes.

Also, people with mobility issues had to get back and forth from Centrelink to shopping centres and so forth. It increased the number of trips that people had to make to do simple transactions that in the past, as I said, involved just a simple cash transfer.

**Senator SIEWERT**—Could I have one more question?

**CHAIR**—Okay, that means everyone gets five.

**Senator SIEWERT**—We have received a submission from the financial counsellors—I think it is called the financial counselling association of Australia or something like that—where they raised the issue around matching savings. If you save a certain amount of money, you can get matched savings. The point that is made there is that it is very difficult to save that when you have limited income support, and it also questions whether it is a sensible idea to try and save money from income support. It is very difficult for people to manage on, and is it a good idea for people to be trying to save from that rather than spending the money on food and the things that the government is saying it wants people to spend money on? I am just wondering whether there is a perverse incentive there, in a way.

**Ms Morton**—I think our only comment would be that it is incredibly difficult to save money when you receive such a low amount in the first place. It maybe again puts that idea in people who do not know much about income support pensions that people should be able to save and achieve these things, when for most people that is going to be a goal very difficult to achieve.

**Mr Pilbrow**—It underlines particularly what is outlined in the ACOSS submission—what we have also referred to as the inadequacy of income support payments. Our preference is to see the large volume of money—I think \$350 million over three or four years; \$4,400 per year per person who is on income support—

put into lifting the rate of payments. Last year pensions were raised but not the sole parenting pension, youth allowance and youth start, which continue to fall behind in terms of the gap between them and the pension because they are not indexed to CPI. So we need to address the inadequacy of income support payments as well as putting this kind of money into support programs and long-term programs for early intervention and prevention.

**Senator ADAMS**—I will continue my questioning on domestic violence issues, the reporting of child neglect and health issues throughout the communities with the alcohol restriction. I draw your attention to the fact that a number of these communities were dry communities before the intervention took place. I am trying to get some sort of feeling. I know the statistics have been put out there by one group through Closing the Gap. In the Kimberley in Western Australia, for example—I am from Western Australia—they have imposed alcohol restrictions on both Halls Creek and Fitzroy Crossing, and our statistics there are very, very good, and the same data collection has been used in each area. It is really confusing when reading the evidence for this particular inquiry, to think why it would be different in Central Australia. Can you help me in that respect?

**Mr Pilbrow**—A couple of comments: one is that the restrictions placed on alcohol through the Northern Territory emergency response are primarily restrictions on location—they are not actually reducing the supply of alcohol. It is basically just drawing a line and saying that you can no longer consume alcohol in these places. That includes the town camps as well remote communities. As you have rightly pointed out, most remote communities were already dry. There would have been some outstations that were not subject to any dry area provisions prior to the NTER but now are.

In reference to Halls Creek and Fitzroy Crossing, Alice Springs has, as a town, similar restrictions whereby since 2003 you could not purchase takeaway alcohol until two o'clock in the afternoon. Since October 2006, there have been restrictions on the purchase of particular products between the hours of 2 pm and 6 pm. So you cannot buy cheap port wine, fortified wine or cask wine between the hours of 2 pm and 6 pm. Those restrictions that predate the intervention—they came in almost a year before the intervention—have seen, between 2008 and 2006, an 18 per cent reduction in the consumption of pure alcohol across the Alice Springs region.

NTCOSS supports this kind of measure, which is evidence based. It is based on a couple of things. The first is that when you restrict the hours of purchase, you reduce consumption and reduce harm. The second is a price component: the cheap alcohol is off the shelf between 2 pm and 6 pm. There has been a significant shift away from port and cask wine to beer, which is a much lower strength alcohol. As I said, there has been that 18 per cent reduction in consumption between 2006 and 2008.

That is an approach that stems the flow of alcohol, whereas the NTER measure was really putting a geographic line in place. It was not restricting how much people could drink, it was just restricting where they could drink. As other people have alluded, it led to people taking risks in behaviour, such as drink driving or drinking on the outskirts of towns in prescribed areas where they are not as regulated and are further away from support services and medical services. I think that is part of the context for those questions that you have.

**Senator ADAMS**—As far as Alice Springs goes, let us work on that for their hospital emergency admissions, domestic violence related issues and child neglect. Can you help me in that respect?

**Mr Pilbrow**—I do not have specific up-to-date data in relation to hospital admissions or child abuse except to say that in the first 12 months of those alcohol restrictions coming into place, particularly earlier on—and one of the surgeons from the Alice Springs hospital is very vocal about this—the rate and the severity of stabbings went down dramatically. The reality is that we do not have up-to-date information from the hospital, but it certainly is an issue of utmost importance to get a minimum data set from the police, Department of Justice, and the hospital and health services in relation to alcohol related incidents. There is simply a lack of coordinated evidence base on that at the moment.

**Senator ADAMS**—I would like to take you back to the consultation meetings, which I know you were on at a higher level. Could you go through the process of how people were told they were on and how they attended, whether it was tier 1, 2, 3 or 4?

**Mr Pilbrow**—I was not overly familiar with the various tiers. I can only talk on the invitation I received, which was either through a phone call or an email to me as a non-government organisation. As I said, there were pretty much only non-government organisations in that room. I am not familiar with how the community consultations were conducted or how invitations to those were extended.

**Senator ADAMS**—So you have not had any feedback from members who may have attended those lower tier meetings.

**Mr Pilbrow**—I have not really had any direct feedback. The last income management forum we had was in December 2008. We have not had an income management forum specifically since those consultations were held.

**Ms Morton**—Some feedback we got was that there may have been a whole range of things brought up in those forums, but when they were reported back it was not clear whether the majority of people agreed with them or not. So it is difficult to tell whether or not they were supported by a majority of people in that room.

**Senator CROSSIN**—Have you had any feedback from non-Indigenous people in the Territory, particularly in the Top End, who will be impacted on by this legislation?

**Ms Morton**—Organisations such as St Vincent de Paul, for instance, are concerned about the effect on clients who manage their money effectively now. They do not think those people need to go under that regime. I think there is more of a concern about how it will be rolled out, but there has not been a lot of direct feedback.

**Senator CROSSIN**—So these are their clients who have been on, say, Newstart for 18 months or more.

**Ms Morton**—I have not asked whether people are on particular income support pensions which will be affected.

**Senator CROSSIN**—Income support payments, rather than pensions.

**Mr Pilbrow**—The people who will be directly affected will be those on sole-parenting payments, Newstart or youth allowance.

**Ms Morton**—We have not run any type of forum to get feedback.

**Senator CROSSIN**—Does NTCOSS have any evidence to suggest that there might be some people for whom income management would be of benefit?

**Mr Pilbrow**—I do not think there have been any national studies in relation to that. To comment very briefly about the Cape York model, which we referred to in our submission, Cape York combines a range of measures, including income management. To date income management has been used in a minority of situations through the Family Responsibilities Commission in Cape York. The early evidence coming through from reports about what has been happening in Cape York is that it is case management as opposed to income management that has had the greatest impact on things like school attendance. The direction that Australia has gone in relation to income management is, to our knowledge and ACOSS's knowledge, almost unprecedented internationally. Other countries around the world have put in place penalties and incentive measures around receipt of income support. But as far as we can tell no-one has ever gone to the point of quarantining payments so that there are decisions made about what people can and cannot purchase. There just is no international evidence, and to date there is no national evidence. We do not have baseline data or pre-intervention data that would allow an appropriate comparison to look at the impact of income management. Underpinning what we are talking about is that we need this evidence base.

**Senator CROSSIN**—In the case of parents who might be found guilty of child neglect by the child protection services, NTCOSS neither favours nor does not favour income management because there is no evidence nationally or internationally to suggest that that is a means of addressing the neglect. Is that what you are telling us?

**Ms Morton**—I think if evidence was put to us that it would be beneficial to that particular family then we would relook at our position. As Jonathon said in his opening statement, we make no secret of the fact that there are differing views amongst our members. There are members who think the intervention has been a good thing, members who think it has been a bad thing and those in the middle.

**Mr Pilbrow**—That is in relation to families with child abuse issues and so forth. But talking more broadly about vulnerable families, we are concerned about any system that financially penalises people. As we pointed out earlier, income support payments are woefully inadequate. Most people living on income support are close to if not below the poverty line. We believe there is evidence for wrap-around services, for family support services, for case management and for intensive and targeted support for families but not for addressing those issues through payment or quarantining regimes.

**Ms Morton**—In the example you gave of child neglect, there needs to be an external process by which that person could appeal, and a time frame indicating when that person could get off. We have great concerns about the kind of endless nature of it and there being no ability to get off—that type of thing.

**Senator FURNER**—In your submission you make the comment about access to the BasicsCard balance as being not free by using public phones. Is that correct?

**Mr Pilbrow**—We do refer to that. There have been a number of concerns around the fact that people cannot check balances for example at an ATM. I think there is talk of rolling out telephones in key spots so people can have access to check their BasicsCard balance.

**Senator FURNER**—I just checked the department's website and that indicates that the number is free from a landline or public phone; however, with mobile phones it comes at a cost.

**Mr Pilbrow**—Okay. We may need to check our source there.

**Senator FURNER**—In your submission you also make comment about nutrition. You say there is not enough data to establish whether there is a clear message of improved nutrition as a result of the intervention. The NTER monitoring report indicates, however, that there is an increase in the school nutrition programs. I am wondering whether your examinations or research went into those particular areas at all, or were you just focused on the stores?

**Mr Pilbrow**—It was probably more primarily focused on the stores. The point was not that measures through the NTER have or have not improved nutrition but that it is too difficult to isolate income management as the measure that has actually improved access to food or improved nutrition. Obviously with the rollout of Outback Stores and requirements that BasicsCards can only be accessed at stores that meet certain requirements, and more than 50 per cent of their goods and services have to be essential items, there has been greater access to fresh food et cetera. What we are saying is that you cannot determine whether it is that greater access or income management per se that has led to the increase.

**Senator FURNER**—We had Outback Stores before us in Darwin on Monday and they identified that they were not in a position to provide qualitative data around whether there has been increases in, say, the volume of a particular fresh food. But they certainly indicated that there was anecdotal evidence around some changes.

**CHAIR**—Thank you very much, Ms Morton and Mr Pilbrow. If there is anything you want to follow up with or if you want to go away and add some more, please be in contact with the secretariat. Thank you.

**Proceedings suspended from 3.35 pm to 3.53 pm**

**GILLICK, Ms Vicki, Coordinator, Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council**

**CHAIR**—I welcome the representative from the NPY Women's Council. Would you state the capacity in which you appear.

**Ms Gillick**—I am the outgoing coordinator of the NPY Women's Council and have held the position for six years. The current coordinator and deputy coordinator are in Adelaide at the moment with the Mullighan task force and the chairwoman was in town all last week and is unable to be here, so they have asked me to represent the organisation today. I am actually still on leave and doing some work for them. I hope that is acceptable to the committee.

**CHAIR**—That is absolutely acceptable. Would you like to make an opening statement?

**Ms Gillick**—I have been asked to put some reasons. I think I was to have 15 minutes; I don't know if that is still the case. I will be as brief as I can

**CHAIR**—We can go about 20 minutes.

**Ms Gillick**—The NPY Women's Council believe that the rights of children and women or other vulnerable people—men or women, frail aged, people with disabilities—should be protected over and above considerations of race or other rights, and that this is justified because it is protecting vulnerable members of our community. They take the same view—and they have reinforced this recently—to Australia generally but, of course, they are the people who are living in Central Australia and the organisation is the body that deals with anangu in the cross-border region. NPY takes this position on intra community violence and abuse because they believe it is wrong at a legal level and at a human rights level, nationally and internationally. There are, of course, as the senators would be well aware, declarations on the elimination of violence against women, conventions on the rights of the child and other UN conventions which proscribe mistreatment or violence towards people on the basis of age, their gender and of course their race.

**CHAIR**—Excuse me, Ms Gillick, do you mind being filmed?

**Ms Gillick**—No, if someone is silly enough to want that, they are more than welcome. The organisation takes a general view that people have rights not just because they are Aboriginal but because there are human rights and people should not be subject to abuse, and particularly vulnerable people and people who are less able to stand up for themselves in our community.

This is a little bit of an aside but as the committee sits here today, the Supreme Court in Alice Springs is also in session for the trial of Jason Robinson who is charged with killing his wife last November at the Eridunda Roadhouse about 199 kilometres from Alice Springs. His wife was the most recent of six women from the NPY region to have died in violent, alcohol related circumstances in which the husband in all cases was charged. Some of those have been resolved; some have not. This is the most recent one to go to trial. These deaths have occurred since May 2007. They have occurred in communities—two have occurred in Alice Springs town camps and in the instance that is on trial now in public at a roadhouse. We do not seem to hear too much about these from those who are opposed to income management and the intervention, or indeed from politicians of various persuasions who also oppose the intervention. But these are the things that Women's Council members and directors have turned their minds to for 30 years, and they have very grave concerns about them.

They have applied a similar critical analysis to income management. One-quarter of the organisation's elected directors reside in NT member communities and the rest live in remote communities in WA and South Australia. You would all be aware of the Women's Council region and what it covers. There is probably no need to provide you with a map at this stage. So the non-Northern Territory directors, if you like, and members have also been involved in extensive discussion on the impact of the intervention, including income management, since it began in 2007. They take the view that a lot of Australians, including a lot of Aboriginal Australians, have come to see their social security payments as a right and that they have the right to use the benefit however they wish. That might sound okay but whether it is a disability pension, a student allowance, an unemployment benefit, Newstart or the age pension, it is provided by the government as a safety net to meet essential needs, such as food, rent and other necessities. The members would argue that it is both culturally inappropriate in the extreme and poor public policy to simply handover what people here commonly refer to as 'sit-down money' and then just allow people to destroy their health, their families, their culture and their communities through spending funds on alcohol, drugs and gambling. And there are all the effects of that on other family members—foetal alcohol syndrome, neglect of children, non-attendance at school, poor



educational attainment and therefore poor options in life, acquired brain injury, and early death due to various chronic conditions such as heart disease, liver failure, diabetes and pancreatitis.

So, because of this distorted view of benefits and people being allowed to go their own way with their own preferences and addictions—and other people on benefits throughout Australia, but again we are focusing on the region that we deal with—a significant proportion of community members, in particular men, have for a long time been blowing their benefits on non-essential items such as alcohol, illicit drugs and gambling. Of course, it is not only men, but there are a lot of people we deal with in communities who indulge in this, and the majority would be men but not exclusively.

People then use the traditional practice of demand sharing in a contemporary setting to humbug and browbeat and sometimes physically assault members of their family to obtain money, food, blankets or other assistance. The bad behaviour is not curbed, because those who are approached feel great obligation or pressure or even fear, even though they may well complain privately—and I can tell you that our members frequently do—about people who continually bludge off them. A lot of the people who the women say do that are younger people, particularly young men, who do not have families of their own, so they spend all that money on dope or grog and then come harassing the auntie, grandma, mother or whoever.

I draw your attention to some individual attitudinal surveys that were done late last year on the APY lands. This was part of the collection of baseline data done by a contracted company, Langford, who won the tender. That is to be used as baseline data in the closing the gap exercise. That was across the APY lands, which is not Northern Territory, obviously. The baseline data is simply factual information, which presumably they have managed to get from Health and Police and funding bodies and whatever. However, there was also an individual attitudinal survey administered which was designed by the Women's Council, who did a little bit of work with the successful tenderers and put this proposal up as an alternative to trying to get community meetings together. The idea was to get a sample across several communities at the same time as the contractors were visiting there to do other work. Those surveys were administered.

The surveys were designed by the Women's Council but fixed up a bit by someone with more experience in administering those sorts of questionnaires. People could speak freely and individually without being pressured by others. There were questions about child safety, drug and alcohol issues, violence, demand sharing—what was okay in terms of violence and what was not. I do not know how much of that is going to go into it, but certainly the Women's Council will have the collated version, and I think it might be of interest to have a look at that. I do not imagine the responses would have been very different in remote communities in the Northern Territory. People were very frank about demand sharing once they realised it was a one-to-one interview. It was done by people who were very good interpreters and there was assistance from local people—men and women—in the community to do that.

It was very interesting to hear people's views on the safety of the community and the amount of cannabis coming in. People gave the information freely—and no names, of course, were being reproduced with this. I just mention that because it was a way of consulting people about these issues that they had not had before. They were a bit unfamiliar and a bit surprised by it but very keen to speak individually, and they showed a large amount of interest in it. It was a small sample, but it was men, women, older blokes, younger women, middle-aged women—as best as could be done on the day.

In addition to income management, there has been additional policing in not all but quite a few communities and an emphasis on the need for kids to attend school regardless of the fact that payment has not been tied to that in the NT, but there has obviously been a lot of discussion about it. In some communities I think the school attendance has gone so high that schools have been barely able or unable to cope. A general increased awareness of the need for life in remote communities to improve has meant that many of those communities have become calmer and safer places to live. Women at Mutitjulu have been on the radio talking about that. Our members have talked about it. It is not as though it has not been in the public arena.

Income management effectively resets the distorted image of the handout as being: 'Okay, here's the money; it doesn't matter what you do with it.' It is not going to address all behaviour. For some people, their addictions require serious health interventions. I note that CAYLUS has mentioned in its submission the need for alcohol restrictions based on pricing. The Women's Council has worked very closely with them and certainly supports that and has probably put it to the committee previously that just having the restrictions that are there at the moment is not going to reduce the consumption of alcohol sufficiently, although it has reduced significantly in Alice Springs and that is manifested in hospital admissions.

People will say that there is drinking in town, but you would probably find that some very dedicated drinkers will come to town, which means they are not drinking in their dry communities—which may well be better for their families. It still has to be dealt with, if they are doing it in town, but the consumption overall is significantly down, and we certainly support more of that.

Income management is also giving government and communities some benchmarks of spending on essential items. I have seen some of those figures. Of course, we do not know what it was before—which is unfortunate—so we are working from an unknown baseline, in a way, but you have to start somewhere in getting these figures. I have no doubt that there is more money being spent on essential items than there was before. So in future governments should be better placed to identify inefficiencies in the system and to therefore find ways to improve government support to individuals and communities. Given the poor policy and muddle-headed ideas that have passed for policy, and ideas of self-determination that have not worked in many respects for the last 30 years because people have just been told, ‘There’s your community, there’s your community council—you go and do it’, it has been pretty much a mess. So our members are saying that this is at least a start to having some settling down of those communities, but there needs to be more done.

The suspension of the Racial Discrimination Act has been touted by opponents of the intervention as something akin to a national disaster. But it is very clear to the Women’s Council members that the rights of many were previously ignored, in particular women and children, the aged and those with disabilities. Given the service delivery that the organisation provides, I think it can speak very clearly about the vulnerability of those groups of people. It has also been ignored by many, we think, who oppose income management. We believe that some of those rights have been greatly improved by the intervention and by income management. It has not solved everything, but it has certainly been a start. Presumably, if the act had not been suspended, the attempts to improve people’s lives would have been entangled in litigation. I am not an expert on discrimination law or special measures but, with respect to special measures case law in Australia, I do not think there is anything terribly recent and it is probably fairly underdeveloped. You could argue, on the basis of some of those various UN conventions that we are talking about, that income management could continue as it is and be a special measure. That is perhaps a risk the government does not want to take—I don’t know; I am not privy to their thinking. People have got their knickers completely in a knot about the suspension of the act, but at the same time the UN conventions and elements of international law that try to protect people who are vulnerable have not rated a mention, have been ignored for years. In the years that I and my predecessors, and the women I am working with, have been dealing with this, we have not heard much from the people who are now opposed to the intervention on the ignored rights of many people in remote communities. So the suspension of the Racial Discrimination Act was of less concern to the Women’s Council members than the substantive issues of health, safety and the wellbeing of Anungu and Aboriginal people in the region.

The Women’s Council supports the introduction of income management into non-Aboriginal communities that have similar socioeconomic profiles. At the very least they support that. They have also said that these changes could be brought in nationally. They are well aware that there are non-Aboriginal people living in urban areas, and rural and regional areas, who are on benefits and whose kids do not get sent to school and who spend their benefits on drugs. They would be quite happy to see that. The problem they have with the changes—while the organisation and the women understand that this is not politically palatable, and is never going to be able to be brought in by any party that is in power—is not having aged and disability pensions quarantined. I imagine the parliament would be burnt to the ground before that would happen across the country. They are very concerned about those people not remaining on income management in remote communities, because they are the most vulnerable, they are the ones who get humbugged, they are the ones least able to stick up for themselves.

I went to a FaHCSIA meeting yesterday where it was said by the deputy secretary, Barry Sandison, and his offsider Gavin Matthews—and it is in the policy papers—that there can be reports by Centrelink social workers and child protection workers, but a lot of people in remote communities who have disabilities do not have a local advocate. These people may not have someone in their family who advocates for them, because sometimes it is the family members or extended family members who are humbugging them for their income. A 28-year-old bloke with serious acquired brain injury who has been a sniffer cannot put his hand up and say, ‘Hello; I’m vulnerable.’ Many communities do not have a women’s council, disability or aged advocate visiting regularly or a large number of Centrelink social workers or other advocates. So I am not sure how these people are going to be found.

That is what the members are worried about—that the most vulnerable, who the current and previous government have stated before are quite clearly amongst the group that most needs to be protected, are going

to be left off this. I do not know whether they actively have to opt out; that might make a difference. We can see the difficulty for the government. It is not going to be able to impose this across the country. At the same time, is there a way for it to be a special measure? I have been reading through the minutes of the last directors meeting, where they were saying: 'These are the people who need it the most. These people will get attacked for their money. These people will be humbugged.' And, sadly, it is true that old people and people with disabilities are not exempt from family demand sharing. We see that time and time again. It is a sad but true fact of life.

**CHAIR**—Ms Gillick, are there many other things you want to get on the record? There is going to be limited time for questions anyway, and I am happy for your evidence just to be a statement, but I am sure some of the other senators would like to ask you at least one question.

**Ms Gillick**—That is the main issue—the members are happy to see an extension. I will just make one more point about resources. The Women's Council approaches things in a tri-state fashion: its work and its funding. It has lobbied for tri-state cross-border policing and for the tri-state justice acts, which may have come into play while I was on holidays but, if not, are certainly not far off. We need to see the region as what it is, a region with commonalities. We need to look at the resources going to the APY Lands for police stations, police housing—all things that the Women's Council has lobbied for, of course—and the two hubs or centres at Mimili and Amata. We are not sure how they were chosen but a lot of Commonwealth money is going into those as part of the Close the Gap program, but there is no income management. Cannabis in particular continues to pour into that area. The Mintabie bill has been passed in South Australia, and there are supposed to be some restrictions on that place, but there is no plan to have a police presence there to monitor the new by-laws. I was told as recently as yesterday that people are still going there for lots of dope.

There is no compulsory income management. A volunteer card system is about to come into use in the stores there, which is going to be administered by the Mai Wiru health policy people at Nganampa, but it is the Women's Council's view that those who need it will not put their hand up—just as those who needed income management prior to this form of income management did not go on Centrepay. It is part of the region but it is also an example of the wider region. Millions of dollars is going into resources there which may just be money wasted if there is not some behavioural change, including but not solely through income management. Similarly, in the Northern Territory, you can pour all the money that you like into renovations or new housing, but without ways to effect behavioural change and have a settling effect on substance abuse and poor behaviour, it may come to nothing—or worse than nothing. That is about the gist of it.

**CHAIR**—We only have a short time for questions. Ms Gillick wanted to come and put her statement on record as there was no submission. There is one question each if senators want to take it.

**Senator SIEWERT**—Can I ask about the Langford baseline study that you mentioned, Ms Gillick. It was a bit unclear from your comments whether it was a consultant that you had taken on or others had taken on.

**Ms Gillick**—No, FaHCSIA put that work out to tender for 29 communities as I understand it.

**Senator SIEWERT**—Is this the longitudinal study?

**Ms Gillick**—Apparently there are two. There is community baseline and there is community profile. They are slightly different, but some of them overlap. There is a lot of money being spent on this, I gather. We were approached by a number of tenderers who contacted the NPY Women's Council and said, 'We'd like you to be involved in this if we get the tender.' We were, sort of, 'We're really busy and we don't really have time and we're not sure about this.' In the end we agreed to assist them for this particular contract because it was someone who had worked in the area for many years and who was known to us. The form of assistance was mainly in coming up with this idea to have an individual attitudinal survey of people.

**Senator SIEWERT**—Is that separate and will that be available? The longitudinal study, as the name suggests, is a long-term survey—

**Ms Gillick**—Their report was due in late last year and I believe they had an extension to January or February. It is all being collated and whatever, and how much they include in that report remains to be seen. However, if it is not all in there the collated survey certainly should be available. It was a very interesting exercise. I did two communities—I did Mimili and Amata—with interpreters and with another woman who has lived on the APY lands for some time. She is very well known to people. We did the first two communities, and then other people who were very good and thorough did the remainder. I mainly did it because there was no-one available. It got local women and men involved—I had one bloke who was doing it

with me, who was very good. He got some local fellas to assist him. It was definitely one-to-one and we were very clear that we were asking people their own ideas, not what they thought someone else should.

**Senator ADAMS**—Thank you very much for your evidence, it was very good. As far as these consultative committees went with the NTER redesign, were your members involved in the tier 1 and 2 consultative committees?

**Ms Gillick**—They may have been, but I have been mainly on leave since early September. I have been doing some work, including that bit of work on the APY lands and some work from home, but I am not familiar with that. I would have to take that on notice and check with the current acting coordinator.

**Senator ADAMS**—If you could; mainly how they were invited, how many attended and where they attended.

**Ms Gillick**—Yes.

**Senator CROSSIN**—Thanks for your information. In terms of the practical application of this legislation, is the position you are putting to us that the income management regime should not change? Or, if it does change, instead of just taking people who may get a pension or a disability pension off and they opt back in, they should all stay income managed, then one-by-one Centrelink should case manage them and move them off, if that is what they want?

**Ms Gillick**—The directors have said that they are happy for it to be extended across the Northern Territory to non-Aboriginal communities. They are happy for the extension of income management; so for staying as it is for Aboriginal communities the answer is ‘yes’, that is what they would prefer.

**Senator CROSSIN**—I see.

**Ms Gillick**—Extending it further to the non-Aboriginal populace, yes, that is fine. What they are concerned about is that they believe people on age pensions and disability benefits should stay on it, because in the past they have been, and they will be again, more exposed if other members of the community are aware that they are being paid the entire 100 per cent in cash or in the bank, a cheque or whatever.

Again, my reading of it—in trying to go over this with the directors—is that this is not an easy thing for government to deal with, given that it wants to continue some form of income management. Whether you agree with it or not, objectively I do not think it is an easy thing. If you are trying to get a model across the Northern Territory that you can then apply across the country and which members would agree with, it is clearly going to be impossible to convince the general populace, particularly the non-Aboriginal populace, that they should spend half their age and disability payments on necessities, and force them to do so. Now, it is hard to imagine that people would not spend half of that income on necessities, but clearly a lot of people would not want to be told to. So I guess what we are asking—and again you come up against the argument of what is a special measure—is: can some way be found, for the rest of the distance that this has to go, for people to stay on that income management?

**CHAIR**—Senator Furner.

**Senator FURNER**—Your organisation’s 2007-08 annual report deals with child nutrition programs. Given that that was back in 2008, do you have any evidence to demonstrate that as a result of the NTER there have been improvements in that particular area?

**Ms Gillick**—Again, I might have to take that question at least partly on notice, but, from discussions with Liza Balmer, who has been the child nutrition manager for many years and is now working as a deputy coordinator of the organisation, yes. I had a discussion with her a few months ago about at least one of the four NT member communities where we have no failure-to-thrive clients under five, and she put that down largely to the income management. I can certainly find out about the others. That is one area of the Women’s Council where there has been little bit of extra funding from the NTER. We have not had much, but there has been a little bit of extra child nutrition funding specifically for the NT. So I can certainly find that out.

**Senator FURNER**—Okay.

**Senator SIEWERT**—Is that through the schools program?

**Ms Gillick**—No, no. The Women’s Council have run a child nutrition and wellbeing program for about 15 years, I think.

**Senator SIEWERT**—So you got extra funding for that program?

**Ms Gillick**—It is funded by FaHCSIA, but there was some additional funding, which I think has had to be reported on separately, of course! It is another form of acquittal—specifically, as part of the NTER. It was only about \$100,000 and something a year. But, regardless of when that additional funding kicked in, I think there have been some improvements at least in one and maybe all of those communities, but I can check that because they keep very rigorous statistics—well, they have to—on that.

**CHAIR**—Thank you, Ms Gillick, we really do appreciate your coming in this afternoon and giving us the evidence from your council. We do value the information they provide to and their cooperation with this committee over many years. Also, good luck with what you are choosing to do in the future. That ends the committee hearing today. Thanks to Hansard. Thank you to all the people who attended and to the number of people who came in and filmed. Thank you very much.

**Committee adjourned at 4.22 pm**