Reconciliation
AUSTRALIA

1 February 2012

Submission to the Senate Standing Committees on Community Affairs

Stronger Futures in the Northern Territory Bill 2011

Stronger Futures in the Northern Territory (Consequential and Transitional Provisions) Bill 2011

Social Security Legislation Amendment Bill 2011

1. Introduction

Reconciliation Australia is the peak national organisation building and promoting reconciliation between Aboriginal and Torres Strait Islander peoples and other Australians for the wellbeing of the nation. We believe that a reconciled Australia is one where:

- Aboriginal and Torres Strait Islander people are recognised appropriately as Australia's First Peoples;
- our society understands and values the history, culture, rights and contribution of Aboriginal and Torres Strait Islander peoples;
- genuine partnerships in which Aboriginal and Torres Strait Islander voices are heard and respected are the norm; and
- the success and well-being of all Aboriginal and Torres Strait Islander peoples and communities are part of everyday life.

We believe that stronger relationships, built on shared knowledge and respect, are central to Aboriginal and Torres Strait Islander people controlling their life choices and participating fully in the economic and social opportunities enjoyed by the wider community.

We recognise that achieving this vision requires significant government investment to improve outcomes for Aboriginal and Torres Strait Islander peoples in education, health, housing and employment. On this basis, we support the overarching intention of the three pieces of legislation under consideration by the Senate Standing Committee on Community Affairs. We refer to this package as the Stronger Futures legislation throughout the submission.

However, we also believe that the way in which policy is developed and implemented is just as important in moving towards a more reconciled Australia. This is the focus of our submission.

In **Section 3** of this submission we outline five key principles that we consider to be critical for good policy outcomes and which are consistent with our vision for reconciliation:

- Respectful and sustained engagement with communities
- Good governance
- A local and holistic approach
- A long term approach supported by sustained and adequate funding
- Evidence-based policy

In the longer term these five principles will support more cost-effective and sustainable solutions but, more importantly, they will empower individuals and communities to take more control over their futures.

In **Section 4** we measure the consultation process and key measures in the proposed legislation against these five principles. We conclude in **Section 5** by providing advice about how the legislation should be implemented in order for the measures to be effective.

2. Summary of Recommendations

Reconciliation Australia recommends to the Senate Standing Committee on Community Affairs (Senate Committee) that:

1. As part of this inquiry, the Senate Committee hold hearings throughout the Northern Territory to provide adequate opportunity for Aboriginal communities to provide input on the proposed legislation.
2. With regard to alcohol restrictions:
    a. the legislation clearly stipulate that referral to the Substance Misuse Assessment and Referral for Treatment Court (SMART Court) be applied in place of imprisonment wherever possible
    b. the application of alcohol penalties be reviewed and discontinued if they are resulting in unacceptably high numbers of Aboriginal people being sentenced to imprisonment.
3. The Commonwealth Government (hereafter, the Government) provide ongoing funding for:
    a. Indigenous Engagement Officers (IEOs) in every community where the Stronger Futures legislation applies
    b. Governance officers in each local government shire in the Northern Territory to work with Aboriginal communities
    c. interpreter services throughout the Northern Territory
    d. improved cultural competency training for all government officers involved in the implementation of the Stronger Futures legislation.
4. Community-led solutions to alcohol abuse are supported by:
    a. ensuring that minimum standards for AMPs are flexible enough to allow proposals from the communities to be incorporated into AMPs
    b. a dedicated flexible funding pool that provides funding support for the implementation of agreed proposals.
5. In implementing SEAM, the Government:
    a. implements a culturally appropriate engagement and communication strategy in affected communities
    b. where possible, adopts a tailored case management approach that builds the relationship with those involved
    c. focuses on processes that engage and empower the local community
    d. focuses on improving collaboration and coordination within and between all relevant government agencies

e. be explicit about having the capacity and structures to encourage and accommodate ideas put forward by communities

f. adequately resources and supports local representative bodies and/or organisations involved in the implementation of the program.

6. With regard to other measures to improve education outcomes, the Government:

   a. continues to invest in other measures to improve education outcomes throughout the Northern Territory, including in school infrastructure and teachers where there is an identified need

   b. supports the development of local Education Management Plans developed in collaboration with local communities

   c. provides funding support for the sustainable operation of local representative bodies and to trial community driven solutions to improving school attendance.

7. With regard to monitoring and evaluation:

   a. an independent review committee is established to oversee the implementation and operation of the Stronger Futures legislation

   b. an independent evaluation of all measures is conducted and made publicly available by no later than June 2014.

3. Overarching Principles for building stronger futures in the Northern Territory

Reconciliation Australia has consistently advocated for applying a community development approach to policy making and program delivery in order to advance reconciliation in Australia. The community development approach emphasises building capacity and working in partnership with communities.

Reconciliation Australia's submission to the Northern Territory Emergency Response (NTER) Review Board in 2008 outlined what we consider to be the key principles of good policy, based on the community development approach. Reconciliation Australia's five key principles of good policy are still essential to achieving sustainable positive outcomes in the Northern Territory and are outlined below.

1. Respectful and sustained engagement with communities

Good relationships, based on the universal elements of trust, understanding, communication and mutual respect, are at the heart of reconciliation. Good relationships are also required for the successful development and implementation of government policies aimed at improving the circumstances of Aboriginal and Torres Strait Islander peoples.

The way in which governments at all levels engage with people during the policy process is an important part of this relationship. Respectful engagement demonstrates a commitment to building strong ongoing relationships and a will to work together to effectively address agreed issues. Moreover, there is a growing body of evidence[1] indicating that policies that are developed in a respectful way, through genuine consultation and engagement, are more likely to be successful because they engender a feeling of ownership by those affected.

Respectful and effective engagement involves government providing clear and timely information to Aboriginal and Torres Strait Islander peoples on the issues being addressed and the proposed solutions. Engagement should begin early and should, where necessary, be ongoing to enable meaningful participation in all stages of policy and program design, implementation and evaluation.[2] Interpreters must be used during engagement whenever they are required to ensure effective communication.

Genuine engagement requires participants to acknowledge and listen respectfully to all the ideas and viewpoints put forward. Even more importantly, it requires an openness to

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[1]These reports include the 2010 Strategic Review of Indigenous Expenditure conducted by the Department of Finance and Deregulation, the Overcoming Indigenous Disadvantage Report 2011, the 2011 Aboriginal and Torres Strait Islander Social Justice Report, the Australian Institute of Health and Welfare Studies report 'What works to overcome Indigenous disadvantage' and research undertaken by Reconciliation Australia and the Centre for Aboriginal Economic Policy Research on Indigenous Community Governance.

[2] Australian Human Rights Commission (2010) 'Appendix 4: Features of meaningful and effective consultation processes', *Native Title Report 2010.* Available at: http://www.humanrights.gov.au/social_justice/nt_report/ntreport10/appendix4.html

change. Policy responses shaped by this process should reflect the ideas and priorities of both government and the community.

Engagement also involves government representatives developing relationships within communities and building trust over a period of time. For this to succeed, government representatives must be culturally competent and have a strong understanding of local community governance arrangements.

Importantly, engagement processes need to respect local representative and decision-making structures and this must be reflected in the outcomes of the process. There is little point engaging with these structures if there is not a genuine willingness on the part of government to change policy in response.

Finally, to be effective, engagement requires strong governance and leadership capacity within Aboriginal and Torres Strait Islander communities and on the part of government.

2. Good governance

The Northern Territory Emergency Response: Evaluation Report 2011 (Evaluation Report)[3] found that Indigenous governance is the key to sustainable development. However it found that achieving this will require a change in both communities and Government:

> "The success of a planning and governance model that allows Indigenous communities to define what they find acceptable and to give their consent will depend upon the governance capacity within the communities and the willingness of government to clearly identify which policies would work best with community ownership and to cede some control over these[4]."

Aboriginal and Torres Strait Islander models of leadership and governance may not be the same as non-Indigenous governance models. Reconciliation Australia's Indigenous Community Governance Project found that, 'institutions, or rules, of governance are most effective when they are designed and adapted by those to whom they apply[5]. Therefore, investment in Aboriginal and Torres Strait Islander leadership and governance is crucial to ensure communities are equipped with the tools to build their own solutions. This investment includes fostering and promoting best practice in Indigenous governance, developing culturally informed training materials, tools and resources and supporting the development of a pool of Aboriginal and Torres Strait Islander peoples who are experts in Indigenous governance.

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[3] Department of Families, Housing, Community Services and Indigenous Affairs (2011) *Northern Territory Emergency Response Evaluation Report 2011.* Available at: http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/Documents/nter_evaluation_report_2011.PDF

[4] Ibid p.45

[5] Hunt, J and Smith, D (2007) *Indigenous community governance project: Year two research findings,* Available at: http://www.reconciliation.org.au/home/projects/indigenous-governance-research-project.

Effective policy development and implementation requires more than just good governance on the part of Aboriginal and Torres Strait Islander communities and organisations. Just as important is the 'governance of government'. At its most basic level, good governance in this context requires all of the following:

- appropriate engagement with Aboriginal and Torres Strait Islander peoples, with an emphasis on relationship building and supporting local solutions
- adequately resourced and culturally appropriate policy implementation by skilled and experienced government employees
- a high level of collaboration and coordination between government departments within and across jurisdictions
- necessary planning and project management to minimise the risk of implementation failure.

3. Local and holistic approach

Aboriginal communities in the Northern Territory vary in culture and in type (town camps, regional centres, remote communities, outstations) and they are also located in vastly different regions with differing conditions. Therefore, one size fits all policies will not be appropriate for many communities. Policies are much more likely to succeed if they are developed and implemented locally. Implementing a policy locally means working with the community to tailor it so that it more appropriately addresses the community's needs and takes advantage of its resources and strengths.

Working locally will also mean that it will be easier to take a holistic view of a policy issue. There are multiple, inter-related factors surrounding every policy issue but those factors may vary across communities and are likely to require different solutions.

4. Long term approach supported by sustained and adequate funding

The Prime Minister's Closing the Gap report in February 2011 noted that the problems of Indigenous disadvantage are intergenerational problems[6]. Closing the gap therefore requires long-term, sustainable and well-resourced measures.

The current Aboriginal and Torres Strait Islander Social Justice Commissioner Mick Gooda has emphasised the importance of allowing policies enough time to be successful:

> "We need to remember that improving life outcomes for Aboriginal and Torres Strait Islander people won't happen overnight and we need to stop expecting that it will ... too many times we change horses midcourse and then wonder why we don't see the follow through in results[7]."

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[6] Department of Families, Housing, Community Services and Indigenous Affairs (2011) *Closing the Gap: Prime Minister's report 2011.* Available at: http://www.fahcsia.gov.au/sa/indigenous/pubs/closing_the_gap/2011_ctg_pm_report/Documents/2011_ctg_pm_report.pdf

[7] Australian Human Rights Commission *Change for the Better is Going to Take Time,* Media Release on Monday

5. Evidence-based policy

Good policy must be based on evidence of what works. In a paper on evidence-based policy, the Productivity Commission's Gary Banks argued that strong baseline data was essential in order to measure change over time to address the key areas of disadvantage[8].

In terms of monitoring and evaluation, all programs and policies should be monitored on an ongoing basis. Monitoring and evaluation should be based on sound methodology which incorporates the perceptions of those affected by the policy or program rather than being based purely on objective criteria. This may require participatory evaluation. The monitoring and evaluation should be conducted or, at the very least, overseen by an independent authority. Finally, governments must respond to evaluation outcomes and ensure that the outcomes feed into redesigning the programs and policies.

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8 August 2011. Available at: http://www.hreoc.gov.au/about/media/media_releases/2011/65_11.html

[8] Banks, G (2009) *Evidence-Based policy-making: What is it? How do we get it?* Speech at the Australian and New Zealand School of Government / Australian National University Lecture Series on 4 February 2009.

4. Analysis of the Stronger Futures Legislation

As outlined in the previous section, Reconciliation Australia supports a community development approach to policy design and implementation. Many of the features of this approach emerged as key themes during the Stronger Futures consultations. In particular, Aboriginal people in the Northern Territory expressed a strong desire:

- to be more involved in decision-making
- to take more responsibility for their lives and communities
- to be more self-reliant and independent
- for government to work with them and listen to, and respect, their views.[9]

While supportive of the broad aims of the proposed Stronger Futures legislation, Reconciliation Australia notes a clear tension between these desires and the centralised regulatory approach proposed by the Government. In particular, we are concerned that the imposition of increased administrative controls on the daily life of Aboriginal people in the Northern Territory could be disempowering and may overtime erode self-reliance, independence and responsibility. We urge the Senate Committee to focus on this issue during this inquiry.

With regards to specific measures, Reconciliation Australia suggests the Senate Committee assess the Stronger Futures legislation against the five principles outlined in section three. We have adopted this approach throughout this section with regard to the consultations on the Stronger Futures in the Northern Territory discussion paper and the measures to reduce alcohol abuse and increase school attendance that are contained in the proposed legislation.

4.1 Consultation Process

Reconciliation Australia recognises that consultation with Aboriginal and Torres Strait Islander communities regarding the redesign of the NTER and now around Stronger Futures, has improved substantially since the introduction of the NTER in 2007. The Government has acknowledged the need for respectful engagement with Aboriginal and Torres Strait Islander peoples and close community involvement in developing and managing long-term solutions.

Many features of the Stronger Futures consultations were in line with the principle of engagement and consultation outlined in section three. Reconciliation Australia welcomed the release of the discussion paper, as well as the appointment of the Cultural and Indigenous Research Centre to monitor the consultations. The Government consulted in almost all of the 73 NTER communities and in town camps and held 378 individual and group meetings[10]. We also note that interpreters were used at nearly all of the community meetings and public meetings. All these steps strengthened the consultation process.

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[9] Department of Families, Housing, Community Services and Indigenous Affairs (2011), *Stronger Futures in the Northern Territory: Report on Consultations,* pp 8-12. Available at: http://www.indigenous.gov.au/wp-content/uploads/2011/10/consult_1710111.pdf

[10] Department of Families, Housing, Community Services and Indigenous Affairs (2011), *Stronger Futures in the*

However, given the importance of this legislation and the fact that it would be in place for 10 years, allocating only six weeks to the consultations and commencing them on the day of the release of the discussion paper was, in our view, inadequate. While the information contained in the discussion paper was accessible and consultations were held in nearly all communities, we consider that the short consultation period was insufficient for communities to consider the complex issues raised in the discussion paper and discuss them with other members of the community before the consultation was held. The consultation process undertaken by the Government in this instance does meet our criteria for respectful engagement outlined in the previous section.

Despite the number of consultations held we do not believe that the views expressed by Aboriginal people shaped the legislation as much as they could have. We cannot identify any substantive provision in the legislation that is not canvassed in the Stronger Futures discussion paper[11] despite a range of alternative ideas being proposed during the consultations, as recorded in the consultation report. In particular, a number of ideas were put forward regarding approaches to increase school attendance[12]. We will be looking for support for some of these local ideas in the upcoming 2012-13 Commonwealth Budget.

We also consider that the Government missed an opportunity to foster a greater sense of ownership by Aboriginal communities of the future policies by not going back to the communities with the draft legislation before introducing it into Parliament. We strongly recommend that the Senate Committee provide Aboriginal people with the opportunity to provide input by holding hearings in Darwin, Katherine, Tennant Creek and Alice Springs, as well as in a sample of the communities in which the SEAM program is to be implemented. This is particularly important given the short timeframes allocated to provide submissions to the Senate Committee on the legislation.

Recommendation 1: The Senate Committee hold hearings throughout the Northern Territory to provide adequate opportunity for Aboriginal communities to provide input on the proposed legislation.

4.2 Measures to tackle alcohol abuse

The Stronger Futures in the Northern Territory Bill 2011 (Stronger Futures Bill) contains provisions to continue alcohol restrictions. We note the finding of the Evaluation Report that

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Northern Territory: Report on Consultations, pp 14 -15. Available at: http://www.indigenous.gov.au/wp-content/uploads/2011/10/consult_1710111.pdf

[11] Department of Families, Housing, Community Services and Indigenous Affairs (2011), *Stronger Futures in the Northern Territory: Discussion Paper.* Available at: http://www.indigenous.gov.au/no-category/stronger-futures-in-the-northern-territory-discussion-paper/

[12] Department of Families, Housing, Community Services and Indigenous Affairs (2011) *Stronger Futures in the Northern Territory Report on Consultations.* Available at: http://www.indigenous.gov.au/wp-content/uploads/2011/10/consult_1710111.pdf

consistent alcohol laws introduced through the NTER have led to restrictions being more effectively enforced[13]. We support the proposed approach has it facilitates greater community ownership of the problem being addressed and will foster genuine partnerships between the Government and community. We note, however, that some measures which may be outside the scope of alcohol management plans, such as harm reduction services, are also needed.

We support the consultation process proposed in the legislation. In particular, we are pleased that the Stronger Futures Bill requires the Commonwealth to consult with people living in an alcohol restricted area about the alcohol restriction notices to ensure the wording of the notice is respectful[14].

Reconciliation Australia is strongly supportive of the Commonwealth and Northern Territory Governments working in partnership with communities to develop Alcohol Management Plans (AMPs). This is a progressive step by the Government towards genuine engagement and partnership with Aboriginal people in the Northern Territory. Reconciliation Australia also supports the provision to lift the alcohol restrictions in consultation with the community, if it is agreed that a strong AMP is in place and working well.

Reconciliation Australia encourages the Government to take a holistic approach to addressing alcohol abuse. Under this legislation there will be tougher penalties for possessing, consuming, supplying or transporting less than 1,350 millilitres of alcohol within an alcohol protected area[15]. We consider that there is a risk that this will contribute to the already unacceptably high rates of imprisonment of young Aboriginal and Torres Strait Islander Australians, as demonstrated in the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs' report, 'Doing time: Time for doing'[16]. As such, we strongly advocate for the legislation to stipulate that referral to the Substance Misuse Assessment and Referral for Treatment Court (SMART Court) is to be applied in place of imprisonment wherever possible.

Finally, we welcome the independent review of the effectiveness of the alcohol restrictions arrangements within two years of operation. We urge that the increase in penalties and the application of prison sentences be reviewed and discontinued if it is resulting in high numbers of Aboriginal people being sentenced to imprisonment.

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[13] Department of Families, Housing, Community Services and Indigenous Affairs (2011) *Northern Territory Emergency Response Evaluation Report 2011,* p184. Available at: http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/Documents/nter_evaluation_report_2011.PDF

[14] Ibid p. 19.

[15] The Parliament of the Commonwealth of Australia (2011) *Stronger Futures in the Northern Territory Bill 2011,* p. 11. Available at: http://www.comlaw.gov.au/Details/C2011B00242

[16] House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs (2011) *Doing Time: Time for Doing.* Available at: http://www.aph.gov.au/house/committee/atsia/sentencing/report/fullreport.pdf

Recommendation 2: With regard to alcohol restrictions:

a. the legislation clearly stipulate that referral to the Substance Misuse Assessment and Referral for Treatment Court (SMART Court) be applied in place of imprisonment wherever possible

b. the application of alcohol penalties be reviewed and discontinued if they are resulting in unacceptably high numbers of Aboriginal people being sentenced to imprisonment.

4.3 School Attendance

Education is vital to ensuring that Aboriginal and Torres Strait Islander people have the same choices and opportunities as other Australians and we recognise the Government's increased focus on this important issue. Reconciliation Australia is not convinced, however, that SEAM is the most appropriate or cost-effective way of achieving improved education outcomes. Our concerns with the model are summarised below.

As outlined in section three, Reconciliation Australia believes that good policy places an emphasis on respectful and sustained engagement with the affected community and aims to empower and develop the capabilities of those involved. We do not believe that the SEAM model meets either of these criteria and encourage the Government to look to address this shortfall.

We also note that similar models, such as the Cape York Welfare Reform trials, in which community elders and a retired magistrate make up the Family Responsibility Commissions (FRC), shows better results than the SEAM trials. The 2010 evaluation found that the FRC approach was simultaneously achieving high levels of compliance from parents with the agreements made with the FRC as well as restoring local authority of elders and leaders in the Cape York communities[17].

We are also concerned that SEAM does not take a local and holistic approach to improving school attendance. The evaluation of the SEAM trials found that the model is unable to address a number of the barriers to school attendance including cultural obligations, health problems and language barriers[18]. During the consultations a number of obstacles to school attendance were also identified, including parents not being convinced about the value of education, concerns that children will lose their culture if they attend school and the lack of incentives for children to attend school[19].

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[17]Department of Families, Housing, Community Services and Indigenous Affairs (2010) *Implementation Review of the Families Responsibilities Commission,* pp5-6. Available at: http://www.facs.gov.au/sa/indigenous/pubs/evaluation/Documents/Family_Responsibilities_Review/Implementation%20Review%20of%20FRC%20-Sept%202010.PDF

[18] Department of Education, Employment and Workplace Relations (2009) *Improving School Enrolment and Attendance through Welfare Reform Measure: Evaluation Report from the Northern Territory in 2009*, p.28.

[19] Department of Families, Housing, Community Services and Indigenous Affairs (2011) *Stronger Futures in the*

Finally, while we support the aims of the measure we remain concerned that there is no tangible evidence that the SEAM approach will lead to sustained increases in school enrolment and attendance. The 2009 evaluation of the trial of the SEAM measure in 14 schools in the Northern Territory found that the program 'did not demonstrably improve the rate of attendance among SEAM children overall, nor was any effect apparent at any stage of the attendance process in 2009'.It also found that while enrolment numbers increased in response to a notification letter being sent to parents warning them of welfare payment suspension, only 40 per cent of those children stayed enrolled for the remainder of the school year[20].

We understand that the SEAM measure as proposed in the Social Security Bill is a third iteration of the program and contains additional mechanisms that were not contained in the version of the program that was evaluated in 2009. Under the new version, school principals would be required to convene formal attendance conferences with parents, Centrelink social workers and a Northern Territory Government truancy officer to draw up an attendance plan. The proposed model appears to be an improvement on earlier versions of SEAM. However this new model has not been trialled and we are not aware of any evidence to suggest that it will deliver sustained increases in school attendance[21].

Northern Territory Report on Consultations, pp 20-21. Available at*:* http://www.indigenous.gov.au/wp-content/uploads/2011/10/consult_1710111.pdf

[20] ibid

[21] The Parliament of the Commonwealth of Australia (2011) *Social Security Legislation Amendment Bill 2011,* Division 3A. Available at: http://www.comlaw.gov.au/Details/C2011B00249

5. Implementation of the Stronger Futures Legislation

This section provides advice about how the Stronger Futures legislation should be implemented if it is passed by the Parliament. In our view, improved engagement with communities along with a concerted effort to develop governance capacity within both communities and governments at all levels are needed to deliver better outcomes. Sections 5.2 and 5.3 look specifically at the implementation of the measures to reduce alcohol abuse and SEAM respectively. Finally we outline the key components of a monitoring and evaluation regime for the Stronger Futures legislation.

5.1 Improving Engagement and Governance

As has been stated throughout this submission, improving engagement and building governance capacity is central to building stronger futures in the Northern Territory and to reconciliation more broadly. Over the course of the NTER the Government has added additional engagement mechanisms and more localised planning mechanisms. Further efforts to improve engagement; build the governance capacity of Aboriginal and Torres Strait Islander organisations; and improve the 'governance of government' must accompany the implementation of the Stronger Futures legislation.

With regard to the 'governance of government', the Strategic Review of Indigenous Expenditure by the Commonwealth Department of Finance and Deregulation found that Commonwealth Government representatives lack skills in engagement with Aboriginal and Torres Strait Islander people and with communities. It recommended that government representatives who work directly with Aboriginal and Torres Strait Islander people and communities receive training in engagement and be supported to build local knowledge of the values, cultures and histories within the community such as through facilitated discussions with community leaders[22]. Reconciliation Australia strongly supports this recommendation.

Related to this, the NTER Evaluation Report recommended that government agencies and other service providers could improve engagement with Aboriginal communities through greater use of interpreters. In a survey of service providers who delivered services as part of the NTER, 80 per cent of those surveyed reported that interpreters were 'used when required' either never or only some of the time'[23]. During the consultations the Government used interpreters in nearly all of the community and public meetings and this standard must be applied across all its services.

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[22] Department of Finance and Deregulation (2010) *Strategic Review of Indigenous Expenditure,* pp 344-347. Available at: http://finance.gov.au/foi/disclosure-log/2011/docs/foi_1027_strategic_review_indigenous_expenditure.pdf

[23] Department of Families, Housing, Community Services and Indigenous Affairs (2011) *Northern Territory Emergency Response Evaluation Report 2011*, p17. Available at: http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/Documents/nter_evaluation_report_2011.PDF

The NTER Evaluation Report found that Government Business Managers are an effective way of building relationships between Government and the community, particularly when they work in combination with IEOs. However there are still a number of improvements to be made[24]. Many people who attended the consultations on Stronger Futures said they would like more involvement in decisions that affect them[25]. This indicates that the level of engagement on key issues needs to increase. We recommend that the Government provide additional funding for IEOs in every community where the Stronger Futures legislation applies.

We also believe that much more can be done to develop and support the governance capabilities of Aboriginal communities and organisations in the Northern Territory. Alarmingly, 86 per cent of service providers that were surveyed as part of the NTER Evaluation felt that local Indigenous governance capacity has not been developed or only developed some of the time[26]. As part of Stronger Futures, Reconciliation Australia is calling on Government to provide greater support in building Indigenous governance capacity through delivering governance training and development and providing advice and support.

Reconciliation Australia has developed a governance toolkit[27] which is designed to help Aboriginal organisations strengthen their governance practices. We recommend that Government create and provide funding for the role of governance officers to use the Reconciliation Australia governance toolkit to work with communities. We suggest that one governance officer could be allocated per local government shire in the Northern Territory.

Reconciliation Australia notes that good governance is not an end in itself. The end point must be strong Aboriginal organisations that are involved in the design and delivery of policies that affect their communities and have a formal role in the broader decision-making process. To this end, we believe that greater effort must be made by the Government to empower and support Aboriginal organisations across the Northern Territory. Over time this must include a shift by the Government towards a genuine community development approach.

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[24] Department of Families, Housing, Community Services and Indigenous Affairs (2011) *Northern Territory Emergency Response Evaluation Report 2011*, p15-16. Available at: http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/Documents/nter_evaluation_report_2011.PDF

[25] Department of Families, Housing, Community Services and Indigenous Affairs (2011) *Stronger Futures in the Northern Territory Report on Consultations,* pp 69-70. Available at: http://www.indigenous.gov.au/wp-content/uploads/2011/10/consult_1710111.pdf

[26] Department of Families, Housing, Community Services and Indigenous Affairs (2011) *Northern Territory Emergency Response Evaluation Report 2011*, p45. Available at: http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/Documents/nter_evaluation_report_2011.PDF

[27] Reconciliation Australia, *Indigenous Governance Toolkit.* Available at: http://www.reconciliation.org.au/governance

Recommendation 3: The Australian Government provide ongoing funding for:

a. Indigenous Engagement Officers in every community where the Stronger Futures legislation applies
b. Aboriginal and Torres Strait islander governance officers in each local government shire in the Northern Territory
c. interpreter services throughout the Northern Territory
d. improved cultural competency training for all government officers involved in the implementation of the Stronger Futures legislation.

5.2 Implementation of alcohol restrictions

In section 4.2 we indicated our strong support for the development of AMPs in partnerships with communities throughout the Northern Territory. Successful implementation will require all parties working together in a respectful and open manner. Open and honest communication will be critical to the success of AMPs, as well as a willingness of all those involved to work together to implement agreed actions to address alcohol abuse.

The Stronger Futures Bill empowers the Commonwealth Minister for Indigenous Affairs to establish minimum standards for AMPs[28].While we note that the stated aim of minimum standards is to strengthen AMPs, it is absolutely critical that the standards be broad enough to incorporate a range of community-driven solutions. The move to AMPs is a positive step away from the prescriptive and 'one-size fits all' approaches of the past and we look forward to seeing ideas from communities being supported.

The Australian Institute of Health and Welfare (AIHW) study *'Reducing alcohol and other drug related harm'* found that 'interventions are more likely to be effective if delivered by Indigenous community controlled organisations'[29]. We recommend that a flexible funding pool be created to fund locally initiated interventions. The local initiatives could be incorporated into the alcohol management plan.

The AIHW study also found that it is important to take a holistic approach to addressing alcohol abuse. The study states that successful interventions to reduce alcohol and other drug related harm need to be a combination of supply reduction, demand reduction and harm reduction services[30]. Under the NTER the Government expanded drug and alcohol services

[28] The Parliament of the Commonwealth of Australia (2011) *Stronger Futures in the Northern Territory Bill 2011.* Available at: http://www.comlaw.gov.au/Details/C2011B00242
[29] Dennis Gray and Edward Wilkes (2010) 'Reducing alcohol and other drug related harm' p.9. Available at: www.aihw.gov.au/closingthegap/documents/resource.../ctgc-rs03.rtf
[30] Ibid

and the associated workforce. Reconciliation Australia supports renewed funding for these measures to be included in the 2012-13 Federal Budget.

Recommendation 4: Community-led solutions to alcohol abuse are supported by:

a. ensuring that minimum standards for AMPs are flexible enough to allow proposals from the communities to be incorporated into AMPs

b. a dedicated flexible funding pool that provides funding support for the implementation of agreed proposals.

5.3 Expansion of SEAM

As outlined in section 4.3, Reconciliation Australia has a number of concerns with the proposed SEAM program. If the legislation is passed, these weaknesses will need to be addressed through properly resourcing SEAM and through taking a holistic approach to the barriers to school attendance.

With regard to resourcing, the 2009 evaluation of the SEAM trials indicates that the program would be more successful if it took a tailored case management approach[31]. We agree with this finding, but note that implementation will be costly and difficult. Additional truancy officers and social workers would be required and these workers would need to be trained to ensure that they are culturally competent. Moreover, improved communication, collaboration and coordination within and between relevant government departments and jurisdictions would be needed. Ensuring continuity of employees in remote locations will be particularly important to building workforce capacity and enabling strong and respectful relationships to be formed.

It is also important that SEAM is appropriately explained to all parents and children who could potentially be affected. The success of SEAM will depend on the capacity of schools and Centrelink representatives to engage parents. The funding of additional engagement officers would facilitate this. Respectful partnerships between government representatives and the community will be essential to monitoring any unintended consequences of the program, including the impact of parents losing their income payment.

While the proposed approach has higher up-front costs, the failure to adopt this approach will greatly increase the risk of implementation failure. We do not support the implementation of the SEAM program if the Government is unable or unwilling to adopt this approach, or if the high cost of implementation results in a reduction in funding for other initiatives aimed at improving school attendance.

More generally, Reconciliation Australia recognises the significant difficulties involved in delivering a program of this complexity and magnitude in remote communities. In particular,

[31] Department of Education, Employment and Workplace Relations (2009) *Improving School Enrolment and Attendance through Welfare Reform Measure: Evaluation Report from the Northern Territory in 2009*, p.28.

we note the challenge for Centrelink in getting sufficient numbers of highly skilled social workers on the ground to work with families and students to improve their school attendance and avoid suspension of income payment. This phase of the SEAM program is, in our view, the most important. Past experience suggests that implementation will place considerable pressure on responsible agencies and that the risk of failure is high. We urge the Senate Committee to focus on this matter during the course of this inquiry. We also welcome any efforts by the Government to address existing limitations.

As outlined above, Reconciliation Australia supports a holistic approach to addressing barriers to school attendance. In particular, we consider that there needs to be continued investment to improve school infrastructure, employ additional teachers in remote Aboriginal communities and support parents through family and children's centres.

Reconciliation Australia recognises the significant investment the Government has made in these areas as part of the NTER. Funding will need to be continued as part of Stronger Futures because poor infrastructure and lack of teachers remain significant obstacles to school attendance. In our view, the Government should provide this funding but responsibility should transition in the long term to the Northern Territory Government.

The community also has a strong role in driving local solutions to poor school attendance and to engaging kids at school which could complement SEAM. Dr Chris Sarra, Executive Director of the Stronger Smarter Institute, believes that communities playing a big role in the school and incorporating culture can improve attendance and educational outcomes[32]. Furthermore, there were repeated calls during the consultations for parents and elders to be involved in the school and for Aboriginal culture to be incorporated into the school curriculum.

In his role as Aboriginal and Torres Strait Islander Social Justice Commissioner, Reconciliation Australia Co-Chair Tom Calma strongly advocated for building strong partnerships between the schools and the community or between schools and governments[33]. These partnerships would provide a formal avenue for schools and communities to drive local solutions. We understand that the Northern Territory Government has trialled partnerships with schools through the Community Partnership Education Board but that this was discontinued. We recommend that the Government work with the Northern Territory Government to re-establish a partnership scheme that develops local Education Management Plans (EMPs) in a similar way to that proposed for the development of AMPs.

Partnerships will only work if there is a genuine willingness from Government to commit to the local ideas that are put forward and if communities are willing to compromise. The partnership approach will require funding to be provided to schools or communities to establish and support representative bodies for the partnerships. We also recommend that

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[32]Sarra, C. cited in Ferrari,J. "Hard questions are long overdue" *The Australian* 29/08/2008

[33] Aboriginal and Torres Strait Islander Social Justice Commissioner, *Partnership build success: An Indigenous perspective of educational partnerships,* Speech presented at the Dare to Lead National Conference, 14 June 2009, Available at: http://www.hreoc.gov.au/about/media/speeches/social_justice/2009/20090614_dare.html

the Government establish flexible funding pools which could be used to fund local solutions to improving school attendance.

Recommendation 5: In implementing SEAM, the Government:

a. implements a culturally appropriate engagement and communication strategy in affected communities
b. where possible, adopt a tailored case management approach that builds the relationship with those involved
c. focuses on processes that engage and empower the local community
d. focuses on improving collaboration and coordination within and between all relevant government agencies
e. be explicit about having the capacity and structures to encourage and accommodate ideas put forward by communities
f. adequately resources and supports local representative bodies and/or organisations involved in the implementation of the program.

Recommendation 6: With regard to other measures to improve education outcomes, the Government:

a. continues to invest in other measures to improve education outcomes throughout the Northern Territory, including in school infrastructure and teachers where there is an identified need
b. supports the development of local Education Management Plans developed in collaboration with local communities
c. provides funding support for the sustainable operation of local representative bodies and to trial community driven solutions to improving school attendance.

5.4 Monitoring and Evaluation

We recognise that monitoring and evaluation frameworks have improved over the course of the NTER and support the continuation of these frameworks. In particular, we welcomed the Evaluation Report on the Northern Territory Emergency Response and support the use of six-monthly monitoring reports.

We also note that there is good baseline data available on the 15 Northern Territory communities that are part of the Remote Service Delivery National Partnership (RSDNP)[34],h

[34] Coordination General for remote Indigenous services (2010) *Northern Territory Coordinator General for Remote Services Report December 2009 to May 2010,* p.88-89. Available at:

owever, we are not aware that there is equivalent information available for communities that are not part of the RSD NP. We suggest that baseline mapping be completed for all non-RSD communities in the Northern Territory that will be affected by the Stronger Futures legislation in order to measure progress.

We understand that the scheduling of the evaluation of the Stronger Futures legislation seven years after it has been implemented is intended to provide sufficient time for progress to be achieved under the measures. However given that a number of the provisions are substantively new measures, an evaluation of all the measures must be conducted within two years in order to ensure that ineffective measures are discontinued. It will also be very important to have ongoing monitoring of the measures and in particular we recommend that an independent review committee be established to oversee the implementation and operation of the Stronger Futures legislation. This committee should have strong representation from members of Aboriginal communities affected by the measures.

Recommendation 7: With regard to monitoring and evaluation:

a. an independent review committee is established to oversee the implementation and operation of the Stronger Futures legislation

b. an independent evaluation of all measures is conducted and made publicly available by no later than June 2014.

http://www.workingfuture.nt.gov.au/Overview/docs/Report%202/Local%20Implementation%20Plans%20and%20Baseline%20Mapping.pdf

6. Conclusion

While Reconciliation Australia supports the overarching aims of most of the measures under consideration by the Committee, their success, in our view, will be determined by the extent that they are:

1. based on respectful and sustained engagement with communities
2. supported by good governance
3. flexible enough to encourage and support a local and holistic approach
4. supported by sustained and adequate funding
5. evidence-based.

Our 'report card' on the proposed measures against these criteria is mixed. While we are cautiously optimistic about the reforms to alcohol management in the Northern Territory, we do not believe that SEAM should be implemented at this stage.

Reconciliation Australia recognises the challenge that the Government faces in satisfying these criteria and we support recent efforts to make improvements in this area. We question, however, whether current institutional structures and approaches to policy design and implementation adequately foster and support community development approaches to policy development and implementation. In particular, we believe that much more needs to be done to improve the 'governance of government' and develop the capabilities of Aboriginal organisations throughout the Northern Territory.

Through developing respectful relationships with Aboriginal communities and investing in their capacity to manage their own solutions, significant progress can be made in closing the gap in the Northern Territory. Reconciliation Australia is ready to assist or provide advice on these matters and any of the recommendations in this submission to the Committee.