

**REPORT ON THE NORTHERN TERRITORY  
EMERGENCY RESPONSE REDESIGN CONSULTATIONS**



Australian Government



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Please be aware that this report may contain the images and names of Aboriginal and Torres Strait Islander people who have passed away.

## **REPORT ON THE NORTHERN TERRITORY EMERGENCY RESPONSE REDESIGN CONSULTATIONS**

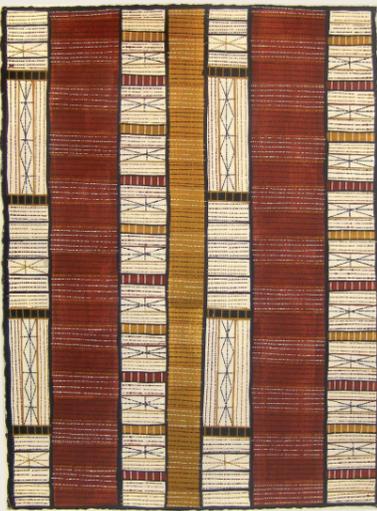
*A Traditional Owner addressed the group and said 'it is important that we tell these people what is going on, you have to speak up about any concerns you may have. As a community we have been struggling pretty hard at these things that we were going to talk about in the book, the book makes it clear about the discussion that is going to happen today, we want to see things happen'.*

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This quote was recorded in an NTER redesign community consultation in August 2009.  
The 'book' refers to the Government's Discussion Paper.



**Australian Government**

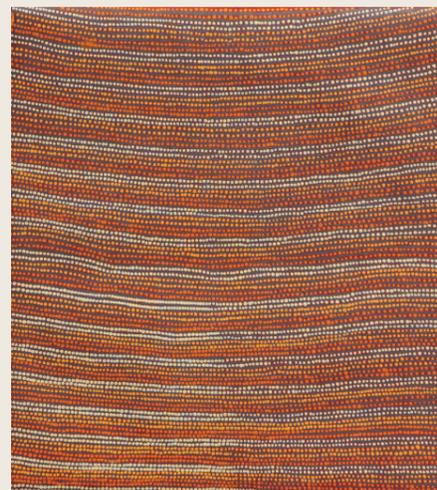


**Pedro Wonaeamirri**

*Jilamara* 2009

Ochres on 600gsm weight paper 76cm x 57cm  
 Image courtesy Jilmara Arts & Crafts Association, Winnellie.  
 © the artist 2009 licensed by Arts & Crafts Association, Winnellie.

Pedro Wonaeamirri is a Tiwi Islander artist who is carrying on the 'Jilamara' or 'good design' painting tradition of the Tiwi Islands. He uses the traditional painting comb, the pwoja, and natural ochres from around Milikapti in his work. The style and designs have been learnt and inspired from watching older generations of Tiwi painters and from looking at artworks in museums and galleries. The designs represent body scars and body painting for ceremonies. The body painting provides a disguise and protection from the spirits. Pedro is also a traditional dancer who performs in ceremonies and at major events. Pedro has a deep interest in Tiwi culture and in passing it on to younger generations.



**Payu Napaltjarri**

*Untitled* 2008

Acrylic on Belgian linen 61 x 55cm  
 Image courtesy Papunya Tula Artists, Alice Springs  
 © the artist 2009 licensed by Aboriginal Artists Agency, Sydney.

Payu Napaltjarri is a Pintupi artist. She was born in the western desert at Karliwarra Rockhole west of the Pollock Hills. In the 1960s her family came out of the desert and were brought by the welfare patrol to Papunya where they settled. Payu has also lived at Balgo and Kintore. Payu was married to Freddie West Tjakamarra, a founding member of Papunya Tula Artists. Payu returned with him to the western desert community of Kiwirrkura in Western Australia during the homelands movement. Payu is the mother of six children. Payu's art story, as with many Pintupi women's stories, concerns food gathering. It relates to a water source where women gathered to collect desert raisins and hold ceremonies. Payu and other members of her family have continued their association with Papunya Tula Artists.

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## Foreword



Since coming to office, the Government has committed itself to resetting the relationship with Indigenous Australians based on the principles of mutual respect, cooperation and mutual responsibility.

The National Apology was an important step in moving towards a new relationship between Indigenous and non-Indigenous Australians. In responding to the Review of the Northern Territory Emergency Response (NTER) in October last year, I said that the Australian Government would continue and strengthen the NTER to protect women and children, reduce alcohol-fuelled violence, promote personal responsibility and rebuild community norms. The Government also agreed that the NTER would continue to be progressed in genuine consultation, engagement and partnership with Aboriginal people and with respect for their human rights and in conformity with the *Racial Discrimination Act 1975*.

The Government is strongly committed to restoring the operation of the Racial Discrimination Act in relation to the NTER and will honour this commitment with legislation to be introduced into the Parliament shortly. At the same time, the Government also recognises its obligations to protect the safety and wellbeing of vulnerable people.

Extensive consultations with Indigenous communities throughout the Northern Territory were undertaken to encourage their input into the legislation. Over 500 consultations were conducted in more than 73 remote communities and town camps affected by the NTER. There have also been workshops with regional leaders and stakeholder organisation representatives in Tennant Creek, Katherine, Nhulunbuy, Alice Springs, and in Darwin including the Northern Territory Government's Indigenous Affairs Advisory Council. This makes this process one of the most comprehensive consultation processes conducted by government with Aboriginal people in the Northern Territory.

Many people have had their say during the consultations which ran from the beginning of June to the end of August. I am pleased to introduce this report which draws together the wide diversity of views expressed.

On behalf of the Australian Government I acknowledge and sincerely thank the Traditional Owners on whose country these consultations took place.

The engagement process has involved many people in Aboriginal communities across the Northern Territory who took the time to come to consultation meetings and contribute their views. The Government gratefully appreciates their time and contributions.

The Government also extends its appreciation to the members of the Northern Territory Indigenous Affairs Advisory Council, and regional community leaders and stakeholder representatives who participated in the regional workshops.

The assistance of interpreters from the Aboriginal Interpreter Service of the Northern Territory Department of Local Government and Housing was an especially valuable contribution and provided the basis for learning more about the role and use of interpreters for future cross-cultural engagement activities.

Indigenous Coordination Centre managers and their staff, Government Business Managers, Indigenous Engagement Officers and staff of the Northern Territory State Office of the Department of Families, Housing, Community Services and Indigenous Affairs have actively supported the consultations by facilitating meetings and recording the many discussions. Their efforts are much appreciated.

A handwritten signature in black ink that reads "Jenny Macklin".

**Jenny Macklin MP**

Minister for Families, Housing, Community Services and Indigenous Affairs

## Executive Summary

### Engagement approach

From June to the end of August 2009, the Australian Government conducted extensive consultations with Aboriginal people in the Northern Territory about future directions for the Northern Territory Emergency Response (NTER). Some consultation meetings also took place in late May and early September.

In its response to the report of the NTER Review Board, the Government said that it would introduce legislation into the Parliament in late 2009 to bring existing NTER legislation within the scope of the *Racial Discrimination Act 1975* (RDA).

On 21 May 2009, as a starting point for discussion through the engagement process, the Government released a Discussion Paper titled *Future Directions for the Northern Territory Emergency Response* (the Discussion Paper) setting out proposals to redesign the following NTER measures:

- income management;
- alcohol restrictions;
- pornography restrictions;
- five-year leases;
- community store licensing;
- controls on use of publicly funded computers;
- law enforcement powers; and
- business management areas powers.

The engagement process was delivered through a comprehensive four-tiered consultation approach involving:

- an ongoing process in which individuals, families and small groups were able to provide their views

to Government Business Managers (GBMs) and Indigenous Engagement Officers (IEOs) in their communities throughout the consultation period (Tier 1);

- whole-of-community meetings in almost all communities and town camps affected by the NTER (Tier 2);
- workshops involving people from NTER communities as well as Indigenous leaders in particular regions (Tier 3) – these workshops were held in Alice Springs, Darwin, Katherine, Nhulunbuy and Tennant Creek; and
- workshops with major Indigenous stakeholder organisations in the Northern Territory, and a separate workshop with the Northern Territory Indigenous Affairs Advisory Council (Tier 4) – these workshops were held in Alice Springs, Darwin, Katherine, and Nhulunbuy.

The consultations involved people in all 73 NTER communities as well as several other Northern Territory Aboriginal communities and town camps. There were over 500 Tier 1 and Tier 2 consultation meetings in communities, as well as eleven Tier 3 and 4 workshops with regional leaders and stakeholder organisations. A total of 277 people attended the Tiers 3 and 4 workshops; 176 in Tier 3 and 101 in Tier 4. The majority of participants were Indigenous people who either nominated as individuals or were selected by their community or organisation to speak on the community's or the organisation's behalf.

The views expressed in these meetings and workshops are summarised in this report.

## Key themes and messages

While the engagement process elicited a diverse range of views including on matters beyond the scope of the Discussion Paper, there were some common themes and messages to emerge across all eight NTER measures. These included:

- the need for and desire of Aboriginal people to take greater ownership of solutions to the problems that the NTER is seeking to address;
- that Aboriginal people valued the opportunity for genuine consultation and involvement in the development of policy and programs to address these complex problems, and considered this to be central to achieving successful, long-term outcomes;
- that children, the elderly and women were now feeling safer, better fed and clothed, they were getting a better night's sleep, and there was less humbugging for money for alcohol, drugs and gambling. This was attributed to the combined effect of various NTER measures, in particular income management, alcohol restrictions, community store licensing and increased police presence;
- while women commented most frequently on the benefits of income management and alcohol restrictions, men also commented frequently on the benefits of these measures, although many also said that the NTER had shamed many caring and responsible men;
- that attention to implementation and service delivery is critical to achieving intended outcomes as poor implementation and service delivery compromises beneficial outcomes, compounds perceptions of unfairness and marginalisation, and erodes trust in government;
- the need to better understand the particular challenges of language, literacy and the dynamics and capacity of remote communities in the communication of policy and program change; and

- a pervasive feeling amongst Aboriginal people in the Northern Territory that different standards have been applied to them, compared with other Australians, and that the NTER has accentuated racial divisions in some communities and townships.

Amongst participants in this engagement process, there was strong support for the Australian Government's decisions to ensure that the NTER measures respect Australia's human rights obligations and conform with the RDA, and to reset the relationship with Aboriginal people based on genuine consultation, engagement and partnership.

Many people at the consultation meetings said that they had felt hurt, humiliated and confused by the way the NTER had initially been implemented.

Community leaders and stakeholder organisation representatives were very critical of the manner in which the NTER was initially introduced. In particular, they referred to the lack of initial consultation, the blanket approach to measures, the embarrassment caused by the introduction of income management, the requirement to use the BasicsCard, and the road signs notifying the alcohol and pornography restrictions.

The NTER redesign process was acknowledged by many participants in the consultations as providing an opportunity for people to air this hurt and anger, as well as to indicate that in some areas their lives had improved tangibly. There was a strong message that such improvements needed to be sustained through the continued and active partnership of communities, individuals and government.

The Northern Territory Indigenous Affairs Advisory Council, the Northern and Central Land Councils, and a range of stakeholder organisations, while not agreeing with every aspect of the Government's approach to the NTER redesign, welcomed the Government's commitment to remove the provisions in the previous Government's NTER legislation that suspended the operation of the RDA. Stakeholder bodies and community leaders made articulate contributions that

appreciated the complexity of the challenges and showed a commitment to continuing practical and pragmatic approaches that deliver real improvements in people's everyday lives.

## Individual measures

### Income management

Across the range of consultations, participants identified that income management had delivered discernible benefits, particularly to children, women, older people and parents and families. The benefits included more money being spent on food, clothing and school-related expenses; assisting with saving for large purchases such as fridges and washing machines; less money being spent on alcohol, gambling, cigarettes and drugs; reduced levels of 'humbugging' (or harassment for money); and improved capacity for household budgeting.

Views on whether income management should continue were not expressed at every consultation meeting. Where this issue was discussed, the majority of comments said that income management should continue and a minority said it should cease.

There was a divergence of views about future options for income management, with discussion ranging beyond the two options outlined in the Discussion Paper. In comparing the two options presented, there was a slight overall preference in the Tier 1 and 2 meetings for the option whereby people could apply for an exemption from income management based on an assessment of their circumstances (the exemption option). There were also many calls for income management to be applied only on a voluntary basis.

Many of those who favoured the exemption option expressed the view that people who had proven their capacity to manage their money and who were responsible in caring for dependants, or had no dependants, should not be income managed.

On the other hand, there were some participants who suggested that retaining the current model is necessary

for income management to be workable and to protect vulnerable people from humbugging.

In Tier 2 meetings, people frequently said that income management should apply to all welfare recipients across Australia.

The majority of participants in Tier 3 and 4 workshops saw income management as being beneficial to those who may need it due to behavioural issues, or who wish to use it as a tool to manage their money. Participants in these workshops expressed a strong and consistent view in support of voluntary and trigger-based models for income management, in preference to either of the Government's proposed options. Suggested triggers included child neglect or abuse, failure to send children to school, convictions for alcohol or drug related offences, vulnerability to humbugging, or an express request to participate in income management.

Participants also expressed a strong preference that communities themselves should actively be involved in making decisions about income management.

The way in which income management was implemented attracted a large number of comments from across the NTER communities. The most frequently mentioned problems relate to the operation of the BasicsCard and provision of support and information to BasicsCard holders. Issues raised in relation to operation of the BasicsCard and support and servicing of BasicsCard holders have been directed to the responsible agencies.

### Alcohol restrictions

The main benefit of the NTER alcohol restrictions identified in the consultations was less violence and quieter communities. Where comments were made separately by women and men, women commented on these benefits slightly more frequently than men.

On the other hand, a sizeable number of people said that alcohol-related problems in their community had worsened since the NTER. People in communities that did not have alcohol restrictions before the NTER more frequently said that the situation had worsened

since the NTER than did those from communities that were dry before the NTER (i.e., already had local restrictions). Northern communities perceived more strongly than southern communities that there were more problems with alcohol since the NTER. Women raised concerns about the NTER alcohol measures more frequently than men.

Concerns identified with the alcohol restrictions included more 'grog running', dangerous drinking outside town boundaries, invasion of personal privacy and breaches of rights, increased road accidents and personal injury due to unsafe drinking practices, and deterioration in relationships between communities and the police. Women and people in smaller communities commented more frequently than others on perceived increases in 'grog running' and problems related to this.

A consistently expressed concern was that extensive use of 'drinking paddocks' outside the boundaries of the prescribed areas, where the NTER alcohol restrictions apply, has increased the risks to the safety of drinkers. There were concerns expressed in some consultation meetings about the emergence of a binge drinking culture. Dangerous drinking outside the boundary of the prescribed areas was raised more frequently by northern communities than by southern communities, and by communities that were not dry before the NTER.

Despite the concentration of concerns expressed about the effectiveness of the NTER alcohol restrictions, the strong consensus from the Tier 1 and 2 consultations was that the restrictions should continue. Women indicated very strongly that the NTER alcohol restrictions should remain in force. This underlined the views of the majority of people who participated in the community consultations that alcohol and other substance misuse was not welcome and had caused too much personal grief and community disruption for too long. However, in the Tier 3 and 4 consultations there were mixed views, with some participants saying the NTER alcohol restrictions should continue, while others said they did not work.

There was mixed support for a community-based approach to setting alcohol restrictions, with many seeing this as providing an opportunity to foster a responsible approach to alcohol consumption, including through negotiation of alcohol management plans. This approach was more strongly supported in the Tier 3 and 4 workshops than in Tier 1 and 2 community discussions.

A clear message from Tiers 3 and 4 was that one size does not fit all and that local responses are needed to address alcohol misuse, which was acknowledged as one of the most serious issues facing Aboriginal people in the Northern Territory.

### **Pornography restrictions**

Across the community meetings and regional and stakeholder workshops, the most frequent comment on this measure was that people do not want pornography in their communities and are satisfied to have the NTER restrictions continue.

People in communities preferred to comment on the existing NTER restrictions than on the proposed changes to these restrictions. It appears that people found it difficult to understand the proposed alternative approach whereby people could ask to have pornography restrictions applied in their communities. The more frequent response was to retain the restrictions as they are.

There was a widespread view that pornography is difficult to control because of the ready availability, on free-to-air and pay television, mobile phones and the internet, of material that was considered inappropriate for children to see. Parents expressed frustration that they were fighting a losing battle to protect their children from accessing pornographic or violent material. Addressing these concerns in relation to all these media platforms involves considerations beyond the scope of the NTER redesign process, which was focussed on the existing NTER legislation. These concerns have been conveyed to the Australian Government Attorney-General's Department and the Department of Broadband, Communications and the Digital Economy

(the department responsible for administration of policy on broadcast content and online content) for appropriate attention.

There were frequent comments about the road signs notifying the pornography restrictions. Some participants said these stigmatised the whole community as users of pornography, and many said they felt humiliated and experienced a sense of shame because of the presence of the signs. It was also suggested that the signs had the unintended consequence of raising awareness of pornography among children and heightening young people's curiosity about it.

A significant number of participants believed that the signs should be removed because they are offensive. On the other hand, a small number of people supported the retention of the signs because they said that they made it clear, especially to outsiders, that alcohol and pornography was restricted and not to be brought into communities. There were suggestions that the language on the signs could be reworded to be more respectful of people living in communities and more culturally appropriate.

### **Five-year leases**

Participants in Tier 1 and 2 meetings tended to engage with the subject of leasing as a general issue, rather than in response to the specific proposals for the five-year leases put forward in the Discussion Paper. As a result, community members tended to confine their views to whether five-year leases should be retained or removed, rather than specific problems or benefits. Of the small number of comments received on this question in Tier 1 and 2 meetings, support for continuing the five-year leases was higher than for discontinuing them. Support for their continuation was expressed more frequently in Tier 1 than in Tier 2 meetings.

There were frequent comments that people did not understand the leasing arrangements and there was some confusion between five-year leases, township leasing and voluntary leasing.

In some consultations, this topic was not discussed, or was discussed only briefly, because the community was not subject to five-year leasing or the people present deferred to the Traditional Owners or the Land Councils on this matter.

The comments in relation to benefits reflected the frustration with delays in the delivery of housing renovations and rental payments.

There were requests for the rental payments from the Australian Government to be made as soon as possible, although in some communities people requested that payments be distributed to the community and not to the land owners as is required under the relevant legislation.

There were also frequent comments across all tiers on the need to deliver new housing more quickly, even though new housing was not linked to the five-year leasing arrangements. The provision of housing is being addressed under the Strategic Indigenous Housing and Infrastructure Program, which runs in parallel with, but it is not a part of, the NTER.

### **Community store licensing**

The overall view was that the community store licensing scheme has delivered considerable improvements in the range and quality of food and household items available from local stores, especially fresh and healthy food, including fruit, vegetables and meat.

General concerns were raised about high prices of goods in remote community stores, relationships with store owners, employment of Indigenous people in the stores and ownership of stores by Indigenous people. These matters go to issues that are not directly linked to store licensing.

There was strong overall support for continuing the licensing arrangements, and little disagreement with the strengthened licensing requirements proposed by the Government.

Some people spoke about Outback Stores. People who made comments in communities with an Outback Store generally reported that the store now offered improved choice and quality of goods, though prices were still expensive.

### **Controls on the use of publicly funded computers**

The strongly prevailing view from those who commented on this measure was that the current controls on the use of publicly funded computers are a good idea and should continue.

In many communities this issue was not seen as a concern. This is because the primary responsibility for complying with this measure lies with the boards and managers of service provider organisations that have publicly funded computers.

Some comments indicated that there were no or few computers in the community that could be accessed by community members and therefore the risk of exposure to undesirable material is low. Some people said that in the future there would be more computers, including publicly funded computers, in communities and this would increase the risks especially for children. The measure was described by some people as a safeguard against these risks.

### **Law enforcement powers**

While there was discussion on the pros and cons of retaining this measure, people generally were prepared to support its retention and to see how it worked out. Around half of the whole-of-community meetings (Tier 2) indicated that this measure should be retained. A consistent theme from the consultations was that people valued the confidentiality protection available under this measure because it made people feel safer and more confident about disclosing information about possible criminal activity. People working in communities such as teachers, nurses, and doctors as well as community members, were able to make reports.

In Tier 3 workshops, however, concerns were raised that this protection may not be maintained when

matters are referred to the police and once matters enter the court system, leaving people who have made reports open to retribution when they return to their communities.

Another consistent theme across all four tiers of the engagement process was that the Australian Crime Commission (ACC) needs to provide better, more accessible information and a contact telephone number that people in NTER communities could call to make reports.

A number of comments welcomed the additional police resources or wanted more police in communities. There were some comments that police, night patrols and communities worked well together, and that communities were safer and there was less violence because of the increased police presence as a result of the NTER. There were also comments about instances where relationships between community members and police were poor, and suggestions that the situation could be improved by police performing their duties with more cultural awareness, respect and sensitivity.

### **Business management areas powers**

There was little awareness or understanding of this measure because the powers had not been used and had not affected people. Regional community leaders and stakeholder organisation representatives would be expected to have a more detailed understanding of these provisions. In Tier 3 and 4 workshops, several community leaders and organisation representatives said that the powers should be retained to allow the Government to cease funding non-performing community organisations and to bolster their governance.

### **Structure of the consultation report**

This report provides an introduction and background to the NTER redesign engagement process. It then presents for each of the measures a summary of the key themes and messages expressed by participants across the four tiers of consultation.

Extracts from feedback reports are provided to illustrate the comments made at the consultation meetings. Care has been taken to ensure that individuals who have made the comments or the communities to which they refer cannot be identified.

The Appendices provide details of the engagement process, including the questions relating to each measure that were used as the basis for discussions, and the locations and numbers of consultation meetings.

This report is available on the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) website at [www.fahcsia.gov.au](http://www.fahcsia.gov.au).

## Introduction

This report provides a summary of the feedback received in community and stakeholder consultations on future directions for the Northern Territory Emergency Response (NTER).

### Background

The NTER was announced by the previous Australian Government in June 2007. The NTER legislation included provisions that excluded the operation of the *Racial Discrimination Act 1975* (RDA) in relation to a number of the NTER measures.

The current Government, elected in November 2007, made a commitment to continue the NTER because of the need to help protect children and make communities safer. The Government also made a commitment to review the NTER after the first 12 months of operation of the NTER.

The independent NTER Review Board reported to the Government in October 2008. The Review Board found that the situation in remote Northern Territory communities and town camps remained sufficiently acute to be described as a 'national emergency'.

On 23 October 2008 the Australian Government made its initial response to the report of the Review Board. The Government accepted the three overarching recommendations of the Review Board's report, that:

- the Australian and Northern Territory Governments recognise as a matter of urgent national significance the continuing need to address the unacceptably high level of disadvantage and social dislocation being experienced by Aboriginal Australians living in remote communities throughout the Northern Territory;

- in addressing these needs both governments acknowledge the requirement to reset their relationship with Aboriginal people based on genuine consultation, engagement and partnership; and
- Government actions affecting Aboriginal communities respect Australia's human rights obligations and conform with the RDA.

Further, the Government committed to introducing legislation into the Parliament, to bring existing NTER legislation within the scope of the RDA, in the 2009 Spring sittings of the Parliament. This was to follow an extensive engagement process with people in communities and town camps affected by the NTER.

Existing NTER measures have continued during the engagement process, and will continue until the Parliament considers and passes legislation to redesign the measures.

### Discussion Paper

On 21 May 2009, the Government published a Discussion Paper, *Future Directions for the Northern Territory Emergency Response*, setting out how it proposed to redesign the NTER measures to improve their operation, while conforming with the RDA. In releasing the Discussion Paper, the Minister for Families, Housing, Community Services and Indigenous Affairs, the Hon Jenny Macklin MP, said:

*"The Australian Government wants to bring the achievements of the Northern Territory Emergency Response into a framework that looks to the long term and respects human rights."*

The Discussion Paper noted the Government's particular interest in improving the NTER so that vulnerable groups, including women and children, could lead safe and healthy lives.

The measures addressed in the Discussion Paper are:

- income management;
- alcohol restrictions;
- pornography restrictions;
- five-year leases;
- community store licensing;
- controls on use of publicly funded computers;
- law enforcement powers; and
- business management areas powers.

For these measures the Discussion Paper posed specific questions for discussion with people in NTER communities, stakeholder organisation representatives and opinion leaders. The list of questions, or consultation guide, is provided at **Appendix 1**.

## Engagement process

From June to the end of August 2009, the Australian Government conducted extensive consultations with Aboriginal people in the Northern Territory about future directions for the NTER. Some consultation meetings also took place in late May and early September.

The Government publicly indicated that the proposals in the Discussion Paper were a starting point for discussion, and that it would consider other views, ideas and proposals put forward during the engagement process.

The engagement process was delivered through a comprehensive four-tiered approach involving:

- an ongoing process in which individuals, families and small groups in communities were able to provide their views to Government Business Managers (GBMs) in their communities on an open-door basis (Tier 1) – 444 of these meetings were held;

- whole-of-community meetings led by Indigenous Coordination Centre (ICC) managers and GBMs to gather the views of those in all communities and town camps affected by the NTER (Tier 2) - 109 of these meetings were held;
- six regional workshops of 2-3 days duration involving community people from NTER communities as well as Indigenous leaders in particular regions (Tier 3). These provided an opportunity for more detailed examination of issues and options related to each of the NTER measures; and
- five workshops with major Indigenous stakeholder organisations in the Northern Territory, including a workshop with the Northern Territory Indigenous Affairs Advisory Council (Tier 4).

The consultations involved all 73 NTER communities and several other Northern Territory Aboriginal communities and town camps.

A total of 277 people attended the Tiers 3 and 4 workshops; 176 in Tier 3 and 101 in Tier 4. The majority of participants were Indigenous people who either nominated as individuals or were selected by their community or organisation to speak on its/their behalf. Some were supporters of the NTER, others were opponents.

It is not possible to be certain of the total number of participants in Tiers 1 and 2 because people moved in and out of the meetings and some people participated in more than one meeting and more than one tier of consultation. Meetings ranged in size from one person to an estimated attendance of 140 at one Tier 2 meeting.

The aim was to provide people with a range of opportunities to participate and provide their views. The four tiers and the different kinds of people who participated in each tier reflects the wide scope and reach of the consultations.

People from a wide range of age groups and backgrounds participated in Tier 1 meetings including older traditional men, elders, young women, youth,

extended family groups and couples with children. The Tier 2 community workshops were well attended by a cross-section of community members in each community. There were several meetings in Tiers 1 and 2 and one Tier 3 workshop where men and women held separate meetings.

Regional leaders attended Tier 3 meetings, the majority being prominent leaders with authority to speak on behalf of their community. Representatives of service delivery and stakeholder organisations attended Tier 4 meetings including several Aboriginal shire councillors and mayors. Several high profile Northern Territory Indigenous leaders participated in those discussions. The Tier 4 workshops also attracted several key non-Indigenous community leaders including several shire mayors and church leaders. At most meetings there was lively discussion and active participation.

The planning of the engagement process incorporated strategies to provide opportunities for vulnerable, shy and hard to reach people to convey their views in a way that was comfortable, safe and flexible for them. The Tier 1 meetings proved particularly important in this regard (see comments below under *Oversight of the engagement process*).

The open-door Tier 1 meetings with local GBMs enabled anyone in the community to come and talk with the GBM about their concerns and views and many people took up this opportunity, individually or in family groups. The consultation process allowed GBMs and ICC staff to work collaboratively in the planning and rollout of Tier 1 and Tier 2 consultations. Their relationships with people on the ground have been central to the positive outcome of the consultations.

Indigenous Engagement Officers (IEOs) played an active role in the consultations and in some communities assisted with one-on-one and small group discussion that took place around larger community meetings. The relationships of IEOs with people in communities, their language skills as well as their personal and professional associations, demonstrated the importance of their role and contributed significantly to the success of the consultations.

**Appendix 2** provides details on the arrangements for each tier of the engagement process.

**Appendix 3** provides information on the number of Tier 1 and 2 consultations in each community.

**Appendix 4** provides summary information on participation in the Tier 3 and 4 workshops.

## Communication materials

Aside from the Discussion Paper, a range of information materials were developed and provided to GBMs and participants to assist in explaining the NTER and the proposals for redesigning the various measures. These included flip charts, posters, a DVD and a handout summarising the proposals.

To inform people that the consultations were taking place and to invite their participation, short advertisements (many of which were translated into local Aboriginal languages) were broadcast on community and local radio, information on the consultations was reported in regional newspapers, notices were placed on notice boards in communities, and GBMs used word-of-mouth and letterbox drops.

## Interpreters

While some communities are comfortable working in English, the planning for the engagement process took into account the number of communities where English was a second or third language. It also acknowledged the need to cater for varying literacy levels and low levels of access to internet and written communications.

Where they were available, interpreters trained in local Indigenous languages were engaged to assist with the Tier 2 community consultations, and IEOs provided valuable assistance in an interpreter role at many Tier 2 and some Tier 1 meetings.

The use of interpreters to assist with the Tier 2 meetings therefore was an integral part of the engagement process. The large scale of the arrangements presented particular challenges. Another challenge was the diversity of Indigenous

languages that may be spoken in a community. Interpreters had competing demands and some were not able to attend on the day because of an urgent priority elsewhere or illness or cultural obligations.

Interpreters were present in almost two-thirds of the Tier 2 consultations. The assistance of interpreters, including IEOs and community members who interpreted voluntarily, was important in helping many people understand concepts that they had previously not been able to ask questions about.

The presence of an interpreter enabled people to ask questions and, in this way, raised the level of engagement on, and understanding of, the proposals. For example, one GBM reported that some people had thought the business management areas powers were about the role of GBMs and that the interpreter had helped clarify this measure. This increased understanding was reciprocal, with government officials through the assistance of interpreters, also gaining a better appreciation of the experience of Aboriginal people with some measures.

The following are examples of comments from GBMs and ICC Managers on the contribution of interpreters.

- *Liked the fact that there were interpreters present because it meant that the men could discuss things in language and the interpreters could pass on the message.*
- *Having male and female interpreters was a huge help today - made the communication process much easier with two way communication flow.*
- *The interpreters both did a fantastic job. The consultation was over 3 hours long and dealt with very difficult subject matter.*

Interpreters, therefore, strengthened the face-to-face communication in this engagement process. This experience with interpreters highlights the challenges of cross-cultural communication and the need for more capacity-building for departments, agencies and officials to better use the services of interpreters and translators in their work with Indigenous communities in remote Australia.

### Oversight of the engagement process

The engagement process was overseen by the Cultural and Indigenous Research Centre Australia (CIRCA). CIRCA observed a sample of Tier 2 community consultation meetings and one Tier 3 workshop to assess whether people attending the meeting were given a fair opportunity to put forward their views and whether the consultations were open and accountable. CIRCA also reviewed the feedback reports from those meetings for assurance that they were a fair representation of the discussion and the views expressed.

Early in the engagement process, some changes were made in response to suggestions from CIRCA, including:

- encouraging GBMs to offer Tier 1 meetings ahead of the Tier 2 meetings so that participants could ask questions and be more informed about the measures and proposals before they attended the Tier 2 meetings; and
- amending the reporting template (referred to below) to indicate whether an IEO was present.

These changes were incorporated into the arrangements for subsequent meetings.

At the end of the consultation period CIRCA provided a report which concluded that the consultations meetings had been conducted in a way that was open and fair. CIRCA noted that facilitators encouraged open discussion and emphasised the importance of people having their say. CIRCA commented that the feedback reports from meetings accurately reflected the content of the consultations.

CIRCA also commented that the Tier 1 meetings were a “critical component” in the overall consultation process because they provided an avenue for people to learn about the consultations and to speak and be heard, given protocols in some communities prevent certain people from speaking at larger public meetings. A copy of CIRCA's full report is available from the FaHCSIA website at [www.fahcsia.gov.au](http://www.fahcsia.gov.au).

### Learning by doing

To review progress and to improve the engagement process as it went along, a reflection meeting was held with ICC Managers, GBMs and IEOs after the first month of consultations. Adjustments were made to the process as a result of this meeting which was also attended by advisers from CIRCA.

### Recording the views of participants

An electronic template was developed to collect the feedback and views from the consultation meetings. The same template was used for Tier 1 and 2 meetings. The template included the Discussion Paper questions. The template was completed by the meeting convenors, facilitators or scribes from notes taken at the meetings. Notes were taken by the convener, facilitator or scribe of each meeting, for example, GBMs for Tier 1 discussions, ICC managers or GBMs for Tier 2 community meetings and the National Office convenors for Tier 3 and 4 workshops.

The feedback reports for Tier 2 meetings were taken back to communities for verification.

There was no template for Tier 3 and 4 feedback reports. In the case of Tier 3 and 4 workshops the key points were summarised and agreed with the participants during the course of the workshop or shortly afterwards.

### Limitations on interpretation of the consultation data

The consultations were a process of dialogue aimed at seeking a diverse range of views and providing insights into local people's experiences of the NTER and their views on the redesign proposals. The feedback reports from the four consultation tiers provide qualitative rather than quantitative information on the outcomes of the consultations.

The information presented in this report should be read as a summary of information recorded during the consultations. It should not be considered to be representative of all the opinions of all those affected

by the NTER measures. Nevertheless the information presented provides a detailed and informative picture of the issues and concerns of people in NTER communities.

To assist in the synthesis of consultation feedback a quantitative analysis of the qualitative information in the Tier 1 and 2 consultation reports was undertaken by an independent research firm, which also reviewed drafts of this report.

Extracts from the consultation feedback reports are used in this report to illustrate the views that have been expressed. The extracts are not direct quotations from individuals.

### Community concerns about matters other than the NTER redesign measures

The engagement process provided an opportunity for people to speak directly to officials and it was natural that concerns other than concerns about the eight NTER measures would be raised. For example, funding of licensed clubs, the Strategic Indigenous Housing and Infrastructure Program and matters relating to shire and Northern Territory administrative responsibilities were raised. Processes were established to refer these matters to the appropriate agencies for attention.

## Individual NTER Measures – what people said

This section summarises the views expressed on each of the measures against the questions posed in the Discussion Paper. The views from Tier 1 and 2 meetings are presented in some detail and the views from Tier 3 and 4 workshops are presented separately, with any major differences highlighted.

Most people welcomed the opportunity to provide their comments and some used the occasion to talk about other matters of interest. This report focuses on responses relating to the eight NTER measures outlined in the Discussion Paper.

### Income management

Income management was introduced under the NTER to help ensure that people receiving welfare payments use this money in a socially responsible way. Together with other NTER measures, income management was intended to protect the welfare of children and vulnerable people by ensuring that basic needs are met.

People on income management in the Northern Territory have part of their income support and family payments income managed so it can be spent on priorities such as food, clothing and rent. Money set aside includes:

- 50 per cent of most income support and family assistance payments; and
- 100 per cent of most advances and lump sum payments, and of the Baby Bonus (which is paid in instalments).

Centrelink staff help individuals to work out what priority needs their income managed funds will be spent on.

Income managed funds can also be used to pay bills, rent and other expenses, but cannot be used to buy excluded goods such as alcohol, tobacco, pornography and gambling products.

The BasicsCard has been made available as a tool to assist people in buying essential and everyday items using their income managed funds. The BasicsCard can be used at a range of approved supermarkets and stores.

### What people said

This measure attracted the most discussion across the range of consultation meetings.

### Tiers 1 and 2

The responses to the questions in the Discussion Paper are synthesised below and include a number of reported views expressed by participants in the meetings.

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#### What are the main benefits of income management for individuals and communities?

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Across the range of consultations, participants identified that income management had delivered discernible benefits, particularly to children, women, older people, and parents and families. The benefits included more money being spent on food, clothing and school-related expenses; assisting with saving for whitegoods such as fridges and washing machines; less money being spent on alcohol, gambling, cigarettes and drugs; reduced levels of ‘humbugging’ (or harassment for money); and improved capacity for household budgeting.

Women most frequently identified that income management benefited children and there was more food and clothing provided for children. Men also frequently identified these benefits though not as often as women. There were some slight differences in the types of comments about benefits made by people in northern and southern communities. People in southern communities reported on the benefits of more food and clothing for children, and less humbugging slightly more frequently than people in northern communities. People in northern communities mentioned benefits of improved household budgeting and enabling large purchases, for example, whitegoods and furniture, more frequently than people in southern communities.

People were able to identify benefits, even though they may have been opposed to income management or were concerned about problems with its operation.

- *Everyone is complaining, but income management is helping.*
- *At first it was bad to be placed on income management, then got used to it and saw kids with tucker all the time and now it's OK.*
- *Income management is running fine now but it was hard in the start.*

Children, women, parents and families, and older people were identified as groups who benefited most from income management.

The most frequently identified benefits of income management for children included more money being spent on food, clothing and school-related expenses. There were a number of comments that children were looking healthier because of a better diet. The School Nutrition Program was mentioned several times as contributing to this.

- *It's good our kids have food and clothes.*
- *Income management is good because we have enough money for kids' food.*
- *Children are being clothed, fed and are going to school.*

- *It's good for children as they are now getting healthier food.*
- *Kids are getting food as money is going where it is supposed to.*
- *Kids are getting warm clothes.*
- *The clinic is seeing less anaemia and better nutrition and hygiene in children.*
- *Income management is beneficial for some mothers who don't drink. It is also good for allocating money to the School Nutrition Program.*
- *One of the ladies says that she used to get a lot of kids coming around to her place asking for food, and that this doesn't happen now.*
- *Children are getting Christmas presents now.*

A benefit of income management frequently identified by women was that there is less humbugging:

- *Interpreter explained that the group were happy with income management because sometimes their husbands hassle them for money. Income management means that they can save money on their cards for food.*
- *BasicsCard is good, we use it for food. Our money is safe on the BasicsCard as we don't get humbugged for money.*
- *Before the BasicsCard lots of kids were losing weight and going hungry and women were getting bashed up for their bonus money. Some women are not humbugged by people for that baby bonus anymore.*
- *One of the ladies is not income managed but says she is so that people do not humbug her for money.*
- *Income management is helping in some ways, you can shop in town, there is no humbug from drunks and old people get humbugged less. The women agreed that income management is good for families.*

In addition to the reduced incidence of humbugging, a frequently mentioned benefit of income management for parents and families was that it has enabled people to better manage their household budgeting, including planning for major items and utility expenses.

- *There is more money to save for larger items, such as whitegoods.*
- *There is more money for rent, bills and utilities.*
- *Income management is good for parents, it helps them look after their kids.*
- *It helps people to slow down on their spending. People are learning about saving money.*
- *It is good to build up your money on the BasicsCard so you can buy big items.*
- *Use it at the shop here and in town. I got a fridge, table and four chairs and TV. The way it is now it is good, better than before.*
- *People on income management now have money lasting longer for essential items right up to being able to buy things on Saturdays at the community store rather than getting cash in one hit and it all going at once.*
- *I can save on income management to buy stuff like a freezer, TV.*

Some men also said there were benefits for themselves and their families as a result of income management. These benefits included more and better food being eaten, improved budgeting, more money being spent on whitegoods and furniture, less money being spent on gambling and less humbugging.

- *The men said that income management was OK and that it had helped families.*
- *Fathers are saying that it is a good system for the kids.*

- *One being single found it annoying that he had to spend it on food and couldn't buy smokes or takeaway. The other said wife was cooking different tucker that was good. He often has to go with her so he can pay for tucker at the shop.*

The most frequently identified benefits of income management for older people included the reduced incidence of humbugging, better health outcomes, and less need for them to take responsibility for caring for grandchildren.

- *Good to stop people taking money from older people.*
- *Old people are looking healthier, as a result of a better diet.*
- *Income management has been a useful tool for young mothers who have been able to spend more on food. Without it many young mothers pass on feeding responsibilities of the children to the grandparents.*

Conversely, there was a view that older people were more likely to be able to manage their money and therefore less likely to need to be income managed. There were also comments that some older people experienced problems in using the BasicsCard.

Another benefit identified was that less money was now being spent on gambling, alcohol, cigarettes and drugs.

- *We used to play cards all the time; income management has changed this, now our money is going towards food.*
- *It's only the drinkers who are complaining.*
- *It was also commented that the majority of negative sentiment towards income management came from those who engaged in gambling and illicit substances.*

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## What are the main problems with income management for individuals and communities?

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Problems with income management were more frequently identified in whole-of-community meetings (Tier 2) than in individual and family group discussions (Tier 1).

Most problems discussed in relation to the income management measure centred on the operation of the BasicsCard, rather than on broader income management policy concerns.

The most frequently identified problem was that the BasicsCard is too restrictive in terms of what can be purchased using income managed funds. It was frequently mentioned that people were unable to take their children to the show or have vehicles repaired. This problem of limiting the range of purchases was more frequently reported in Tier 2 discussions than in Tier 1.

- *It is good to have that money on the card, although it would be good if it was more flexible to include things like the Darwin show.*
- *Can't take children to events such as show or the cinema – need cash.*

The second most frequently identified problem with income management was that people were restricted in where they can shop because some stores do not accept the BasicsCard.

Other problems identified with the BasicsCard included:

- difficulty accessing balances;
- that it cannot be used interstate;
- that it is difficult for people in remote areas when the card is damaged or lost; and
- that it is too confusing and complicated for older people to understand and manage effectively, including problems remembering the PIN number for their card.

These problems seemed to compound the perceptions of unfairness and marginalisation that many people in NTER communities were already feeling.

A large number of comments highlighted the stigma and embarrassment many people feel about the BasicsCard. This is heightened when the card does not work, or there is insufficient balance on the card, at the time of purchase.

- *People laugh when they see you have a BasicsCard.*
- *'Shame job' when using the BasicsCard.*
- *You line up to buy your food, then the BasicsCard doesn't work and you have to put things back. It is embarrassing.*

There were comments that income management is discriminatory and inequitable. These comments were made more frequently in whole-of-community meetings than in meetings with individuals and family groups. There were also some comments that income management fails to promote personal responsibility in the longer term, and that it punishes those who are doing the right thing.

- *We are putting our hands out to you and asking for our rights back. [Compulsory] income management took our rights away from us – let people have a choice.*
- *Income management should be for all people, not fair that those people living in town don't get income managed.*
- *Everyone is being punished for other people's drinking and gambling and child neglect.*
- *Only those who don't manage their money should be penalised, target those people who drink and gamble instead of buying food for their kids.*
- *Income management never teaches people how to manage their own budgeting.*

While there were a number of comments identifying the benefits of income management for children's schooling, some expressed an alternative view that it restricts the capacity to support children in school, particularly those in boarding school.

- *Not good for a lot of families in this community because they have kids at boarding school and because of income management they cannot give their kids money and then they feel guilty because they cannot give them money.*

Women reported more problems than men with the operation of the BasicsCard. People in northern communities identified feelings of being discriminated against more frequently than people in southern communities.

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## If income management were to continue, how could it be improved?

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The majority of suggested improvements to income management related to providing exemptions for 'responsible' people, old people and people without children. There were some specific suggestions about how exemptions should be applied. These suggestions are outlined more fully in the next section which addresses questions on an exemption proposal.

Other suggestions for improvement were to either expand or narrow the range of people to whom income management should apply. These suggestions included:

- that income management should apply to all welfare recipients across Australia, making it non-discriminatory;
- that income management be made voluntary, though there was also recognition from some groups that this could lead to an increase in humbugging, and also that those most in need of income management may be those least likely to volunteer for it;
- to limit income management to those who do the wrong thing – such as mismanaging their money or neglecting their children;

- that income management should not apply to certain groups such as disability pensioners, the elderly, those with no children, and young people;
- that income management should be limited to those people receiving payments for children;
- to make the percentage of funds that are income managed more flexible - this included both people wanting more funds income managed, and people wanting less funds income managed;
- that bonus payments should not be income managed at 100 per cent, though this was also identified as a benefit in a number of comments;
- that 'long-grassers' (itinerants) should be income managed; and
- to individualise the approach, through case management, including provision of money management / financial training to income managed people.

There were a few comments suggesting that budgeting and money management training would benefit people in communities and that the amount of funds available on the BasicsCard should be increased.

- *Most of this group were in favor of income management continuing but they would like it to be voluntary but only if good money management could be provided.*
- *People would benefit if they had some money management training. Everyone should have training in budgets.*
- *There was general agreement that there should be enhanced access to financial planning and management services for people subject to income management.*

A sizeable number of people responded to the question about improvements by saying income management should be voluntary, that is, people should be able to choose if they wanted to go on to an income management arrangement. This comment

was made more frequently in Tier 2 discussions than in Tier 1 discussions and more frequently in larger communities than in smaller communities.

Reflecting the strong interest in the operation of the BasicsCard, some people made suggestions about improving the service and support for the card (for example, free on-line or ATM balance enquiry service). Issues raised in relation to operation of the BasicsCard and support and servicing of BasicsCard holders have been referred to the responsible agencies.

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**What difference would it make to income management if it were changed so that some people in the community could be exempted from income management based on an assessment process? Would this approach be better than the current income management arrangements? Are there other ways to achieve the same aims?**

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The Discussion Paper put forward two options as a starting point for gathering community views about future arrangements for income management, namely:

- Option 1: Individuals may apply for an exemption from income management based on an individual assessment; and
- Option 2: No change to the current income management arrangements.

In addition to discussing these two options, many people in Tier 1 and 2 meetings also expressed a preference for income management to be applied on a voluntary basis at the request of individuals and made suggestions that income management could also be applied on the basis of behavioural triggers such as ensuring children attend school.

In comparing the two options presented in the Discussion Paper, there was a slight preference for the exemption option, although some people said that retaining the current model is necessary for income management to be workable and to protect vulnerable people.

Of those in favour of the exemption option, some expressed the view that certain groups of people and those who meet community behavioural norms should not be income managed.

- *Yes we are happy with income management, but the people who can manage their income should be allowed to opt out.*
- *Income management is good for people who can't manage their money, but for people who can, we should be able to come off it.*
- *All present at the meeting agreed for disability, pensioners and non-drinkers to get off income management - especially those that are able to budget their money the right way.*
- *Some of the old people should not have to be on income management because they have worked all their lives and looked after their money – they are strong and don't get humbugged – not very much!*
- *[Income management is] treating everyone like they can't manage their money. That's not fair to people who are responsible.*
- *Older people on the community went to school and know how to use their money – why take the pensioners' money?*
- *Elders who live out bush with no kids who need to come in to do their shopping should be exempt.*

There were a number of suggestions for how to manage an exemption process, including:

- that the exemption process should be strict;
- that the Government should consult more with people about how to assess people for an exemption;
- that a committee with representatives from the community, Centrelink and the council be formed to decide whether a person should be exempt depending on their behaviour in the community;
- that families should be able to say if a person is to be income managed; and

- that the community, or elders, should be able to decide whether people should be exempt.

Conversely, there were also a number of comments that it should be left to Centrelink to assess who should remain on income management and who should be exempted.

There were also a number of concerns raised about how exemptions would work – in particular, that some people would say anything to gain an exemption, that people might be pressured to apply for an exemption and that, if it were known that someone was exempt, they may be humbugged.

- *The group were not that keen on the option to be exempted, they thought that those people would be targeted if family knew that they were getting all of their payment as cash money.*
- *The majority of the community wants to be able to apply for an exemption from income management; however they agree that it is good for elders and people on the pension as it stops humbugging. It is also a good opportunity to save money.*

As mentioned above, there were some participants who suggested that retention of the current model is necessary for income management to be workable and to protect vulnerable people from humbugging. Some of the reasons given by those in favour of continuing the universal approach to income management included:

- that there have been significant benefits for children, women and old people, and the community as a whole;
- that it couldn't be guaranteed that everyone would conduct themselves in the best interests of children and families once they ceased to be income managed;
- that at the moment, everyone is equal – and that exempting some people could cause inequities and jealousy; and
- that income management was good for everyone.

A relatively common assertion was that while people felt they personally should not be subject to income management, they could identify others to whom it ought to apply.

- *Most agreed that there are some people in our community that do need compulsory income management.*
- *It'd be a good idea for the ones who don't look after their kids - that's for them.*
- *Us mob are OK - we shouldn't have to be on it.*
- *Income management is good in other communities so they look after their kids, but we look after our kids.*

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**Will individuals or communities benefit from a continuation of income management?**

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Views on whether income management should continue were not expressed at every consultation meeting. Where this issue was discussed, the majority of comments indicated that income management should continue and a minority said it should cease. Women expressed support for continuation of income management more frequently than men.

The general view was that income management has delivered benefits for children, older people, parents, families and women, and should be continued, although there was considerable support for the exemption option and a voluntary income management option. There were also suggestions that income management be applied on the basis of behavioural triggers. Other suggested improvements included improvements to the operation of the BasicsCard.

### Tiers 3 and 4

Participants in Tier 3 and 4 workshops identified the same wide range of perceived benefits and problems with income management as were raised in Tier 1 and 2 meetings. The majority of participants considered that income management as a policy was beneficial to those

that may need it due to behavioural issues or those that want it as a tool to assist them manage their affairs.

- *Since its introduction, many people believe that the community has improved because there are less discretionary funds available to be spent in socially destructive pastimes such as alcohol, cigarettes, gambling and ganja.*
- *Many individuals feel that whilst income management is in place they are not getting as much family "humbag". People with access to cash are under greater strain and "headache" and it is felt that if they returned to older style of benefit, they have less chance to resist the pressure.*

However there was a strong and consistent view from these workshops in support of voluntary and trigger-based models in preference to either of the Government's proposed options, for those people who:

- neglect or abuse children;
- fail to send their children to school;
- are convicted of alcohol or drug related activities;
- are vulnerable to humbugging; or
- wish to participate in the scheme.

There was criticism from some workshops that these options should have been included in the Discussion Paper.

There was a view that those people on seniors or disability payments should be allowed to exit the current scheme immediately without review; and that provision be made in any new voluntary income management scheme for participants to have access to a culturally appropriate review process to allow them to exit once they had addressed their behavioral issues.

There was strong opposition in these workshops to income management continuing in its current form because it was seen as discriminatory and paternalistic. It was felt that if compulsory income management is not going to be applied across the

whole of Australia, then it should either be made voluntary or carefully targeted at those who need it.

Participants stated strongly that family and community input was vital in assessing an individual's case for income management and that the decision-making process should be conducted by local Indigenous leaders (perhaps via an established committee or board) rather than by Centrelink.

Other views from Tier 3 workshops included that:

- income management should only be applied to young people with school age children;
- half or a third of income managed funds should go to children;
- people over the age of 45 who do not have dependants should be exempt from income management;
- income management should only be compulsory for those who can't manage their own money;
- families with children at boarding school should be able to allocate a portion of their income managed funds in cash to their children for spending on personal items, uniforms and other activities such as sporting events; and
- that money management and financial literacy education should be available in all communities. A comprehensive financial literacy learning approach was suggested.

Some participants in these workshops felt that Aboriginal people should have a greater role in determining who should be income managed.

- *Aboriginal people should be involved in the decisions on who in the family should and should not be income managed. The decision should not be just left to Centrelink. We know who needs it and who doesn't.*
- *Aboriginal leaders should be involved in assessing individual cases for income management because they know the people in their communities, they*

*know who is struggling, and they know the people causing disruption.*

- *We know who the people in our community are that need to be income managed. The Government has just branded us all a problem.*

There were also a few people who considered that income management could lead to greater dependence on the welfare system and people taking less personal responsibility.

- *Income management is just forcing people to rely on handouts. Why should we work and take responsibility for ourselves and our families if the government is going to do it for us?*
- *We've come a long way from being controlled by the government; we want to break free from this control from the government. They have given us back our communities to run and take control, but now they have come back and taken control in another way.*
- *This is just creating dependence. The government has taken responsibility away from families and men in particular. Let us look after ourselves.*
- *Many people are happy for income management to continue however much work needs to be done on the encouragement of self-reliance. Budgeting and financial planning are huge holes in the tapestry of community well being with more work needing to be done to change the attitudes of community members. Whilst the income management is a tool people are using, it is not one encouraging financial independence with the control still being left to others.*

The Northern Territory Indigenous Affairs Advisory Council supported a trigger-based approach to income management, and also recommended that welfare agencies, police, health department and family members should be consulted on which welfare payment recipients should be income managed

The Central Land Council (CLC) tabled a response to the Government's Discussion Paper at a Tier 4 meeting. In 2008, the CLC conducted a survey of six NTER communities on their experiences of several NTER measures. The CLC survey indicated that about half of respondents favoured income management. The CLC's response to the Discussion Paper supports a redesigned income management measure that targets individual behaviours such as child protection and school enrolment and attendance. The CLC response also says that people must be supported in transition to voluntary income management with financial literacy and personal budgeting programs.

Regional leaders and stakeholder representatives who participated in the consultations also provided a range of views on the workability and technical support of the BasicsCard. Support infrastructure, planning and responsiveness to issues arising from the BasicsCard were key issues for many of these participants.

Other views expressed included that the BasicsCard should include photographic identification to minimize opportunities for fraud; that the BasicsCard should be abolished; that the previous system of store cards be reintroduced; and that the BasicsCard be replaced with a universal debit card that could be used widely across the country.

## Alcohol restrictions

The *Little Children Are Sacred* report found that alcohol abuse was ‘destroying communities’ and was the ‘gravest and fastest growing threat to the safety of children’. Alcohol restrictions were therefore seen as a necessary part of the NTER in order to protect children, make communities safe and create a better future for Aboriginal people in the Northern Territory.

Under the NTER, new provisions were introduced:

- to ban drinking, possessing, supplying or transporting liquor in a prescribed area; and
- to monitor takeaway sales across the whole of the Northern Territory.

The Discussion Paper indicated the Government’s view that alcohol restrictions should be continued, but that the Government was prepared to consider modifying these restrictions to better reflect the circumstances in individual communities – as opposed to the blanket restrictions that currently apply.

The Discussion Paper sought comments on a possible new model, whereby the type of alcohol restrictions in each community or region could be set by taking into account matters including:

- community views;
- evidence on the level of alcohol-related harm in individual communities or regions; and
- the presence of community-developed alcohol restrictions including alcohol management plans (AMPs).

The Discussion Paper also noted the Government’s intention to remove the provisions relating to the monitoring of takeaway alcohol sales as these had not been as effective as intended.

### What people said

Alcohol restrictions generated a high level of interest in most community discussions (Tiers 1 and 2) and at regional and stakeholder workshops (Tiers 3 and 4).

## Tiers 1 and 2

The responses to the questions in the Discussion Paper are synthesised below, and include a number of views expressed by participants in meetings.

### What are the main benefits of alcohol restrictions for individuals and communities?

The main benefits of the NTER alcohol restrictions identified in the consultations were less violence and quieter communities. Women identified these benefits slightly more frequently than men.

- *It keeps old people and kids safe.*
- *Women and children are safe with no alcohol.*
- *People are sleeping better and children are going to school.*
- *It is quieter in the community on pay weeks - no drunks walking around in the community drinking and causing trouble.*
- *Good for the health problems of people in the community....It was good the police are in the community to deal with any alcohol that sneaks its way into the community.*
- *People not bringing in grog to the community. No fighting in the community. People happy and they stick together to keep out drunks from the community. Less accidents on the roads.*
- *Domestic violence has decreased and there are fewer Domestic Violence Orders. There are fewer fights in the community - nearly all disturbances are over family matters and alcohol is not involved. There are fewer after hours health centre callouts.*
- *Less blind drunk people in the community. Better for people’s health. Old people look better in their faces, they’re healthier. No more problems with drunk people in the store.*

### What are the main problems with alcohol restrictions for individuals and communities?

A sizeable number of people said that alcohol-related problems in their community had worsened since the NTER. People in communities that did not have alcohol restrictions before the NTER commented more frequently than did those from communities that were dry before the NTER (i.e., already had local restrictions), that the situation had worsened since the NTER restrictions commenced. Northern communities tended to report more alcohol-related problems since the NTER than southern communities. Women indicated more frequently than men that there were more alcohol problems in communities since the NTER.

Problems identified included more illegal alcohol trafficking (that is, ‘grog running’), dangerous drinking outside town boundaries, invasion of personal privacy and breaches of rights, increased road accidents and personal injury due to unsafe drinking practices, and poor relationships between communities and the police. Dangerous drinking outside the boundary of the prescribed area was raised more frequently by northern communities than by southern communities, and by communities that were not dry before the NTER.

- *People are still bringing grog into the community.*
- *People bring grog in behind our backs since the new rules came its worse here.*
- *[Alcohol restrictions] are not working and the situation is getting worse with drunks, grog running and anti-social behaviour increasing.*
- *Alcohol restrictions have made no difference – there is a big problem with alcohol in all the town camps.*
- *No respect by police to those drinking responsibly.*
- *Police only come when people fight. Police sometimes come into people’s houses to check for alcohol. It is not right.*
- *Not enough police/night patrol effort in policing alcohol restrictions.*

Women and people in communities of under 200 people reported more frequently than men and people in larger communities concerns about a possible increase in ‘grog running’. Perceptions of the increased incidence of ‘grog running’ in communities are reflected in comments such as:

- *Community has always been a restricted area prior to NTER and worked well. There is an increase in alcohol being bought into community at present and need for community and police to work in partnership to stop it.*
- *Grog runners come into community when Night Patrol is off duty and police not in community.*
- *Due to the distance of the drinking area from the community, more people are smuggling grog into the community.*
- *Some people take no notice of the sign and bring grog in, but there is no-one to police this (only 2 NTPS [NT Police Service] to cover 47,000 sq km), no ACPO [Aboriginal Community Police Officer] and no Night Patrol.*

On the other hand, comments were provided by some community members that the NTER alcohol restrictions had reduced the amount of grog coming into communities.

- *Since the intervention the situation relating to alcohol consumption has improved, people are respecting the signs.*

In many communities, the prescribed areas are much larger than the general restricted areas in which alcohol restrictions applied under previous Northern Territory licensing controls. Some people expressed the view in the consultations that this has had the effect of people who want to drink going much further away from the community to do their drinking. A consistently expressed concern was that extensive use of ‘drinking paddocks’ outside the boundaries of the prescribed areas has raised serious concerns about the safety of drinkers, and also about the emergence of a binge drinking culture. The problem of drinking outside the

boundaries of the prescribed areas was reported more frequently in northern communities than in southern communities.

While there were some comments that it is preferable for drinking to occur away from the community, there were other concerns about drinkers driving back to communities while drunk, or drinkers returning to communities whilst still drunk and causing trouble.

- *The restrictions are worse now because the drinkers have to drink outside the community, then they drink and drive.*
- *Youth from the community are learning to drink by observing the practices of older drinkers, and binge drinking is seen as the norm.*
- *Several of the elders and clan leaders are responsible drinkers and utilise the drinking area. Community members driving past the drinking area see their elders forced to drink beside the road and lose respect for them.*
- *It is 'shame' when people are forced to drink in the scrub.*
- *Important concern in the community about the ability of locals to access alcohol and come back into community causing problems.*

A specific concern that was frequently expressed is that the application of NTER alcohol restrictions to town camps has forced people to do most of their drinking in town.

- *It [alcohol restrictions] shifts drinking related violence from prescribed areas to town living areas.*

There were a range of comments that relationships between communities and police had deteriorated as a result of the enforcement of the NTER alcohol restrictions; that people's privacy had been infringed; and that their rights had not been respected. It should be noted, however, that a frequent comment on suggestions for improvements in the section below is the need for more police and more police involvement in prevention strategies.

Other concerns included that there were more drunks, noise and fighting in communities (though there were more comments indicating that these problems had been reduced under the NTER restrictions, than comments indicating they had increased). There were also comments about more binge drinking; the movement of people from dry areas to the 'long grass' and communities where people can drink more freely; and the implications for the receiving communities; and too many opportunities to access takeaway alcohol supplies.

- *As no alcohol was allowed in the community, a binge drinking culture is being created as all alcohol is consumed before returning home.*
- *An influx of people in the Long Grass has broader social consequences for Indigenous and non-Indigenous Australians living in Darwin and can exacerbate the tensions that already exist around anti-social behaviour.*

There were also concerns expressed about the capacity of night patrols to help manage alcohol-related problems, while acknowledging that the night patrols do not have an enforcement role.

- *There was not enough effort by police or night patrol to enforce the alcohol restrictions. The police only do drive-throughs and don't ever stop in the community. They don't stop people drinking and don't stop people causing trouble.*
- *Night Patrol mob feel shame as they can't stop grog coming in. No power for Night Patrol. People think Night Patrol are not doing their job. Their focus is mainly on DV and not grog running.*

There were also some comments on the perceived inconsistency and inequity between existing alcohol permit arrangements authorised under the Northern Territory government's arrangements and the blanket NTER restrictions. There was a view that it was easier for non-Indigenous people to get a permit than others. The problem of permit holders giving alcohol to non-permit holders was also raised.

Some people raised issues of equity relating to the restrictions.

- *A local non-Indigenous tourist operator has applied and (been) given approval for a permit to consume alcohol in a restricted area. How could he get a permit and local Indigenous people cannot?*
- *A sense of injustice at the fishing lodge located in the community under a leasing arrangement with Traditional Owners has been exempted from the restrictions.*
- *Too much "humbug" from non-permit holders.*

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#### If alcohol restrictions were to continue, how could they be improved?

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The establishment of safe drinking places such as a designated 'wet area' was the most frequently suggested improvement in consultation meetings at the community level. Comments on safe drinking places suggested that they be away from the community; provide a place or shelter where drinkers could remain until sober; have beds for sleeping and have access to water. Other suggestions included moving 'drinking paddocks' to sites further away from major roads, and giving night patrols more authority for monitoring drinking at the sites.

There was a divergence of views about whether drinking sites should be moved closer to the community for safety reasons, or kept as far away from a community as possible. Some felt that people should have to go to town if they wanted to drink, and this should happen in licensed premises only.

- *They were adamant that there was a need for a safe drinking place away from the community.*
- *Need a safe drinking place closer to community so people don't have to drive home.*
- *If we drink at the boundary then we need to be able to eat and sleep there, and come back to the community sober.*

The second most frequent suggestion for improvement was the need for more police and that police should be more active in prevention strategies. These comments referred to the need for stronger penalties, more effective policing to stop alcohol coming into communities, and extending the authority and range of night patrols.

- *Police need to be more involved, not just confiscating grog but looking after people, controlling behaviour.*
- *Night patrol should have more power to take alcohol away.*
- *Alcohol is coming in at night when people are asleep, and the night patrol has no power to stop them. They are just like flies buzzing around, they cannot take alcohol off people and they cannot arrest them.*
- *Community feel that they need good police who will be proactive and enforce the law more. Would like to see the strong enforcement of this law in every community. Want the community to stay dry. Stronger policing of alcohol trafficking and those coming in the community drunk.*
- *The police and the community need to work together more to make the rules, and make sure everyone knows the rules and sticks to them.*

Suggestions for more policing and more police involvement in prevention strategies were more frequently made in Tier 2 meetings than in Tier 1. Suggestions for safe drinking places, more police and more police involvement in prevention came more frequently from communities that were dry before the NTER. It should be noted, however, that relationships between police and communities were also recorded as a problem with the NTER alcohol restrictions (see section on problems above).

The need for education, support, counseling and rehabilitation services was also frequently mentioned.

- *Need more help for people with alcohol.*
- *No education done with stopping [drinking].*
- *There should be more education and support to stop the young people from starting to drink grog.*

People in communities that were not dry before the NTER suggested the need for more education, support and rehabilitation services more frequently than did people in communities that were dry before the NTER.

There was moderate support for removing the alcohol signs at the community boundary. There was a smaller number who thought the signs should be retained. Some saw the NTER signs as being shameful and embarrassing, others said they were totally ineffective, while others noted that the large number of signs along roads created confusion as to where restrictions apply. Others commented that the roadside signs notifying existing (pre-NTER) dry community alcohol restrictions under the Northern Territory arrangements were smaller and less offensive than the large blue signs notifying the NTER alcohol restrictions.

- *Them big signs shame us.*
- *Signs not doing anything to stop illegal drinking - all they do is say we are all 'bad people'.*
- *Signs made no difference whether people bring prohibited things into the community or not - waste of money.*
- *Shame job with the number of signs.*
- *Signs are shameful and embarrassing.*
- *People are confused by the signs as there seem to be places you can drink at and others where you can't. But these are close together.*
- *Keep the signs big as they are easy to see.*

Overall, there was far less concern about the signs as they relate to alcohol restrictions than there was

about the notification of pornography restrictions on the same signs (see the responses to next measure – Pornography Restrictions below). Some comments indicated no problem with the alcohol signs remaining, but still wanted the pornography message to be removed.

One issue that was raised a number of times was the ease with which takeaway alcohol could be bought from outlets outside communities that have alcohol restrictions. Suggestions for improvements included limiting the number of days for takeaway alcohol purchases, and restricting the number of days on which alcohol can be consumed.

Other suggestions for improvement included:

- application of alcohol management plans;
- providing additional authority and extended range to night patrols;
- further increasing police numbers and police patrols in some communities;
- extending the restrictions to include other drugs and illicit substances; and
- better education programs about the effects of alcohol.

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**What difference would it make to alcohol restrictions if they were changed so that each community had its own set of restrictions, based on that community's circumstances? Would this approach be better than the current alcohol restrictions? Are there other ways to achieve the same aims?**

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There was a mixture of views in response to these questions. For some dry communities the response to the questions on alcohol restrictions was a general response that the community wished to remain a dry community.

A frequent comment, particularly in the whole-of-community meetings, was that people in some communities wanted to return to the arrangements that existed before the NTER.

- *Alcohol was viewed by the group as the major issue for the community. They said that alcohol restrictions were good and should be continued, but would prefer if the restrictions that were in place prior to the NTER were reinstated.*

Some communities were very interested in being able to foster a responsible approach to alcohol consumption, including through the establishment of a licensed community controlled club or negotiation of an AMP. There were frequent comments on these two topics.

- *A social club would be a good idea but there would have to be rules. The club could make money to do things for kids, the money goes back into the community.*
- *We have our own alcohol restrictions here, we manage our own problems. It doesn't affect us what the Government does with their alcohol restrictions. We still have our own.*
- *The community should have a social club which has strict rules and regulations and encourages responsible consumption of alcohol. An alcohol management plan is needed to better manage alcohol in the community, particularly if it gets a social club.*
- *The community wants to develop their own AMP to explore the possibility of establishing a social club in the community so people don't have to go to drinking camps and the club will be able to promote responsible drinking habits.*
- *There were already alcohol restrictions before the Intervention. There was an agreement between the club and the community over alcohol consumption and it worked really well. The NTER come in over the top and changed it.*
- *Under an alcohol management plan, if you did the wrong thing you would get a sign on your house to*

*say no grog for 3 months, and you'd be banned. The community can look after that.*

- *Thought that a regional strategy would be more effective than individual community alcohol plans.*

The preference for a community controlled club was expressed slightly more frequently than the preference for AMPs. However, the preference for a community controlled club appears to be concentrated in several communities where this issue is currently being considered. Where comments were made about community controlled clubs, they were made more frequently in individual and small group meetings than at whole-of-community meetings and women supported the idea of community-controlled clubs more frequently than men. However, there were also some comments from women in some communities indicating their concern about the operation or the establishment of a local club.

- *Women in the community are happy that the club is closed some nights. When takeaway drinks could be bought at the club, teenagers and other underage drinkers were getting grog. That has now stopped since the rules changed.*
- *Most of the women did not want a club operating within their community.*

There were some comments that the NTER had affected some community clubs adversely because they could no longer offer a full range of drinks and had lost revenue.

Some comments suggest there may be a misunderstanding about the purpose of AMPs and a lack of awareness that they could be used to support a community's aspirations to be completely dry or to establish a club.

There was a relatively consistent level of support, albeit small, for allowing people to drink alcohol responsibly in their homes.

- *People want to be able to drink in their homes. It's safer than being out in the scrub or at the drinking spot.*

- *If fishermen can go out in their boat and have a beer, why can't I have a beer at home?*
- *We have family members who work all day roof tiling in the hot sun but they can't come home for a beer – not right.*
- *We don't want to sit in the creek and drink... We want to have a quiet drink in our own house.*

Some tensions and competing perspectives were evident in the comments from individual and group meetings particularly, for example, between drinkers and non-drinkers, participants who wanted to live in dry communities and those participants who wanted the freedom to be able to drink responsibly but also did not want the problems caused by excessive drinking in their communities. While there was frustration expressed that many approaches tried in the past had been unsuccessful, most people seemed keen to continue to work at finding solutions to alcohol problems.

The following extracts from feedback reports illustrate these different perspectives on this difficult problem:

- *People should have the right to drink but not too much as that is when things go bad. If visitors come to the community should not bring alcohol.*
- *It is up to the drinkers to talk about what they want and should happen. Non drinkers say keep the alcohol out.*
- *Several of those present made no bones about being drinkers, but were strongly of the view that it was appropriate to keep alcohol out of the community, where it can cause, and has in the past caused, too many problems.*
- *Some have two minds to turn off the tap.*
- *No, it is up to individuals to decide if they are going to drink or not but we need to have help available for people who cannot handle grog.*
- *Everyone knows people are drinking too much, CDEP income is low – how can you afford it? When you overstep the mark then you cannot own anything, need to be your own manager.*

- *She felt it was good that the Government would ask individual communities if they wanted an AMP but stated that she would rather live in a community that had alcohol restrictions as it was safer for her family. Plus she has young boys and she does not want them to try alcohol.*

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#### Will individuals or communities benefit from a continuation of alcohol restrictions?

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Despite the concentration of concerns expressed about the effectiveness of the NTER restrictions, the strong consensus from the Tier 1 and 2 consultations was that the NTER alcohol restrictions should continue. Women indicated very strongly that the NTER restrictions should remain in force. This underlined the views of the majority of people who participated in the consultations that alcohol and other substance misuse were not welcome and had caused too much personal grief and community disruption for too long.

- *Alcohol restrictions need to remain and people obey them for community benefit.*
- *Alcohol restrictions will continue and community is happy with that.*
- *It is a good thing that alcohol restrictions are staying from a family view.*
- *Alcohol restrictions are part of community rules and need to be enforced with night patrol and police working together.*
- *It slows the trafficking of alcohol coming into the community, and reduces domestic, family violence, drunks running amok, definitely strong opinions to keep it out.*
- *Yes, but the community need to be involved in the decision making processes through an AMP.*
- *Even the football team said that they don't want alcohol here.*
- *The majority of the group supported the alcohol restrictions - they also wanted other substances included in the restrictions, such as drugs and kava.*

In some communities men and women had different perspectives on the benefits from continuing the NTER restrictions:

- *No benefit was seen because men said the community has always been dry and was able to sort out our own problems most of the time but call in the police otherwise. (Men)*
- *Alcohol restrictions are good and we want them to continue. (Women)*

In other communities men and women had similar views supporting continuation of the restrictions, for example:

- *To continue for the next 3 years. (Men's Group)*
- *Want restrictions to continue. Some people don't respect the ban on alcohol, should respect elders. (Women's Group).*

#### Tiers 3 and 4

In the Tier 3 and 4 workshops there were mixed views, with some participants saying the NTER alcohol restrictions should continue, while others said they did not work and should be removed.

While there was general support for the continuation of alcohol restrictions, participants in Tier 3 and 4 workshops expressed a greater level of support than those in Tiers 1 and 2 meetings for the Government's proposal to have the level of restrictions determined on a community by community basis, including through the negotiation of alcohol management plans.

- *Governments need to recognise that there were already community controlled processes in place before the Government introduced blanket restrictions.*
- *If communities think they can manage alcohol appropriately then they should be given the option. There have been lots of positive examples of communities who have been successful in managing and restricting alcohol consumption and teaching people how to drink responsibly.*

- *People are frustrated at not being heard regarding the solutions they are providing to the problems - 'Aboriginals are ignored even though we live and breathe it everyday'.*
- *The local Council of Elders and Respected Persons should be the authorised body to advise the Liquor Commission on all matters related to alcohol restrictions and management of licences, content and opening times.*
- *Each community should set its own rules for alcohol restrictions; alcohol committees should be established to set the rules and work with police to ensure they jointly enforce plans.*
- *There needs to be community alcohol action groups established that could involve the shires, sporting teams, community elders, and Indigenous organisations.*

Participants in the Darwin and Katherine regional community leaders workshops, while supporting a community based approach to alcohol restrictions, registered a strong view that the current blanket restrictions are not working and that the problem is simply being forced into outlying areas and nearby townships without any of the causal issues being addressed.

- *We feel sad that some of our people have to go somewhere else to drink as they just end up in the long grass and can't get home.*
- *There are more people from remote communities travelling to Darwin to drink as a result of the 'intervention'.*
- *This is just forcing drinkers to other areas and not solving the problem.*
- *More people are moving out of communities and into town in order to drink. Anti-social behaviour is being pushed into towns.*

Many participants in the regional community leader and stakeholder organisations workshops supported the establishment of designated 'wet areas' to prevent people from drinking in unsafe areas where they are at high risk of injury or death.

There was a clear message that more funding had to be directed toward rehabilitation services and community based education programs; and that there needs to be a focus on the causes of alcohol and drug misuse, rather than attacking the symptoms through prohibition and/or a zero tolerance approach.

- *Introduce residential and non-residential treatment services in remote communities to educate and treat people for alcohol and substance misuse.*
- *Provide more detox programs, rehabilitation services, family counselling services and resources for communities to address these problems.*
- *Outstations need to be retained to be used for a rehabilitation program for people that have alcohol or other problems. Elders will look after the young people and help them work through their problems.*
- *There needs to be ongoing engagement and adult education in communities on leadership, money management, life skills, drug and alcohol awareness.*
- *Establish half-way houses to get itinerants away from alcohol and give them something meaningful to do.*
- *There needs to be follow-up services for people who have been rehabilitated. We also need to determine how successful rehabilitation services actually are in supporting people to change their lives over the longer term.*

The other clear message was that one size does not fit all, hence the need for local responses to what everyone acknowledged is one of the most serious issues facing the Aboriginal people in the Northern Territory.

Other suggestions for improvements included the buy-back of some liquor licences; establishing

supervised drinking clubs to educate people how to drink responsibly, addressing the long-grasser issues in Darwin; and extension of the restrictions to include other drugs.

### Other issues

There was not much discussion in any of the consultation meetings or workshops on the Government's proposal to remove the provisions relating to monitoring of takeaway alcohol sales. The small number of community views expressed on this point were fairly evenly divided between retaining and removing these provisions.

Some participants in the Nhulunbuy regional community leader and stakeholder organisations workshops were concerned that the NTER alcohol restrictions may have resulted in an increase in black market trade in alcohol and marijuana, and expressed support for reinstatement of the regulated availability of kava as a safer alternative to alcohol and marijuana.

## Pornography restrictions

The *Little Children Are Sacred* report identified pornography as a problem in many communities.

To reduce this risk, the *Classification (Publications, Films and Computer Games) Act 1995* was amended as part of the NTER to prohibit the possession and supply of sexually explicit or very violent material in prescribed areas. This includes:

- material that may contain content of a sexualised nature; and
- material that includes content exceeding the standards generally accepted by reasonable adults. (This material cannot legally be imported, sold or advertised in Australia).

When people talked about pornography in the consultations they were not referring to the definitions of pornography and prohibited material in the classification system but to their beliefs and values about this kind of material. This means that the material referred to as 'pornography' in the consultations is likely to encompass a much broader range of material than the concept of 'prohibited material' under the classification system.

### What people said

#### Tiers 1 and 2

There was a high level of discomfort about discussing pornography issues in a number of communities, and in many of these communities the topic was not discussed for this reason. On the other hand, there was a small number who saw a benefit in the fact that the existence of the pornography restrictions helped to legitimise the issue as a matter that could be discussed openly in the community.

- *Brought it [pornography as an issue] out onto the surface and allowed people to talk about it.*

The responses from both levels of consultation are synthesised below, and include a number of reported comments from participants in meetings.

### What are the main benefits of pornography restrictions for individuals and communities?

Across meetings in communities, the most frequent comment was that people do not want pornography in their communities and want the NTER anti-pornography restrictions to continue. This view was more frequently expressed in whole-of-community (Tier 2) meetings than Tier 1 meetings.

Women and mixed groups of men and women frequently commented that they did not want pornography in communities. Northern communities commented more frequently than southern communities that pornography was not wanted. People in communities with less than 200 people and large communities of 500 people or more indicated more frequently that pornography was not wanted than people in communities in the 200 to 499 estimated population range.

- *Want to keep restrictions, sends the message that we don't want pornography coming into the community.*
- *Agreed that it was not good to have pornography in the community and it was safer for kids. And it should be continued.*
- *Restrictions are good because we need to protect our kids from this.*

Where people commented on the reason this measure was considered beneficial and why it should be retained, the importance of shielding children from sexual or violent material was often mentioned. In some community consultations some people made quite strong statements about the need to protect children from sexual or violent material. In a few communities people said that the measure was considered as a safeguard.

- *Don't want kids to see pornography or violent movies.*
- *Kids are safe [because of the restrictions], including young men and women living in supported youth accommodation.*

- *The law should be kept strong in relation to limiting of pornographic material and that the sign should stay the same. People agreed that young children should be protected from pornographic content.*

Many people said that pornography was either not an issue, not present in their particular community or that the restrictions were ineffective. Some comments to this effect were followed with a comment that while pornography was not a problem at present, people did not want it to become a problem in the future.

- *Don't have pornography here now and don't want it in the future.*
- *This is not a problem – keep it away from the kids. Agree that this provision should stay.*

Some people referred to pornography as a 'whitefella' problem that was not consistent with Aboriginal culture.

- *This is not a big problem in Tiwi communities, it is not part of our culture.*
- *This has not been an issue in community but people do not want pornography available in community and the younger kids will see it and not understand what it is and cause problems later as the kids get older.*
- *This is a balanda problem - not Yolngu.*
- *Don't think there is much of this stuff around.*

Overall, the prevailing view was that pornography was not welcome in communities, and therefore, to the extent that pornography restrictions helped to keep restricted material out of communities, they were seen as being beneficial.

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#### What are the main problems with pornography restrictions for individuals and communities?

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The most frequently identified concern was the ready accessibility of unwanted material, particularly sexual images, in communities through free-to-air and pay TV, the internet and mobile phones. Parents expressed

frustration that they were fighting a losing battle to protect their children from accessing pornographic or violent material. The primary concern is that this makes it hard to protect children from seeing inappropriate material. There were some comments to the effect that this makes the current restrictions meaningless and clearly discriminatory. To address these concerns some people in communities expressed the view that the restrictions should be applied Australia-wide.

- *[Free-to-air TV channels] have shows that are not suitable for children to watch.*
- *At night (on normal TV) we see ads with naked ladies telling our kids to ring them on the phone.*
- *Everyone with [pay TV provider] can order this.*
- *Young people can access this on mobile phones, how do we stop this?*
- *How do you police mobile phones? There are no age restrictions for owning mobiles so if young people have them they can access that stuff.*
- *As a result of advertisements on television young people download porn onto their phones.*
- *You can get it through the internet.*
- *Same law should apply to every Australian.*

Another significant issue of concern related to the road signs advising about the pornography restrictions. These were seen as stigmatising the whole community as users of pornography, and many felt belittled and experienced a sense of shame because of the presence of the signs. Many communities were offended that the generalised signs labelled all communities in the same way. Some communities felt embarrassed that the signs could convey the wrong impression to tourists visiting the area.

- *The big signs are not a good thing as they brand the whole community as bad people who deal in pornography.*
- *Signs make us look like perverts, take them down, belittles us, white people think we are perverts.*

- *Males were particularly angry about the signs, saying the sign tells visitors, tourists and the wider community that the local men are bad people.*
- *Signs label Aboriginal people as child molesters. They may as well say 'you are now entering a child molester area'.*
- *Tourists take photos of the signs because they think it is funny that we are looking at pornography – but we don't – this gives us shame.*
- *Porn ... shame job! Outstations don't need or want porn but we don't want those big signs. We have tourists asking us about those signs – it's embarrassing, get rid of those signs.*
- *The signs are 'shame'. They label all black people as paedophiles.*
- *People (especially children) now ask what pornography is when they see the signs. This is embarrassing for parents who now have to explain what the sign means.*
- *Signs make us feel guilty even when we haven't done anything.*
- *Porn is not in this community so why do we have to put up with the signs.*

In only a small number of instances, participants commented that they had no major concern about the signs and felt they ought to stay.

- *The signs are fine, no problem with the wording - it's better to be direct and clear rather than to have confusing words like restricted or prohibited material, everyone knows what pornography means. The restrictions are here now, leave them as they are.*
- *People can't use ignorance as an excuse if the signs stay up.*

Some people commented that the restrictions were not achieving any real benefits because they were not aware of any prosecutions. Some intimated that external factors were too hard to control, including

the actions of visitors and workers from neighbouring properties and mining communities.

- *Why have this measure when nothing has been done about it?*
- *You are never going to stop it so what's the point.*
- *It is everywhere and you can buy it in town.*

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#### If pornography restrictions were to continue, how could they be improved?

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Of those who responded to this question, a sizeable proportion said that the existing pornography restrictions should continue, but that the road signs should be removed or at least made smaller and/or use 'softer' language that is more respectful of people living in communities and more culturally appropriate. Because many people were distressed at use of the word 'pornography' there were a number of suggestions to use the terms 'prohibited material' or 'restricted material'.

- *If we have to have the signs they need to be re-worded differently so it lets the public know that the community doesn't appreciate pornography stuff being brought into their community, not make it look like the community are the bad people!*
- *If signage is to stay, it should be culturally appropriate in language and message, but government must consult first!*
- *The group did not like the signs, however they realised the importance of them and the restrictions. They want the signs removed and replaced with signs that have culturally appropriate wording ('softer' wording) in English and Yolngu Matha.*
- *After much discussion, they said they would be happy if you made the sign smaller and replaced the words "No Pornography" with "No Prohibited Materials".*
- *The existing conditions and restrictions should remain but the big signs need to be removed and replaced with something more acceptable.*

There was also a strongly expressed view about the need to restrict the availability of material through TV, the internet and mobile phones.

- *Government should look at free to air TV station as often there are bad things broadcast openly.*

Addressing concerns in relation to all of these media platforms falls outside the scope of the NTER redesign, which is focussed on the existing NTER legislation. However these concerns have been conveyed to the Australian Government Attorney-General's Department and the Department of Broadband, Communications and the Digital Economy (the department responsible for administration of policy on broadcast content and online content) for appropriate attention.

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**What difference would it make to pornography restrictions if they were changed so that people could apply to have restrictions on pornography applied in their community? Would this approach be better than the current pornography restrictions? Are there other ways to achieve the same aims?**

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Many of those who responded to this question did not comment specifically on this alternative approach, and the most frequent response was to retain the restrictions as they are.

- *Too complicated, just keep the same law.*
- *This was confusing - if the Government wants the pornography restrictions to stay, why are they thinking about taking them away? It was explained that this was to give people a choice. Response was that this is a good measure and needs to stay.*

A small number of whole-of-community and group meetings expressed a preference for the community to take a role in deciding if restrictions should be applied.

- *If community wants restrictions, they should ask for it. It should be personal choice, it all comes in on mobile phones and free-to-air TV anyway.*

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**Will individuals or communities benefit from a continuation of pornography restrictions?**

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Many people said that pornographic materials are not wanted in communities and that the existing restrictions should be continued. In those communities where there were separate meetings with men's and women's groups, both expressed similar views.

- *Stay as it is, don't change the rules. No one should have access to the bad materials.*
- *Porn is rubbish, good to stop it, support what the government is doing - concerned about young boys - porn coming in on mobile phones.*
- *It [pornography restrictions] should keep going and never stop. Only problem is the people who look at it and bring it into the community.*
- *The women want this measure to stay and are very interested in sending an application to Minister Macklin to keep the measure in the community. The men generally seem comfortable with the restriction and are happy for it to continue.*
- *Keep the law, keep pornography something that should not be happening in the community.*
- *The community agreed that even though it is not a problem here, the ban is a good idea and they would like it to stay.*
- *The ban will provide ongoing benefits to the community. Some individuals may not like it but it is for the good of the community.*

An alternative view, but clearly in the minority, is that the restrictions should be removed because they are not needed. There was some support for having the right to apply not to have restrictions operate in individual communities. This was seen as countering the inference that pornography is a widespread problem, especially where it is perceived locally that it is not an issue.

- *Pornography restrictions should go because it is not a problem in our community.*

- *The men were united in saying that this measure should be removed altogether. They do not want to discuss or acknowledge pornography as it is not part of their culture.*

#### **Tiers 3 and 4**

Regional leaders and stakeholder organisation representatives indicated that they did not want pornography in their communities, but wanted the signage removed as it caused offence and sent the wrong message to tourists and other visitors to communities. It was suggested that the signage at the entrance to each community would be better used to welcome visitors to country and convey local cultural protocols and customs.

- *Pay community artists to paint over the signs promoting good/positive messages eg welcome to country.*

Participants at the workshops said that most community people were unaware of pornography prior to the NTER and that an unintended consequence was that it raised the curiosity of children who were now more open to exploring the matter.

- *Our kids don't know what the word pornography means and now we the parents have to explain it to them. It is just making the kids curious and encouraging them to explore the matter.*

Workshop participants also said that people do not have a good understanding of the broadcast classification system and more community education about this was needed so parents could make informed decisions about what their children could view.

- *Parents cannot educate and monitor what their children watch if they do not understand the television classification system.*

In contrast to participants in other consultation meetings, there was an overall view from the Tier 4 workshops that there was no evidence to indicate that the pornography restrictions had been beneficial to communities; that pornography was not widespread

among Aboriginal communities; and there was no benefit in continuing the restrictions while unwanted material remained readily accessible on television and mobile phones.

In some Tier 3 meetings the discussion of this measure led to a broader discussion of the different cultures that exist across Aboriginal communities in the Northern Territory and the different adjustments and adaptations people are making within these cultures to accommodate both the traditional and contemporary demands of life. Some people were described as resisting change and others, while seeing a need for change, were finding the pace and volume of change challenging.

Regional community leaders and stakeholder organisation representatives acknowledged that many people had been willing to accept measures such as income management and the NTER alcohol and pornography restrictions because they could see benefits at the individual, community and regional levels. While change was painful and changing longstanding and deep-seated practices was hard, people in the NTER communities generally had shown a willingness and capacity for change. Some community leaders said that understanding the cross-cultural aspects of changing norms and behaviours was important for developing policies, programs, government-community interfaces and governance arrangements that worked for Aboriginal people.

## Five-year leases

Under the NTER, the previous Government acquired five-year leases over Aboriginal communities in the Northern Territory. The purpose of this measure was to provide security of tenure and prompt access to facilitate the administration of the NTER. New housing was not linked to the five-year leasing arrangements. The provision of housing is being addressed under the Strategic Indigenous Housing and Infrastructure Program, which runs in parallel with the NTER but is not a part of the NTER.

The Government currently holds five-year leases over 64 Northern Territory communities. Not all communities affected by the NTER are subject to a five-year lease (**Appendix 3** indicates the NTER communities which have a five-year lease and those that do not). The lease areas were originally set using aerial photographic maps. A later ground-based survey project has since enabled a closer match of the lease boundary with the community or town footprint. This substantially reduced the overall leased area from 1 April 2009, an overall reduction of approximately 50 per cent, by leaving out areas not essential for service delivery.

As the underlying title of the land is unaffected by the leases, traditional owners still own the land. In response to the NTER Review Board's recommendation that rent be paid to the Aboriginal owners of five-year leased land, the Government has requested that the Northern Territory Valuer-General make a determination as to the amount of rent that is to be paid. Payment of rent will then commence. While the legislation allows for additional leases to be imposed by regulation, this power has not been exercised.

The Discussion Paper indicated that the Government proposes to make some changes to the legislation relating to five-year leases to help clarify the purpose and operation of the leases. The proposed changes include:

- making the objectives of the five-year leases clearer;
- defining the permitted use of the lease as improving the wellbeing of communities;
- excluding mining or other developments inconsistent with the continuing use of areas as towns;

- requiring the leases to be administered in a way that respects Aboriginal culture; and
- outlining the Australian Government's commitment to move to voluntary leases.

The Government also indicated that it proposes to develop clear guidelines to govern the land use approval process to ensure the transparent allocation of lots.

## What people said

### Tiers 1 and 2

Tier 1 and 2 participants generally preferred to discuss leasing as a broad topic encompassing land and housing rather than discuss the specific proposals put forward in the Discussion Paper on five-year leases. Further, in some communities, this matter was not discussed or was discussed only briefly, because the community was either not subject to five-year leasing or those present in the meetings deferred to the Traditional Owners or the Land Councils on this matter.

The responses to the questions in the Discussion Paper, where they were provided, are summarised below.

### What are the main benefits of five-year leases for individuals and communities?

Few people in Tier 1 and 2 consultations identified benefits from the five-year leases. Some people said that they were prepared to acknowledge that five-year leases would be viewed as beneficial when housing upgrades and renovations are delivered.

There were a few, mainly positive, comments that the Australian Government would be making payments for land subject to the five-year leases. Payment of rent was seen as a benefit. A few people commented that five-year leases were beneficial because they increased opportunities for local development and employment.

- *There were benefits to the community from five-year leases as service delivery agencies such as schools and clinics invested more infrastructure in the community.*

- *The men said that the leases were good from the point of view of allowing NTER-related services to continue.*
- *The community agreed that the five-year leases were good in that they brought in more money for houses, football (social things for the community) and would also like to see more money being put towards cultural events and ceremonies (traditional cultural events).*

### What are the main problems with five-year leases for individuals and communities?

Where people commented on the problems of five-year leases specifically, the main problem identified was the delay in the delivery of housing upgrades and renovations.

In some community level and whole-of-community meetings people moved from talking about five-year leasing to discussions about the need for new housing and the provision of better infrastructure and community facilities. It should be noted, however, that concerns regarding new housing do not relate directly to this measure, and the Strategic Indigenous Housing and Infrastructure Program is not part of the NTER. Government policy is that the security of tenure provided by five-year leases is sufficient only to support housing upgrades and renovations. New housing must be supported by longer-term leasing arrangements.

The question of who should receive the rental payments was discussed at a number of Tier 1 and Tier 2 meetings. Some people requested that rent payments not be made to the land owners through the Land Councils, as is required by the *Northern Territory National Emergency Response Act 2007*. There were also views expressed that it would be more beneficial to everyone in the community if rent payments were used to fund community facilities and infrastructure, or were paid to all community members and not just to the land owners.

- *It is good that the Government is coming back and talking about paying rent for the lease area,*

*but they should talk to both Traditional Owners and the other people who live in [the community].*

- *Members agreed that they should be able to negotiate leases with the Government and were adamant that any rent should be paid direct to them and not Land Council.*
- *The compensation paid to the Traditional Owners (TO's); will it be paid to Traditional Owners or paid to the community? The Traditional Owners of this community live in other areas and don't always live here. If the TO's get paid the 'royalty' they should be made to come back and live in the community and use that money to help fix up the community.*

In a few Tier 1 and 2 meetings there were discussions about whether five-year leases gave communities more or less control over their land and business affairs. Some people said that the five-year leases had no impact on their lives, while others said that the terms of the leases provided a process and rules on how and for what purposes land could be used, thereby providing greater control. Other people saw agreement to a lease as surrendering community control.

### If five-year leases were to continue, how could they be improved?

Where comments were provided in response to this question, most suggested the need for better information about the purpose and detail of five-year leases and other types of leasing arrangements such as township leases and voluntary leasing. Some people said that they had not seen a lease and would find some basic explanation on the concept of leases helpful. Others asked for an explanation of the roles and responsibilities of the different levels of government in relation to leasing, that is, the Commonwealth, the Northern Territory Government and the Shires.

There were a few comments requesting no change to the current five-year leasing arrangements including a few suggesting they continue beyond their 2012 expiry date.

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### Will individuals or communities benefit from a continuation of five-year leases, including the enhancements outlined in the Discussion Paper?

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Of the small number of comments received on this question in Tiers 1 and 2, support for continuing the five-year leases was higher than support for discontinuing them. Support for their continuation was expressed more frequently in Tier 1 discussions with individuals and small groups than in Tier 2 whole-of-community meetings.

#### Tiers 3 and 4

In some Tier 3 workshops the participants were unwilling to discuss five-year leases for cultural reasons, indicating that discussions on this matter should be held only with the Land Councils and Traditional Owners.

Where five-year leases were discussed in Tier 3 and 4 workshops, participants expressed frustration and confusion over lease arrangements.

Better information on leasing, not limited to five-year leases, was requested. The Northern Territory Indigenous Affairs Advisory Council, along with a number of regional community leader workshops, commented that the legal and technical aspects of leases, including the concept of a 'lease' and the terminology used, needs to be better explained. This echoes the comments made in the community level and whole-of-community meetings.

Some workshop participants asked that the wider community should be kept informed on the progress and outcome of lease negotiations even though the legislated negotiation arrangements were between government, the statutory land councils and Traditional Owners. Similar comments were made by a few participants in the regional community leaders workshops.

- *Government shouldn't just talk to Traditional Owners they should also talk to other local people who reside in the community. All people want to know what is happening in the future.*

On the other hand, some people said that the role of Traditional Owners and the Land Councils in the leasing process needed to be respected.

The majority of Tier 3 and 4 workshop participants said they did not support the Government's current position on five-year leases because they did not trust the lease process; the communication on the process had not been effective; and that while negotiations should be conducted between the Government, statutory Land Councils and Traditional Owners, the wider community also should be kept informed on the progress and outcome of the five-year lease negotiations.

#### Other issues

##### Longer-term Voluntary Leases

There was a mix of views regarding the proposed transition to longer-term, voluntary leases. Some people said they did not want leases in the future while others were currently in negotiations or waiting for an approach from government. Others indicated that they would wait and see what happens over the next few years before they decide.

Generally participants at the Tier 3 and 4 workshops supported the Government's proposal to move to voluntary leases.

- *Longer leases were beneficial as they more clearly defined responsibilities of the different stakeholders involved.*

### Community store licensing

Under the NTER, a licensing scheme for community stores was introduced to:

- improve the range and quality of groceries available in communities; and
- ensure that stores are well managed and able to participate effectively in the income management arrangements.

The Discussion Paper indicated the Government's view that a licensing scheme for community stores should continue and be strengthened to include:

- more rigorous criteria for assessment for a licence;
- possible penalties for operating without a licence;
- the power to require the store owner to appoint a new store operator where the store is operating without a licensed operator; and
- a requirement for strong corporate governance arrangements, including registration of eligible stores under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*.

The Discussion Paper also indicated the Government's intention to:

- remove the existing provision that enables the compulsory acquisition of community stores, and
- make Government decisions under the new licensing scheme subject to normal administrative review provisions.

#### What people said

##### Tiers 1 and 2

Comments from community level and whole-of-community meetings tended to reflect each community's experience with the operation of their local store.

- The sentiments expressed about licensing were most positive in those communities with a well run store.
- A second broad group had concerns about the operation of their store, and saw licensing as a mechanism for potentially improving its performance.
- In those communities that did not have a store, the prevailing sentiment was about the need for a store in their community so they could benefit from healthier food.

The responses to the questions in the Discussion Paper are summarised below, and include a number of reported comments from participants in meetings.

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#### What are the main benefits of community store licensing for individuals and communities?

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Those who commented on benefits generally highlighted the improvement in the range and quality of food and household items available from the store, with a focus on fresh, healthy food including fruit, vegetables and meat. Others noted improvements in store hygiene, and access to nutrition programs in some places.

- *Food is better—there is now more variety and more fresh stuff.*
- *Ensures people have a good range of healthy food to choose from. The store here works well, we have no big issues with how it is being run.*
- *There is no out of date food now and this is a good thing.*
- *We have seen a much better range of goods stocked since the NTER, there are many more choices, especially fresh fruit and vegetables. The store and takeaway are much cleaner.*
- *Happy with the food stocked for babies and diabetics.*
- *There was a general feeling that food quality was better and that it was good that the [Health Service] nutritionist came to the store.*

There was a range of comments about the improvement in store management, although in some cases it is not clear whether the perceived improvements in the performance of the store were viewed as being attributable to the NTER licensing scheme or to a change in store manager.

- *Licensing has been a good thing because you can't get bad shopkeepers who just want to make money and don't care about the quality.*
- *General view that the store is run well and has a good manager - big improvement on what it used to be.*
- *We haven't seen much change in the store with the NTER. This has never been a particularly good store; it all depends on the manager. The current manager is OK, better than the last one. There have been some small improvements since the new manager took over, that was about three years ago. There has been a big increase in the range of stock, not so much the food but other household items.*

#### What are the main problems with community store licensing for individuals and communities?

There was little direct focus on identifying problems with the store licensing scheme specifically.

The single most significant problem raised was the price of food in community stores. This is outside the scope of the NTER redesign which is focussed on the existing NTER legislation.

- *Food is better but prices have not gone down.*
- *The prices are too high, especially meat - we would like to see the prices come down so people can afford to eat healthier food.*
- *Store's prices are too high, there is not much change, the store is too small and does not have much variety.*

- *Community stores are still expensive to shop in. Community people's incomes are limited. The Government needs to look at ways it can regulate pricing of goods with stores in the Bush.*

Some people mentioned that roadhouses providing store-type services were not subject to NTER licensing requirements.

- *The community store is actually a Road House so is not licensed under the NTER.*

#### If community store licensing were to continue, how could it be improved?

Apart from many suggestions that the licensing system should help to regulate pricing in community stores, the main suggested area for improvement was the need for follow-up monitoring to ensure that licence conditions are adhered to, and that the benefits of licensing are sustained.

- *Licensing is only good if government follows up with the community.*
- *Random checking [should be done] to check on shop operations.*
- *Would like to see stronger action taken re high prices, non pricing of goods [not displaying prices] and type of goods sold.*

There were some suggestions for improving the stocking practices of individual community stores, including a more active role for nutritionists.

- *The store should consider diabetics - there is too much sugary food available.*
- *There should be a nutritionist at the store to make sure foods are healthy and people are eating right.*

#### Will individuals or communities benefit from a continuation of community store licensing, including the stronger licensing arrangements outlined in the Discussion Paper?

There was strong overall support for continuation of the store licensing scheme, and no objection to the stronger provisions proposed by the Government.

- *It is important the Government has a role in ensuring that the quality and quantity of food in stores is at a good level, and the store managers need to be the right people and should have a licence to be there.*
- *It is important that the store is licensed and does the right thing by the community.*
- *The community is happy that Government wants to make sure that managers are good people and that they should have a licence.*
- *OK to licence store managers, better than taking over stores. We own the stores.*
- *They were not concerned about stores licensing - they just wanted a good store with plenty of food including traditional foods and did not appear to be concerned at how it got that way.*

In a small number of instances, there was opposition to government having the power to require the removal of a store operator.

#### Tiers 3 and 4

This measure received support at most Tier 3 and 4 workshops. Most participants considered that the measure had delivered a range of benefits to their communities and they generally supported the proposed changes to the community store licensing scheme.

It was nevertheless agreed that the high price of goods in community stores, particularly fresh fruit and vegetables, remains a major issue in communities, and there were calls for government action to help reduce

prices. There were also calls for stronger government supervision of the operation of stores.

There was also concern expressed about the powers to require a store owner to appoint a new store operator. Participants indicated that this was the store committee's role and not a matter for government. The majority of participants did not support this element of the proposed measure.

Suggestions for improvement included that:

- the licensing regime should be extended to station stores;
- takeaway shops should be licensed, with a licensing condition that they sell only healthy food;
- store opening hours should be standardised across a region as a condition of the licence;
- provision of additional Aboriginal employment and training opportunities should be a condition of the licence; and
- licensing of more than one store in a community may help generate competition and reduce prices.

Although not directly related to the licensing scheme, there was support for trying to establish greater economies of scale for community stores in the same region, including through joint bulk purchasing and transportation arrangements.

#### Other issues addressed

As noted earlier, participants in the various consultation meetings did not focus solely on the merits of a store licensing scheme. In addition to the significant volume of comment about operation of the BasicsCard and the price of goods in stores, there were comments about the performance of Outback Stores and issues related to governance and ownership of stores.

#### Outback Stores

Communities with an Outback Store reported that there were improved choice and quality of goods, though prices were expensive.

### Governance issues

A number of communities were concerned about what they perceived as a reduction in accountability back to the community following changes to the management of their store, mainly through transfer to Outback Stores or through the relevant Shire assuming control of stores that were previously run by community governing councils.

In some places, there was uncertainty about the future role of the store committees, amid concerns that the committee played a valuable governance role and this form of accountability back to the community is being lost. In the case of the Shires assuming control, there were concerns that a previous community asset has passed out of community control, and that store profits may no longer be used to benefit the community.

- *With the introduction of the Shires, the store, as a council asset, has become an asset of the Shire. Recently Outback Stores has been contracted by the Shire to manage the store, but as yet there is no store management committee. The standard of the store has decreased in recent times, prices have increased, and the management has been removed from community members.*
- *Store has improved but no royalty has been paid since new Shire Council has been in place. Formal arrangements for this and other assets need to be sorted out.*
- *The Club is more accountable than the store. They come out more often and talk to us about what to spend the profit on.*

The role of the Shires in operating previously community-owned stores was an area of particular concern in some of the Tier 3 workshops.

### Controls on use of publicly funded computers

This NTER measure was introduced in response to complaints from Aboriginal women about their distress at finding pornographic, violent and possibly illegal material on computers provided to community organisations through government grants or other funding.

Under the measure, the person in control of each publicly funded computer located in the prescribed areas within the Northern Territory is required to:

- install, and keep in place, a content filter designed to prevent, and record, access to illegal material;
- maintain a policy on acceptable use of computers, covering all users and confirming that all use will be audited;
- keep records that identify each user;
- undertake six monthly audits of material on, or accessed by, the computer; and
- provide to the Australian Crime Commission the outcome of any audit undertaken.

Since the NTER commenced, some illegal material has been found in audits of some organisations' computers and this has been referred to the police.

In the Discussion Paper the Government indicated that it proposed to retain the current controls in order to protect women and children from inadvertent exposure to pornographic and/or violent material on publicly funded computers.

### What people said

#### Tiers 1 and 2

In many communities this issue was not seen as a concern because it did not affect the day to day lives of individuals. This is because the primary responsibility for complying with this measure lies with the boards and managers of those organisations that have publicly funded computers.

Several comments indicated that there were no or few computers in some communities that could be accessed by community members and thus the controls were not an issue and there was a low risk of exposure to undesirable material.

- *There are not many publicly funded computers in town. Those that are here are in the clinic and school and the community does not have access to them. People agreed the controls were good though.*
- *No computers in the camp at the moment but may get them for the office sometime and people are happy with the controls.*

Some people said that an increase in the number of computers in communities was either necessary or inevitable and this would increase the risks, especially for children. The measure was described by some community members as a safeguard against these risks.

In some whole-of-community (Tier 2) discussions, this measure was included in discussion about the pornography measure. Further, as noted earlier, in many instances there was a degree of discomfort in talking about pornography in large groups and mixed company.

The views expressed in community discussions on this measure were fairly evenly spread between those who wanted the measure to continue, and those who made no comment or did not wish to discuss the measure.

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### What are the main benefits of controls on use of publicly funded computers for individuals and communities?

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Those who commented on this measure and responded to the question on benefits tended to say that they thought this was a good measure without identifying specific benefits. Where more detailed comments about benefits were made, the benefits were described in terms of protecting women and children from being exposed to restricted or unwanted material.

- *Women and children should be protected from this and other violent material. Publicly funded*

computers should not be used to download this type of material.

- A woman in the crowd explained that the audits of computers had happened in the community and they were good to ensure that people using these computers did not have to confront any illegal material.
- Register of users (and purposes) is set up to record the people accessing the computers. Keeps people from getting into trouble.
- This is a shame thing to talk about, women shaking their heads saying no to pornography. They understood about the report 'Little children are Sacred'. Filters is a good thing as it stops bad things from being seen, no good for children to see these bad things.

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#### What are the main problems with controls on use of publicly funded computers for individuals and communities?

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The limited number of views expressed on this point tended to focus on the fact that there were no similar controls on the use of privately owned computers in the prescribed areas.

- People accessing porn on their home computers in prescribed areas are not regulated and are not required to install filters.
- One community noted that while the publicly funded computers had controls and audit systems in place, there is no way to apply these to privately owned computers.

There was also a feeling from some meetings that since no one has been prosecuted, the measure was not achieving real benefits.

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#### If controls on the use of publicly funded computers were to continue, how could they be improved?

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There were no substantive suggestions for improving this measure. The predominant view was that the controls should continue as they are.

- Okay how things are.
- Most people were happy for this measure to continue as is.

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#### Will individuals or communities benefit from a continuation of controls on use of publicly funded computers?

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The strongly prevailing view from those who commented on this measure is that the controls on use of publicly funded computers are a good idea and should continue.

- Government funded computers – do need to make sure that they are not being used for the wrong things – agree with the audits on computers.
- On audits - if it makes the Government happy then let them do it.
- Yes it's OK, and good, to keep a check on computers in the offices.
- Keep measure in place and ensure the Shire checks computers.
- Most advised that it was not important and can just stay the same.
- Very few publicly funded computers are available for community use and those that are available have filters and are monitored. Community is in favour of this measure continuing.
- There were no comments other than to keep [the controls on publicly funded computers] as there was never a law previously and they are happy that this continues.

#### Tiers 3 and 4

This measure did not generate much discussion in Tier 3 and 4 workshops. Participants were supportive of the proposal to continue controls on publicly funded computers. Participants noted that most organisations in communities already had filters on their computers.

#### Other issues

A concern was expressed in one community about the cost incurred by organisations in installing filters and conducting audits, and the disruption to the nature of some community businesses e.g. media organisations. It was proposed that the audits should be publicly-funded including for the time that organisations spend on collecting the relevant information from each computer.

In a number of consultations, people commented that they would like to have more computers available and more widely accessible in communities, particularly for use by younger people.

- No problems but would like to see more computers in the community for young people.
- Community would like to see more computers for young people and agree with current restrictions.
- General view that computers would give access to wider world and would be good for the community.
- We need computers and training – how are we going to fill in the hole (Close the Gap) without computers?

A number of communities also expressed a desire for a public library so they could learn to use computers and to learn about the wider world of knowledge.

- Community would like to be part of the wider world and be linked through the Internet, be more educated and grow.

## Law enforcement powers

The Australian Crime Commission (ACC) has special powers that have been approved for use by the National Indigenous Violence and Child Abuse Intelligence Taskforce (NIITF) so that it can more effectively collect information into alleged crime affecting Aboriginal communities.

The ACC's special powers apply nationally and include secrecy provisions, which provide witnesses with confidentiality and protection against incrimination. Witnesses may include people working in communities such as teachers, nurses, doctors as well as community members.

The Government indicated in the Discussion Paper that it believes it is necessary to continue the use of these powers so that the NIITF can collect information that is otherwise difficult to obtain.

### What people said

The nature of the ACC's special powers meant that they were difficult to explain in translation to Aboriginal community audiences.

Nevertheless, the consultations provided an opportunity for individuals in many communities to ask questions about these powers and about the role of the ACC, and to get a better understanding of these powers.

### Tiers 1 and 2

Comments on this measure from Tier 1 and 2 consultations tended to be grouped into three categories:

- In several communities, the matter was not discussed or was considered not to be an issue.
- In other communities, GBMs and others who facilitated meetings reported that people found the concepts too difficult to understand even after they were explained.
- In a small number of communities there was a good understanding of this measure following

explanation, and there were substantive, detailed comments in response to each of the questions posed in the Discussion Paper.

In many communities, particularly in the Tier 1 discussions, there was little direct focus on the ACC powers, with discussion turning more to local law enforcement issues that people were interested in, such as local police availability and response times, and working relationships between police and night patrol services.

Therefore, overall there was not a high volume of comments in relation to this measure.

The synthesis below is provided from the responses received to the questions in the Discussion Paper and includes some reported comments from participants in the meetings.

### What are the main benefits of the ACC's special powers for individuals and communities?

A benefit of these powers that was identified in community discussions was that they helped to protect children.

Another benefit identified was that these powers protected people who made reports of violence and abuse to the authorities and that this was important in small and remote communities where people know or were related to each other.

- *All agreed the ACC should have powers to protect children and that everyone had a responsibility to report any form of abuse.*
- *Should continue as people need some degree of protection.*
- *The women felt this was a good measure as it recognises/acknowledges that there are strong cultural and family constraints that may hinder community members speaking out.*
- *Individuals can advise of situations without being identified.*

- *Providing an option for those who would like to say something but are too scared to.*
- *Good for ACC to catch criminals, difficult for families to inform on their own family.*
- *Good because people can report problems without getting into trouble from their family or other community people.*
- *No payback if someone reports incidents or breaking the rules.*

### What are the main problems with the ACC's special powers for individuals and communities?

Aside from people wanting more information about the ACC's role and ways to contact them, few concerns were mentioned. There were some questions about the effectiveness of the secrecy provisions once a matter entered the court system:

- *How does the ACC then guarantee privacy or confidentiality for the witness? Also, the use of interpreters is an issue when it comes to confidentiality and the issue of trusting a stranger to translate private, personal information.*
- *The timeframe of courts is another issue for people. By the time it gets to court, witnesses have often lost their courage to give evidence.*

It was also commented that the effectiveness of the ACC's special powers is dependent on sentencing outcomes from the courts.

- *Often the perpetrator gets a lenient sentence after the police and the witness have worked together to get to court. The ACC's powers will only be effective if the courts and police work together in support of victims. Otherwise people will continue to not come forward if they do not see a benefit in doing so.*

### If the ACC's special powers were to continue, how could they be improved?

A frequent comment related to the need for more information to be available to people in communities about the ACC's special powers. It was suggested that this information needs to be easier to understand and more readily accessible, and there should be better information about how to raise an issue of concern. There were several comments that a contact telephone number needed to be publicised.

- *[There is a need for] easy instructions to be able to access ACC.*
- *People need to know the process of engagement used to access the Australian Crime Commission.*
- *People need to know about the ACC, no one knows about it and can't go to anyone if they need this kind of help.*
- *How can they contact ACC and what sort of response can they expect?*
- *Poor mobile coverage does not allow for sufficient access/reporting.*
- *Not many people were aware of the 1800 number that can be accessed.*
- *ACC need to get out and talk to people about their work and how they can be accessed.*
- *Would be good if ACC could visit communities and explain what they do and how they can work with the community.*
- *The Australian Crime Commission needs to provide better, more accessible information and a phone number for people wishing to make reports.*

In a number of meetings, some people said that the measure would be more effective if there was a closer relationship between the ACC, law enforcement and people on the ground.

- While the community overall want to keep this measure in place, they want the ACC to work in partnership with the homeland communities if any issues are identified – as they are the people on the ground and have contacts etc.
- Community wanted to see Yolgnu and balanda working together on such issues.

Women's groups in a small number of communities offered suggestions for better locally based processes for engaging with ACC staff seeking to collect information for investigations.

- The women spoke mainly about this measure, advising that it is a good measure however they would like a person based in the community who would be the contact person for the ACC, to make sure that the information that they were receiving was in the right context. This person should talk to the ACC officers before they come to the community to make sure the right information is collected.
- The women would prefer that someone from the ACC visit the community and talk to them about what they do and train the local people in what they do. This way it would be culturally appropriate.

There was one suggestion for a process of closer and continuous monitoring of activities in communities instead of relying on reports to be received.

- Overall most [of the people at the meeting] believed that the ACC should be monitoring [the community] on an ongoing basis and should not be asked to come when there is a problem – they should be looking at [the community] all the time.

A few comments indicated that people wanted the measure to be stronger.

- In terms of the special powers a lot of concern was expressed about pay-back and that whole families are concerned no one can stop it. The group did not believe that confidentiality provisions were sufficient. They said you can protect an individual but you can't protect a whole family or extended family.

### Will individuals or communities benefit from a continuation of the ACC's special powers?

Among those who commented on the measure, there was support because it was seen as protecting children.

People in many NTER communities appreciated having the facility to report allegations or information anonymously and confidentially and saw it as a benefit.

- People felt it was a good measure and in favour of it continuing.
- Yes, individuals are empowered to protect their own community.
- Yes, the community becomes a safer place to live.
- Community members present agreed that "yes it is a good idea to keep those special powers".
- Members agreed that the special powers should continue and that this aspect should be "confidential".
- Ring them and tell them and secret, yes we want that one.
- All were in favour of measure continuing as a safeguard but would like the measure further explained.

### Tiers 3 and 4

The majority of participants considered that there was a need for further communication and education on this measure within their communities. Overall, participants in Tier 3 workshops supported the continuation of the ACC special powers measure. Some of those who attended Tier 4 meetings raised concerns about the special powers of the ACC and the NIIF.

The Katherine Tier 3 workshop addressed this measure in some depth. Participants expressed a concern about the lack of support for victims of abuse and people reporting crimes, and also a concern that the confidentiality provisions did not provide adequate protection to those reporting crimes as they were still required to testify in court.

- The indemnity is not real; once you say something against your own people you get threatened or your house gets smashed.
- The ACC doesn't protect you once you get back home in your community. The entire problem is yours when you get back home.
- When you report a crime, the ACC take you away from the community for you to give evidence then they bring you back to the community and leave you there - you are vulnerable to 'payback'.

Many participants at the Katherine workshop also advised that they were not previously aware of this measure and requested follow-up from the ACC and better education in communities about the measure. There were expressions of support for the measure and a call to provide Aboriginal Community Police Officers (ACPOs) with more support to be an effective interface with the police and the ACC. It was also suggested that more education was needed for communities and families on addressing neglect and abuse of vulnerable people including children.

- We weren't informed about this ACC in our community and we didn't know it was running. All this time we had no idea. But now that we do know we will go back now and let our mob know.
- We would like our ACPOs to work with the ACC because they can talk to both the offender and the victim to help them understand; we need to get behind this ACC mob.

The Northern Territory Indigenous Affairs Advisory Council expressed concern that the ACC special powers enabled the NIIF to access individuals' medical records. The Council looked at the implications of this measure alongside the Northern Territory legal provisions requiring mandatory reporting of sexual incidents or activity involving people under 18 years old. The Council was concerned that the potential effect of these two measures will be that people will refuse to seek medical or legal advice on important health issues, and that increased levels of youth suicide may be a result.

There was a common view from the other Tier 4 workshops that this measure was not supported. It was commented that there is insufficient evidence to support the scope of powers available to the ACC, and therefore the measure is unnecessary.

### Other issues

There were many comments relating to law and order generally in discussions on this measure. Some comments acknowledged the positive effects of the additional policing resources as a result of the NTER and the need for more police or for improved policing.

- Kids here are really happy with the police. They are nice to the kids and the kids feel comfortable going to the police station if their parents are fighting.
- The community need more police, they only have the police from [another community] and it is not enough. The police from [the other community] are good though, it has made a difference. They need police to try and stop the grog coming in because night patrol can't do it.
- All are more than happy with having a THEMIS<sup>1</sup> police post in the community.
- The police are doing a good job.

There were several positive comments about the presence of THEMIS stations in communities.

There were also comments about instances where relationships between community members and police were poor and suggestions that the situation could be improved by police performing their duties with more cultural awareness, respect and sensitivity.

<sup>1</sup> "THEMIS" is the operation name selected by the Northern Territory Police for their component of the Northern Territory Government response to the National Taskforce Against Child Abuse in Indigenous Communities.

## Business management areas powers

The NTER laws included business management areas powers that provide the Commonwealth with powers to vary and terminate funding agreements and for the Commonwealth Minister to make directions relating to the provision of services and assets required for the delivery of community services. These powers are intended to be reserve powers, exercised only in the last resort, and for the benefit of the affected communities.

These powers have not been used since the start of the NTER in 2007. In the Discussion Paper, the Government proposed to remove this power from the legislation, noting that there are existing mechanisms in legislation and administrative practice to ensure funds and community organisations are managed properly and effectively.

### What people said

#### Tiers 1 and 2

Reports from the consultations indicate that few individuals were aware of these powers. Because the powers had not been used, they had had no effect on anyone's lives.

There was a handful of comments from individuals in communities suggesting that some people would like these powers retained as a spur to good accountability and performance of community organisations.

To the extent that this measure was discussed in whole-of-community meetings (Tier 2), most of the comments indicate that people were comfortable with the Government's proposal to repeal the powers.

- *It's OK for government not to have these powers.*
- *Agree to get it out – don't need it.*
- *Members agreed that this should be removed.*

There were meetings however where people asked that the powers be retained and where examples of difficulties with service provider organisations were discussed.

- *The community want this measure to stay in place – as a backup to the powers the Government already has. People explained that they would feel safer with this measure staying in place.*
- *When women met on their own they expressed wanting this law to be retained. Gave examples of companies getting tenders and not delivering on the work or community not getting best value for dollar. This law is a safeguard they said and want to keep it.*
- *Important to the community to have this measure continue. If we don't have a GBM then we need to have some one who can be our representative; when things are not happening in the community.*

#### Tiers 3 and 4

Regional community leaders and stakeholder organisation representatives could be expected to have a more detailed understanding of these provisions than community members generally.

In several consultation meetings, regional community leaders and stakeholder organisation representatives said that the powers should be retained to allow the Government to cease funding non-performing community organisations and to bolster their governance.

- *Participants noted the proposed changes, but advised that the Business Management Powers allowing Government to stop funding an organisation which was not performing, should remain in the NTER legislation.*

A report from the women's Tier 3 regional workshop at Tennant Creek indicated that these powers needed to be maintained to provide a safeguard where the Office of the Registrar of Indigenous Corporations (ORIC) was not effective in regulating Indigenous corporations. The Katherine Tier 4 workshop also suggested the need for additional mechanisms to supplement ORIC's activities in assisting organisations experiencing difficulties.

Some regional community leaders and stakeholder organisation representatives commented that the existence of these powers reflected a lack of confidence in the capacity of Indigenous community organisations to manage their own affairs and was contrary to notions of community control and local autonomy.

# Appendix 1

## Consultation guide

Following are the questions on each measure that were set out in the Discussion Paper, and used as a guide for consultation meetings.

### Income management

- What are the main benefits of income management for individuals and communities?
- What are the main problems with income management for individuals and communities?
- If income management were to continue, how could it be improved?
- What difference would it make to income management if it were changed so that some people in the community could be exempted from income management based on an assessment process? Would this approach be better than the current income management arrangements? Are there other ways to achieve the same aims?
- Will individuals or communities benefit from a continuation of income management?

### Alcohol restrictions

- What are the main benefits of alcohol restrictions for individuals and communities?
- What are the main problems with alcohol restrictions for individuals and communities?
- If alcohol restrictions were to continue, how could they be improved?
- What difference would it make to alcohol restrictions if they were changed so that each community had its own set of restrictions, based on that community's circumstances? Would this approach be better than the current alcohol restrictions? Are there other ways to achieve the same aims?
- Will individuals or communities benefit from a continuation of alcohol restrictions?

### Pornography restrictions

- What are the main benefits of pornography restrictions for individuals and communities?
- What are the main problems with pornography restrictions for individuals and communities?
- If pornography restrictions were to continue, how could they be improved?
- What difference would it make to pornography restrictions if they were changed so that people could apply to have restrictions on pornography applied in their community? Would this approach be better than the current pornography restrictions? Are there other ways to achieve the same aims?
- Will individuals or communities benefit from a continuation of pornography restrictions?

### Five-year leases

- What are the main benefits of five-year leases for individuals and communities?
- What are the main problems with five-year leases for individuals and communities?
- If five-year leases were to continue, how could they be improved?
- Will individuals or communities benefit from a continuation of five-year leases, including the enhancements outlined in this paper?

### Community store licensing

- What are the main benefits of community store licensing for individuals and communities?
- What are the main problems with community store licensing for individuals and communities?
- If community store licensing were to continue, how could it be improved?

- Will individuals or communities benefit from a continuation of community store licensing, including the stronger licensing arrangements outlined in the Discussion Paper?

### Controls on use of publicly funded computers

- What are the main benefits of controls on use of publicly-funded computers for individuals and communities?
- What are the main problems with controls on use of publicly funded computers for individuals and communities?
- If controls on use of publicly funded computers were to continue, how could they be improved?
- Will individuals or communities benefit from a continuation of controls on use of publicly funded computers?

### Law enforcement powers

- What are the main benefits of the ACC's special powers for individuals and communities?
- What are the main problems with the ACC's special powers for individuals and communities?
- If the ACC's special powers were to continue, how could they be improved?
- Will individuals or communities benefit from continuation of the ACC's special powers?

### Business management areas powers

No specific questions were posed on this measure.

## Appendix 2

### Engagement Process

#### Tier 1

Tier 1 comprised a series of consultations within each of the NTER communities. These consultations were conducted by the GBMs and IEOs servicing these communities.

Tier 1 was targeted at individuals and interest groups in each community e.g. men, women, young people, community-based organisations, families and clan and language groups.

The purpose of these consultations was to:

- explain the Government's consultation process;
- explain the progress with the NTER to date;
- explain the Government's current position on the NTER, and in particular its opening position on each of the specific measures covered in the Future Directions Discussion Paper; and
- seek feedback on the Government's NTER redesign proposals, on what's working well and on what changes community people are seeking.

The Tier 1 community consultations commenced in late May and went through to early September 2009.

People attending Tier 1 discussions were encouraged to attend the Tier 2 consultations.

#### Tier 2

Tier 2 comprised a series of one-off whole-of-community meetings in each of the NTER communities. Some smaller communities were clustered for this purpose; for example, Pmara Juntunta, Nturiya and Wilora community members were invited to and participated in the Ti Tree Tier 2 consultation. These meetings were facilitated by ICC senior officers with the aid of the Aboriginal Interpreter Service of the Northern Territory wherever possible.

The purpose of these consultations was to:

- explain the Government's current position on the NTER, and in particular its opening position on the specific measures covered in the Future Directions Discussion Paper;
- provide participants with an opportunity to explore and discuss each of the specific measures in detail; and
- enable participants to provide feedback on the Government's position, on what's working well and on any changes people are seeking.

These meetings provided a higher level of content than the Tier 1 consultations and gave people the opportunity to explore more fully the Government's NTER redesign proposals.

They were scheduled as public meetings, open to all community members, and took place at locations and dates agreed between GBMs and IEOs and community members.

People who were interested in exploring the Government's position in greater detail were encouraged to register to participate at a Tier 3 regional workshop.

Locations and numbers of Tier 1 and Tier 2 meetings are set out in **Appendix 3**.

#### Tier 3

Tier 3 comprised a series of regional workshops for community people from NTER communities as well as Indigenous leaders in a particular region. These workshops were conducted by senior staff from FaHCSIA's Indigenous Leadership and Engagement Group.

The purpose of these workshops was to:

- explain the Government's current position on the NTER and in particular its opening position on the specific measures covered in the Future Directions Discussion Paper;
- provide participants with an opportunity to workshop the specific measures in greater detail than in Tier 1 or Tier 2 consultations; and
- enable participants to provide feedback on the Government's NTER redesign proposals as well as on what's working well and what changes people are seeking.

People with a diverse range of views on the future of the NTER were encouraged to participate in these workshops.

Nomination forms for the Tier 3 regional workshops were available from the local ICC, from GBMs in communities and from IEOs in those communities that have them. Forms could also be obtained from the local store and clinic.

People wishing to participate were invited to register their interest with either their local GBM/IEO or their local ICC. Nomination forms were also able to be sent directly to the FaHCSIA National Office.

Six workshops were held. Dates and attendance details are at **Appendix 4**.

#### Tier 4

Tier 4 comprised major stakeholder workshops involving Indigenous organisations in the Northern Territory as well as the Northern Territory Indigenous Affairs Advisory Council.

These workshops had a similar format to the Tier 3 workshops.

Attendance at Tier 4 workshops was by invitation. FaHCSIA National Office wrote to organisations inviting them to nominate representatives.

Three workshops were initially planned. The number was increased to five to cater for a larger number of participants. Dates and attendance details are at **Appendix 4**.

## Appendix 3

### Participating communities and town camps – Tiers 1 and 2

Around 100 communities and town camp groups participated in the consultations. The participating communities and numbers of Tier 1 and Tier 2 meetings are shown below.

Whether each community is subject to a five-year lease or has negotiated a longer-term lease or has another land tenure arrangement is also indicated.

	NTER Community	Number of meetings		Five-year lease (Yes/No) or Longer-term lease
		Tier 1	Tier 2	
1	Acacia/Larrakia	3	1	Yes
2	Ali Curung (Alekerange, Warrabri)	2	1	Yes
3	Alpurrurulam (Lake Nash)	18	1	Yes
4	Amanbidji (Kildurk, Mailuni)	1	1	Yes
5	Amoonguna	3	1	Yes
6	Ampilatwatja	-	1	Yes
7	Angurugu	11	1	Whole of township lease
8	Apatula (Finke)	3	1	Not Indigenous land – mix of freehold and leasehold
9	Areyonga (Utju)	5	1	Yes
10	Arlparra (Utopia, Urapuntja)	3	1	No
11	Atitjere (Harts Range)	6	1	Yes
12	Barunga (Bamyili)	9	1	Yes
13	Belyuen (Delissaville)	6	1	Yes
14	Beswick (Wugularr)	2	1	Yes
15	Binjari (Wylunba)	11	2	Yes
16	Bulla (Gudabijin, Auvergne)	3	1	Yes
17	Bulman (Gulin-Gulin)	4	1	Yes
18	Canteen Creek (Orwairtilla)	5	1	Yes
19	Daguragu	3	Included in Kalkarindji Tier 2 consultation	Yes
20	Elliott	12	1	Town
21	Elliott North Camp	5	Included in either Elliott or Elliott South Camp Tier 2 consultations	Town camp
22	Elliott South Camp	2	1	Town camp
23	Engawala (Alcoota, Alatyeye)	3	1	Yes
24	Galiwinku (Elcho Island)	8	2	Yes
25	Gapuwiyak	10	1	Yes

	NTER Community	Number of meetings		Five-year lease (Yes/No) or Longer-term lease
		Tier 1	Tier 2	
26	Gunbalunya	6	2	Yes
27	Gunyangara	5	1	Yes
28	Haasts Bluff	7	1	Yes
29	Hermannsburg (Ntaria)	11	1	Yes
30	Imangara (Murray Downs)	1	1	Yes
31	Imanpa	4	1	Yes
32	Jilkminggan (Eley)	12	1	Yes
33	Kalkarindji	5	1	Not Indigenous land – mix of freehold and leasehold
34	Kaltukatjara	-	2	Yes
35	Kintore (Walungurru)	5	1	Yes
36	Kybrook Farm	2	1	NT freehold land held by an Aboriginal Association
37	Lajamanu	6	1	Yes
38	Laramba	2	2	Yes
39	Maningrida	7	2	Yes
40	Manyallaluk (Eva Valley)	3	2	Yes
41	Milikapiti	8	2	Yes
42	Milingimbi	1	1	Yes
43	Milyakburra	1	2	Whole of township lease
44	Minjilang (Croker Island)	-	1	Yes
45	Mt Liebig	5	1	Yes
46	Mutitjulu	7	1	Leased to Commonwealth Director of National Parks
47	Naiyu (Daly River)	8	1	Land owned by the Catholic Church and leased to an Aboriginal Trust
48	Nguiu	13	2	Whole of township lease
49	Ngukurr	-	1	Yes
50	Numbulwar	9	1	Yes
51	Nturiya	-	Included in Ti Tree Tier 2 consultations	Yes
52	Nyirripi	2	1	Yes
53	Palumpa (Nganmariyanga)	1	1	Yes
54	Papunya	19	1	Yes
55	Peppimenarti	-	2	Yes
56	Pigeon Hole	2	1	Yes
57	Pirlangimpi (Pularumpi)	8	2	Yes
58	Pmara Juntunta	-	Included in Ti Tree Tier 2 consultations	Yes
59	Ramingining	14	1	Yes

	NTER Community	Number of meetings		Five-year lease (Yes/No) or Longer-term lease
		Tier 1	Tier 2	
60	Rittarangu	-	Included in Ngukkur Tier 2 consultation	Yes
61	Robinson River (Mungoobada)	3	1	Yes
62	Santa Teresa	8	3	Yes
63	Tara (Akwerrnge)	1	1	Yes
64	Titjikala	8	1	Yes
65	Umbakumba	3	1	Whole of township lease
66	Wadeye	8	2	Yes
67	Wallace Rockhole	1	1	Yes
68	Warruwi (Goulburn Island)	3	1	Yes
69	Weemol	-	Included in Bulman Tier 2 consultation	Yes
70	Willowra	-	2	Yes
71	Wilora	2	Included in Ti Tree Tier 2 consultations	Yes
72	Wutunugurra (Epenarra)	4	1	Yes
73	Yarralin	6	1	Yes
74	Yirrkala	7	2	Yes
75	Yuelamu (Mt Allan)	5	1	Yes
76	Yuendumu	3	1	Yes
<b>Town Camps</b>				
<b>Alice Springs Town Camps</b>				
77	Alice Springs	3	-	Town camp
78	Hidden Valley, Ilpeye Ilpeye, Whitegate	-	1	Town camp
79	Karnte/Ilparpa/Anthepe	-	1	Town camp
80	Larapinta Valley	-	1	Town camp
81	Little Sisters/Old Timers	-	1	Town camp
82	Morris Soak/Namitjira	-	1	Town camp
83	Oak Valley	1	-	Town camp
84	Palmers/Mount Nancy/ Bassos	-	1	Town camp
85	Walpiri/ North Camp	-	1	Town camp

	NTER Community	Number of meetings		Five-year lease (Yes/No) or Longer-term lease
		Tier 1	Tier 2	
<b>Darwin Town Camps</b>				
86	Bagot	1	1	Town camp
87	Knuckey's Lagoon (Knuckey Lagoon)	5	1	Town camp
88	Kulaluk/Minmirama Park/One Mile	2	1	Town camp
89	Palmerston Indigenous Village	6	1	Town camp
<b>Tennant Creek Town Camps</b>				
90	Tennant Creek Town Camps	-	1	Town camp
91	Kargaru (Wartijilpungara)	2	-	Town camp
92	Munji-Marla	1	-	Town camp
93	Ngalpa Ngalpa (Mulga camp)	1	1	Town camp
94	Tinkarli	1	1	Town camp
95	Village Camp	4	-	Town camp
<b>Katherine Town Camps</b>				
96	Pine Creek	1	-	Town camp
97	Rockhole	2	-	Town camp
<b>Adelaide River Town Camps</b>				
98	Amangal Indigenous Village	2	-	Town camp
<b>Other Communities</b>				
99	Alyuen (Aileron)	1	-	Community living area
100	Bonya (Orrtipa-Thurra)	-	1	Town
101	Borrooloola	11	1	Town camp
102	Devil's Pebbles	1	-	Outstation
103	Jabiru	2	1	National park
104	Katherine (Kalano Community Association)	-	1	N/A
105	Minyeri	13	1	Yes
106	Mungkarta Outstation	2	1	Outstation
107	Timber Creek	8	1	Town
108	Ti Tree	-	2	Town
<b>Total meetings</b>		<b>444</b>	<b>109</b>	

## Appendix 4

### Participation – Tiers 3 and 4

#### Tier 3 – Regional workshops

Workshop Location	Dates	No Attended	Communities represented
Alice Springs	14–16 July 2009	26	Participants were from community and stakeholder organisations in Alice Springs and surrounding communities including: Alice Springs town camps; Athengelhere Altyere; Atitjere; Apatula (Finke); Engawala; Haasts Bluff; Hermannsburg; Imanpa; Jay Creek; Kintore; Laramba; Mount Liebig; Nyrrippi; Papunya; Santa Theresa; Titjikala; Yuelamu; Yuendumu.
Darwin	4–5 August 2009	45	Participants were from Acacia Larrakia; Belyuen; Daly River; Darwin; Darwin town camps – Bagot and Knuckey's Lagoon; Maningrida; Milikapiti; Minjalang (Croker Island); Ngiuu (Bathurst Island); Palmerston; Palumpa; Peppimenarti; Pirlangimpi; Wadeye (Port Keats); Warrawui (Goulburn Island).
Katherine	11–12 August 2009	45	Participants were from: Barunga; Beswick; Binjari; Jilkminggan; Kalano; Kalkarindji; Katherine; Kybrook Farm; Manyallaluck; Myalli Brumby; Rockhole; Roper Valley; Timber Creek.
Nhulunbuy	18–19 August 2009	24	Participants attending the workshop were from Galiwinku (Elcho Island); Gapuwiyak; Groote Eylandt and Umbakumba; Ramingining; Ski Beach; Warruwi. (Numbers were lower than anticipated due to people needing to attend cultural obligations following several deaths in the area).
Tennant Creek – Women's consultation (1)	2 July 2009	20*	Community women from the Barkly and Tennant Creek region. * (These women were from the 36 who attended the 30 June–2 July workshop – see below)
Tennant Creek (2)	30 June–2 July 2009	36	Participants attending the workshop were from Ali Curung; Alpururulam; Elliott; Murray Downs; Tennant Creek; Utopia; Wilyuku.

#### Tier 4 – Stakeholder organisations representatives meetings

Workshop Location	Dates	No Attended	Who attended
Darwin	18 June 2009	9	NT Indigenous Affairs Advisory Council members
Alice Springs	21–23 July 2009	17	Participants included a number of prominent Indigenous leaders who had the authority to speak on behalf of their community and/or organisation.
Darwin	6–7 August 2009	37	Representatives from 23 organisations present, including two representatives from the Central Land Council who were unable to attend the Alice Springs workshop. This workshop also included a number of representatives from mainstream organisations that have a large Indigenous clientele.
Katherine	13–14 August 2009	26	Majority of participants were prominent leaders who spoke on behalf of their community or organisation.
Nhulunbuy	20–21 August 2009	12	Majority of participants were non-Indigenous shire managers.

#### Attendance summary

Total Tier 3: **176**

Total Tier 4: **101**

**Total: 277**

## Appendix 5

### Reference Documents

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Northern Territory Emergency Response Review Board, 2008.

*Report of the NTER Review Board.*

<http://www.nterreview.gov.au/report.htm>

