

STRONGER FUTURES

IN THE NORTHERN TERRITORY

Policy Statement

November 2011



Australian Government

**STRONGER
FUTURES**
IN THE NORTHERN TERRITORY



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This report must be attributed as Stronger Futures in the Northern Territory Policy Statement November 2011.

OVERVIEW

The Australian Government, in partnership with the Northern Territory Government, is working with Aboriginal people in the Northern Territory to build stronger futures together.

Aboriginal people in the Northern Territory still face unacceptable levels of disadvantage. Efforts with the Northern Territory Government over the past four years to close the gap have delivered more housing, extra jobs and additional health, education and community safety services to Aboriginal people, but there is more work to be done.

At a local level, the Northern Territory Government is improving on-the-ground service delivery, including local implementation planning that will, over time, deliver the services and infrastructure that would be expected by comparable locations anywhere in Australia.

A partnership approach between the Australian Government, the Northern Territory Government and Aboriginal Territorians is driving reform and improving service delivery. The goal of stronger futures together is key to this approach.

At the heart of this work will be the views of Aboriginal people in the Northern Territory.

Between the end of June and mid-August 2011, wide-ranging consultations were held with Aboriginal people and other Territorians on new approaches and new ideas for the future beyond the Northern Territory Emergency Response. This built on conversations and consultations the Australian Government has been conducting over the past four years.

There were more than 470 consultation meetings in over 100 hundred towns and communities. A discussion paper, *Stronger Futures in the Northern Territory*, outlined eight priority areas for the future and provided a starting point for discussion.

These eight key areas are school attendance and educational achievement, economic development and employment, tackling alcohol abuse, community safety and the protection of children, health, food security, housing and governance.

In the consultations, people made it clear that they do want changes. They want to work with government to make these changes.

The *Northern Territory Emergency Response Evaluation Report 2011* released earlier this month found that the current Northern Territory Emergency Response measures are improving basic services, infrastructure and safety in communities. There are indications that life is getting better for many Aboriginal people. The report showed, however, that outcomes for education, employment, housing, health and safety are still well below those for non-Indigenous people even though they have improved since the start of the emergency response.

The Australian Government, in partnership with the Northern Territory Government, is now acting on the issues people said were the most urgent:

- getting children to school to get a decent education
- tackling alcohol misuse
- providing decent housing, and
- building strong local economies and increasing job opportunities.

SUPPORTING LEGISLATION

The Australian Government is introducing legislation into the Parliament to help tackle these urgent issues.

This includes three bills:

- the Stronger Futures in the Northern Territory Bill 2011
- the Stronger Futures in the Northern Territory (Consequential and Transitional Provisions) Bill 2011, and
- elements of the Social Security Legislation Amendment Bill 2011.

The legislation continues our approach to Closing the Gap between Indigenous and non-Indigenous people based on ongoing government investment, strengthening personal and government responsibility, building mutual respect between governments and Aboriginal people, and delivering long-term sustainable outcomes.

The object of the Stronger Futures in the Northern Territory Bill is to support Aboriginal people in the Northern Territory to have prosperous families and livelihoods, in communities where children can grow up safe and healthy. It contains practical measures aimed at reducing alcohol harm, improving food security in remote communities, and economic development in town camps and community living areas.

The Stronger Futures in the Northern Territory (Consequential and Transitional Provisions) Bill 2011 proposes the repeal of the *Northern Territory National Emergency Response Act 2007*. The Consequential and Transitional Provisions Bill also makes amendments to several Commonwealth laws to improve the operation of some existing measures including the pornography restrictions and the prohibitions on considering customary law in bail and sentencing decisions.

The Government is also introducing a Bill to make several important changes to the social security law. The Social Security Legislation Amendment Bill 2011 makes amendments that will assist disadvantaged and vulnerable Australians and improve school attendance. This Bill applies beyond the Northern Territory.

The Government will ask a Parliamentary Committee to consider this legislation.

Aboriginal people and other affected people will be able to continue giving their feedback and input to government during the committee process. The Australian Government knows that this chance for scrutiny was not offered by the previous Government when they introduced the Northern Territory Emergency Response in 2007.

The Government has made it clear that all the measures will continue to comply with the *Racial Discrimination Act 1975* (Racial Discrimination Act). This includes special measures under the Racial Discrimination Act that are in place to target Aboriginal disadvantage and help Aboriginal people to enjoy their rights equally with others in the Australian community.

In addition to our legislation, the Government is bringing forward an early jobs package to help provide more employment for Aboriginal people in remote communities.

The Government will be making further decisions about additional funding for building stronger futures with Aboriginal people in the Northern Territory. This will be part of the Budget process.

JOBS

A very clear message from the consultations was that Aboriginal people wanted to work in regular jobs in their communities, with proper wages and conditions. They said that too often they saw jobs remaining vacant, or being filled by people from outside the community, when they could do the work and should be given the opportunities.

Having a job contributes to better health and self confidence, encourages young people to get a decent education, and helps build stronger communities and local economies.

The Government has listened to what people told them in the consultations. It will be working with Aboriginal people in remote communities across the Northern Territory to deliver a jobs package that includes \$19.1 million in funding over four years for new ranger positions.

The package includes:

- Job creation – The Australian Government will deliver 50 new ranger positions in the *Working on Country* program, in addition to the 280 existing positions in the Northern Territory. *Working on Country* builds on Indigenous traditional knowledge to protect and manage land, providing sustainable jobs for Indigenous people and enabling the rangers to act as role models and educators for young Indigenous people.
- Job support – The Government will be strengthening efforts to ensure local people fill the local jobs available in their communities.
 - New *Local Jobs for Local People* Indigenous traineeships will help up to 100 Aboriginal people in the Northern Territory to fill service-delivery jobs in their communities as these positions become available. The traineeships provide targeted, job-specific training and offer ‘job-shadowing’ with an experienced worker so that trainees have supported on-the-job experience.
 - There will also be increased opportunities for young people who stay at school and finish year 12. The Australian Government will support the Northern Territory Government’s initiative that is guaranteeing jobs to Indigenous students from Territory Growth Towns who complete year 12. Job opportunities will be available to these students in the Australian Public Service or with organisations delivering government-funded services. This broader range of opportunities for people who finish year 12 will help young people to see the benefits of a good education.
 - Jobs brokers will help to connect Aboriginal people, and particularly those with specific skills, with jobs in sectors that have labour shortages.
- Micro-enterprise support – The Australian Government will extend Indigenous Business Australia’s *Indigenous Communities in Business* program to two additional communities. Local people will be helped to identify and develop business ideas.

IMPROVING SCHOOL ATTENDANCE AND ENROLMENT

A decent education is needed to help young people get a job, grow up strong, with confidence, and have a positive influence over their lives. To get a decent education, children need to go to school regularly and stay until they finish their schooling.

During the consultations, Aboriginal people in the Northern Territory were clear that they wanted children to attend school regularly. They also said that parents have a responsibility to help make this happen.

The Australian Government, in partnership with the Northern Territory Government, will both improve and expand the current School Enrolment and Attendance Measure (SEAM) so that it aligns with the Northern Territory Government's *Every Child Every Day* strategy. Both are aimed at promoting the responsibility of all parents for children's school enrolment and attendance.

Aligning the two measures will ensure that there is a clear and consistent set of processes and consequences for parents whose children do not attend school regularly.

It will help ensure greater engagement between schools and families and link families with the support they need to help their children to attend school every day.

The Government will:

- hold seminars in each community before starting the new model of SEAM to explain to parents their responsibilities. Parents will need to understand the new arrangements and that their income-support entitlements may be affected if their children are not enrolled or attending school
- send a letter to parents at the start of each school term reminding them of the new arrangements and outlining their responsibilities
- direct families to participate in a conference if children fall below the set benchmark of attendance. These conferences will involve a school representative, a Centrelink social worker and the Northern Territory Government's truancy support worker. There will be an opportunity for the school and family to discuss barriers to the child's attendance and engagement
- ask parents to agree to an attendance plan at the conference. Where the young person is 14 and over, they must also agree to the plan
- through the attendance plan, provide additional support and links to the school for families who most need it
- suspend the income-support payments of parents who do not meet their part of the agreed attendance plan
- reinstate payments once the parent begins complying with their responsibilities under the attendance plan and re-engaging with the school.

The current enrolment component of SEAM will be continued and improved to help deal with unacceptable levels of under-enrolment.

Data exchange between schools and Centrelink will ensure that children are enrolled in a school and attending even if they have moved during the school year. This will prevent children, particularly those in mobile families, from falling through the cracks.

Low levels of school attendance and enrolment are not issues confined to Aboriginal communities or remote area schools. The Australian Government will extend SEAM to the townships of Alyangula and Nhulunbuy, and to Alice Springs, Tennant Creek, and remaining schools in Katherine and the communities of Yirrkala, Maningrida, Galiwin'ku, Ngukurr, Numbulwar, Umbakumba, Angurugu, Gapuwiyak, Gunbalanya, Milingimbi, Lajamanu and Yuendumu.

Overall school attendance in these locations is particularly poor and it is clear that our efforts in these communities need to be strengthened in order to ensure all children get a decent education. The measure will be able to apply to all parents on income support in these areas.

SEAM already applies in Wadeye, Ntaria (Hermannsburg), Wallace Rockhole, Wurrumiyanga (Nguiu) and select schools in Katherine.

These changes will be made by amending the *Social Security (Administration) Act 1999*.

TACKLING ALCOHOL ABUSE

Aboriginal people in the Northern Territory have told the Australian Government that they want more done to tackle alcohol abuse.

Alcohol misuse is at the centre of dysfunction, violence and abuse in many communities. During the consultations, Aboriginal people spoke about the damage caused by alcohol, including road accidents and fights in families and communities and alcohol-related diseases. There is extensive evidence of the harm being caused by alcohol in Aboriginal communities.

The Australian Government believes that special measures must continue so that alcohol-related harm in Aboriginal communities is reduced.

The Northern Territory Government has been working to tackle alcohol abuse, most notably through its *Enough is Enough* Alcohol Reforms. These tough laws target problem drinking and are supported with increased treatment and rehabilitation options.

The Australian Government's proposed legislation will complement these efforts and help the two governments to work together.

The new provisions will:

- enable the Australian and Northern Territory Governments to work together to clamp down on alcohol traders whose operations are causing significant harm to Aboriginal people by permitting the Commonwealth Indigenous Affairs Minister to request an independent assessor be appointed under the Northern Territory *Liquor Act* to review licensee operations. The Northern Territory Minister can decline to appoint an assessor as requested, but must publish a statement of reasons for that decision. The assessor's report will be provided to the Commonwealth and could be made public
- require an independent review of alcohol laws to assess how effective they are in reducing alcohol-related harm among Aboriginal people in the Northern Territory. The review will cover the Northern Territory Government's *Enough is Enough* reforms, the Stronger Futures alcohol restrictions and the Northern Territory *Liquor Act*. The terms of reference of the review will be determined by the Commonwealth Minister and the Northern Territory Minister. Both governments will also ensure that Indigenous leaders are fully involved in the review. The report will be tabled in the Federal Parliament within three years
- respond to Aboriginal people's widespread concern about alcohol-related harm by continuing current alcohol restrictions and strengthening penalties for grog running. The penalty for liquor offences under 1,350 millilitres will be increased to include six months imprisonment
- focus on local solutions to alcohol-related harm by strengthening the provisions relating to alcohol management plans. The plans will need to meet minimum standards directed at harm reduction and protecting vulnerable women and children. The Commonwealth Indigenous Affairs Minister will have the power to approve these plans
- require respectful signage to inform residents and visitors to communities about the alcohol rules that apply there.

Separate legislation, the Social Security Legislation Amendment Bill 2011, will also be introduced to allow State and Territory authorities to refer people for income management. This will operate in a similar way to the current *Child Protection Measure* which lets child protection workers refer parents for income management. The new arrangement will expand this pathway so that other bodies can ensure that income management is available to people who need it. In the Northern Territory this will mean that the Northern Territory Alcohol and Other Drugs Tribunal will have an additional tool to support people and families facing problems related to drug and alcohol abuse.

Income management can assist people with these problems by reducing the amount of discretionary funds available to be spent on alcohol and illicit drugs. It also ensures that money is available to be spent on basic needs such as food, clothing and housing.

COMMUNITY SAFETY AND CHILD PROTECTION

The Government proposes to continue measures that help make communities, and in particular women and children, safer. This will include the current pornography restrictions and the prohibitions on considerations of customary law in bail and sentencing decisions.

The additional restrictions will continue to apply to material that is Refused Classification or classified X18+, or would likely be Refused Classification or would likely be classified X18+. These restrictions will apply in areas that will be called prohibited material areas. A prohibited material area is an area that has been declared as a prohibited material area by the Commonwealth Minister for Indigenous Affairs in a legislative instrument.

Minor changes are proposed to enable customary law and cultural practice to be considered in bail and sentencing decisions for offences against Commonwealth and Northern Territory laws that protect cultural heritage, including sacred sites or cultural heritage objects. An unintended consequence of the previous legislation was that the cultural consequences of damage to a sacred site or object could not be taken into account in sentencing. However, the provisions will continue to operate in relation to other offences under Commonwealth and Northern Territory laws, to help protect women and children from violence and abuse.

The Australian Crime Commission powers relating to violence and child abuse against an Indigenous person and the provision allowing Australian Federal Police to perform the powers and functions of Northern Territory police will continue in existing legislation. The Australian Crime Commission measure operates nationally. Neither of these measures was subject to sunset provisions.

The current legislated requirements for internet filters and audits of publicly funded computers will not be continued in their present form. They will be replaced with a non-legislative measure — all Commonwealth funding agreements will require funded organisations to take steps to minimise inappropriate use of publicly funded computers.

FOOD SECURITY

Community stores licensing has helped to improve the quality and availability of fresh, healthy food in communities. Community stores licensing will continue under the Stronger Futures legislation.

The legislation sets out clearly the licensing procedures, conditions under which licences are granted, business registration requirements, and arrangements for the stores to be assessed.

The new arrangements will provide for a range of penalties for licence breaches including fines and injunctions, allowing action to be taken against the store while it continues to trade to encourage better performance and service. The existing arrangements only allow for a licence to be withdrawn if a store is performing badly.

The legislation will continue to improve access to fresh, healthy food for Aboriginal communities. All stores in designated food security areas that are an important source of food or groceries for remote communities will have to be licensed. The benefits of licensing can apply to all stores, not just to those which want to accept income-managed funds as is the case at present.

HOUSING AND LAND REFORM

The Australian Government has made a clear commitment to negotiating voluntary long-term leases and will not be extending the compulsory five-year leases acquired under the original Northern Territory Emergency Response legislation. The Australian and Northern Territory Governments will continue to negotiate leases with Aboriginal land owners that will enable the Northern Territory Government to manage social housing in remote communities.

The legislation will allow the Australian Government to make regulations to remove barriers to leasing on town camp and community living area land in the Northern Territory. The aim is to enable Aboriginal land holders to make use of their land for a broader range of purposes including for economic development and private home ownership. The legislation will provide more administrative and legal assistance to these land owners by allowing them to request to be represented by land councils.

In addition to legislation, the Australian Government is working with the Northern Territory Government to ensure that appropriate standards for the provision of social housing by non-government organisations are set. This is part of a national effort to improve the regulation of housing providers across Australia and will ensure the continuation of essential property and tenancy management reforms, irrespective of who manages the housing.

The Australian Government will also work with the Northern Territory Government to ensure that building protections are extended to remote areas where they do not currently apply, starting in locations where there are township leases. This will ensure that Indigenous home owners have access to building protections if they want to build or renovate their own home.

SUNSET AND REVIEW PROVISIONS

The Australian Government is proposing to sunset the Stronger Futures in the Northern Territory legislation at 10 years from its commencement.

This reflects the Government's long-term commitment to Aboriginal people in the Northern Territory and acknowledges that it will take time and determination to address the unacceptable levels of disadvantage faced by many Aboriginal people in the Northern Territory.

This also reflects the Government's belief that these measures will over time provide better opportunities for Aboriginal people in the Northern Territory.

The Government is proposing a legislative review to commence no later than seven years after the commencement of the Stronger Futures legislation. This will allow for our efforts to be evaluated and adjusted as needed well before the 10 year sunset date. The commitment to a review will be reflected in the legislation. The review will be independent, with the findings to be tabled in Parliament.

THE PROCESS FROM HERE

The Australian Government is committed to consulting and working with the Northern Territory Government and Aboriginal Territorians. We want to continue to hear from Aboriginal people and Territorians generally about how we can build stronger futures in the Northern Territory together.

To ensure that affected people have an opportunity to comment on the proposed legislation before it passes through Parliament, the Government will ask Parliament to agree that a Parliamentary Committee review the legislation over coming months.

This will allow Aboriginal people and other members of the Australian community to continue to have a say about what the Government does next to build stronger futures.

In the meantime, the Government will be providing information about the proposed legislation to Aboriginal people in the Northern Territory through Indigenous Engagement Officers and Government Business Managers, and to the Northern Territory Government.

Importantly, people can continue to provide their views to the Government by talking to their local Indigenous Engagement Officer or Government Business Manager.

If people need the assistance of an Aboriginal interpreter to better understand the proposals and to convey their views, they are able to request interpreter help through their local Indigenous Engagement Officer or Government Business Manager.

People can also email or write to the Minister for Families, Housing, Community Services and Indigenous Affairs.

Additional information on the proposed legislation can be found on the website:
www.indigenous.gov.au/strongerfutures.

We know that stronger futures can only be built in partnership with Aboriginal people.

