



PARLIAMENT OF AUSTRALIA

Inquiry into community safety, support services and job opportunities in the Northern Territory

Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs

February 2023

CANBERRA

© Commonwealth of Australia 2023

ISBN 978-1-76092-475-1 (Printed version)

ISBN 978-1-76092-476-8 (HTML version)

All material in this report is provided under a Creative Commons Attribution-NonCommercial-NoDerivs 4.0 Australia licence. The material may be shared, copied and redistributed provided that:

- it is for non-commercial purposes
- the committee named on the previous page is credited as the author
- the committee is not represented as endorsing the use of the material
- any changes are clearly identified
- no additional legal or technical restrictions are applied to restrict use that complies with the licence.

If the material is remixed, transformed or built upon, the modified material may not be distributed.



Full details of this licence are available on the Creative Commons website:
<https://creativecommons.org/licenses/by-nc-nd/4.0/>.

Contents

Acknowledgement	v
Foreword	vii
Members	ix
Terms of reference	xi
Abbreviations	xiii
List of recommendations	xv

Report

Introduction	1
Referral of the inquiry	1
Conduct of the inquiry	1
Policy changes during the inquiry	1
Background.....	2
Preparation for sunseting of Stronger Futures	13
Community safety and alcohol management	17
Introduction	17
Alcohol management	18
Community safety	31
Services and funding arrangements	39
Service delivery and funding in the NT	39
Committee comment.....	46
Job opportunities and community development program reform	47
Community Development Program.....	47
Economic development in remote communities	52
Committee comment.....	54

Justice reinvestment	55
Introduction	55
Reducing offending and incarceration	58
Justice reinvestment	62
Committee comment.....	65

Appendixes

Additional comments from Senator Lidia Thorpe	67
Additional comments from Senator Kerryne Liddle	71
Appendix A. Submissions	73
Appendix B. Hearings, briefings and site visits	75
Appendix C. Timeline—Stronger Futures Act sunseting	83



Acknowledgement

The Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs acknowledges the Aboriginal and Torres Strait Islander peoples as the traditional custodians of Country throughout the lands now known as Australia. The Committee pays respects to ancestors and Elders past, present, and future, and is committed to honouring Aboriginal and Torres Strait Islander peoples' unique cultural and spiritual relationships to land, waters and seas.

The following report predominantly discusses provisions and initiatives relating to the Stronger Futures legislative package and its precursor, the *Northern Territory Emergency Response Act 2007* (Cth) (commonly known as the Intervention). As these legislative arrangements were implemented in the Northern Territory alone, the words 'Aboriginal peoples', 'Indigenous peoples' and 'First Nations' are used interchangeably to refer to the Aboriginal peoples of the Northern Territory.

In some sections of the report, the words 'Aboriginal and Torres Strait Islander peoples', 'Indigenous peoples' and 'First Nations' are used interchangeably to refer to the Aboriginal and Torres Strait Islander peoples of Australia.



Foreword

Aboriginal communities in the Northern Territory (NT) have been leaders in advocating for the rights of Aboriginal and Torres Strait Islander people for decades. From the Yirrkala bark petitions in 1963 and the Wave Hill walk off at Kalkarindji in 1966, through to the calls for self-determination and fundamental rights in the Barrunga Statement in 1988.

And yet, over the past 15 years, their right to self-determination has been deliberately denied by governments of all stripes. The Northern Territory National Emergency Response and the Stronger Futures in the Northern Territory Acts were both legislative means of structurally disempowering remote Aboriginal communities in the NT. Through these policy regimes, governments have destabilised, disempowered, and disoriented Aboriginal communities. Governments have taken away community power and instead made them dependent on government for survival and have done so with little to no accountability.

These actions occurred under the guise of a failure for Aboriginal communities to run their own affairs and to make decisions about what is best for their community. Throughout this inquiry into community safety, support services and job opportunities in the Northern Territory, we heard repeatedly about the failure of top-down approaches, and the pleas for government to invest in, and value, place-based, community-led solutions.

There was not one witness who denied the social or economic issues being experienced by Aboriginal communities in the NT. However, almost all witnesses came with practical, holistic and strengths-based solutions—all of which require governments to think and work differently. This includes adopting therapeutic social and emotional wellbeing approaches to reduce and address the underlying causes of alcohol-related harm, alongside supply reduction where it is necessary. It is also about creating economic opportunity by employing local Aboriginal people, and investing in genuinely Aboriginal-controlled organisations and businesses.

In order to truly enable community-led solutions, governments need to transfer power and resources to communities. This requires investment based on outcomes, rather than outputs; ensuring data is available at the local level; and listening and acting on what communities say will work best.

While we could not get to all communities across the NT during this inquiry, there are many shared stories and lessons in this report. I want to thank the community members, Aboriginal organisations, and frontline community service providers, who spoke to us during this inquiry from Darwin, Alice Springs and Maningrida. I am grateful that you agreed to share your ideas with the Committee, despite many of you having advocated for the same solutions for years.

Senator Patrick Dodson
Chair



Members

Chair

Senator Patrick Dodson

Deputy Chair

Hon Melissa Price MP

Members

Ms Kate Chaney MP

Ms Sharon Claydon MP

Senator Kerryanne Liddle

Mr Graham Perrett MP

Dr Gordon Reid MP

Ms Marion Scrymgour MP

Senator Jana Stewart

Senator Lidia Thorpe

This Committee is supported by a Secretariat staffed by the Department of the House of Representatives.



Terms of reference

That the following matter be referred to the Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs for inquiry and report by 1 December 2022:

Community safety, support services and job opportunities in the Northern Territory, with particular reference to:

- a. The preparation for the sunseting of the Stronger Futures legislation
- b. Community safety and alcohol management
- c. Job opportunities and Community Development Program reform
- d. Justice reinvestment communities services, and
- e. Any related matters.



Abbreviations

AADANT	Association of Alcohol and Other Drug Agencies NT
AJA	Aboriginal Justice Agreement 2021–2027
ALPA	Arnhem Land Progress Aboriginal Corporation
ALRC	Australian Law Reform Commission
AMP	Alcohol Management Plan
AMSANT	Aboriginal Medical Services Alliance Northern Territory
ANTaR	Australians for Native Title and Reconciliation
APA	Alcohol Protected Areas
APO NT	Aboriginal Peak Organisations Northern Territory
CAAC	Central Australian Aboriginal Congress
CARC	Central Australian Regional Controller
CDEP	Community Development Employment Projects
CDP	Community Development Program
CDRC	Central Desert Regional Council
COAG	Council of Australian Governments
COVID-19	2019 novel Coronavirus, SARS-CoV-2
Cth	Commonwealth
DASA	Drug and Alcohol Services Australia
DESE	Department of Employment, Skills, and Employment
DSS	Department of Social Services
FaHCSIA	Department of Families, Housing, Community Services and Indigenous Affairs
GRA	General Restricted Area
IAPA	Interim Alcohol Protected Area
JR	Justice Reinvestment
JRNSW	Justice Reinvestment New South Wales
KYJRG	Katherine Youth Justice Reinvestment Group
LGANT	Local Government Association of the Northern Territory
NAAJA	North Australian Aboriginal Justice Agency

NT	Northern Territory
NTCOSS	Northern Territory Council of Social Services
NTIBN	Northern Territory Indigenous Business Network
NTNER Act	<i>Northern Territory Nation Emergency Response Act 2007 (Cth)</i>
PAAC	Peoples Alcohol Action Coalition
PJCHR	Parliamentary Joint Committee on Human Rights
PRA	Public Restricted Area
RDA	<i>Racial Discrimination Act 1975 (Cth)</i>
Stronger Futures	Stronger Futures in the Northern Territory legislative package
Stronger Futures Act	<i>Stronger Futures in the Northern Territory Act 2012 (Cth)</i>
Territory Families	Northern Territory Government Department of Territory Families, Housing and Communities
WARC	West Arnhem Regional Council
YORET	Youth Outreach and Re-engagement Team

List of recommendations

Recommendation 1

- 2.25** The Committee recommends that the National Indigenous Australians Agency and the Northern Territory Department of Chief Minister and Cabinet conduct a review into the inadequate preparations for the sunset of the Stronger Futures Act, by 31 December 2023, and develop policies to prevent a similar situation from occurring in the future.

Recommendation 2

- 3.67** The Committee recommends that the Northern Territory Government provides adequate support and resources to communities to assist in the development of community alcohol plans under section 170AD of the Liquor Act 2019 (NT).

Recommendation 3

- 3.68** The Committee recommends that the Northern Territory Government amends the Liquor Regulation 2019 (NT) to include, as a prescribed matter for paragraph 170AD(1)(d) of the Liquor Act 2019 (NT), a statement to formalise how the community will be able to ask the Minister to exercise their temporary emergency powers to deliver effective responses, and to accurately report outcomes as a consequence of those changes.

Recommendation 4

- 4.43** The Committee recommends that the Commonwealth and Northern Territory Government departments and agencies review their funding agreements with service providers to ensure that they are fit-for-purpose, including:
- Moving towards outcomes-focused funding agreements, rather than output, to provide sufficient flexibility for locally-led approaches to shared outcomes.
 - Whether there are opportunities to enhance place-based models of funding by supporting collaboration among organisations delivering similar services in the same region.
 - Embedding holistic health approaches to service provision that will support Aboriginal and Torres Strait Islander communities' social, emotional and cultural wellbeing.

Recommendation 5

- 4.44** The Committee recommends that the Northern Territory Government work with local communities to prioritise the sharing of real time data and information, with consent, to enable them to deliver initiatives and responses to issues in communities.

Recommendation 6

- 5.29** The Committee recommends that, as part of the ongoing review and trials of the CDP and its replacement, the Commonwealth Government:
- Require providers to undertake community consultation to identify areas of possible employment in their region and tailor participants work and training opportunities towards filling those future jobs.
 - Provide a mechanism for participants to learn from and gain exposure to successful Aboriginal and Torres Strait Islander people in business.

Recommendation 7

- 5.30** The Committee recommends that the Commonwealth Government investigates potential policies to stimulate economic activity in remote communities, outside of the CDP, and that the Minister report the findings to the Parliament by the 29 February 2024.

Recommendation 8

- 5.31** The Committee recommends that, by 30 June 2024, the Commonwealth Government develops and implements a policy to ensure large businesses operating in remote regions employ local Aboriginal and Torres Strait Islander Australians and engage Aboriginal and Torres Strait Islander owned and managed businesses.

Recommendation 9

- 6.50** The Committee recommends that the Commonwealth Government implement the community-led justice reinvestment initiatives across Australia, particularly in Alice Springs and Katherine, as soon as possible.



1. Introduction

- 1.1 This Chapter provides an overview of the scope and conduct of the inquiry, as well as background information on the Commonwealth Government’s Northern Territory National Emergency Response and Stronger Futures in the Northern Territory legislative packages.

Referral of the inquiry

- 1.2 On 28 September 2022, the Senate referred an inquiry into community safety, support services and job opportunities in the Northern Territory (NT) to the Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs to be reported on by 1 December 2022.¹
- 1.3 The Committee adopted the inquiry and its Terms of Reference on 4 October 2022, which are listed on page xi of this report.
- 1.4 On 25 October 2022, the Senate granted the Committee an extension to report on the inquiry from 1 December 2022 to 1 March 2023.²

Conduct of the inquiry

- 1.5 The inquiry received 25 submissions and six supplementary submissions. These are listed at Appendix A. The Committee conducted seven public hearings in person and via videoconference, and made two site visits. These are listed at Appendix B. Further public hearings with other communities across the Northern Territory, such as Wadeye and Peppimenarti, were not possible due to the tight timeframe and reporting deadline.

Policy changes during the inquiry

- 1.6 During the inquiry, the NT and Commonwealth governments were working together to respond to developments occurring in Alice Springs.³ This included changes to the *Liquor Act 2019* (NT) and the announcement of significant investment for services

¹ Senate 2022, *Senate Journals no. 15*, 28 September 2022, p. 380.

² Senate 2022, *Senate Journals no. 16*, 28 September 2022, p. 419.

³ Albanese, A (Prime Minister) & Burney, L (Minister for Indigenous Australians) 2023, *Community-led response to improve community safety in Alice Springs*, 24 January, Office of the Prime Minister, Canberra, <https://www.pm.gov.au/media/community-led-response-improve-community-safety-alice-springs>, viewed 22 February 2023.

and support, based on recommendations from the Central Australia Regional Controller.⁴ This is outlined in Chapter 3.

- 1.7 Most of the evidence received through public hearings and submissions for the inquiry occurred prior to these policy changes.

Background

- 1.8 The NT is a self-governing Australian Territory, whose independent legislature, executive and judiciary powers derive from the *Northern Territory (Self-Government) Act 1978* (Cth). Unlike the States, the Territory's legislature is subordinate to the Federal Parliament. Section 122 of the Australian Constitution gives the Commonwealth Government, by way of the Parliament, the legislative power to make laws with respect to Territories.

Aboriginal communities in the NT before 2007

- 1.9 Aboriginal communities in the NT have a long history of cultural strength and empowerment. These communities are politically powerful—both locally and nationally—in their advocacy to seek the enjoyment of their rights.
- 1.10 The political leadership of Aboriginal communities in the NT is demonstrated through key pieces of advocacy and reform, such as:
- securing the *Aboriginal Lands Rights (Northern Territory) Act 1976* (Cth), the first piece of national legislation recognising ‘the Aboriginal system of land ownership’.⁵
 - presenting the *Barunga Statement* in 1988 to the Commonwealth Government, calling for the recognition of Aboriginal rights such as self-determination; legislative reform for national representation, land rights and justice; seeking the development of internationally recognised Indigenous rights; and the negotiation of a treaty.⁶

⁴ Department of Chief Minister and Cabinet 2023, *Changes to alcohol restrictions in NT communities*, 17 February, Northern Territory Government, <https://nt.gov.au/law/alcohol/bans-and-dry-areas/changes-to-alcohol-restrictions-in-nt-communities>, viewed 22 February 2023; Albanese, A (Prime Minister) & Burney, L (Minister for Indigenous Australians) 2023, *Community-led response to improve community safety in Alice Springs*, 24 January, Office of the Prime Minister, Canberra, <https://www.pm.gov.au/media/community-led-response-improve-community-safety-alice-springs>, viewed 22 February 2023.

⁵ Central Land Council n.d., *The Aboriginal Land Rights Act: Aboriginal Land Rights (Northern Territory) Act 1976 (ALRA)*, p.1, https://www.clc.org.au/wp-content/uploads/2021/03/ACFrOgD_efF0_uFzIIdwWUQh6BECyjBeULMerSpnGRfzE3mbuOLPJw3Ad4wgNr4Q-j2gf1PueYSbrPZ3bnJa41hKA3Piv7NRuOTWYRSuAnDMeYvnb0-c1kLnifc1LAanGOTDnN8LyORUpAB0Ykfz.pdf, viewed 22 February 2023.

⁶ Yunupingu G, Marawili, M, Marawili, D, Ngurruwuthun, D, Ngurruwuthun, D, Rubuntja, W, Turner Jampijinpa, L & Williams Japanangka, D 1988, *The Barunga Statement*, <https://aiatsis.gov.au/sites/default/files/2020-09/thebarungastatement.pdf>, viewed 22 February 2023; Australian Institute of Aboriginal and Torres Strait Islander Affairs (AIATSIS) 2022, *The Barunga Statement*, <https://aiatsis.gov.au/explore/barunga-statement>, viewed 22 February 2023.

- 1.11 Prior to 2008, Aboriginal communities in the NT also managed or governed their communities through their own local governments or corporations. However, in 2008, ‘small town councils, community government councils, Aboriginal corporations and associations and local government structures were amalgamated into larger regional or mega-shires in the [NT]’.⁷

Northern Territory National Emergency Response Act 2007 (Cth)

- 1.12 In 2006, the NT Government commissioned an inquiry into the protection of Aboriginal children from sexual abuse, which culminated in the 2007 publication of the *Ampe Akelyernemane Meke Mekarle (Little Children are Sacred) Report*. The inquiry was established following concerns by Aboriginal and government agencies and the judiciary about child sexual abuse in Aboriginal communities in the NT.⁸
- 1.13 In reaction to the *Little Children are Sacred Report*, the Commonwealth Parliament passed the *Northern Territory National Emergency Response Act 2007 (Cth)* (NTNER Act)—the outcome has become commonly known as the NT emergency response, or the Intervention.⁹ The NTNER Act was described as seeking to improve the wellbeing of Aboriginal children in the NT.¹⁰ The passage of the legislation was incredibly quick, and Aboriginal communities were not consulted.¹¹

⁷ Amnesty International 2011, *The Land Holds Us: Aboriginal Peoples’ Right to Traditional Homelands in the Northern Territory*, p. 8, <https://www.amnesty.org.au/wp-content/uploads/2016/09/AI-homelands-report.pdf>, viewed 22 February 2023.

⁸ Monash University n.d., *What is the Northern Territory Intervention?*, Monash University, <https://www.monash.edu/law/research/centres/castancentre/our-areas-of-work/indigenous/the-northern-territory-intervention/the-northern-territory-intervention-an-evaluation/what-is-the-northern-territory-intervention>, viewed 11 January 2023; Roffee, JA 2016, ‘Rhetoric, Aboriginal Australians and the Northern Territory Intervention: A Socio-legal Investigation into Pre-legislative Argumentation’, *Crime Justice Journal*, vol. 5, no. 1, <https://www.crimejusticejournal.com/article/download/796/554>, viewed 11 January 2023; Velardi, A 2018, ‘Reporting on Aboriginal Social Problems: the impact the 2006 Lateline Broadcasts had on the Australian Media, Parliamentarians and the Northern Territory Government’, *Journal of Australian Indigenous Issues*, vol. 21, no. 3, <https://search.informit.org/doi/pdf/10.3316/informit.142859009263071>, viewed 13 February 2023; ABC Radio National, ‘Interview with Dr Nanette Rogers SC’, Lateline, 16 May 2006, <https://www.abc.net.au/radio/programs/pm/more-violence-accounts-emerge-from-remote/1756010>, accessed 11 January 2023; Norrie, J 2006, ‘Prosecutor deplores indigenous violence’, *Sydney Morning Herald*, 16 May, <https://www.smh.com.au/national/prosecutor-deplores-indigenous-violence-20060516-gdnjwc.html>, viewed 13 February 2023.

⁹ *Northern Territory National Emergency Response Act 2007 (Cth)*; National Indigenous Australians Agency (NIAA) 2022, *Stronger Futures in the Northern Territory: Sunset Review*, p. 5, <https://www.niaa.gov.au/resource-centre/niaa/stronger-futures-northern-territory-sunset-review>, viewed 10 October 2022; Department of Social Services (DSS) 2012, *Stronger Futures in the Northern Territory*, p. 3, https://www.dss.gov.au/sites/default/files/documents/09_2012/stronger-futures-booklet-jul2012.pdf, viewed 11 October 2022.

¹⁰ *Northern Territory National Emergency Response Act 2007 (Cth)*; NIAA 2022, *Stronger Futures in the Northern Territory: Sunset Review*, p. 5, <https://www.niaa.gov.au/resource-centre/niaa/stronger-futures-northern-territory-sunset-review>, viewed 10 October 2022; DSS 2012, *Stronger Futures in the Northern Territory*, p. 3, https://www.dss.gov.au/sites/default/files/documents/09_2012/stronger-futures-booklet-jul2012.pdf, viewed 11 October 2022.

¹¹ Aboriginal and Torres Strait Islander Social Justice Commissioner 2008, *Social Justice Report 2007*, Human Rights and Equal Opportunities Commission, , pages 209–212, https://humanrights.gov.au/sites/default/files/content/social_justice/sj_report/sjreport07/pdf/sjr_2007.pdf, viewed 11 January 2023.

- 1.14 The Aboriginal and Torres Strait Islander Social Justice Commission stated that the legislation introduced a broad range of measures to address child abuse and family violence, consisting of:
- alcohol restriction in ‘prescribed areas’, including land under the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth), Community Living Areas and town camps
 - health checks for Aboriginal children
 - changes to welfare payments, including income management through the Basics Card and school attendance linked to income support and family payment
 - cleaning and repair of communities, including improving housing and community living arrangements
 - banning the possession of pornography, and
 - increasing police presence.¹²
- 1.15 Significantly, some provisions of the NTNER Act were deemed as ‘special measures’ under the *Racial Discrimination Act 1975* (Cth) (RDA) and others disapplied the RDA entirely. This enabled the NTNER Act to discriminate on the basis of race.¹³
- 1.16 Many stakeholders, individuals and organisations felt, that the introduction of the NTNER Act was an infringement on human rights and discriminatory in nature.¹⁴ The Intervention was unsuccessfully challenged in the High Court.¹⁵
- 1.17 The Australian Defence Force was engaged to assist with logistics.¹⁶

¹² *Northern Territory National Emergency Response Act 2007* (Cth), s. 5; Aboriginal and Torres Strait Islander Social Justice Commissioner 2008, *Social Justice Report 2007*, Human Rights and Equal Opportunities Commission, p. 199,

https://humanrights.gov.au/sites/default/files/content/social_justice/sj_report/sjreport07/pdf/sjr_2007.pdf, viewed 11 January 2023; Northern Territory Government, Submission 6, p. 5; Mr Travis Wurst, Assistant Commissioner, Northern Territory Police, Fire and Emergency Services, *Committee Hansard*, 19 October 2022, p. 16.

¹³ *Racial Discrimination Act 1975* (Cth), s. 8(2); Aboriginal and Torres Strait Islander Justice Commissioner 2008, *Social Justice Report 2007*, Human Rights and Equal Opportunities Commission, pages 215–16, https://humanrights.gov.au/sites/default/files/content/social_justice/sj_report/sjreport07/pdf/sjr_2007.pdf, viewed 11 January 2023; *Northern Territory National Response Act 2007* (Cth).

¹⁴ Mayor Matthew Ryan, Mayor, West Arnhem Regional Council (WARC), *Committee Hansard*, 9 February 2023, p. 2; Mr Reggie Wuridjal, Traditional Owner, *Committee Hansard*, 9 February 2023, p. 3; North Australian Aboriginal Justice Agency (NAAJA), Submission 3, p. [9]; Monica Nangala Robinson, Submission 14, p. 5; Dominic WY Kanak, Submission 20, p. 3; Aboriginal Peak Organisations Northern Territory (APO NT), Submission 22, p. 3; Northern Land Council (NLC), Submission 24, pages [3–4].

¹⁵ *Wuridjal v The Commonwealth* [2009] HCA 2.

¹⁶ Monash University n.d., ‘What is the Northern Territory Intervention?’, <https://www.monash.edu/law/research/centres/castancentre/our-areas-of-work/indigenous/the-northern-territory-intervention/the-northern-territory-intervention-an-evaluation/what-is-the-northern-territory-intervention>, viewed 11 January 2023.

- 1.18 The NTNER Act allowed for the subjugation of Aboriginal peoples in the NT, and further reinforced the legacy of colonisation and historical government policies.¹⁷ The Aboriginal Peak Organisations Northern Territory (APO NT) stated in its submission that the NTNER Act ‘left an indelible stain on the relationship between the Commonwealth and Aboriginal people’.¹⁸
- 1.19 Children’s Ground is of the view that families and children were, are and continue to be at risk due to the impacts of colonisation and systematic injustices, which are intensified by ‘a welfare system that undermine[s] Aboriginal] people’.¹⁹
- 1.20 The NT Government states that the NTNER Act ‘severely limited the ability of Aboriginal communities to determine their own aspirations concerning alcohol’.²⁰ The NT Attorney-General and Justice Department advised that in their consultations they have heard of grief, pain and shame, as well as feelings of being ‘disproportionally targeted and racially profiled, [and being categorised as] drunks, paedophiles and all-round bad people’.²¹
- 1.21 In its submission, the North Australian Aboriginal Justice Agency (NAAJA) described the NTNER Act as ‘incredibly disempowering [and] disenfranchising’, as well as a racist policy failure, with the impacts continuing to echo through generations.²² NAAJA stated that:
- The Intervention stripped community members of their pride and dignity, a disempowerment so powerful it has had huge social, emotional and wellbeing impacts across multiple generations and will continue to do so for generations to come.²³
- 1.22 In 2011 the Commonwealth Government authorised an evaluation of the NTNER Act by the then Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA). The review found that for measures such as income management and alcohol restrictions, ‘the lack of consultation and blanket imposition attracted criticism even when the measures themselves were valued’.²⁴ FaHCSIA recommended that future policy development be generated through shared

¹⁷ Mayor Matthew Ryan, Mayor, WARC, *Committee Hansard*, 9 February 2023, p. 2, Mr Reggie Wuridjal, Traditional Owner, *Committee Hansard*, 9 February 2023, p. 3; NAAJA, Submission 3, p. [9]; Monica Nangala Robinson, Submission 14, p. 5; Dominic WY Kanak, Submission 20, p. 3; APO NT, Submission 22, p. 3; NLC, Submission 24, pages [3–4].

¹⁸ APO NT, Submission 22, p. 3.

¹⁹ Children’s Ground, Submission 8, p. [1].

²⁰ Northern Territory Government, Submission 6, p. 7.

²¹ Leanne Liddle, Director, Aboriginal Justice Unit, Department of Attorney-General and Justice, *Committee Hansard*, 9 December 2022, Alice Springs, p. 47.

²² NAAJA, Submission 3, p. [9].

²³ NAAJA, Submission 3, p. [9].

²⁴ Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) 2011, *Northern Territory Emergency Response: Evaluation Report*, p. 5, https://webarchive.nla.gov.au/awa/20111128221329/http://pandora.nla.gov.au/pan/130776/20111129-0911/www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/Documents/nter_evaluation_report_2011.pdf, viewed 11 January 2023.

ownership, be community specific, take into account policies and programs already implemented, and be supported by ongoing or long-term funding.²⁵

Stronger Futures in the Northern Territory Act 2012 (Cth)

- 1.23 In 2012, the Commonwealth Government introduced the Stronger Futures in the NT legislative package (Stronger Futures), repealing and replacing the NTNER Act ‘to support Aboriginal peoples to live strong, independent lives, where communities, families and children are safe and healthy’.²⁶
- 1.24 Criticism of the NTNER Act, including a lack of community consultation and concerns about human rights, resulted in the Commonwealth Government undertaking extensive consultation to inform the development of Stronger Futures.²⁷ This involved more than 370 meetings across almost 100 communities and town camps with individuals, families and groups.²⁸
- 1.25 The Stronger Futures package, while repealing the NTNER Act, continued the Commonwealth Government’s legislative involvement in managing land reform, food security, alcohol management, and prohibited materials within Aboriginal communities in the NT.²⁹ It was intended as a transitional arrangement, to expire after ten years. Over time the package comprised 11 separate Acts and associated instruments, including:
- *Stronger Futures in the Northern Territory Act 2012 (Stronger Futures Act)*—sunset on 17 July 2022

²⁵ FaHCSIA 2011, *Northern Territory Emergency Response: Evaluation Report*, p. 9, https://webarchive.nla.gov.au/awa/20111128221329/http://pandora.nla.gov.au/pan/130776/20111129-0911/www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/Documents/nter_evaluation_report_2011.pdf, viewed 11 January 2023.

²⁶ Parliament of Australia 2012, *Stronger Futures in the Northern Territory Bill 2012: Replacement revised explanatory memorandum*, p. 1, https://parlinfo.aph.gov.au/parlInfo/download/legislation/ems/r4736_ems_e9ea9d23-4750-4c3c-9d8a-5885025c700b/upload_pdf/366490reprevem.pdf;fileType=application%2Fpdf, viewed 10 October 2022; Northern Territory Government, Submission 6, p. 4.

²⁷ NIAA 2022, *Stronger Futures in the Northern Territory: Sunset Review*, p. 5, <https://www.niaa.gov.au/resource-centre/niaa/stronger-futures-northern-territory-sunset-review>, viewed 10 October 2022; Parliamentary Joint Committee on Human Rights (PJCHR) 2013, *Examination of legislation in accordance with the Human Rights (Parliamentary Scrutiny) Act 2011: Stronger Futures in the Northern Territory Act 2012 and related legislation*, p. 7, https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Human_Rights/Scrutiny_reports/2013/2013/112013/index, viewed 17 October 2022; Northern Territory Government, Submission 6, p. 8.

²⁸ FaHCSIA 2011, *Stronger Futures in the Northern Territory: Report on consultations*, p. 7, https://www.dss.gov.au/sites/default/files/documents/09_2012/stronger-futures-consult_1710111_0.pdf, viewed 17 October 2022; PJCHR 2013, *Examination of legislation in accordance with the Human Rights (Parliamentary Scrutiny) Act 2011: Stronger Futures in the Northern Territory Act 2012 and related legislation*, p. 6, https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Human_Rights/Scrutiny_reports/2013/2013/112013/index, viewed 17 October 2022.

²⁹ NIAA 2022, *Stronger Futures in the Northern Territory: Sunset Review*, p. 5, <https://www.niaa.gov.au/resource-centre/niaa/stronger-futures-northern-territory-sunset-review>, viewed 10 October 2022.

- *Stronger Futures in the Northern Territory (Consequential and Transitional Provisions) Act 2012*
- Part 10 of the *Classifications (Publications, Film and Computer Games) Act 1995* (Classifications Act)—sunset on 17 July 2022.³⁰

1.26 The three primary measures of the Stronger Futures package were:

i. Tackling alcohol abuse

- enabling ‘special measures’ being taken to reduce alcohol-related harm to Aboriginal peoples
- preserving existing protections in alcohol protected areas and enabling these geographic areas to change overtime
- allowing for the development of local solutions, and
- providing for the Commonwealth Minister for Indigenous Affairs to approve alcohol management plans.³¹

ii. Land reform

- enabling the Commonwealth Government to amend NT legislation relating to community living areas and town camps to provide opportunities for private home ownership and flexible long-term lease arrangements, including for business activities.³²

³⁰ Monash University n.d., ‘What is the Northern Territory Intervention?’, <https://www.monash.edu/law/research/centres/castancentre/our-areas-of-work/indigenous/the-northern-territory-intervention/the-northern-territory-intervention-an-evaluation/what-is-the-northern-territory-intervention>, viewed 11 January 2023; PJCHR 2016, *2016 Review of Stronger Futures measures*, p. 87, https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Human_Rights/Completed_Inquiries/stongerfutures2/Final_report, viewed 12 October 2022.

³¹ Parliament of Australia 2012, *Stronger Futures in the Northern Territory Bill 2012: Replacement revised explanatory memorandum*, pages 1–2, https://parlinfo.aph.gov.au/parlInfo/download/legislation/ems/r4736_ems_e9ea9d23-4750-4c3c-9d8a-5885025c700b/upload_pdf/366490reprevem.pdf;fileType=application%2F.pdf, viewed 10 October 2022; PJCHR 2013, *Examination of legislation in accordance with the Human Rights (Parliamentary Scrutiny) Act 2011: Stronger Futures in the Northern Territory Act 2012 and related legislation*, p. 7, https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Human_Rights/Scrutiny_reports/2013/2013/112013/index, viewed 17 October 2022; Northern Territory Government, Submission 6, p. 4.

³² Parliament of Australia 2012, *Stronger Futures in the Northern Territory Bill 2012: Replacement revised explanatory memorandum*, p. 2, https://parlinfo.aph.gov.au/parlInfo/download/legislation/ems/r4736_ems_e9ea9d23-4750-4c3c-9d8a-5885025c700b/upload_pdf/366490reprevem.pdf;fileType=application%2F.pdf, viewed 10 October 2022; PJCHR 2013, *Examination of legislation in accordance with the Human Rights (Parliamentary Scrutiny) Act 2011: Stronger Futures in the Northern Territory Act 2012 and related legislation*, p. 7, https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Human_Rights/Scrutiny_reports/2013/2013/112013/index, viewed 17 October 2022; Northern Territory Government, Submission 6, p. 4.

iii. Food security

- enabling ‘special measures to be taken for the purpose of promoting food security for Aboriginal communities’ by modifying community stores licensing arrangements to improve access to fresh and healthy food.³³
- 1.27 The Commonwealth Government’s 2012–13 Budget committed \$3.4 billion over 10 years for the Stronger Futures package, split across multiple portfolios:
- \$713.5 million (10 years) for primary health care and access to allied health services
 - \$619.3 million (10 years) to improve community safety, for example policing and Indigenous legal assistance services
 - \$411.8 million (10 years) to improve school attendance outcomes
 - \$326.3 million (10 years) to support the wellbeing of children, youth and their families
 - \$413.4 million (10 years) for remote engagement and coordination to increase the number of Indigenous Engagement Officers, to ensure local services were effective, and to support governance, leadership, local planning and interpreting services
 - \$206.4 million (10 years) to continue supporting basic municipal and essential services for people living in town camps, outstations and homelands, and
 - \$54.2 million (four years) to improve housing.³⁴
- 1.28 Funding for support measures tackling alcohol abuse were ‘not for publication’ at the time the 2012–13 Budget was released.³⁵

³³ Parliament of Australia 2012, *Stronger Futures in the Northern Territory Bill 2012: Replacement revised explanatory memorandum*, pages 2–3, https://parlinfo.aph.gov.au/parlInfo/download/legislation/ems/r4736_ems_e9ea9d23-4750-4c3c-9d8a-5885025c700b/upload_pdf/366490reprevem.pdf;fileType=application%2Fpdf, viewed 10 October 2022; PJCHR 2013, *Examination of legislation in accordance with the Human Rights (Parliamentary Scrutiny) Act 2011: Stronger Futures in the Northern Territory Act 2012 and related legislation*, p. 7, https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Human_Rights/Scrutiny_reports/2013/2013/112013/index, viewed 17 October 2022; Northern Territory Government, Submission 6, p. 4.

³⁴ Gardiner-Garden, J 2012, *Indigenous Affairs: Budget Review 2012–13 Index*, Parliamentary Library, https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/BudgetReview201213/IndigenousAffairs, viewed 20 January 2021; Commonwealth Government 2012, *Budget measures: budget paper no. 2: 2012–13*, pages 129, 148–52, 205, <https://archive.budget.gov.au/2012-13/index.htm>, viewed 20 January 2023.

³⁵ Gardiner-Garden, J 2012, *Indigenous Affairs: Budget Review 2012–13 Index*, Parliamentary Library, https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/BudgetReview201213/IndigenousAffairs, viewed 20 January 2021; Commonwealth Government 2012, *Budget measures: budget paper no. 2: 2012–13*, p. 152, <https://archive.budget.gov.au/2012-13/index.htm>, viewed 20 January 2023.

- 1.29 The NT Government provided \$40 million in funding towards the Stronger Futures package under the *National Partnership Agreement on Stronger Futures in the Northern Territory*. The agreement also included provisions for performance monitoring, reporting and evaluation, as well as each government's roles and responsibilities.³⁶

Reviews of the Stronger Futures package

- 1.30 A series of reviews into the Stronger Futures package were conducted between 2013–16 by the Parliamentary Joint Committee on Human Rights (PJCHR), KPMG and MinterEllison.
- 1.31 The PJCHR acknowledged that while the implementation of Stronger Futures sought 'to reduce disadvantage and promote the equal enjoyment of human rights', Aboriginal peoples in the NT and other stakeholders had 'significant concerns about the human rights compatibility of a number of measures'.³⁷ The PJCHR drew particular attention to the right to self-determination guaranteed by Article 1 of the International Covenants on Human Rights and Article 3 of the United Nations Declaration on the Rights of Indigenous Peoples.³⁸ The Committee further emphasised the 'importance of ensuring the full involvement of affected communities...in the policy making and policy implementation process'.³⁹
- 1.32 The PJCHR made several recommendations concerning alcohol misuse, income management and school enrolment and attendance. This included recommending a detailed and evidence-based review be undertaken to assess the effectiveness of alcohol restrictions in reducing alcohol-related harm, and that alcohol management plan approvals be streamlined.⁴⁰
- 1.33 For its review, KPMG consulted with the Commonwealth Department of Prime Minister and Cabinet, the NT departments of Local Government and Communities, Health and Licensing, Menzies School of Health Research, Central Australian Aboriginal Congress (CAAC) and Outback Stores. KPMG found that the Stronger

³⁶ Australian and Northern Territory Governments 2012, *National Partnership Agreement on Stronger Futures in the Northern Territory*, pages 9–13, https://federalfinancialrelations.gov.au/sites/federalfinancialrelations.gov.au/files/2021-01/stronger_future_nt_np.pdf, viewed 20 January 2023.

³⁷ PJCHR 2013, *Examination of legislation in accordance with the Human Rights (Parliamentary Scrutiny) Act 2011: Stronger Futures in the Northern Territory Act 2012 and related legislation*, p. 75, https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Human_Rights/Scrutiny_reports/2013/2013/112013/index, viewed 17 October 2022.

³⁸ PJCHR 2013, *Examination of legislation in accordance with the Human Rights (Parliamentary Scrutiny) Act 2011: Stronger Futures in the Northern Territory Act 2012 and related legislation*, pages 44, 60–62, 69,75, https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Human_Rights/Scrutiny_reports/2013/2013/112013/index, viewed 17 October 2022.

³⁹ PJCHR 2013, *Examination of legislation in accordance with the Human Rights (Parliamentary Scrutiny) Act 2011: Stronger Futures in the Northern Territory Act 2012 and related legislation*, p. 75, https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Human_Rights/Scrutiny_reports/2013/2013/112013/index, viewed 17 October 2022.

⁴⁰ PJCHR 2016, *2016 Review of Stronger Futures measures*, pages ix–xi, https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Human_Rights/Completed_Inquiries/strongerfutures2/Final_report, viewed 17 October 2022.

Futures package was largely effective during the first three years of operation in reducing alcohol-related harm, supporting greater food security, and granting individual rights and interests in lands, as well as promoting economic development in town camps and community living areas.⁴¹

- 1.34 MinterEllison drew principally on the report of the House of Representatives Standing Committee on Indigenous Affairs inquiry into the use of alcohol in Aboriginal and Torres Strait Islander communities. MinterEllison found that alcohol misuse had caused and continued to cause harm in Aboriginal communities, but were unable to determine if there had been a reduction, or otherwise, in alcohol-related harm to Aboriginal peoples. Instead, MinterEllison concluded that the scheme established by the *Liquor Act 1978* (NT) and Stronger Futures provided an effective framework to regulate the supply of alcohol in the NT.⁴²
- 1.35 With the Stronger Futures Act and Part 10 of the Classifications Act scheduled for sunset on 17 July 2022, the NIAA undertook a review into the package between December 2020 and October 2021. The NIAA recommended allowing the Stronger Futures Act and part 10 of the Classifications Act to sunset—advising that the Commonwealth Government no longer required ongoing legislative instruments to help address community issues associated with land reforms, food security, alcohol management and prohibited materials. The NIAA further noted that, in its view NT Government was well placed to deliver its jurisdictional responsibilities and strategies to address land tenure issues, food security concerns and alcohol misuse.⁴³
- 1.36 In its submission, the Association of Alcohol and Other Drug Agencies NT (AADANT) supported self-determination for Aboriginal peoples and communities but said that government was responsible for ensuring that communities were resourced and supported to make informed choices that considered the views of all community members. In AADANT's view, the Commonwealth Government accepted this responsibility through the implementation of the Stronger Futures package, and particularly the introduction of alcohol management plans.⁴⁴

⁴¹ KPMG 2016, *Review of the Stronger Futures in the Northern Territory Act (2012)*, NIAA, p. i, <https://www.niaa.gov.au/sites/default/files/publications/stronger-futures-northern-territory-print-version.pdf>, viewed 17 October 2022.

⁴² Minter Ellison 2015, *Stronger Futures in the Northern Territory Act 2012: Independent review of the effectiveness of the Northern Territory and Commonwealth laws in reducing alcohol-related harm*, NIAA, pages 5, 7, https://www.niaa.gov.au/sites/default/files/publications/2015_independent_review_alcohol_laws.pdf, viewed 17 October 2022.

⁴³ NIAA, Submission 15, p. 2; NIAA 2022, *Stronger Futures in the Northern Territory: Sunset Review*, pages 6, 44, <https://www.niaa.gov.au/resource-centre/niaa/stronger-futures-northern-territory-sunset-review>, viewed 10 October 2022.

⁴⁴ Association of Alcohol and Other Drug Agencies NT, Submission 8, p. [1].

- 1.37 Equally, AADANT stated that, despite the investment by communities in alcohol management plans, many of these plans remained unaddressed. Moreover, AADANT believed that the sunseting of the Stronger Futures Act without the execution of these plans has disenfranchised communities and abrogated the Commonwealth Government's responsibility.⁴⁵
- 1.38 CAAC put to the Committee that positive effects were realised, including a reduction in alcohol-related harms, as a result of alcohol restrictions, but that this was undermined by the sunseting of the Stronger Futures Act.⁴⁶
- 1.39 Children's Ground, while acknowledging the aims of the Stronger Futures Act, said the risks of alcohol-related harm were a manifestation of the impacts of colonisation and ongoing injustices. These risks were present before and during the implementation of the NTNER Act, as well as under the Stronger Futures Act and post its sunseting.⁴⁷ Children's Ground impressed on the Committee that:

For too long governments have failed to understand that the way to create opportunity and wellbeing for First Nations people is not by adopting Western constructs and systems, but by supporting the First Nations cultural practices that have created prosperity for over 65,000 years.⁴⁸

Committee comment

- 1.40 The Committee acknowledges that Aboriginal and Torres Strait Islander peoples have the right to self-determination, including through various articles under the United Nations Declaration on the Rights of Indigenous Peoples.
- 1.41 The Committee considers that the NTNER and Stronger Futures legislative packages systemically disempowered communities—in their delivery, implementation and transition—causing immense trauma that now requires concerted effort by all levels of government to enable and invest in the re-empowerment of these communities.
- 1.42 The Committee acknowledges the importance of local, community-led initiatives to support sustainable community development.

⁴⁵ Association of Alcohol and Other Drug Agencies NT, Submission 8, p. [1].

⁴⁶ Central Australian Aboriginal Congress (CAAC), Submission 10, pages [13–14].

⁴⁷ Children's Ground, Submission 8, p. [1].

⁴⁸ Children's Ground, Submission 8, p. [1].

2. Preparation for sunseting of Stronger Futures

- 2.1 This Chapter outlines the evidence received about the consultation between the Commonwealth and Northern Territory (NT) governments regarding whether the *Stronger Futures in the Northern Territory Act 2012* (Cth) (Stronger Futures Act) would sunset; as well as the consultations with Aboriginal communities, organisations, and peak bodies.
- 2.2 For a chronology of key events leading up to the sunseting of the Stronger Futures Act, please see the detailed timeline provided at Appendix C.

Consultation between governments

- 2.3 The Stronger Futures Act was intended to sunset after 10 years, on 17 July 2022. In anticipation of that date, the National Indigenous Australians Agency (NIAA) established a taskforce in December 2020 to lead consideration of the Commonwealth Government's response to the sunseting of the Stronger Futures Act and associated legislation.¹
- 2.4 The Taskforce conducted the *Stronger Futures in the Northern Territory: Sunset Review* (Sunset Review) to assess the impact of the legislation, and recommend any future actions for the policy areas impacted by the cessation of the legislation.²
- 2.5 As part of the Sunset Review, the Taskforce held a series of consultations with NIAA and NT Government representatives.³ These consultations included considering what was needed to prepare the NT Government for the transition away from the alcohol restrictions implemented under the Stronger Futures Act.⁴
- 2.6 As a result of these consultations, the NT Government decided that it would lead community consultations to determine community aspirations regarding alcohol management, as well as amend its *Liquor Act 2019* (NT) to cover any gaps upon the sunseting of the Stronger Futures Act.⁵

¹ National Indigenous Australians Agency (NIAA), Submission 15, p. 9.

² NIAA, Submission 15, p. 10.

³ Northern Territory (NT) Government, Submission 6, p. 6.

⁴ NIAA, Submission 15, p. 10.

⁵ NT Government, Submission 6, p. 7.

- 2.7 When asked by the Committee, the NIAA advised that it did not work with the NT Government with regards to the development of its 'opt-in' or 'opt-out' approach for alcohol restrictions. However, the NIAA first became aware that an 'opt-in' approach was being considered on 9 February 2022.⁶
- 2.8 On 18 June 2021, a working draft report of the Sunset Review was provided to the NT Government.⁷ The Sunset Review concluded that due to a lack of data, and the concurrence of Commonwealth and NT Government initiatives, it was not possible to evaluate whether the Stronger Futures Act alone had been effective.⁸ It also concluded that the NT Government was well placed to take responsibility for managing these issues.⁹
- 2.9 In its submission to the inquiry, the NT Government stated that from June 2021 until March 2022, it was unclear to both the NIAA and the NT Government whether the Commonwealth would allow the Stronger Futures Act to sunset.¹⁰ With this perceived lack of clarity, preparations continued for the sunset of the legislation.¹¹
- 2.10 According to the NIAA, the former Minister for Indigenous Australians, the Hon Ken Wyatt, wrote on 6 April 2022 to NT Minister for Aboriginal Affairs, the Hon Selena Uibo, formally confirming that the Stronger Futures Act would be allowed to sunset based on the findings of the Sunset Review, and agreeing to the NT Government's offer to transition responsibility for alcohol, stores licensing and land management measures to itself.¹²
- 2.11 The NT Government responded to this confirmation by passing the *Associations and Liquor Amendment Bill 2022* on 17 May 2022, as a transitional arrangement for the management of alcohol restrictions in communities ahead of the sunset of the Stronger Futures Act.¹³

Consultations with communities and services providers

- 2.12 On 15 November 2021, 9 February 2022, and 14 April 2022, the NT Government held briefings and workshops with community organisations to discuss the potential impacts of the Stronger Futures Act sunset and potential transition arrangements.¹⁴ These workshops were organised with the co-operation of the NIAA. Organisations included in these workshops were Land Councils, peak bodies such as

⁶ Tom Dyer, Branch Manager, Northern Territory Strategy and Policy, NIAA, *Committee Hansard*, Canberra, 1 February 2022, p. 26.

⁷ NT Government, Submission 6, p. 6.

⁸ T. Dyer, NIAA, *Committee Hansard*, Canberra, 19 October 2022, pages 2–3.

⁹ NIAA 2022, *Stronger Futures in the Northern Territory: Sunset Review*, p. 6, <https://www.niaa.gov.au/resource-centre/niaa/stronger-futures-northern-territory-sunset-review>, viewed 14 February 2023.

¹⁰ NT Government, Submission 6, p. 6.

¹¹ NT Government, Submission 6, p. 6.

¹² NIAA, Submission 15, p. 11.

¹³ NIAA, Submission 15, p. 11.

¹⁴ NT Government, Submission 6, p. 6.

APO NT, community organisations, and the NT Department of Chief Minister & Cabinet (CM&C).

- 2.13 The NT Government's consultations with communities appeared to have been limited by their timing between December 2021 and January 2022.¹⁵ The NT Government also noted in their submission that consultations with remote communities were further hampered by COVID-19 restrictions.¹⁶
- 2.14 When questioned by the Committee about the Commonwealth Government's engagement with Aboriginal communities and organisations about the potential impacts of the Stronger Futures Act sunsetting, representatives from the NIAA said that outreach was deliberately left to the NT Government to avoid cross messaging.¹⁷
- 2.15 In its submission, APO NT raises the Commonwealth Government's important role in addressing key social determinants on which the Territory is lagging as compared with other States and Territories, in part, owing to historical policy failures in the jurisdiction.¹⁸
- 2.16 The inadequacy of consultations prior to the sunsetting of the Stronger Futures Act was repeatedly shared with the Committee throughout its public hearings. The Northern Land Council stated:
- ...after 10 years of the Stronger Futures legislation, the Commonwealth and Territory governments failed to adequately plan for its sunsetting and failed to adequately consult those communities likely to be most affected by the changed arrangements.¹⁹
- 2.17 The Central Australian Aboriginal Congress (CAAC) stated that it was not consulted and that the sunsetting of the Stronger Futures Act 'sort of just happened'.²⁰ CAAC further noted that, had there been consultation, it would have advocated for an opt-out system of alcohol management, rather than an opt-in.²¹ An opt-out system, in its view, would have provided a stronger transitional arrangement, whereby consultation could be undertaken community by community regarding the appropriateness of removing alcohol restrictions.²²
- 2.18 The NT Government advised that between May and October 2022, there were 245 face-to-face engagements with 787 individuals across regional NT, including remote communities.²³

¹⁵ NT Government, Submission 6, p. 6.

¹⁶ NT Government, Submission 6, p. 6.

¹⁷ T Dyer, NIAA, *Committee Hansard*, Canberra, 1 February 2023, p. 25.

¹⁸ Aboriginal Peak Organisations Northern Territory (APO NT), Submission 22, p. 3.

¹⁹ Deborah Katona, Senior Manager, Policy, Northern Land Council, *Committee Hansard*, Darwin, 7 December 2022, p. 44.

²⁰ Donna Ah Chee, Chief Executive Officer, Central Australian Aboriginal Congress (CAAC), *Committee Hansard*, Alice Springs, 9 December 2022, p. 17.

²¹ D. Ah Chee, CAAC, *Committee Hansard*, Alice Springs, 9 December 2022, p. 17.

²² D. Ah Chee, CAAC, *Committee Hansard*, Alice Springs, 9 December 2022, p. 17.

²³ NT Government, Submission 6, p. 15.

2.19 According to the NIAA's submission, the final community consultation undertaken by both the NIAA and the NT Government occurred two days before the Stronger Futures Act sunset. A joint letter from the NIAA and NT Government was sent to peak community organisations, as well as store owners and managers, advising them of the imminent changes that would result from both the sunset of the Stronger Futures Act and the transitional arrangements enacted by the NT Government.²⁴

Committee comment

- 2.20 The Committee is of the view that both the NT and Commonwealth governments failed to prepare and record comprehensive data to inform the sunset and transition away from the Stronger Futures Act. As a consequence the policy measures or investment cannot be evaluated.
- 2.21 The fact that the NT Government, on 14 February 2023, re-introduced alcohol restrictions in remote communities with an 'opt-out' mechanism, demonstrates that there was not adequate preparation for sunset of the Stronger Futures Act.
- 2.22 The Committee is of the view that consultations between the Commonwealth and NT governments lacked clarity and specificity, which may have had an impact on the timeframes for subsequent consultations and respective policy decisions.
- 2.23 The Committee acknowledges that some consultation was undertaken by the NT Government with Land Councils and certain peak bodies. However, consultation missed certain groups, especially women, and did not enable community understanding of the impacts of the proposed transition.
- 2.24 The Committee notes that because the Stronger Futures Act had a legislated end date, it should have been possible for the NT and Commonwealth governments to work with affected communities to prepare for the transition.

Recommendation 1

- 2.25 The Committee recommends that the National Indigenous Australians Agency and the Northern Territory Department of Chief Minister and Cabinet conduct a review into the inadequate preparations for the sunset of the Stronger Futures Act, by 31 December 2023, and develop policies to prevent a similar situation from occurring in the future.**

²⁴ NIAA, Submission 15, p. 11.

3. Community safety and alcohol management

- 3.1 This Chapter deals with the issues of community safety and alcohol management in the Northern Territory (NT) as provided by paragraph (b) of the Terms of Reference for this inquiry.

Introduction

- 3.2 The issues of alcohol management and community safety are closely linked. At the individual level, alcohol-related harm, as it is referred to,¹ may include anything from impairment of physical and mental functioning in the short term through to premature death in the long term.² At the community level, alcohol-related harm can range from disruption to a family's mental, physical, or financial wellbeing through to interpersonal violence or crime, leading to incarceration and intergenerational ramifications.³
- 3.3 Historically, alcohol-related harm is worse among the NT population than in any other Australian jurisdiction. As noted during the inquiry, problem drinking in the Northern Territory is “across all cohorts of our popular population; it is not just an Indigenous problem”.⁴
- 3.4 The *National Alcohol Strategy 2019–2028* identifies both Aboriginal and Torres Strait Islander peoples and people living in remote areas as being at a disproportionate risk of experiencing alcohol-related harm as compared with the general population.⁵
- 3.5 As alcohol misuse has been increasingly recognised and treated as a physical and mental health issue, alcohol-related harm has increasingly been dealt with through

¹ Department of Health and Aged Care (DHAC), ‘National Alcohol Strategy 2019–2028’, p. 5, <https://www.health.gov.au/resources/publications/national-alcohol-strategy-2019-2028?language=en>, viewed 17 February 2023.

² DHAC, ‘What are the effects of alcohol?’, <https://www.health.gov.au/topics/alcohol/about-alcohol/what-are-the-effects-of-alcohol>, viewed 17 February 2023.

³ Australian Institute of Family Studies, ‘Alcohol-related harm in families and alcohol consumption during COVID-19’, p. 2, <https://aifs.gov.au/resources/policy-and-practice-papers/alcohol-related-harm-families-and-alcohol-consumption-during>, viewed 17 February 2023; Ramamoorthi R, Jayaraj R, Notaras L and Thomas M (2014) ‘Alcohol-Related Violence among the Australian Aboriginal and Torres Strait Islanders of the Northern Territory: Prioritizing an Agenda for Prevention-Narrative Review Article’, *Iranian Journal of Public Health*, 43(5).

⁴ Bridgette Bellenger, General Manager, Territory Regional Growth and Development, Department of the Chief Minister and Cabinet, NT Government, *Committee Hansard*, Canberra, 19 October 2022, p. 14.

⁵ DHAC, ‘National Alcohol Strategy 2019–2028’, p. 5, <https://www.health.gov.au/resources/publications/national-alcohol-strategy-2019-2028?language=en>, viewed 21 February 2023.

a lens of harm minimisation⁶ The Commonwealth Government's *National Alcohol Strategy 2019–2028* identifies demand and supply as areas which are vital to reducing alcohol-related harm.⁷

- 3.6 The Commonwealth Government's interventions in the NT through the *Northern Territory National Emergency Response Act 2007* (Cth) (NTNER Act) and *Stronger Futures in the Northern Territory Act 2012* (Stronger Futures Act) relied almost entirely on reducing supply, through imposing bans on the purchase of alcohol in certain communities.⁸ There has been little investment in harm reduction or demand:

...the harm reduction and demand reduction measures are really where we need to build on what we have done to date. That is simple stuff like housing. That is getting people in work or engaging in normal activities in the community. Bridget referred earlier to CDP. That is a really big and important part of it. Once we get the social determinants right, and that is long-term work, you will see a consistent reduction in alcohol-related harm in our remote communities.⁹

- 3.7 A similar view was also put forward by the Alice Springs Hospital:

I'd like to say that alcohol and alcohol related violence is not a health related issue. This is so much bigger. We really need to go back to looking at the social determinants of health. We really need to start looking at housing, meaningful employment, education, hope and despair. That's what this is all about. It's not about alcohol, because the more you focus down on the narrow thing of alcohol the more I think you miss a real opportunity.¹⁰

Alcohol management

NT alcohol regulation prior to imposition of NTNER Act

- 3.8 To understand what regulatory changes were made by the NTNER Act and Stronger Futures Act it is helpful to understand what liquor regulations the NT had prior to the Commonwealth's regulatory interventions.

⁶ National Centre for Education and Training on Addiction, 'Harm Minimisation', <https://nceta.flinders.edu.au/society/harm-minimisation>, viewed 17 February 2023.

⁷ DHAC, 'National Alcohol Strategy 2019–2028', p. 35, <https://www.health.gov.au/resources/publications/national-alcohol-strategy-2019-2028?language=en>, viewed 17 February 2023.

⁸ DHAC, 'National Alcohol Strategy 2019–2028', p. 37, <https://www.health.gov.au/resources/publications/national-alcohol-strategy-2019-2028?language=en>, viewed 17 February 2023.

⁹ Giovina D'Alessandro, Senior Executive Director, Alcohol Policy Coordination Unit, Department of the Chief Minister and Cabinet, Northern Territory (NT) Government, *Committee Hansard*, Canberra, 19 October 2022, p. 14.

¹⁰ Stephen Gourley, Director Emergency Medicine, Alice Springs Hospital, *Committee Hansard*, Alice Springs, 9 December 2022, p. 30.

- 3.9 Prior to the passage of the NTNER Act alcohol in the NT was regulated under the *Liquor Act 1978* (NT). The *Liquor Act 1978* (NT) appears to have been broadly consistent with liquor licensing schemes in other Australian jurisdictions, with the NT Licencing Commission (the Commission) holding regulatory decision-making powers.¹¹ The most notable aspects of the legislation are those pertaining to supply reduction contained in the *Liquor Act 1978* (NT), Part VIII (Restricted areas) and Part VIIIA (Restricted premises).
- 3.10 Part VIII of the *Liquor Act 1978* (NT) provided for the creation of general restricted areas (GRAs) and public restricted areas (PRAs) to restrict access to, and the consumption of, alcohol in a declared geographical area. Within a GRA, prohibitions and penalties could be applied to the delivery, possession, consumption, and sale of alcohol within the area.¹² Exemptions could be granted by the Commission to permit holders, with or without conditions.¹³
- 3.11 The process for the declaration of a GRA was set out in Division 1A of Part VIII, commencing with an application made by any person.¹⁴ The NT Licensing Commission could then consider the opinions of the general public and local residents before declaring a GRA and regulating specific types of liquor.¹⁵ While the legislation did not apply only to Aboriginal communities, this was the case in practice.¹⁶
- 3.12 PRAs were broadly similar to GRAs but applied to public land and could only be applied for by the Commissioner of Police, the Director of the Commission, or a local government.¹⁷ Part VIII created search and seizure provisions for inspectors to enforce general and public restricted area provisions.
- 3.13 Part VIIIA provided for the declaration of restricted premises. These declarations applied to individual private premises including residential, commercial, and community premises.¹⁸ The occupant could apply to the Commission to make a declaration in relation to their premises; or, where premises were open to the public, an occupying business owner, community organisation, or senior police officer could apply for a declaration.¹⁹ Police had entry, search, and seizure powers to enforce a declaration.²⁰

¹¹ *Liquor Act 1978* (NT), s. 4 (definition of 'commission').

¹² *Liquor Act 1978* (NT), s. 71.

¹³ *Liquor Act 1978* (NT), pt VIII div 2.

¹⁴ *Liquor Act 1978* (NT), s. 76.

¹⁵ *Liquor Act 1978* (NT), s. 81(1)(c).

¹⁶ Clifford, S. *et al* 2021, 'A historical overview of legislated alcohol policy in the Northern Territory of Australia: 1979–2021 - BMC public health', *BioMed Central*, <https://bmcpublihealth.biomedcentral.com/articles/10.1186/s12889-021-11957-5>, viewed 20 February 2023.

¹⁷ *Liquor Act 1978* (NT), s. 76 (2).

¹⁸ *Liquor Act 1978* (NT), s. 101A.

¹⁹ *Liquor Act 1978* (NT), ss. 101C, 101 A.

²⁰ *Liquor Act 1978* (NT), pt VIII div 2.

3.14 While these regulatory measures were in force, there were limited support or harm reductions measures in place, and by the time of the Commonwealth's intervention alcohol-related harm was rampant throughout the Northern Territory.²¹

NT alcohol regulation during imposition of NTNER Act

3.15 The object of the NTNER Act was to 'improve the wellbeing of certain communities in the NT'.²² The legislation imposed substantial changes to liquor regulation within the Northern Territory.

3.16 The Commonwealth's modifications to territory laws were made possible through its constitutional power over territories.²³

3.17 The Commonwealth introduced restrictions for 'prescribed areas' on Aboriginal lands,²⁴ and regulated take away liquor sales.

3.18 Prescribed areas defined in the NTNER Act, included all lands under the *Aboriginal Land Rights (Northern Territory) Act 1976* (NT), roads and waterways in those areas, and any other area declared to be a prescribed area by the Commonwealth Minister.²⁵ The restrictions relating to those areas are provided under Part 2 Division 2 of the NTNER Act.

3.19 The NTNER Act, section 12, modified the *Liquor Act 1978* (NT) to treat prescribed areas as though they had been declared by the Commission to be a GRA and introduced new offences with higher penalties.

3.20 The offences and penalties created by the Commonwealth in relation to alcohol in prescribed areas were as follows:

- Personal transport, possession, and consumption
 - Maximum penalty for first offence—10 penalty units
 - Maximum penalty for subsequent offence—20 penalty units²⁶
- Third party supply
 - Maximum penalty for first offence—10 penalty units
 - Maximum penalty for subsequent offence—20 penalty units²⁷

²¹ Northern Territory Government Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse 2007, *Ampe Akelyernemane Meke Mekarle – Little Children are Sacred*, pages 161–172, <https://humanrights.gov.au/sites/default/files/57.4%20%E2%80%9CLittle%20Children%20are%20Sacred%E2%80%9D%20report.pdf>, viewed 20 February 2023.

²² *Northern Territory National Emergency Response Act 2007* (Cth), s. 5 (NTNER Act).

²³ *Australian Constitution*, s. 122

²⁴ NTNER Act, s. 4.

²⁵ NTNER Act, s. 4.

²⁶ NTNER Act, s. 12(2).

²⁷ NTNER Act, s. 12 (4).

- Third party supply of large quantities of alcohol
 - Maximum penalty—680 penalty units or 18 months imprisonment²⁸
- 3.21 Under the *Penalty Units Act 2002* (NT) a penalty unit was equal to \$110 when the NTNER Act took effect in 2007.²⁹ Infringement notices were allowed in relation to the lower-level offences, meaning a lesser fine would apply and that offences would not require court attendance unless contested.³⁰
- 3.22 The Intervention did not provide for treatment or counselling to help problem drinkers or victims of alcohol-related harm.
- 3.23 The NTNER Act also allowed the Commonwealth Minister to override the Commission by changing the conditions of, or cancelling, a liquor licence or permit issued under the *Liquor Act 1978* (NT) applying to a prescribed area.³¹
- 3.24 The NTNER Act Part 2 Division 3A placed restrictions and administrative obligations on licences for the sale of liquor by total volume, where division 3 had planned for restrictions on the volume of pure alcohol. Division 3A was repealed in 2010 as part of a series of refinements to the NTNER Act intended to improve compliance with racial discrimination legislation while still reducing alcohol-related harm in Indigenous communities in the NT.³²

NT alcohol regulation during imposition Stronger Futures Act

- 3.25 The Stronger Futures Act, designed to sunset in ten years, replaced the alcohol laws imposed on the Northern Territory through the NTNER Act. While the Stronger Futures Act was substantially similar, its provisions had placed a stronger focus on the minimisation of alcohol-related harm and did not affect the operation of the *Racial Discrimination Act 1975* (Cth).³³
- 3.26 The alcohol-related measures under the Stronger Futures Act enabled special measures to be taken to reduce alcohol-related harm to Aboriginal people in the Northern Territory.³⁴ The Act introduced alcohol protected areas (APAs) and alcohol management plans.
- 3.27 While there were differences at a technical and administrative level between prescribed areas and APAs, the Stronger Futures Act effectively replicated the NTNER Act alcohol prohibitions and offences under a new name.

²⁸ NTNER Act, s. 12 (6).

²⁹ *Penalty Units Act 2002* (NT), s. 3.

³⁰ NTNER Act, s. 23.

³¹ NTNER Act, ss. 13, 14.

³² Explanatory Memorandum, Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2010 (Cth).

³³ *Stronger Futures in the Northern Territory Act 2012*, ss. 4A, 6 (Stronger Futures Act), as enacted.

³⁴ Stronger Futures Act, s. 7, as enacted.

- 3.28 An AMP would allow a community to put a plan to the Commonwealth Minister on how it would self-manage alcohol.³⁵ If approved, the area to which the AMP applied to would become a community managed alcohol area.³⁶
- 3.29 Several communities developed such plans, but only one was approved was over the ten-year life of the legislation. This contributed further to disempowerment:
- ...the work would be done with communities, there would be a lot of engagement and a lot of work with communities to plan out what they wanted, and then they just didn't get endorsed by the Commonwealth minister of the day, so there was a lot of disillusionment from communities that had gone through that work. You'll still hear communities talk about their alcohol management plan and the work they did on that...³⁷
- 3.30 During the Stronger Futures Act period the NT Government ordered a review, the Riley Review, into its alcohol policies which resulted in a number of substantial changes to the regulation of liquor.³⁸
- 3.31 The review recommended that the *Liquor Act 1978* (NT) be repealed and replaced by a new Act which would centre on principles of harm minimisation.³⁹ On 13 August 2019 the NT's Legislative Assembly passed the *Liquor Act 2019* (NT).⁴⁰ The new *Liquor Act 2019* (NT) still provides for GRAs to continue.⁴¹ It also carries over a minimum unit price on alcohol.⁴²

³⁵ Stronger Futures Act, s. 17.

³⁶ Stronger Futures Act, s. 26.

³⁷ G. D'Alessandro, Senior Executive Director, Alcohol Policy Coordination Unit, Department of the Chief Minister and Cabinet, Northern Territory Government, *Committee Hansard*, Canberra, 19 October 2022, p 18.

³⁸ NT Government 2017, 'Alcohol Policies and Legislation Review: Final Report' ('Riley Review'), <https://industry.nt.gov.au/publications/licensing/alcohol-policies-and-legislation-review-final-report>, viewed 10 February 2023.

³⁹ Riley Review, p. 34.

⁴⁰ Northern Territory Legislative Assembly, *Minutes of Proceedings*, 13 August 2019, p. 603.

⁴¹ *Liquor Act 2019* (NT), s. 329.

⁴² *Minimum pricing was introduced in the NT in the last year of the Liquor Act 1978 (NT)'s operation by the Liquor Amendment (Minimum Pricing) Act 2018 (NT).*

Issues of alcohol related harm immediately after sunseting of Stronger Futures Act

3.32 The Committee received evidence about whether the NT's policies prior to and immediately after the sunset of the Stronger Futures Act were sufficient to reduce alcohol-related harm. In late 2022, the Committee heard that, since the sunseting of the Stronger Futures Act, incidences of problem drinking may have been on the rise, particularly in the central desert region.

3.33 In its submission to the inquiry in October 2022 the Central Desert Regional Council (CDRC) said that:

There has been an anecdotal increase in alcohol related violence in a number of our communities following the cessation of the Stronger Futures Act, 2012. This alcohol related violence extends to domestic violence, damage to property, vandalism and injury.⁴³

3.34 Similarly, the People's Alcohol Action Coalition (PAAC) submitted that:

What has been inflicted overnight upon the community ... in the absence either of clear communication with Aboriginal health, legal and other agencies, or advance comprehensive discussion with community members, is an entirely predictable increase in alcohol-related violence, including domestic violence, particularly in the Alice Springs region, where all but one of the town camps (restricted through its residents' initiative many years ago) are now unrestricted, along with the nearby Amoonguna community and many outstations and homelands in close proximity to General Restricted Areas.⁴⁴

3.35 The PAAC is referring in part to the implementation by the NT Government of an extension to alcohol prohibitions to allow communities under Commonwealth APA to opt-in as an Interim Alcohol Protected Area for up to two years effectively extending the restrictions.⁴⁵

3.36 As outlined in the previous Chapter, consultations with affected communities were inadequate, especially because of short timeframes. Decisions to opt-in were not well-informed by affected communities. On this, the Northern Land Council stated:

We strongly support the call for communities to inform arrangements on alcohol control. We recognise that discussion with communities are complex and can take considerable time. Removing restrictions without appropriate consultation is as bad as imposing restrictions without any consultation.⁴⁶

⁴³ Central Desert Regional Council (CDRC), Submission 1, p. 2.

⁴⁴ Peoples Alcohol Action Coalition, Submission 7, p. 7.

⁴⁵ *Associations and Liquor Amendment Act 2022* (NT), s. 6.

⁴⁶ Deborah Katona, Senior Manager, Policy, Northern Land Council, *Committee Hansard*, Darwin, 7 December 2022, p. 44.

- 3.37 Confusion about the different types of restrictions across Commonwealth and Territory legislation likely impacted initial transitional arrangements. The NT Government submitted that:

When the Stronger Futures legislation ceased, communities that had a GRA in place prior to the Commonwealth Government's statutory interference continued to have alcohol restrictions (noting that these were not all uniform). Communities that did not have a previous GRA ceased to have alcohol restrictions unless they opted in to maintain restrictions through an interim alcohol protected area under the Liquor Act.

There are no GRAs over any of the 17 town camps in Alice Springs, which increases the potential that these communities could be at greater risk of increased alcohol related harm from the lifting of the Commonwealth Government's APAs. This is primarily due to the fact that takeaway alcohol can now legally be purchased by residents for consumption in residences situated in town camps, and takeaway alcohol is acknowledged as a riskier category of alcohol consumption compared to supervised consumption on premises.⁴⁷

- 3.38 Despite the NT Government's acknowledgement of the risks in and around Alice Springs, it told the Committee in November of 2022 that:

...weekly briefings are not showing a substantial sustained increase in alcohol related harm post cessation of Stronger Futures legislation. The briefings are showing fluctuations or spikes that can be attributed to specific activities such as significant sporting events leading to increase in visitors to Alice Springs. However, we are now able to analyse three-month periods of data, which will allow identification of trends.

It should be noted that Alice Springs was experiencing an unacceptably high level of domestic violence and assaults in the two years prior to the alcohol restrictions lifting. The causes and contributing factors to domestic violence are complex, stemming from historical and entrenched disadvantage.⁴⁸

- 3.39 In citing two previous reviews of the Stronger Futures Act, the NT Government concluded that:

To date, no data, reviews or evaluations have been identified that indicate that the Commonwealth Government's prohibition on alcohol in Northern Territory Aboriginal communities ... has had any impact on reducing alcohol related harm.⁴⁹

⁴⁷ NT Government, Submission 6, p. 14.

⁴⁸ NT Government, Submission 6, pages 14–15.

⁴⁹ NT Government, Submission 6, p. 16.

3.40 However, after the sunseting of the Stronger Futures Act many community organisations concluded differently. The Central Australian Aboriginal Congress (CAAC), in December 2022, pointed to increases of domestic violence and assaults involving alcohol immediately after the sunseting of the Stronger Futures Act.⁵⁰

3.41 At its hearing in Alice Springs on 9 December 2022, Ms Donna Ah Chee, CAAC CEO, submitted:

Across the Northern Territory there was an immediate and significant increase in the number of alcohol related assaults and the number of domestic violence assaults where alcohol was involved. The proportion of assaults where alcohol was involved also increased. The Northern Territory government made it clear that they will not return to a race based policy, where access to alcohol is different depending on whether you live on Aboriginal land or not. Congress has fought racial discrimination since we began in 1973, but Aboriginal women and families also have the right to conduct their lives free of alcohol fuelled violence. This is a fundamental right, which helps to ensure that the next generation of children can develop free from the family violence that we know is so harmful to healthy brain development.⁵¹

3.42 Drug and Alcohol Services Australia (DASA) gave evidence in relation to sobering up facilities.⁵² At its hearing on 9 December 2022 the Committee heard from Ms Eloise Page, DASA CEO, who stated that:

I've got some data here on referrals. We've used the stronger futures period, so from when the legislation ceased, and we've done the last three years. With police bringing women in, for instance, from 17 July to 7 December 2020, there were 86 women. Last year, which was our biggest COVID impacting year, there were only 73. This year in that period, there were 157.⁵³

3.43 It is clear that in the immediate aftermath of the sunseting there was a disparity between the Territory Government and many community organisations' interpretations of increases in alcohol related harm attributable to the sunseting of the Stronger Futures Act. It would appear this was partly due to a lack of available data. Complex analysis would likely be required to define the impacts of each change to liquor policies.⁵⁴

3.44 The NT Government said that since its adoption of an opt-in policy, it has invested in harm reduction measures including treatment services, sobering-up shelters and locally based and community-led programs.⁵⁵

⁵⁰ Central Australian Aboriginal Congress, Submission 10, pages 9–10.

⁵¹ *Committee Hansard*, Alice Springs, 9 December 2022, p. 14.

⁵² Drug and Alcohol Services Australia, Submission 12, pages [1]–[3].

⁵³ *Committee Hansard*, Alice Springs, 9 December 2022, p. 23.

⁵⁴ Anna Gill, Regional Managing Solicitor, Southern Region, North Australian Aboriginal Justice Agency, *Committee Hansard*, Alice Springs, 9 December 2022 9 Dec 2023, p. 44.

⁵⁵ NT Government, Submission 6, Supplementary Submission, Answer to Question on Notice, pages 2–3.

- 3.45 The Commonwealth Government is also funding \$22 million over two years through the National Partnership on Northern Territory Remote Aboriginal Investment for alcohol-related harm minimisation measures.⁵⁶
- 3.46 Further, it announced \$19 million in funding for First Nations health infrastructure projects in Central Australia (to be delivered in partnership with the Central Australian Aboriginal Congress), as well as \$200 million of additional funding for the Northern Territory Strategic Roads Package, and \$100 million for housing and essential services in Northern Territory Homelands.⁵⁷

Issues of alcohol related harm observed in early 2023

- 3.47 In the early months of 2023, there has been an increased national awareness of alcohol related harm and antisocial behaviour in the NT. Issues of anti-social behaviour are addressed under the second part of this Chapter 'community safety'. Media attention on alcohol related harm in the NT has centred on worsening social conditions in and around Alice Springs. Reports of alcohol-fuelled crime in Central Australia, including violent offences and property offences, have been published throughout January and February of 2023.⁵⁸
- 3.48 Anecdotal reporting of an increase in alcohol related harm was confirmed by NT Government statistics for November 2022 which demonstrate a clear and sustained increase in alcohol-related assaults, domestic violence, and property offences in and around Alice Springs, compared with the same period in 2019.⁵⁹

⁵⁶ National Indigenous Australian Agency, Submission 15: Answers to Questions on Notice, p. [2]

⁵⁷ Senator the Hon Malarndirri McCarthy, Assistant Minister for Indigenous Australians, 'Investing in Central Australia', *Media Release*, <https://ministers.pmc.gov.au/mccarthy/2022/investing-central-australia>, 3 November 2022.

⁵⁸ Breen, J, Robinson, L, 2023, 'NT Police Minister Kate Worden to meet with Alice Springs liquor retailers on crime crisis', *ABC News*, 18 January 2023, <https://www.abc.net.au/news/2023-01-18/nt-liquor-retailers-alice-springs-crime-crisis-alcohol/101865272>, viewed 21 February 2023; Breen, J, Mackay, 2023, 'NT Police confirm Todd Tavern liquor licence suspended over alleged domestic violence amid Alice Springs crime spike', *ABC News*, 21 January 2023, <https://www.abc.net.au/news/2023-01-21/nt-alice-springs-todd-tavern-suspension-police/101876784>, viewed 15 February 2023; Collard, S 2023, 'Alice Springs mayor calls for 'heavy handed response' as crisis talks held over increased crime', *The Guardian Australia*, 19 January 2023, <https://www.theguardian.com/australia-news/2023/jan/19/alice-springs-mayor-calls-for-heavy-handed-response-as-crisis-talks-held-over-increased>, viewed 15 February 2023

⁵⁹ NT Government, 'Alice Springs Crime Statistics', November 2022, <https://www.pfes.nt.gov.au/police/community-safety/nt-crime-statistics/alice-springs>, viewed 13 February 2023.

3.49 Increasingly, blame for the upward trend in alcohol related harm and offending was placed on the sunseting of Stronger Futures Act and the lack of a Commonwealth or Territory scheme to replace its APA provisions.⁶⁰ However, as previously discussed, the NT Government had through its creation of interim alcohol protected areas developed an opt-in alcohol restriction mechanism for use by communities to which Commonwealth APAs had applied.⁶¹

3.50 Mr Philip Timney, Director of Liquor Licensing for the NT Government, gave evidence that:

To date, 13 communities have applied to opt in to become interim alcohol protection areas. The process for that is that they are restricted from the day that the opt in is approved, and the opt in is approved by me. It's a very straightforward process. It's a simple application where we just need to be satisfied that the person making the application has authority to speak on behalf of that community, so we deal with the lawful landowner of that community. The application is lodged with my staff. They check that off and present it to me as an application for that community to opt in. Generally speaking, to date, those applications have been approved the same day that they were received by me. ... They're then published in the Northern Territory Government Gazette with a surveyor-general-authorised description of the property—the land that's involved in the interim alcohol protection area.

...

The process from here on for those areas is that now community consultation takes place and the community can decide whether they want to opt in to our longstanding general restricted area regime. Approval for a general restricted area is a matter for the Liquor Commission.⁶²

3.51 On 24 January 2023, the Prime Minister travelled to Alice Springs with senior government members to meet with community representatives, NT Government ministers and officials. The NT Government announced it would immediately introduce temporary trade restrictions on alcohol sales as a circuit-breaker measure. The Commonwealth Government announced a \$48 million funding investment in community safety, which included:

- \$14.2m in additional funding for extra high visibility police and law enforcement operations including targeting grog running, and increasing liquor licensing
- \$2m to improve CCTV, lighting and safety measures throughout Alice Springs

⁶⁰ Sky News 2023, 'Lapsing Stronger Futures increased 'alcohol fuelled violence' in Alice Springs', *Sky News*, 25 January 2023, <https://www.skynews.com.au/australia-news/crime/lapsing-stronger-futures-increased-alcohol-fuelled-violence-in-alice-springs/video/8e6269f68765824a7ae0364e6aecdda8>, viewed 13 February 2023; Wood, D 2023, 'Prime Minister lands in Alice Springs over crime crisis as NT announces new alcohol restrictions for the town', *NT Independent*, 24 January 2023, <https://ntindependent.com.au/prime-minister-to-visit-alice-springs-as-alcohol-advocacy-group-calls-for-stronger-futures-equivalent-legislation/>, viewed 13 February 2023.

⁶¹ *Associations and Liquor Amendment Act 2022* (NT), s. 6.

⁶² *Committee Hansard*, Canberra, 1 February 2023, pages 19–20.

- \$5.6m for additional emergency accommodation and safe spaces for young people and to boost effectiveness of night patrol program
- \$2m for the Tangentyere Women's Family Safety Group
- \$25m to extent funding for safety and community services, which are currently scheduled to end in June 2023.⁶³

3.52 The Chief Minister of the NT, Hon Natasha Fyles MLA and the Prime Minister also announced the appointment of a Central Australian Regional Controller (CARC).⁶⁴ The Controller, Ms Dorrelle Anderson, was tasked with consulting with communities on the potential reintroduction of alcohol restrictions and consideration of an opt-out model for APAs, and a report to the Prime Minister and Chief Minister by 1 February 2023.⁶⁵

3.53 The trade restrictions announced by the Chief Minister of the NT were in addition to restrictions made earlier in the week:

You saw action from the police over the weekend, and we have already reduced trading in Central Australia on a Sunday. We will now have takeaway alcohol-free days on Monday and Tuesday. We will also have alcohol reduced hours on the remaining days from 3:00 to 7:00 PM only for takeaway alcohol. We will also introduce one transaction per person each day, and we are able to do this immediately through the banned drinker register.⁶⁶

3.54 The CARC's report entitled *Proposed Actions for Alcohol Related harm in Central Australian Communities* was provided to the Commonwealth and Territory Governments on 1 February 2023, and was publicly released on 6 February 2023.⁶⁷ It recommended that two immediate actions:

⁶³ Hon Anthony Albanese MP, Prime Minister, 'A Better, Safer Future for Central Australia', *Media Release*, <https://www.pm.gov.au/media/better-safer-future-central-australia>, 6 February 2023.

⁶⁴ Department of Prime Minister and Cabinet (PM&C), 'Visit to Alice Springs; Announcement of measures to enhance safety in Alice Springs and Central Australia; Crime; Alcohol restrictions; Family violence; Northern Territory Aboriginal Justice Agreement; Voice to Parliament', Transcript, 24 January 2023, <https://www.pm.gov.au/media/doorstop-alice-springs#:~:text=ANTHONY%20ALBANESE%2C%20PRIME%20MINISTER%3A%20Well,very%20successfu>l%20meetings%20and%20engagements, viewed 13 February 2023.

⁶⁵ PM&C, Visit to Alice Springs; 'Announcement of measures to enhance safety in Alice Springs and Central Australia; Crime; Alcohol restrictions; Family violence; Northern Territory Aboriginal Justice Agreement; Voice to Parliament', Transcript, 24 January 2023, <https://www.pm.gov.au/media/doorstop-alice-springs#:~:text=ANTHONY%20ALBANESE%2C%20PRIME%20MINISTER%3A%20Well,very%20successfu>l%20meetings%20and%20engagements, viewed 13 February 2023.

⁶⁶ PM&C, 'Visit to Alice Springs; Announcement of measures to enhance safety in Alice Springs and Central Australia; Crime; Alcohol restrictions; Family violence; Northern Territory Aboriginal Justice Agreement; Voice to Parliament', Transcript, 24 January 2023, <https://www.pm.gov.au/media/doorstop-alice-springs#:~:text=ANTHONY%20ALBANESE%2C%20PRIME%20MINISTER%3A%20Well,very%20successfu>l%20meetings%20and%20engagements, viewed 13 February 2023.

⁶⁷ Williams, T 2023, 'NT Chief Minister Natasha Fyles says alcohol ban legislation coming in next sitting of parliament — as it happened', *ABC News*, 6 February 2023, <https://www.abc.net.au/news/2023-02-06/live-northern-territory-natasha-fyles-alice-springs-report/101935888>, viewed 13 February 2023.

- 1 The NT Government make urgent amendments to the Liquor Act 2019 that will see town camps and nearby remote communities return to alcohol free areas, with a clear path forward if the community wishes to introduce responsible drinking options, upon the development of a Community Alcohol Management Plan.
 - 2 The NT and Commonwealth Governments continue to work together to deliver needs based funding to the relevant service providers in the Northern Territory as a matter of priority, so that the cycle of intergenerational trauma and disadvantage can truly begin to be broken.⁶⁸
- 3.55 The NT Government responded to the CARC’s recommendations by committing to pass urgent legislation to ‘strengthen alcohol restrictions so that town camps and communities will revert to dry zones’.⁶⁹ The new model would be opt-out and would require 60 per cent of a given community to agree on an alcohol management plan in order for restrictions to be lifted.⁷⁰
- 3.56 On 14 February 2023 the Chief Minister for the NT, in her capacity as Minister for Alcohol Policy, presented the Liquor Amendment Bill 2023 to the Legislative Assembly for the Northern Territory⁷¹ The bill would apply an Interim Alcohol Protected Area (IAPA) over all areas covered by a Commonwealth APA prior to the sunset of the Stronger Futures Act.⁷²
- 3.57 On 14 February 2023 the bill was passed by the Parliament and became a proposed law of the NT.⁷³ The Act received assent on 15 February 2023 and its amendments to the *Liquor Act 2019* (NT) commenced operation the very next day on 16 February 2023.⁷⁴ The amendments creating IAPAs will sunset in just under four years on 28 February 2027 unless the date is varied in either direction by regulation.⁷⁵

⁶⁸ Office of the Central Australian Regional Controller, ‘Proposed Actions for Alcohol Related Harm in Central Australian Communities’, p. 14, <https://cmc.nt.gov.au/central-australian-regional-response>, viewed 21 February 2023.

⁶⁹ NT Government Department of Chief Minister and Cabinet, ‘Central Australian Regional Response: A Better, Safer Future for Central Australia’, <https://cmc.nt.gov.au/central-australian-regional-response>, viewed 13 February 2023.

⁷⁰ Williams, T 2023, ‘NT Chief Minister Natasha Fyles says alcohol ban legislation coming in next sitting of parliament — as it happened’, *ABC News*, 6 February 2023, <https://www.abc.net.au/news/2023-02-06/live-northern-territory-natasha-fyles-alice-springs-report/101935888>, viewed 13 February 2023.

⁷¹ Northern Territory Legislative Assembly, *Minutes of Proceedings*, 14 February 2023, p. 4.

⁷² Liquor Amendment Bill 2023, s. 5.

⁷³ Northern Territory Legislative Assembly, *Minutes of Proceedings*, 14 February 2023, p. 5.

⁷⁴ *Liquor Amendment Act 2023*, as enacted.

⁷⁵ *Liquor Act 2019* (NT), s. 170D.

3.58 The Commonwealth Government has responded to the CARC's report by noting that the NT Government would make the necessary legislative amendments to introduce opt-out restrictions and announced a \$250 million investment in a plan for a *Better, Safer Future for Central Australia*.⁷⁶ This plan, in addition to previous funding commitments, is intended to address service, community and infrastructure needs in Central Australia by focusing on:

- Improved community safety and cohesion – through more youth engagement and diversion programs.
- Job creation – particularly in the communities that surround Alice Springs – including urgent changes as part of replacing the failed Community Development Program (CDP).
- Better services – by improving health services in surrounding communities, there will be less pressure on Alice Springs.
- Preventing and addressing the issues caused by Foetal Alcohol Spectrum Disorders – including better responding through the health and justice systems.
- Investing in families – including by better supporting elders and parents, boosting domestic violence services.
- On country learning – improving school attendance and completion through caring for culture and country.⁷⁷

3.59 That funding is in addition to the \$48 million announced on 24 January, as well as significant investment for Central Australia and the Northern Territory in the October 2022/2023 Budget.⁷⁸

3.60 The plan meets concerns raised by community groups throughout the inquiry.

Committee comment

3.61 The Committee received an expanse of evidence about the effectiveness of the Stronger Futures Act in reducing alcohol-related harm. During its life and since sunseting, the Act did not meet objective 'to support Aboriginal people in the Northern Territory to live strong, independent lives, where communities, families and children are safe and healthy' , particularly in respect to alcohol management.

3.62 The Stronger Futures Act focused only on reducing supply and did not sufficiently support people at risk of alcohol abuse or of experiencing or causing harm.

⁷⁶ Hon Anthony Albanese MP, Prime Minister, 'A Better, Safer Future for Central Australia', *Media Release*, <https://www.pm.gov.au/media/better-safer-future-central-australia>, 6 February 2023.

⁷⁷ Hon Anthony Albanese MP, Prime Minister, 'A Better, Safer Future for Central Australia', *Media Release*, <https://www.pm.gov.au/media/better-safer-future-central-australia>, 6 February 2023.

⁷⁸ Hon Anthony Albanese MP, Prime Minister, 'A Better, Safer Future for Central Australia', *Media Release*, <https://www.pm.gov.au/media/better-safer-future-central-australia>, 6 February 2023.

- 3.63 The NT Government's decision to adopt an opt-in approach for maintaining alcohol restrictions was ineffective at minimising harm from the relaxing of alcohol restrictions. While the government intended to address the racist legacy of the Intervention, it is the Committee's view that this decision was made without meaningfully consulting widely across affected communities.
- 3.64 The Committee observed there was a lack of data monitoring and accountability under the Stronger Futures Act. The issues of data availability were reiterated throughout the inquiry by both community organisations and government. Where data did exist, there were inconsistencies, and there was a failure to share information with community organisations and between government parties.
- 3.65 Consistent with the advice of multiple witnesses throughout the inquiry, the Committee is of the view that decisions about future alcohol management in the NT must be done in genuine consultation and partnership with Aboriginal communities.
- 3.66 It is clear to the Committee that the NT Government has sufficient legislative means to manage alcohol-related harm within its jurisdiction where there is the will to do so. This has been demonstrated by its recent legislative amendments to the *Liquor Act 2019* (NT). It is the view of the Committee that this is the appropriate role of the NT Government (informed by the views of community), rather than the Commonwealth.

Recommendation 2

- 3.67 The Committee recommends that the Northern Territory Government provides adequate support and resources to communities to assist in the development of community alcohol plans under section 170AD of the *Liquor Act 2019* (NT).**

Recommendation 3

- 3.68 The Committee recommends that the Northern Territory Government amends the *Liquor Regulation 2019* (NT) to include, as a prescribed matter for paragraph 170AD(1)(d) of the *Liquor Act 2019* (NT), a statement to formalise how the community will be able to ask the Minister to exercise their temporary emergency powers to deliver effective responses, and to accurately report outcomes as a consequence of those changes.**

Community safety

Alcohol related anti-social behaviour

- 3.69 The Committee has received evidence that anti-social behaviour has been prevalent and on the rise throughout the NT. Throughout the Inquiry, there was discussion about anti-social behaviour both during and after the sunset of the Stronger Futures Act. When witnesses discussed these behaviours, they were almost always directly linked to the poor social and economic factors people were facing.

3.70 The Local Government Association of the Northern Territory (LGANT) put to the Committee that:

Antisocial behaviour and crime is one of the most critical issues local government councils are facing in the Territory right now, and there's often a direct correlation between it and alcohol. ...

...

Antisocial behaviour is one of the key issues facing us. It's not going away in a hurry. The causal factors are often complex and require a policy shift and both short and long-term actions and policy changes that extend through election cycles. The issue cannot be looked at in isolation. It is interlinked with housing, economic development and liveability, amongst other things—think Maslow's hierarchy of needs.⁷⁹

3.71 The Darwin City Council Lord Mayor, Mr Kon Vatakalis, further highlighted the difficulty of compounding effect of inequities and misunderstandings at play with issues of anti-social behaviour, stating:

People come here with very young children, sleeping rough and consuming alcohol, which results in domestic violence and abuse. We try our best, but we can't win. We're completely overwhelmed in some areas with what we see and what people call antisocial behaviour.

Mind you, some people think if somebody's sitting under a tree and having a good time that that's antisocial behaviour, especially if they are of a different colour. But the real antisocial behaviour happens both among visitors from other communities and in our own community, the mainstream community.

...

It's not all antisocial behaviour; it's a lack of jobs, lack of accommodation and a demand for housing in the communities, which makes people actually move out of the communities—that is, urban drift.⁸⁰

3.72 A number of community service organisations in the NT run patrol services around communities to provide support to people who may be engaging in anti-social behaviour. Mr David Kurnoth, Acting CEO of Larrakia National Aboriginal Corporation, said the following about its service in the Darwin and Palmerston area:

We have a functioning service for the majority of the day; we don't operate the full 24 hours of the day. However, like every other organisation we are restricted by how many people we employ. We can, during the week, have anything up to two to five units that can be spread across many services. So it could be units that deal with antisocial behaviour. It could also be dealing with family and youth

⁷⁹ Sean Holden, Chief Executive Officer, Local Government Association of the Northern Territory, *Committee Hansard*, Darwin, 7 December 2022, pages 17–18.

⁸⁰ *Committee Hansard*, Darwin, 7 December 2022, p. 22.

transport. We are limited to what we service and what our service providers have given us within our contracts.⁸¹

- 3.73 On why their patrol service operates and its limitations Mr James Parfitt, Member Director of Larrakia Nation Aboriginal Corporation, raised that:

The whole purpose of this was for us to be the first on the ground to stop the interaction with the justice system, which we can do better by just calming them down and being Aboriginal people. But we can only spread ourselves so far, and we can only link into so many support services.⁸²

- 3.74 However, it is not just in Darwin that concerns have been raised over anti-social behaviour. As previously mentioned in this Chapter, Central Australia has seen a marked increase in reported incidences of alcohol related anti-social behaviour and of criminal activity.

- 3.75 Mr Danial Rochford, CEO of Tourism Central Australia, described the impact antisocial behaviour and criminal activity was having on tourism and communities in the region, stating:

Each and every day our region is having to deal with the impact that antisocial behaviour and crime is having on tourism and the very fabric of our communities. While this is not a new phenomenon, it's clearly been exasperated by the sunseting of the stronger futures legislation. We saw, almost immediately, much higher and very visible evidence of public drunkenness and law and order issues, for all the world to see, in our streets. We have tourists' cars stolen, tourists assaulted or robbed, vandalism and even tourists being spat upon. These are just normal people going about their holiday—not from the Northern Territory but coming to the Northern Territory to enjoy their holiday and their time off.⁸³

- 3.76 Mr Matthew Paterson, Mayor of Alice Springs Town Council, described that:

Not only are the stats high in Alice Springs but there's also a perception of fear. People are actually scared to go to sleep at night, due to the fact that either they have been affected by crime or they know someone who has been.⁸⁴

- 3.77 The Committee also heard about the need to invest in early intervention and prevention initiatives, to address the root causes and factors impacting anti-social behaviour, as opposed to only intervening at the point of offending. Ms Leanne Liddle, Director of the Aboriginal Justice Unit at the Department of the Attorney-General and Justice for the Northern Territory, stated in her evidence that:

It is much more that creates that system of people self-medicating because they don't have access to programs that work, that fix their offending behaviours or

⁸¹ *Committee Hansard*, Darwin, 7 December 2022, p. 15.

⁸² *Committee Hansard*, Darwin, 7 December 2022, p. 15.

⁸³ *Committee Hansard*, Alice Springs, 8 December 2022, p. 28.

⁸⁴ *Committee Hansard*, Alice Springs, 9 December 2022, p. 8.

their trauma and/or grief. If those programs aren't accessible, if they aren't available and if they don't meet the needs of Aboriginal people or the people that need them the most, you will get and see an increase in data.⁸⁵

- 3.78 The anti-social behaviour stems from the trauma associated with the disempowerment felt since the NTNER and Stronger Futures Act. There needs to be a greater focus on community-led education, training and wrap-around supports, rather than condemnation and punishment. Ms Siobhan McKay, Chief Executive Officer, Katherine Women's Information and Legal Service, told the Committee that:

The Intervention and the Stronger Futures legislation dramatically disempowered communities and took away so much of their ability to be able to self-govern their own communities, their families and initiatives such as this. Hopefully, now that those restrictions have ended, people can start the recovery from that and start moving towards more community led responses and more self-determination.⁸⁶

Youth anti-social behaviour and criminal activity

- 3.79 As part of its inquiry the Committee has given a great deal of consideration to community concerns about youth anti-social behaviour and criminal activity across the Central Australia Region. Since the referral of this inquiry there has been significant media coverage drawn to the issue of youth anti-social behaviour in and around Alice Springs.

- 3.80 On the topic of those reports and the issues of concern, Mr Matthew Paterson, Mayor of Alice Springs Town Council, has said to the Committee that:

There are constant reports of young people breaking into people's houses while they sleep or people waking up to find intruders in their children's bedrooms.

We've had our CBD shut twice in a two-week period due to young people hooning the streets, being classed as a danger to themselves and pedestrians by police, who have put reports out on their social media telling people to avoid the area. We've had cars being stolen and ram-raiding, and glaziers have literally stopped attending overnight call-outs due to the safety of their staff. I'll tell the committee the same thing that I tell every politician who sits in my office: every day that this goes on, we're a day closer to a kid killing themselves in a car accident or killing another innocent person in Alice Springs or a child being killed by a parent, big brother or sister who was intruding into their property.⁸⁷

- 3.81 The Committee is aware of and acknowledges the efforts of the NT Government Department of Territory Families, Housing and Communities (Territory Families) through its Youth Outreach and Re-engagement Team (YORET) to address anti-social behaviour among young people in Alice Springs. On 8 December 2022, the

⁸⁵ *Committee Hansard*, Alice Springs, 9 December 2022, p. 50.

⁸⁶ *Committee Hansard*, Darwin, 7 December 2022, p. 8.

⁸⁷ *Committee Hansard*, Alice Springs, 9 December 2022 p. 8.

Committee conducted a site visit to and private briefing with the YORET at its offices in Alice Springs.

- 3.82 The young people engaging in anti-social behaviour are the children born at the start of the Intervention, who have lived their whole lives under either the NTNER or Stronger Futures Act. This demonstrates that neither legislative framework was effective in achieving their objectives of improving the wellbeing of Aboriginal communities, or facilitating an environment where communities, families and children are safe and healthy. The application of special measures under the *Racial Discrimination Act 1975* (Cth) has had little benefit in creating equality for these children.
- 3.83 Ms Jane Vadiveloo, Chief Executive Officer of Children Ground, provided the Committee with the following explanation of what may be causing young people to take to the streets at night:

They will always find and they will always walk to find a place of safety. That is what young people do. What we have done as adults and systems is completely neglect them.

When we have a narrative, as we have today, of these troublemakers walking the streets, all we are doing is marginalising them again, judging them again, failing to see their beauty, their strength and our responsibilities to them as children and young people. I get concerned when we get asked those questions. Of course we have young people at risk. We have young people at risk every day, and we deal with it every day. And those young people are at risk because of the system that has been created. What we are doing is creating a system based on justice equity prevention and investing in the very things that young people and families need for their basic human rights and future dignity.⁸⁸

Early intervention and access to services

- 3.84 During its inquiry the Committee heard from a number of witnesses about potential tools for addressing community safety into the future. Early intervention and access to services were repeatedly raised as being key to addressing alcohol related anti-social behaviour and criminal conduct as each addresses underlying social determinants which are cause of the problems.
- 3.85 At the Committee's hearing in Alice Springs on 9 December 2022, the Northern Territory Council of Social Services (NTCOSS) highlighted the needed for, and importance of, early intervention services in the NT in stating that:

We need programs that are not punitive, but based in primary prevention and early intervention, giving opportunity to change behaviours, build capacity and improve outcomes earlier. We need the right people at the table to inform policy discussions and work with communities and governments to create meaningful, useful and evidence based policy. We

⁸⁸ *Committee Hansard*, Alice Springs, 8 December 2022 p. 38.

need people's lived experience and cultural knowledge to be acknowledged and embedded in responses.⁸⁹

3.86 This evidence is supported by modern approaches to addressing social problems through a public health approach. Public health approaches to addressing social concerns, such as child maltreatment, consist of three tiers of service delivery which increasingly target groups at greater risk with increased support.⁹⁰ Primary or universal services are delivered across the whole population and are education based and preventative in nature. Secondary services target populations at a known risk of a given problem with an aim to prevent a likely problem occurring. Tertiary services are reactive and aimed at addressing harm which has already occurred. It is well understood that proper investment balanced toward in universal services delivers better overall outcomes than investment focused only on tertiary services.

3.87 Discussing the role early intervention has to play in reducing crime and alcohol related harm, FORWAARD Aboriginal Corporation put the example of its in school programs to the Committee, stating:

[W]e feel that early intervention is the best crime prevention, the best in knowing. Once again, it isn't only around drugs and alcohol when we go to a school and do drug and alcohol education. We go to schools to be able to share with the children that going to see a counsellor is a good thing, going to Headspace, going to these organisations, reconnecting, and what's available so they don't end up in our centres, so they don't end up with a drug and alcohol problem—and why do you develop one and where is it from, so there's an understanding. It's around not only education on drug and alcohol but also how to get help and being aware of the consequences of becoming dependent on those substances.⁹¹

3.88 The example provided by FORWAARD Aboriginal Corporation demonstrates how a well-considered and constructed program has the potential to improve engagement over a range of key services, such as mental health and wellbeing services.

3.89 However, despite their clear utility, early intervention and prevention programs have struggled to gain the appropriate funding and awareness they need. The Committee heard from the Central Desert Regional Council about the challenges impacting delivery the of early intervention services in remote communities, including that:

All those preventive and early intervention programs need to be strengthened or, at least, the awareness of their existence and the referral pathways are critical to that exercise. ... I think the biggest challenge is residents' awareness of those

⁸⁹ Tessa Snowdon, Acting Policy Manager, Northern Territory Council of Social Services, *Committee Hansard*, Alice Springs, 9 December 2022, p. 1.

⁹⁰ Australian Institute of Family Studies 2016, 'The public health approach to preventing child maltreatment', June 2016, <https://aifs.gov.au/resources/short-articles/public-health-approach-preventing-child-maltreatment>, viewed 22 February 2023.

⁹¹ Ekaterine Katras, FORWAARD Aboriginal Corporation, *Committee Hansard*, Darwin, 7 December 2022, p. 41.

early intervention programs and implementation and also considering whether the funding with the right provider in itself, because we do know that not all services actually operate within remote communities. That's a big gap in terms of making sure that the impact is felt across the region as a whole.⁹²

- 3.90 With limited budget, one of the toughest challenges for governments and services providers is balancing the trade-offs between investing in treatment services for those suffering harm now and investment in preventative services to improve outcomes and reduce demand for treatments services into the future. Discussing this issue Ms Eloise Page, Chief Executive Officer of Drug and Alcohol Services Australia, stated that:

Both are so important, and we can't just back off on treatment, because we've got too many people in the thick of it. But there definitely needs to be more work done in the early intervention space, more investment into very young people and family interventions—support in the home or in the family, not taking people out, not putting people in jail. I don't think jail helps people with addiction at all. It kind of puts a pause, and then they come to us and nothing has been dealt with. More on the front end, balanced out with something in the middle and less on sending people to lock-up, I think, is the way to go.⁹³

- 3.91 Services and funding arrangements are dealt with in detail in Chapter 4 of this report.

Committee comment

- 3.92 The Committee notes that the anti-social behaviour in the Northern Territory requires consolidated effort from all levels of government in order to meaningfully address and prevent the root causes and factors contributing to these behaviours through wrap-around supports.
- 3.93 The Committee acknowledges the need to address intergenerational trauma and support healing for Aboriginal communities that was contributed to by the top-down approach of the NTNER Act and the ongoing impacts of colonisation.
- 3.94 The Committee considers that early intervention services provide the best long-term solution to addressing community safety concerns in the NT. The Committee believes that early interventions should be delivered by Aboriginal service providers in a trauma informed and culturally safe way wherever possible and that funding should be made available to build Aboriginal communities' capacity to deliver these services.

⁹² Leslie Manda, Chief Executive Officer, CDRC, *Committee Hansard*, Alice Springs, 8 December 2022, p. 5.

⁹³ Eloise Page, Chief Executive Officer, Drug and Alcohol Services Australia, *Committee Hansard*, Alice Springs, 9 December 2022, p. 24.



4. Services and funding arrangements

- 4.1 This Chapter discusses the evidence received about the provision of community services and programs in the Northern Territory (NT), as well as funding arrangements.

Service delivery and funding in the NT

- 4.2 Community services and programs are provided by government and non-government entities and Aboriginal Community Controlled Organisations (ACCOs).

Remote service delivery

- 4.3 There are geographical challenges associated with delivering services and programs in the NT.
- 4.4 The NT is Australia's third largest jurisdiction according to land mass. Its overall population is approximately 246 000 people—one per cent of the national total—with Aboriginal peoples comprising more than 30 per cent of total residents.¹ Over half the population live beyond the Greater Darwin region, across urban towns, remote communities, homelands and outstations, with 76.6 per cent of Aboriginal peoples living in remote or very remote areas.²
- 4.5 The NT Government emphasised in its submission the significant impact that distance between communities and the remoteness of its population has on the cost and ability to deliver services and programs to its residents.³
- 4.6 However, these difficulties do not mitigate the need for adequate investment in basic community services in remote communities. The Committee heard evidence that resourcing for services in remote communities was significantly lacking. The Northern Territory Council of Social Services (NTCOSS) stated:

...remote service delivery is extremely under-resourced. We know that there's a huge lack of services, specialist services in particular, being delivered in remote communities.⁴

¹ Northern Territory (NT) Government, Submission 6, p. 4.

² NT Government, Submission 6, p. 4.

³ NT Government, Submission 6, p. 4.

⁴ Tessa Snowden, Acting Policy Manager, Northern Territory Council of Social Services (NTCOSS), *Committee Hansard*, Alice Springs, 9 December 2022, p. 6.

- 4.7 As a result, services are often accessible only in regional centres, requiring people to travel from their remote community to Alice Springs or Darwin to access basic services. Aboriginal Peak Organisations Northern Territory (APONT), stated:

A lot of our service provision is focused at supporting the mob who've had to come to Darwin to access services that they can't access in community – health probably being the predominant one.⁵

- 4.8 Similarly, the West Arnhem Land and Maningrida Community Stakeholders joint submission talked about the decline in remote service provision, and concerns with the centralisation of services, particularly in relation to the effect on education:

Significant decreases in funding for infrastructure, maintenance and provision of essential homeland services such as, power, water, health, sanitation, access to food, remote road and airstrip maintenance has further compounded regular education provision, particularly in homelands...

The centralisation of services has resulted in funds and services being held in and delivered from urban centres such as Darwin and Alice Springs. This centralisation has made it difficult for remote schools to implement appropriate place-based programs...⁶

- 4.9 Many witnesses said that more appropriate investment in remote infrastructure and services would address issues of community safety in places like Alice Springs. For example, Mr Danial Rochford, Chief Executive Officer of Tourism Central Australia, stated:

When you have investment in remote communities, whether that's infrastructure or services, you support people who live in those remote communities... There should be very little discrimination between living in a place like Kintore and living somewhere like Alice Springs. Some of the basic fundamentals—access to Centrelink, access to services like education and health—need to be invested in in a much stronger manner to lessen the need for people to come into Alice Springs.⁷

Certainty and longevity in funding commitments

- 4.10 With the cost of delivering services and programs, several stakeholders have noted that gaining access to long-term and consistent funding for these services is crucial.⁸

⁵ Jerome Cubillo, Manager, Aboriginal Peak Organisations Northern Territory (APO NT), *Committee Hansard*, Darwin, 7 December 2022, p. 11.

⁶ West Arnhem Regional Council, Bawinanga Aboriginal Corporation, Maningrida Progress Association, Narwarddeken Academy, Ma'lala Health Service, Submission 26, p. 3.

⁷ *Committee Hansard*, Alice Springs, 8 December 2022, p. 30.

⁸ IAHA NT Workforce Development Ltd., Submission 9, p. 4; Children's Ground, Submission 8, p. [5]; Northern Territory Council of Social Service (NTCOSS), Submission 18, p. [1]; North Australian Aboriginal Justice Agency (NAAJA), Supplementary Submission 3.1, p. [4].

4.11 This is particularly evident in remote communities. The Northern Land Council stated:

Remote communities remain in desperate need of equity and service. There needs to be long-term investment in remote communities, housing, and essential and social services. Both the [Commonwealth] and NT governments need to recognise the value of supporting Aboriginal people to live in remote areas and acknowledge the full cost of support by commitment to long-term funding.⁹

4.12 As noted in Chapter 1, the Commonwealth and NT governments contributed funding over ten-years to complement the *Stronger Futures in the Northern Territory Act 2012* (Cth) (Stronger Futures Act).¹⁰ However, it does not appear that equivalent 10-year funding certainty was provided to organisations that were delivering relevant services.

4.13 At the time, the National Congress of Australia's First Peoples and Australians for Native Title and Reconciliation (ANTaR) welcomed the long-term funding, whilst expressing concern about the Stronger Futures Act.¹¹

4.14 Longer-term funding agreements provide certainty and consistency for organisations to continue delivering services to the community. They benefit workforce attraction and retention and help develop meaningful outcome measurement tools. All of this is made more difficult when funding agreements with government are for one or two years and reapplication after each round.¹² Ms Tessa Snowdon, Acting Policy Manager from NTCOSS stated:

In the Northern Territory we've got services moving to five-year funding agreements, which is a start. That's created a basis for services to start to implement monitoring and evaluation frameworks, to be able to measure the more long-term impact. Up until that point, the funding cycle of a lot of the community services [was] inconsistent or up in the air, with funding rounds always coming up.¹³

⁹ Deborah Katona, Senior Manager, Policy, Northern Land Council, *Committee Hansard*, Darwin, 7 December 2022, p. 44.

¹⁰ Gardiner-Garden, J 2012, *Indigenous Affairs: Budget Review 2012–13 Index*, Parliamentary Library, https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/BudgetReview201213/IndigenousAffairs, viewed 20 January 2021; Australian Government 2012, *Budget measures: budget paper no. 2: 2012–13*, pages 129, 148–52, 205, <https://archive.budget.gov.au/2012-13/index.htm>, viewed 20 January 2023; Australian and NT Governments 2012, *National partnership Agreement on Stronger Futures in the Northern Territory*, p. 12, https://federalfinancialrelations.gov.au/sites/federalfinancialrelations.gov.au/files/2021-01/stronger_future_nt_np.pdf, viewed 20 January 2023.

¹¹ Gardiner-Garden, J 2012, *Indigenous Affairs: Budget Review 2012–13 Index*, Parliamentary Library, https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/BudgetReview201213/IndigenousAffairs, viewed 20 January 2021.

¹² National Native Title Council 2022, *Funding First Nations benefits all of Australia*, https://nntc.com.au/media_releases/funding-first-nations-benefits-all-of-australia/, viewed 22 February 2023.

¹³ *Committee Hansard*, Alice Springs, 9 December 2022, p. 3.

- 4.15 Further, long-term funding arrangements allow organisations to plan for ongoing progress. Indigenous Allied Health Australia [Northern Territory Workforce Development Ltd.] (IAHA) stated:

The uncertainty of funding for our organisations, through short-term agreements and political cycles...inhibits the ability of Aboriginal and Torres Strait Islander people to [implement] solutions and build on successes with long term, generational thinking.¹⁴

- 4.16 According to Children's Ground, government funding is often 'directed towards deficit based and crisis focused programs that do not deliver outcomes in the critical areas of health, education, economic development, community development, and cultural development and wellbeing'.¹⁵ Instead, funding should be committed to 'long-term outcomes rather than short-term outputs.'¹⁶

Flexibility in design and delivery of community services and investment

- 4.17 Many community members queried the effectiveness and accountability of government investment to deliver better outcomes.¹⁷
- 4.18 Mayor Matthew Ryan of the West Arnhem Regional Council (WARC) told the Committee that it is disappointing there is 'no accountability [for] funding' coming into communities or the NT.¹⁸ He stated that nothing has improved and that he is unsure where funds are going.¹⁹
- 4.19 There was a common theme that government investment needs to continue, but delivered in a more flexible, outcomes-focused way.²⁰ APO NT stated:

[W]hile the additional Commonwealth support needs to be continued, it must be delivered in a very different way to how it has been provided since the Intervention commenced in 2007. That way must reflect the priority reforms agreed to by the Commonwealth and the Northern Territory Governments in the National Agreement on Closing the Gap, the centrepiece of which is shared decision-making between them and representatives of Aboriginal people on policies, programs and services.²¹

¹⁴ IAHA NT Workforce Development Ltd., Submission 9, p. 4.

¹⁵ Children's Ground, Submission 8, p. [1].

¹⁶ Children's Ground, Submission 8, p. [5].

¹⁷ See, for example, Colleen Rosas, Chairperson, NAAJA; Member, Aboriginal Peak Organisations Northern Territory (APO NT), *Committee Hansard*, Darwin, 7 December 2022, p. 29.

¹⁸ *Committee Hansard*, 9 February 2023, p. 2.

¹⁹ *Committee Hansard*, 9 February 2023, p. 2.

²⁰ See, for example, APO NT, *Submission 22*, p. 3.

²¹ John Paterson, Chief Executive Officer, Aboriginal Medical Service Alliance Northern Territory; Member, Aboriginal Peak Organisations Northern Territory (APO NT), *Committee Hansard*, Darwin, 7 December 2022, p. 27

4.20 Children’s Ground also stated:

Often government want output, not outcome, measures. We collect so much data it’s not funny, so we could probably meet any output measure. We make sure the outcome measures are aligned with community, but we’re not aligning them to Closing the Gap. So I think that would be okay. I think what the government wants to achieve is what we all want to achieve.²²

4.21 Mr Tyson Mpetyane Carmody from Kings Narrative, an organisation providing culturally safe counselling and coaching for Aboriginal men, said that status quo government funding would constrain their service delivery model:

...we’re not looking for government funding to run government programs. We’re looking for investment to run our programs they way we know they can be run, and we’re looking for those partnerships.²³

4.22 Further, the Chief Executive Officer of Bawinanga Aboriginal Corporation, Ms Perlin Simon and other members of the Maningrida community reiterated the need for direct funding to maximise the benefit for the community. Ms Simon said:

If we get direct funding, it will eliminate those onion layers of funding where, instead of employing local people, we are employing people in Darwin to do all this admin work, which then doesn’t really benefit locals. If we get direct funding, it benefits the locals. The money stays locally. We are accountable.²⁴

4.23 Both the National Indigenous Australians Agency (NIAA) and the NT Government have overarching commitments that would indicate openness to considering alternative ways of funding Aboriginal organisations.

4.24 The NT Government advised the Committee that its *Aboriginal Grants Policy* is under development in partnership with the APO NT. The aim of the policy is to support the *National Agreement on Closing the Gap* priority reform 2—building the Aboriginal community-controlled sector.²⁵

4.25 The NIAA’s grant opportunity processes preference working with Aboriginal and Torres Strait Islander organisations, and focus on building the capability of such organisations to work with communities in delivering services.²⁶

²² Jane Valdiveloo, Chief Executive Officer, Children's Ground, *Committee Hansard*, Alice Springs, 8 December 2022, p. 42.

²³ *Committee Hansard*, Alice Springs, 8 December 2022, p. 23.

²⁴ *Committee Hansard*, Canberra, 9 February 2023, p. 13.

²⁵ NT Government, Submission 6, p. 18.

²⁶ Ben Burdon, Group manager, Social Policy and Programs NIAA, *Committee Hansard*, Canberra, 1 February 2023, pages 26–27.

Community-led, place-based solutions and service delivery

- 4.26 There was significant evidence indicating a desire for communities to work together to determine solutions, as opposed to top-down approaches. Many witnesses shared successful initiatives that had followed this model. NTCOSS stated:

[I]t's that bottom led approach... That's why that program, the Galiwin'ku Women's Space, is such a success—because it was started by local women.²⁷

- 4.27 The Arnhem Land Progress Aboriginal Corporation (ALPA) highlighted the importance of community-led, culturally safe and tailored service delivery, because government approaches will 'fail to address the deeper challenges faced by community members'.²⁸ They noted:

[community-led programs are] more likely to gain the trust and support of important cultural and community leaders, who will hold significant influence over how communities will respond to and engage with [new programs].²⁹

- 4.28 Mr Leslie Manda, Chief Executive Officer of the Central Desert Regional Council stated that there is no one-size-fits-all approach, and that each community has different needs and a vision for themselves, and that 'it helps to make sure you've got direct engagement with residents'.³⁰

- 4.29 Mayor Ryan, WARC, and Mr Reggie Wurrldjal, a Dhukurrdji man and Traditional Owner, advised the Committee that governments need to work with communities.³¹

- 4.30 Associate Professor Kylie Lee, Deputy Director of the Centre of Research Excellence in Indigenous Health and Alcohol Research at the University of Sydney, reiterated the importance of prioritising local voices 'to produce community owned outcomes and build local capacity'.³²

- 4.31 While it is important to support community-led and flexible service delivery models, it is critical that they are adequately resourced for all components of service delivery. Ms Jackie Phillips, Chairperson of Bawinanga Aboriginal Corporation, stated:

Our core services...are housing and construction; arts and culture; and government programs like the [Community Development Program], money management, school attendance strategy—the Remote School Attendance Strategy program—rangers program and community patrol.

It's a big region, and we are one of the largest organisations in Maningrida providing all these services with limited funding.³³

²⁷ T. Snowdon, NTCOSS, *Committee Hansard*, Alice Springs, 9 December 2022, p. 6.

²⁸ Arnhem Land Progress Aboriginal Corporation (ALPA), Submission 19, pages 3–4.

²⁹ ALPA, Submission 19, p. 4.

³⁰ *Committee Hansard*, Alice Springs, 8 December 2022, p. 6.

³¹ *Committee Hansard*, 9 February 2023, pages 3, 12.

³² *Committee Hansard*, 1 February 2023, p. 12.

³³ *Committee Hansard*, Canberra, 9 February 2023, p. 3.

Access to data and evaluation

- 4.32 A key issue outlined in this report is the inadequate collection and sharing of data.
- 4.33 In terms of supporting community-led service deliver, it is critical that organisations have 1) access to data that government (or other organisations) hold and 2) the capacity to undertake outcomes-focused evaluation of their programs.
- 4.34 Many organisations are unable to undertake outcomes evaluation due to the need to prioritise meeting the administrative requirements tracking against outputs in funding agreements.
- 4.35 The North Australian Aboriginal Justice Agency (NAAJA) advised that collecting and analysing data of this kind is difficult due to staff resources within current funding regimes.³⁴ Furthermore, NTCOSS advised not all grant agreements include dedicated funding for evaluation purposes.³⁵
- 4.36 NTCOSS, has access to publicly available data sourced from the Australian Bureau of Statistics and the NT Police, as well as data through the Tripartite Forum and Cross Agency Working Group on domestic, family and sexual violence reduction. However, not all organisations have such access.³⁶
- 4.37 ALPA advised that the performance framework of programs is critical, and has considerable influence on the delivery of services and programs, including areas for priority. It advocates for measures that are genuinely co-designed through significant community consultation and involvement.³⁷
- 4.38 Children’s Ground recommended a model of ‘[m]onitoring and evaluation, combined with robust data collection [to form] performance quality and development [involving] longitudinal evaluation [overseen] by a national Research Advisory Group... co-designed and led by First Nations peoples on the ground’.³⁸
- 4.39 NAAJA suggested that longer-term funding (three or more years) will allow for data collection that reflects impacts, and the application of data sovereignty principles.³⁹ This includes allowing for community governance of the data’s ‘collection, ownership and application’.⁴⁰

³⁴ A. Gill, Regional Managing Solicitor, Southern Region, NAAJA, *Committee Hansard*, Alice Springs, 9 December 2022, p. 44.

³⁵ T. Snowdon, NTCOSS, *Committee Hansard*, Alice Springs, 9 December 2022, p. 3

³⁶ T. Snowdon, NTCOSS, *Committee Hansard*, Alice Springs, 9 December 2022, p. 3.

³⁷ ALPA, Submission 19, p. 6.

³⁸ Children’s Ground, Submission 8, p. [5].

³⁹ NAAJA, Submission 3, p. [15].

⁴⁰ Australian Institute of Aboriginal and Torres Strait Islander Studies 2019, ‘Delivering Indigenous Data Sovereignty’, <https://aiatsis.gov.au/publication/116530>, viewed 14 February 2023.

Committee comment

- 4.40 The Committee considers that investment in services and support programs in remote communities is fundamental to improving outcomes across all socio-economic areas for Aboriginal peoples living in these communities.
- 4.41 The Committee acknowledges the importance of locally-led, place-based initiatives to support community development and provide opportunities across all areas of this inquiry's Terms of Reference.
- 4.42 The Committee considers that there needs to be greater attention to outcomes, rather than outputs, as part of service delivery funding agreements. This will likely require governments to work differently, and embed flexibility in their ways of working.

Recommendation 4

- 4.43 The Committee recommends that the Commonwealth and Northern Territory Government departments and agencies review their funding agreements with service providers to ensure that they are fit-for-purpose, including:**
- **Moving towards outcomes-focused funding agreements, rather than output, to provide sufficient flexibility for locally-led approaches to shared outcomes.**
 - **Whether there are opportunities to enhance place-based models of funding by supporting collaboration among organisations delivering similar services in the same region.**
 - **Embedding holistic health approaches to service provision that will support Aboriginal and Torres Strait Islander communities' social, emotional and cultural wellbeing.**

Recommendation 5

- 4.44 The Committee recommends that the Northern Territory Government work with local communities to prioritise the sharing of real time data and information, with consent, to enable them to deliver initiatives and responses to issues in communities.**

5. Job opportunities and community development program reform

- 5.1 This Chapter deals with the issues relating to job opportunities and the Community Development Program (CDP) in the Northern Territory (NT) as provided by paragraph (c) of the Terms of Reference for this inquiry.

Community Development Program

Background and overview

- 5.2 The CDP is a remote employment initiative aimed at supporting job seekers to build skills, address barriers to employment, and contribute to their local community. It has been in place since 2015.
- 5.3 Prior to the CDP, there were other programs with similar purposes. From 1977-2012, the Community Development Employment Projects (CDEP) scheme was in place. The CDEP provided employment opportunities and basic income support to participants.¹ Participants worked approximately 15 hours per week, were paid the equivalent of the NewStart allowance, and could accept payment for any extra time worked for the same employer. A criticism of the CDEP was that participants were unlikely to obtain unsubsidised employment. CDEP participants were transitioned to the Remote Jobs and Community Program in 2012–13, and then to the CDP in 2015.²
- 5.4 The CDP is administered by the National Indigenous Australians Agency (NIAA), working with the Department of Education, Skills and Employment (DESE), the Department of Social Services (DSS), and Services Australia.

¹ Sanders, W 2004, *Indigenous centres in policy margins: the CDEP scheme over 30 years*, p. 2, https://openresearch-repository.anu.edu.au/bitstream/1885/149547/1/CDEP_Sanders2004_0.pdf, viewed 17 January 2023; Altman, J 2017, 'When Homelands Were Celebrated', *Land Rights News*, Northern Land Council, April 2017, no. 2, p. 10, <https://www.nlc.org.au/uploads/pdfs/LRN-April-2017-WEB.pdf>, viewed 17 January 2023.

² Standing Committee on Indigenous Affairs 2021, *Report on Indigenous Participation in Employment and Business*, pages 61–62, https://www.aph.gov.au/Parliamentary_Business/Committees/House/Former_Committees/Indigenous_Affairs/Indigenousoportunities/Report, viewed 17 January 2023.

- 5.5 Local service providers deliver the CDP, acting as the connection between job seekers, training facilitators and employers. According to NIAA, the program aims to provide participants with personalised assistance and training that connect them to job opportunities, within their local area.³ Skills training can include language, literacy, numeracy and driver training.⁴ Additionally, as part of the scheme, the 1,000 Jobs Package provides eligible employers with financial support of just over \$60,000 to assist with hiring CDP participants in new and ongoing jobs in remote regions.⁵
- 5.6 NIAA assesses providers every six months against localised regional employment targets. A single employment outcome is achieved when a participant remains in employment for 26 weeks (with allowances for illness, annual leave and cultural activities).⁶

Changes to mutual obligations

- 5.7 Since 2015, the CDP has placed a number of obligations on program participants as a precondition to receiving payments. Prior to 12 May 2021, the CDP had a mutual obligation requirement that participants undertake 20 hours of work-like activities per week.⁷ These work-like activities may be vocational, like skills training and labour, or non-vocational like rehabilitation and medical treatments.
- 5.8 In May of 2021 the previous Commonwealth Government committed to replacing the CDP with a new remote jobs program in 2023.⁸ As an interim measure, the CDP's mutual obligations for participants to engage in work-like activities were removed, making this a voluntary component of the program.⁹
- 5.9 However, the following mutual obligation requirements for CDP participants remain:
- to agree to a job plan
 - to attend regular appointments and job interviews

³ National Indigenous Australians Agency (NIAA) 2021, 'Changes to Mutual Obligations Requirements for Community Development Program (CDP)', <https://www.niaa.gov.au/resource-centre/indigenous-affairs/changes-mutual-obligations-requirements-cdp>, viewed 23 February 2023.

⁴ NIAA, 'The Community Development Program (CDP)', <https://www.niaa.gov.au/indigenous-affairs/employment/cdp>, viewed 17 January 2023.

⁵ NIAA, '1000 Jobs Package', <https://www.niaa.gov.au/indigenous-affairs/employment/1000-jobs-package>, viewed 17 January 2023.

⁶ NIAA 2019, 'Review of methodology to determine Regional Employment Targets (Rets)', p. 1, <https://www.niaa.gov.au/resource-centre/indigenous-affairs/review-methodology-determine-rets>, viewed 17 January 2023.

⁷ Gooley, C 2022, 'Thousands of people still on 'racist' work for the dole', The Sydney Morning Herald, 12 March 2022, <https://www.smh.com.au/politics/federal/thousands-of-people-still-on-racist-work-for-the-dole-20220310-p5a3f1.html>, viewed 23 February 2023.

⁸ NIAA 2021, 'Changes to Mutual Obligations Requirements for Community Development Program (CDP)', <https://www.niaa.gov.au/resource-centre/indigenous-affairs/changes-mutual-obligations-requirements-cdp>, viewed 23 February 2023.

⁹ NIAA 2021, 'Changes to Mutual Obligations Requirements for Community Development Program (CDP)', <https://www.niaa.gov.au/resource-centre/indigenous-affairs/changes-mutual-obligations-requirements-cdp>, viewed 23 February 2023.

- to meet job search requirements (dependent on strength of local labour market)
 - to accept suitable paid work when it is offered
 - to not voluntarily leave suitable employment.¹⁰
- 5.10 During its inquiry the Committee heard evidence on whether these changes to mutual obligations were for the better. The Central Desert Regional Council, a CDP provider, put to the Committee in its submission that the:
- [c]urrent model after the removal of mutual obligations does not work. It has led to the visible imbalance or erosion of basic social constructs/norms where parents who previously under mutual obligations woke up and went to work to access their payments now no longer have to - leading to an increase in children not going to school, increased antisocial behaviour and low interest in participation in activities by residents.
- 5.11 Representing the NT Government at the Committee’s hearing on 1 February 2023, Attorney-General of the NT, the Hon Chansey Paech, stated the following about neglected policy areas:
- [A] huge area where we think there could be a positive impact is in significant reform to the Community Development Program, referred to as CDP. Restoring mutual obligation would be a step in the right direction.
- 5.12 However, there is extensive evidence to indicate that mutual obligations of this kind are not effective at addressing the root causes of unemployment and are disproportionate to the urban equivalents. They also further disempower and cause harm to participants, noting that ‘attempting to hassle people into waged employment that does not exist is performative, futile and economically and psychologically damaging for those forced to endure excessive mutual obligations’.¹¹
- 5.13 The NTCOSS reiterated the failures of the punitive components of the CDP, stating in its submission:
- The CDP is a further example of punitive, paternalistic and stigmatising policy that overwhelmingly impacted Aboriginal people living in remote and rural areas.
- ...
- The CDP model, while widely recognised for penalising welfare participants, did not address the deficit of jobs in remote communities, nor focus on developing the labour market.¹²

¹⁰ NIAA 2021, ‘Changes to Mutual Obligations Requirements for Community Development Program (CDP)’, <https://www.niaa.gov.au/resource-centre/indigenous-affairs/changes-mutual-obligations-requirements-cdp>, viewed 23 February 2023.

¹¹ Staines, Z, Altman, J, Klein, E & Markham, F 2021, *Remote access: Guiding Principles for a new livelihood and work program in remote Indigenous Australia*, The Australia Institute, Canberra, <https://australiainstitute.org.au/wp-content/uploads/2021/08/P1124-Guiding-principles-for-a-new-livelihood-and-work-program-in-remote-Indigenous-Australia-Web.pdf>, viewed 22 February 2023.

¹² Northern Territory Council of Social Service (NTCOSS), Submission 18:1, p. 4.

Reform of CDP

- 5.14 On 31 August 2022, the Minister for Indigenous Australians announced that CDP would be replaced with ‘a new program with real jobs, proper wages and decent conditions – developed in partnership with First Nations people.’¹³
- 5.15 Throughout the Committee’s inquiry it received evidence from community members and organisations raising concerns over the operation of the CDP in the NT. At its hearing on 8 December 2022 Mr Danial Rochford, Chief Executive Officer of Tourism Central Australia, put to the Committee that:

Quite clearly, CDP is broken and needs reform. On one hand there are many Indigenous people here in Central Australia not in meaningful employment, while on the other hand we have many—almost all—businesses crying out for staff. It pains me to see businesses, even Indigenous owned businesses, having to resort to using Pacific labour schemes and Filipino workers to do what I could only describe as low-skilled roles. What this says is that the mechanism to support and nurture people into meaningful employment and positive career pathways is broken, and much of that blame can be laid at the feet of CDP.¹⁴

- 5.16 In its submission to the inquiry the Central Desert Regional Council identified a number of challenges it was experiencing with the existing CDP model, including:
- limited availability of training providers or their willingness to travel remote communities
 - inadequate supply of local jobs on major projects and when awarded the jobs are short term - however recent projects such as the Tanami sealing project and new housing builds are longer term projects that will give residents the opportunity to develop new skills and trades together with the longer term employment fulfilment
 - inflexibility of CDP funding agreements to design local or place based activities that meet the requirements of participants and communities - currently there is limited flexibility and activities need to be approved by NIAA
 - regional employment targets set by NIAA are not always reflective of the local jobs available to residents and are generally higher than what is actually achievable in practice.

¹³ NIAA 2022, ‘Community Development Program (CDP): Trialling Pathways to Real Jobs’, <https://www.niaa.gov.au/resource-centre/indigenous-affairs/community-development-program-cdp-trialling-pathways-real-jobs>, viewed 22 February 2023.

¹⁴ *Committee Hansard*, Alice Springs, 8 December 2022, p. 28.

- 5.17 Some criticisms of the existing CDP have characterised it not just as an ineffective tool for improving remote employment but as an impediment to remote employment in real jobs. The Northern Territory Council of Social Services put to the Committee in its supplementary submission to the inquiry that:

The deficit of jobs in remote communities was further impeded by the CDP. The CDP is a further example of punitive, paternalistic and stigmatising policy that overwhelmingly impacted Aboriginal people living in remote and rural areas.

The CDP model, while widely recognised for penalising welfare participants, did not address the deficit of jobs in remote communities, nor focus on developing the labour market.¹⁵

Progress of replacing CDP and ongoing reform trials

- 5.18 The previous and current Commonwealth governments committed to pilot new remote jobs programs. Under the previous government, a number of communities that have CDP programs are working with the NIAA to co-design pilot programs.¹⁶
- 5.19 The current government is progressing its reform of the CDP, maintaining those pilot programs as well as testing a 25 per cent flexibility mechanism for interested communities to pilot.¹⁷
- 5.20 On the transition between governments, NIAA provided evidence at the Committee's hearing on 19 October of 2022 that:

The existing pilots under the previous government have not been cancelled. They remain codesign groups. They haven't had meetings very recently. You may be aware that at the end of August Minister Burney announced a 25 per cent flexibility mechanism within the existing CDP agreements for those organisations that wanted to opt in to apply, to think differently about how they could operate their services and provide some innovation and lessons for the government in how the new program might look. That, in one sense, had the effect of expanding the number of organisations that might be participating in something to work a bit differently. Those existing trial sites, for the most part, are likely to participate in that as well.

¹⁵ NTCOSS, Submission 18:1, p. 4.

¹⁶ NIAA 2021, 'Changes to the Community Development Program (CDP)', <https://www.niaa.gov.au/resource-centre/indigenous-affairs/changes-community-development-program-cdp>, viewed 22 February 2023.

¹⁷ NIAA 2022, 'Community Development Program (CDP): Trialling Pathways to Real Jobs', <https://www.niaa.gov.au/resource-centre/indigenous-affairs/community-development-program-cdp-trialling-pathways-real-jobs>, viewed 22 February 2023.

5.21 The flexibility mechanism allows CDP providers to apply to re-direct 25 per cent of their funding to trial new approaches to securing real jobs for participants. It is intended that these trials will feed into the creation of the replacement of CDP.¹⁸ NIAA has published figures that as of '30 November 2022, 56 proposals from 40 providers in 54 regions have been approved for implementation'.¹⁹

5.22 Over the course of its inquiry the Committee heard evidence that the replacement to the CDP needed to place a greater focus on the local community to improve outcomes for program participants and their families. The NIAA gave evidence that:

... I think that there's recognition that the program needs to get much closer to community and be much more involved with community and it needs to integrate more effectively with other services. So, we need to move beyond a siloed approach to delivery of programs to be much more focused on place based approaches. During the consultation phase, a lot of the questions we'll be asking of communities are: How do we integrate services? How do we create jobs? How do we create a supported environment? How do we support stronger families to engage in that process?²⁰

Economic development in remote communities

5.23 The Committee heard about the importance of leveraging economic opportunities for the NT in remote communities beyond the CDP, particularly when private industry sets up long-term projects near remote communities. The Central Desert Regional Council discussed upcoming mining and infrastructure projects, and a desire for those companies to work with communities on employment opportunities rather than outsourcing, stating:

A good example that I'll give that could be something we could learn from is we've got Arafura mines, which is planning on setting up a mine around the Aileron area. What we are having negotiations with them about is to say, 'Can we not set up, for example, a laundry service that will operate out of Ti Tree?' That would be important for us because it gives us the opportunity to employ five or six people to be able to service that particular camp, which would be a few kilometres from the Ti Tree area. That creates employment and means there's now a new service that exists within the Ti Tree community.²¹

¹⁸ NIAA 2022, 'Community Development Program (CDP): Trialling Pathways to Real Jobs', <https://www.niaa.gov.au/resource-centre/indigenous-affairs/community-development-program-cdp-trialling-pathways-real-jobs>, viewed 22 February 2023.

¹⁹ NIAA 2022, 'Community Development Program (CDP): Trialling Pathways to Real Jobs', <https://www.niaa.gov.au/resource-centre/indigenous-affairs/community-development-program-cdp-trialling-pathways-real-jobs>, viewed 22 February 2023.

²⁰ Carl Binning, Group Manager, Economic Empowerment, NIAA, *Committee Hansard*, Canberra, 1 February 2023, p. 23.

²¹ Leslie Manda, Chief Executive Officer, CDRC, *Committee Hansard*, Alice Springs, 8 December 2022, p. 7.

5.24 The Local Government Association of the Northern Territory gave evidence to the Committee that:

In regard to employment and economic development, regional and remote areas need jobs and local and decentralised place-based service delivery.

...

We see that as a magnificent opportunity for countrymen to stay on country and have work. We're also looking to advocate to the federal government for a regional Indigenous traineeship program for our councils, where there'll be two trainees per council per year for three years—so, six Indigenous trainees coming through in our 16 councils. We see that as addressing in some ways the issue of how we can retain the young people we've got in our communities and how we can attract the skills that we need. We also see it as a great first step or part of the silver bullet, if you like, of working on antisocial behaviour and crime, but more about the positive side of addressing the same.²²

5.25 The Aboriginal Peak Organisations Northern Territory described to the Committee its efforts to develop remote employment outside of the CDP, stating that:

...Aboriginal people, communities and organisations of the Northern Territory have been persistently clear on the advocacy for Aboriginal people, especially with regard to remote employment and economic participation. The prevailing sentiment is one of disappointment, so much so that in 2017 APO Northern Territory, through the sheer tenacity of its members, developed and advocated for its own remote jobs proposal, the Fair Work and Strong Communities.

...

Its first key element is governance arrangements that embed Indigenous control at every level from the development of a national policy to its application on the ground. This must include the ability for local communities to set goals and adapt program settings to local circumstances, and the establishment of governance arrangements that enshrine in law Indigenous leadership of the program at a national level. We assert it is not for Aboriginal people to overcome barriers or political inertia that enable economic development in remote NT. Instead, the obligation should be borne by the government and the wider community to ensure employment settings are inclusive and economic benefits are shared equally.²³

²² Sean Holden, Chief Executive Officer, Local Government Association of the Northern Territory, *Committee Hansard*, Darwin, 7 December 2022, p. 18.

²³ Theresa Roe, Secretariat Coordinator Aboriginal Peak Organisations Northern Territory, *Committee Hansard*, Darwin, 7 December 2022, pages 29–30.

Committee comment

- 5.26 The Committee acknowledges the need to enhance the social and economic opportunities in remote communities, in order to improve outcomes. The importance of investing in communities and families, and addressing trauma, was evident throughout the inquiry.
- 5.27 The Committee considers that the consultation on and reform to the CDP is an important policy process that should continue as a priority in order to enhance comprehensive support for remote communities in the NT.
- 5.28 The Committee considers that any future remote employment programs must be place-based and community-led, and be designed to create meaningful jobs that contribute to sustainable economies in remote communities.

Recommendation 6

- 5.29 **The Committee recommends that, as part of the ongoing review and trials of the CDP and its replacement, the Commonwealth Government:**
- **Require providers to undertake community consultation to identify areas of possible employment in their region and tailor participants work and training opportunities towards filling those future jobs.**
 - **Provide a mechanism for participants to learn from and gain exposure to successful Aboriginal and Torres Strait Islander people in business.**

Recommendation 7

- 5.30 **The Committee recommends that the Commonwealth Government investigates potential policies to stimulate economic activity in remote communities, outside of the CDP, and that the Minister report the findings to the Parliament by the 29 February 2024.**

Recommendation 8

- 5.31 **The Committee recommends that, by 30 June 2024, the Commonwealth Government develops and implements a policy to ensure large businesses operating in remote regions employ local Aboriginal and Torres Strait Islander Australians and engage Aboriginal and Torres Strait Islander owned and managed businesses.**

6. Justice reinvestment

6.1 This Chapter discusses justice reinvestment in the Northern Territory (NT) as provided by paragraph (d) of the Terms of Reference for this inquiry.

Introduction

6.2 Justice reinvestment (JR) is a positive alternative to traditional criminal justice systems. It reduces crime, incarceration rates, builds community capacity, and saves money.¹

6.3 JR is a way of reducing Aboriginal incarceration, by redirecting prison funding and implementing strategies that will address the root causes of offending.²

6.4 JR seeks to tackle rising rates of incarceration through community development approaches. These include empowering communities to identify local needs and develop diversion and early intervention initiatives and strategies aimed at reducing contact with the criminal court system and imprisonment.³

6.5 The Cairns Institute explains that there are four stages to JR:

- 1 Gathering statistical data and other material for analysis
- 2 Needs identification and strategy development
- 3 Implementation of initiatives
- 4 Ongoing monitoring and evaluation.⁴

¹ Smith, JA, Allison, F, Christie, B, Clifford, S, Robertson, K, Ireland, S & Wallace, T 2019, *Katherine Youth Justice Reinvestment: Final Report*, Menzies School of Health Research, p. 7, https://www.menzies.edu.au/icms_docs/309747_Katherine_Youth_Justice_Reinvestment_Final_Report.pdf, viewed 16 February 2023.

² Australian Law Reform Commission (ALRC) 2017, *Pathways to Justice—An Inquiry into the Incarceration Rates of Aboriginal and Torres Strait Islander Peoples: Final Report*, pages 126–27, <https://www.alrc.gov.au/publication/pathways-to-justice-inquiry-into-the-incarceration-rate-of-aboriginal-and-torres-strait-islander-peoples-alrc-report-133/>, viewed 18 January 2023.

³ Smith et al 2019, *Katherine Youth Justice Reinvestment: Final Report*, Menzies School of Health Research, p. 6 https://www.menzies.edu.au/icms_docs/309747_Katherine_Youth_Justice_Reinvestment_Final_Report.pdf viewed 16 February 2023.

⁴ Allison, F & Cunneen, C 2018, *Justice Reinvestment in Northern Australia*, The Cairns Institute, p. 6, https://researchonline.jcu.edu.au/54790/1/54970_Allison_and_Cunneen_2018.pdf, viewed 16 February 2023; Smith et al 2019, *Katherine Youth Justice Reinvestment: Final Report*, Menzies School of Health Research, pages 6–7, https://www.menzies.edu.au/icms_docs/309747_Katherine_Youth_Justice_Reinvestment_Final_Report.pdf, viewed 16 February 2023.

- 6.6 However, others such as Just Reinvest NSW (JRNSW), have adopted a more place-based approach to JR, which involves:
- Phase 1 – Site exploration and engagement
 - Phase 2 – Community engagement, data collection and identification of justice circuit breakers
 - Phase 3 – Development of community strategy
 - Phase 4 – Implementation of community-led strategy
 - Phase 5 – Incorporation with ongoing external support from JRNSW as required.⁵
- 6.7 In Australia, the criminal justice system is the primary responsibility of States and Territories. This includes being responsible for criminal law and overseeing the administration of law enforcement, court systems and corrective services.⁶ Therefore Commonwealth JR approaches require collaboration with states and territories.
- 6.8 According to the Australian Law Reform Commission (ALRC) the monetary cost of incarceration is high. The commission reported that the annual national cost per prisoner was \$103,295 in 2015–16, and the overall cost of Aboriginal and Torres Strait Islander peoples incarcerated for 2016 was \$3.9 billion.⁷
- 6.9 A 2021 Productivity Commission research paper on Australian prisons revealed the cost of corrective services across all Australian jurisdictions increased on average annually by 5.1 per cent between 2012–13 and 2019–20.⁸
- 6.10 The Arnhem Land Progress Aboriginal Corporation draws on the Productivity Commission’s research in its submission to the inquiry, stating that in recent years the annual cost to the NT and Commonwealth governments per adult has been \$115,971.45 per adult and \$743,888.25 per juvenile.⁹
- 6.11 Significantly, ALRC’s research into the incarceration of Aboriginal and Torres Strait Islander peoples shows that the impacts of imprisonment, particularly on people aged 20 to 39 and away from their communities, contribute to ‘intergenerational demographic, social and economic dysfunction’.¹⁰

⁵ Justice Reinvest NSW (JRNSW) n.d., ‘About Us’, <https://www.justreinvest.org.au/about>, viewed 22 February 2023.

⁶ Productivity Commission 2021, *Australia’s prison dilemma: research paper*, p. 7, <https://www.pc.gov.au/research/completed/prison-dilemma/prison-dilemma.pdf>, viewed 18 January 2023.

⁷ ALRC 2017, *Pathways to Justice—An Inquiry into the Incarceration Rates of Aboriginal and Torres Strait Islander Peoples: Final Report*, p. 127, <https://www.alrc.gov.au/publication/pathways-to-justice-inquiry-into-the-incarceration-rate-of-aboriginal-and-torres-strait-islander-peoples-alrc-report-133/>, viewed 18 January 2023.

⁸ Productivity Commission 2021, *Australia’s prison dilemma: research paper*, p. 55, <https://www.pc.gov.au/research/completed/prison-dilemma/prison-dilemma.pdf>, viewed 18 January 2023.

⁹ Arnhem Land Progress Aboriginal Corporation (ALPA), Submission 19, p. 8.

¹⁰ ALRC 2017, *Pathways to Justice—An Inquiry into the Incarceration Rates of Aboriginal and Torres Strait Islander Peoples: Final Report*, p. 128, <https://www.alrc.gov.au/publication/pathways-to-justice-inquiry-into-the-incarceration-rate-of-aboriginal-and-torres-strait-islander-peoples-alrc-report-133/>, viewed 18 January 2023; Taylor, A, Payer, H & Barnes, T 2018, ‘The missing mobile: impacts from the incarceration of

- 6.12 The House Standing Committee on Indigenous Affairs concluded from its 2021 employment inquiry that interactions with the justice system pose additional barriers to sustainable employment. For example, having a police record may limit a jobseeker's employability.¹¹
- 6.13 Furthermore, research by the Cairns Institute shows that expanding prisons to accommodate increases in populations has particularly poor outcomes for Aboriginal and Torres Strait Islander peoples, both in terms of being removed from their homelands, potentially by hundreds of kilometres, and in depleting social infrastructure expenditure to remote regions.¹²
- 6.14 According to the Cairns Institute's 2018 report, *Justice Reinvestment in Northern Australia*, Aboriginal prisoners in the NT made up 84 per cent of the prison population.¹³ The Institute's report also notes that the benefit of JR is gaining increasing recognition in Australia as an alternative to incarceration.¹⁴
- 6.15 The Commonwealth Government announced at its October 2022 Budget a First Nations Justice package including allocation of \$81.5 million for investment in up to 30 community-led JR initiatives across Australia, and the establishment of an independent national JR unit within the ALRC.¹⁵ Alice Springs was identified as a priority site.¹⁶

Indigenous Australians from remote communities', *Applied Mobilities*, vol. 3, no. 2, pages 150–167, <https://doi.org/10.1080/23800127.2017.1347027>, viewed 18 January 2023.

¹¹ House Standing Committee on Indigenous Affairs 2021, *Report on Indigenous participation in employment and business*, p. 3, https://www.aph.gov.au/Parliamentary_Business/Committees/House/Former_Committees/Indigenous_Affairs/Indigenousoportunities/Report, viewed 18 January 2023.

¹² Allison, F & Cunneen, C 2018, *Justice Reinvestment in Northern Australia*, The Cairns Institute, pages 2–3, https://researchonline.jcu.edu.au/54790/1/54970_Allison_and_Cunneen_2018.pdf, viewed 16 February 2023.

¹³ Allison, F & Cunneen, C 2018, *Justice Reinvestment in Northern Australia*, The Cairns Institute, p. 2, https://researchonline.jcu.edu.au/54790/1/54970_Allison_and_Cunneen_2018.pdf, viewed 16 February 2023.

¹⁴ Allison, F & Cunneen, C 2018, *Justice Reinvestment in Northern Australia*, The Cairns Institute, p. 2, https://researchonline.jcu.edu.au/54790/1/54970_Allison_and_Cunneen_2018.pdf, viewed 16 February 2023.

¹⁵ The Hon Mark Dreyfus KC MP 2022, 'Albanese Government delivers landmark first nations justice investment', *Attorney-General's Department*, 25 October 2022, <https://ministers.ag.gov.au/media-centre/albanese-government-delivers-landmark-first-nations-justice-investment-25-10-2022>, viewed 16 February 2023; Ursula Carolyn, Branch Manager Family and Safety, National Indigenous Australians Agency (NIAA), *Committee Hansard*, 19 October 2022, p. 7.

¹⁶ Senator the Hon Malarndirri McCarthy (Assistant Minister for Indigenous Australians) 2022, 'Justice Reinvestment for Alice Springs', Department of Prime Minister and Cabinet, 7 November 2022, <https://ministers.pmc.gov.au/mccarthy/2022/justice-reinvestment-alice-springs>, viewed 22 February 2023.

Reducing offending and incarceration

Justice related initiatives in the NT

- 6.16 The NT Government conducted a review in 2011 of its criminal justice system. The review found benefits of adopting a JR approach and investing in preventative and early intervention initiatives, along with the need to evaluate programs, and improve data collection and analysis.¹⁷
- 6.17 In its submission to the inquiry, the NT Government outlined its commitment to the *2022 Aboriginal Justice Agreement (AJA)*, which emphasised engaging with and supporting Aboriginal leadership to reduce offending and imprisonment, and improve justice responses and services.¹⁸ As part of the AJA, the NT Government noted that it is ‘coordinating a justice reinvestment working group to research and provide input to the AJA Governance Committee on developing a model for justice reinvestment in the NT’.¹⁹
- 6.18 Under the AJA, the NT Government has committed to several actions related to its justice system reform:
- establishing and offering alternatives to custody and community courts
 - reviewing and reforming unfair, discriminatory or detrimental criminal justice legislative provisions
 - expanding community-based sentencing options and non-financial options for the payment of fines, and
 - increasing opportunities for prisoners to take part in programs aimed at reducing reoffending.²⁰
- 6.19 NT Attorney-General and Minister for Justice, the Hon Chansey Paech MLA, told the Committee that for the NT Government, JR is community-led with place-based, preventative, and therapeutic intervention solutions.²¹

¹⁷ Northern Territory (NT) Government 2011, *Review of the Northern Territory Youth Justice System: Report*, pages iii–vii, https://www.nt.gov.au/__data/assets/pdf_file/0017/238211/youth-justice-review-report.pdf, viewed 18 January 2023.

¹⁸ NT Government, Submission 6, p. 21; NT Government 2022, *Northern Territory Aboriginal Justice Agreement*, <https://justice.nt.gov.au/attorney-general-and-justice/northern-territory-aboriginal-justice-agreement>, viewed 15 February 2023.

¹⁹ NT Government, Submission 6, p. 21.

²⁰ NT Government 2022, *Northern Territory Aboriginal Justice Agreement 2021–2027*, p. 14, https://justice.nt.gov.au/__data/assets/pdf_file/0005/1034546/nt-aboriginal-justice-agreement-2021-2027.pdf, viewed 15 February 2023.

²¹ *Committee Hansard*, 1 February 2023, p. 16.

- 6.20 NAAJA stated in its submission that their 50 years of experience and research have demonstrated that incarceration does not reduce crime, increase community safety, or protect the vulnerable; instead, it ‘perpetuate[s] the cycles of disadvantage across all areas of life’.²²
- 6.21 NAAJA advocates for a JR approach to create long lasting and generational change, and made several recommendations to reduce incarceration rates of Aboriginal peoples in the NT:
- implement system reforms to address key drivers of incarceration
 - fund ‘evidence-based Aboriginal best practice resources and programs that embed Aboriginal language, conceptualisation and cultural authority within localised, self-determining and culturally strengthening models’²³
 - support self-determination, community-driven approaches and partnerships
 - utilise interpreter services in development and implementation
 - prioritise funding to Aboriginal-led services, programs and partnerships, and
 - expand community infrastructure, including accommodation, transitional and safe housing.²⁴
- 6.22 Mayor Matthew Patterson, of the Alice Springs Town Council, stated that the council is supportive of the AJA, particularly welcoming the expansion of community-based sentencing options and non-financial options to pay fines. Moreover, Mayor Patterson stated that the council would be amenable to expanding its own services and working with people leaving corrective services.²⁵
- 6.23 Ms Anna Gill, of NAAJA, stated that NAAJA supports the NT Government’s implementation of the AJA, but advised there is a lot of work to do, including ensuring a ‘future justice system that is fair, rehabilitative and holistic in its response[s]’.²⁶ Furthermore, Ms Gill emphasised the need for ‘a justice system that focuses on longer term outcomes instead of ineffective band-aid solutions’.²⁷

²² North Australian Aboriginal Justice Agency (NAAJA), Submission 3, pages [4–5].

²³ NAAJA, Submission 3, p. [5]

²⁴ NAAJA, Submission 3, pages [4–6], [15].

²⁵ *Committee Hansard*, Alice Springs, 9 December 2022, p. 9.

²⁶ *Committee Hansard*, Alice Springs, 9 December 2022, p. 42.

²⁷ *Committee Hansard*, Alice Springs, 9 December 2022, p. 42.

Alternatives to custody

- 6.24 The City of Darwin in its submission encouraged the Commonwealth Government to invest in alternatives to prison and work with agencies such as NAAJA to develop strategies to decrease crime and strengthen communities.²⁸ The City of Darwin advised that ‘strategic long-term investment in solutions proposed by First Nations run and led organisations seeking to keep young people out of the juvenile justice system is required’.²⁹
- 6.25 The City of Darwin also advocated for adequate resourcing of organisations providing JR community services to enable the collection of long-term data about the impacts of their programs. To demonstrate, the City of Darwin highlighted current initiatives in Katherine and Bourke, NSW.^{30 31}
- 6.26 The Central Desert Regional Council (CDRC) was also supportive of approaches to reduce corrections spending and re-direct savings to other criminal justice strategies that decrease crime and strengthen communities.³²
- 6.27 The CDRC suggested to the Committee that a JR approach would reduce the incarceration of Aboriginal prisoners, prison over-crowding and recidivism. The CDRC added that early release into on-Country work orders with supervision and Aboriginal cultural care would ensure a timely return of Aboriginal prisoners back to Country.³³
- 6.28 Mayor Matthew Ryan, West Arnhem Regional Council (WARC), told the Committee that providing rehabilitation services in communities such as Maningrida would be a solution to the high rate of incarceration of Aboriginal peoples in the NT. For WARC’s part, Mayor Ryan said they have land, they just need funding.³⁴ He reiterated:
- Let’s create something so that we have our own people in our community. That’s the culturally appropriate place for our kids and our men and women. We are fed up with the top-to-bottom approach. We are the grassroots people and we have the solution to our problem. For too long we’ve seen our kids go to the detention centres then, once they grow up, straight to the jail house—the big house. So work with us.³⁵
- 6.29 On 9 December 2022, the Committee conducted a site visit to the Alternatives to Custody Life Skills Camp in Alice Springs. The Life Skills Camp was a result of NT Government’s *Aboriginal Justice Agreement 2021-2027* and is funded by the NT

²⁸ City of Darwin, Submission 4, p. 7.

²⁹ City of Darwin, Submission 4, p. 7.

³⁰ City of Darwin, Submission 4, p. 7.

³¹ *These initiatives are discussed under the Alternatives to Custody section of this Chapter.*

³² Central Desert Regional Council (CDRC), Submission 1, pages [4–5].

³³ CDRC, Submission 1, pages [4–5].

³⁴ *Committee Hansard*, Canberra, 9 February 2023, p. 11.

³⁵ *Committee Hansard*, Canberra, 9 February 2023, p. 11

Department of the Attorney General and Justice (DAGJ).³⁶ About the program Ms Leanne Liddle, Director of the Aboriginal Justice Unit, DAGJ, stated;

This takes me to one of the success stories of the Aboriginal Justice Agreement, the Alice Springs Alternative to Custody, the Life Skills Camp that you're going to have a tour of later today. This is a residential setting where up to 10 women and their young children can stay and they have access to over 25 service providers that are funded by all parts of government. They have a place where they can receive the help to manage their behaviours at their own place, at their own pace. It means children staying there with their mums have not entered the child protection system.

Despite only commencing in 2019 our recent evaluations show it is delivering promising results. Twenty-five women have completed the program. We have a waiting list, and only three of those 25 women have gone on to re-offend. No participant has been exited due to the use of alcohol or drugs, and no participant has re-offended whilst residing at the facility. We are very pleased with these outcomes. We are looking to scale up this operation and expand it to 30 beds. Quite realistically, as long as the funding is there for the Alternative to Custody, we aim to reduce the female prison population in the Territory to zero.³⁷

6.30 Attorney-General of the Northern Territory, Hon Chancy Paech MLA, give evidence to the Committee about the outcomes seen at the Life Skills Camp, stating:

So we strongly believe that justice reinvestment and alternatives to custody and those therapeutic and intensive family support programs are the best avenues to see that reduction in our correctional and criminal justice system.³⁸

6.31 Previously, Amnesty International Australia (Amnesty) emphasised to the House Standing Committee on Indigenous Affairs' 2021 inquiry into Indigenous participation in employment and business, that, in terms of community services and programs, early intervention, prevention and diversion are critical. Amnesty noted that there is inadequate funding, training and support for Aboriginal and Torres Strait Islander-led, culturally-appropriate early intervention and diversionary programs in the youth justice system. Amnesty further stated that these programs would keep children out of prison, and provide employment and training when run successfully.³⁹

³⁶ Drug and Alcohol Services Australia, *Alternative to Custody*, <https://dasa.org.au/programs/alternative-to-custody>, viewed 22 February 2023.

³⁷ *Committee Hansard*, Alice Springs, 9 December 2022, p. 47.

³⁸ *Committee Hansard*, Canberra, 1 February 2023, p. 17.

³⁹ Amnesty International, *Submission 35 to the House Standing Committee on Indigenous Affairs inquiry into pathways and participation opportunities for Indigenous Australians in employment and business*, p. [2]; House Standing Committee on Indigenous Affairs 2021, *Report on Indigenous participation in employment and business*, pages 84–85, https://www.aph.gov.au/Parliamentary_Business/Committees/House/Former_Committees/Indigenous_Affairs/Indigenousoportunities/Report, viewed 18 January 2023.

6.32 The National Indigenous Australians Agency, when questioned by the Committee, reiterated the Commonwealth Government’s commitment to JR initiatives, as well as its support services such as health and wellbeing checks, community night patrol activities and youth diversion activities.⁴⁰

Justice reinvestment

Justice Reinvestment in Katherine

6.33 Between 2015–19, the Katherine Youth Justice Reinvestment Initiative was underway. Katherine-based service providers, including NAAJA and Northern Territory Council of Social Service (NTCOSS), began working with James Cook University to research the potential of JR for young people in the area.⁴¹ This included extensive consultations with Aboriginal community members and other stakeholders ‘to identify the need, appetite and support for JR initiatives in Katherine’.⁴²

6.34 In 2016, the Katherine Youth Justice Reinvestment Group (KYJRG) was established to progress the community’s vision to transform the youth justice system and services in Katherine towards early intervention and prevention, and to reduce incarceration rates.⁴³ KYJRG is a volunteer community collective of individuals, service providers and agencies from across the Katherine region.⁴⁴

6.35 The KYJRG’s strategic objectives aim to ‘engage young people through a person-centred, strength-based approach [and] individually tailored opportunities’.⁴⁵ Included in KYJRG’s strategic approach is valuing and celebrating youth contributions to developing and implementing JR strategies, strengthening partnerships in planning, implementing and evaluating JR approaches.⁴⁶

6.36 NAAJA also highlighted several proposed outcomes from the implementation of this approach, including:

- increasing educational retention and attainment rates, and reducing school suspension rates

⁴⁰ Ursula Carolyn, Branch Manager, Family and Safety, NIAA, *Committee Hansard*, Canberra, 19 October 2022, pages 7–8.

⁴¹ NAAJA, Submission 3, p. 13; Northern Territory Council of Social Service 2022, *Justice Reinvestment Project*, <https://ntcoss.org.au/current-projects/justice-reinvestment-project/>, viewed 16 February 2023; Smith et al. 2019, *Katherine Youth Justice Reinvestment: Final Report*, Menzies School of Health Research, p. 6, https://www.menzies.edu.au/icms_docs/309747_Katherine_Youth_Justice_Reinvestment_Final_Report.pdf, viewed 16 February 2023.

⁴² NAAJA, Submission 3, p. 13.

⁴³ NAAJA, Submission 3, p. 13.

⁴⁴ Smith et al. 2019, *Katherine Youth Justice Reinvestment: Final Report*, Menzies School of Health Research, p. 9, https://www.menzies.edu.au/icms_docs/309747_Katherine_Youth_Justice_Reinvestment_Final_Report.pdf, viewed 16 February 2023.

⁴⁵ NAAJA, Submission 3, pages 13–14.

⁴⁶ NAAJA, Submission 3, pages 13–14.

- increasing employment opportunities for young people through enhanced business engagement
- strengthening cultural identity
- increasing service provider collaboration and enhancing complex case-management of ‘at risk’ young people
- building a more robust evidence base to inform future JR approaches, both locally and nationally.⁴⁷

6.37 NAAJA advised that there is strong support for justice reinvestment within the Katherine community, particularly a ‘sense of urgency in addressing concerns related to youth justice matters’.⁴⁸ However, it advised that funding is required to resource a local Aboriginal-led organisation to coordinate and progress the implementation of justice reinvestment strategies in the community.⁴⁹ NAAJA also noted that legal services, the NT Police and the Director of Public Prosecutions had co-signed a letter to the Commonwealth Government suggesting Katherine be funded as a JR trial site.⁵⁰

Justice Reinvestment in Bourke, NSW

6.38 JRNSW aims to support Indigenous communities to develop and implement local initiatives and solutions to reduce Indigenous peoples’ contact with the criminal justice system. JRNSW provides support, funds and resources to locally-led community teams—‘Backbone Teams’—to coordinate a community’s JR approach and initiatives.⁵¹

6.39 In 2013, Bourke became the first trial community for an Aboriginal-led, place-based model JR approach in collaboration among JRNSW, Maranguka and Bourke Tribal Council.

6.40 Maranguka is Bourke’s Backbone Team, through which the community developed its local strategy and initiatives to reduce initial offending, recidivism and family violence, and to achieve positive social outcomes.⁵²

⁴⁷ NAAJA, Submission 3, p. 14.

⁴⁸ NAAJA, Submission 3, p. 14.

⁴⁹ NAAJA, Submission 3, p. 14.

⁵⁰ NAAJA, Submission 3, pages [14–15]

⁵¹ JRNSW n.d., ‘About Us’, <https://www.justreinvest.org.au/about>, viewed 16 February 2023.

⁵² JRNSW n.d., ‘About Us’, <https://www.justreinvest.org.au/about>, viewed 16 February 2023; Maranguka Community Hub n.d., ‘Maranguka Backbone Team’, <https://maranguka.org.au/about-us/backbone-team/>, viewed 16 February 2023.

6.41 The Executive Director of Maranguka, Mr Alistair Ferguson, has said of the Bourke's JR approach:

Too many of my community were being locked up. Kids were being taken away. Families were being shattered, again and again. We decided that a new way of thinking and doing things needed to be developed that helped our children.⁵³

6.42 Initiatives introduced under the Maranguka JR project include:

- Men of Bourke Healing and Connection to Country Sessions
- School Holiday Activity Program
- Birrang Learner Driver program⁵⁴
- Youth support services
- Three-year-old health and development checks
- Developing police and community protocols around bail conditions⁵⁵
- Operation Solidarity: a police-run program enabling regular proactive engagement by police with domestic and family violence offenders and victims, including routine check-ins and referrals to support organisations.⁵⁶

6.43 In 2018, KPMG produced an impact assessment of the Maranguka JR project, estimating that:

- police recorded rates for domestic and family violence had reduced by 23 per cent
- days spent in custody by adults had reduced by 42 per cent, and
- Year 12 retention rates had increased by 31 per cent.⁵⁷

6.44 Furthermore, KPMG reported that the Maranguka JR project and community changes in Bourke over 2017 had resulted a gross saving of \$3.1 million, with an additional gross saving of \$7 million between 2018 and 2022.⁵⁸

6.45 Maranguka runs several working groups to continue its community approach in Bourke. These include an early childhood and parenting working group, eight to 18-year-olds working group and role of men working group. These groups, comprising community members, service providers, government and

⁵³ JRNSW n.d., 'About Us', <https://www.justreinvest.org.au/about>, viewed 16 February 2023.

⁵⁴ Stephanie Griffin, Deputy Managing Lawyer, NAAJA, *Committee Hansard*, Darwin, 7 December 2022 p. 8.

⁵⁵ KPMG 2018, *Maranguka Justice Reinvestment Project: Impact Assessment*, p. 18, <https://www.indigenousjustice.gov.au/wp-content/uploads/mp/files/resources/files/maranguka-justice-reinvestment-project-kpmg-impact-assessment-final-report.pdf>, viewed 16 February 2023.

⁵⁶ National Indigenous Radio Service 2017, *Operation Solidarity-New Domestic Violence Program*, <https://nirs.org.au/uncategorized/http-news-nirs-org-au-71590-2/>, viewed 16 February 2023.

⁵⁷ KPMG 2018, *Maranguka Justice Reinvestment Project: Impact Assessment*, p. 6, <https://www.indigenousjustice.gov.au/wp-content/uploads/mp/files/resources/files/maranguka-justice-reinvestment-project-kpmg-impact-assessment-final-report.pdf>, viewed 16 February 2023.

⁵⁸ KPMG 2018, *Maranguka Justice Reinvestment Project: Impact Assessment*, pages 6, 24, <https://www.indigenousjustice.gov.au/wp-content/uploads/mp/files/resources/files/maranguka-justice-reinvestment-project-kpmg-impact-assessment-final-report.pdf>, viewed 16 February 2023.

non-government agencies, address goals set by the Bourke Tribal Council, as well as hold community forums to develop community-driven solutions to meet the needs of the community. Importantly, the groups have adopted a ‘test and trial approach’ to ascertain overtime which initiatives work best.⁵⁹

Committee comment

- 6.46 The Committee heard strong support from witnesses about the need to reform the failing justice system, particularly the need to action the commitments in the NT’s AJA.
- 6.47 The Committee agrees with the positive feedback and interest in place-based JR initiatives and community services in the NT. The Committee acknowledges the research presented about the economic and social benefits of JR models.
- 6.48 The Committee welcomes the Commonwealth Government’s commitment to fund up to 30 community-led JR initiatives across Australia.
- 6.49 The Committee also welcomes the establishment of an independent national JR unit within the Australian Law Reform Commission.

Recommendation 9

- 6.50 The Committee recommends that the Commonwealth Government implement the community-led justice reinvestment initiatives across Australia, particularly in Alice Springs and Katherine, as soon as possible.**

Senator Patrick Dodson
Chair

⁵⁹ Maranguka Community Hub n.d., ‘Maranguka Working Groups’, <https://maranguka.org.au/working-groups/>, viewed 16 February 2023.



Additional comments from Senator Lidia Thorpe

Self-determination

While the government acknowledged that the Stronger Futures legislation packages disempowered First Nations communities, it has, in the course of this inquiry, and the events unfolding over the last months, become clear that the transition process away from Stronger Futures was also a disempowering process ignoring First Nations rights to self-determination.

It has become evident that consultation around what measures should be put in place to support communities in the transition after Stronger Futures was insufficient and inadequate, and any support measures themselves.

I fully support the Committee's acknowledgement of the importance of local, community-led initiatives. As a Country, we have a long way to go to make this a reality.

I would therefore like to stress the two matters at the heart of ensuring First Nations self-determination.

Firstly, as a country, we need a Treaty/ Treaties with First Nations people. Treaty is the long-overdue end to the war declared on First Nations people at the invasion of these lands. It would acknowledge that First Nations Sovereignty was never ceded and be the framework going forward, enabling us to address the underlying oppression and injustices our society was built upon. Treaty can create true systemic change to allow much needed healing. Treaty is what First Nations people in this country have been calling for ever since invasion, and it is the way to create a joint, brighter future in this country.

Secondly, but importantly particularly in the absence of a Treaty with First Nations people in this country, it is important that the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) be enacted in this country. While Australia officially adopted the UNDRIP in 2009, its record on respecting First Nations rights is abhorrent.

The principle of Free, Prior and Informed Consent (FPIC) of First Nations people is of particular importance to ensure First Nations self-determination as well as best outcomes for First Nations people, culture and Country.

The evidence presented in this inquiry clearly showed that consultations around the sunseting of the Stronger Futures legislation was limited, insufficient and highly focused on peak bodies. It did not fulfil the requirements of FPIC.

First Nations approach to health

I would like to comment further on Recommendation 4 of the committee which requests for the review of funding arrangements with service providers to ensure they are fit for purpose, including, among other factors, embedding holistic health approaches to service provision supporting First Nations communities' social, emotional and cultural wellbeing.

According to a definition from the National Aboriginal and Islander Health Organisation in 1989, 'Aboriginal health means not just the physical well-being of an individual but refers to the social, emotional and cultural well-being of the whole community in which each individual is able to achieve their full potential as a human being, thereby bringing about a total well-being of their community. It is the whole-of-life view and includes the cyclical concept of life-death-life.'

This is a holistic health approach different to the western health approach dominant in our society. It means that an individual's health is inseparable from that of the wider community as we are all connected. Forced separation from our children, culture, community and Country over many generations has contributed to the state First Nations communities and individuals find themselves in. This 'gap' in our health and socio-economic factors, in the language of governments, cannot be closed without acknowledging the importance of Country, culture and community to First Nations people and letting our communities come together to self-determine, and to heal on our own terms.

Data Sovereignty

Recommendation 5 relates to the prioritisation of sharing of real-time data and information, with consent, to enable the government to deliver initiatives and responses in communities. Consent and the maintenance of First Nations data Sovereignty is essential in this aspect to ensure any data obtained benefits those it belongs to.

This matter closely relates to FPIC and it is essential that communities fully understand the matter at hand, or otherwise no real consent is possible. For this to occur, it is essential that the principle of FPIC is followed and that information is provided in easily accessible formats and that translators are available, particularly in communities with low English literacy.

Housing

Though a recurrent challenge facing communities, particularly remote communities in the Northern Territory, the committee has fallen short on making a recommendation around housing. It has become clear that there is a lack of housing and common situations of inadequate housing standards, including but not limited to over-crowding.

There is need for investment in the quality of housing as well as the need for increased investment in housing stock particularly housing on homelands, which the Northern Territory government does not currently sufficiently invest in. Maningrida Traditional Owners pointed out that this would encourage Traditional Owners and families to Country, reducing

challenges experienced in communities. Again, for any solution going forward, it is paramount for it to be community driven to ensure the best possible outcomes and respect the rights of First Nations people to self-determination.

Senator Lidia Thorpe



Additional comments from Senator Kerryenne Liddle

I have appreciated the comprehensive work done to ensure a range of stakeholders have contributed to the work of the Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs - *Community safety, support services and job opportunities in the Northern Territory*.

I agree generally with the report and its recommendations, but believe this work would have benefitted from more time for review and reflection of the report and its recommendations.

With that, I provide what I believe are additional specific considerations:

- 1) The need for investment in social and physical infrastructure in remote communities so that residents travelling between towns and remote communities and service providers have continuity of access and service connection to clients wherever they are;
- 2) Greater understanding of social impact in decision making, with stakeholder mapping and leading practice engagement, which includes without exception domestic, family violence and alcohol prevention, early intervention and treatment providers to inform the expected effect of decision making and to better prepare them for any intended or unintended consequence.

I look forward to continuing to work with this Committee on improving the lives of Aboriginal and Torres Strait Islander people not just in the Northern Territory but also across Australia.

Senator Kerryenne Liddle



A. Submissions

- 1 Central Desert Regional Council
 - 1.1 Supplementary to submission 1
- 2 Department of Social Services
- 3 North Australian Aboriginal Justice Agency
 - 3.1 Supplementary to submission 3
 - 3.2 Supplementary to submission 3
- 4 City of Darwin
- 5 Association of Alcohol & other Drug Agencies NT
- 6 Northern Territory Government
 - 6.1 Supplementary to submission 6
- 7 People's Alcohol Action Coalition (PAAC)
- 8 Children's Ground
- 9 Indigenous Allied Health Australia (IAHA) NT Workforce Development
- 10 Central Australian Aboriginal Congress Aboriginal Corporation
 - 10.1 Supplementary to submission 10
- 11 J Vrakas
- 12 Drug and Alcohol Services Australia
- 13 Nova Peris Foundation
- 14 Monica Nangala Robinson
- 15 National Indigenous Australians Agency (NIAA)
- 16 Australian National Audit Office (ANAO)
- 17 Northern Land Council

- 18 Northern Territory Council of Social Service (NTCOSS)
 - 18.1 Supplementary to submission 18
- 19 Arnhem Land Progress Aboriginal Corporation (ALPA)
- 20 Dominic WY Kanak
- 21 Northern Territory Police Association
- 22 Aboriginal Peak Organisations Northern Territory (APO NT)
- 23 Glenn Miller
- 24 Northern Land Council
- 25 SNAICC—Secretariat of National Aboriginal and Islander Child Care
- 26 West Arnhem Land and Maningrida Community Stakeholders
- 27 Alcohol and Drug Foundation
- 28 Endeavour Group
- 29 Coles Group Limited



B. Hearings, briefings and site visits

Wednesday, 19 October 2022

Canberra

Public hearing

National Indigenous Australians Agency

- Mr Ben Burdon, Group Manager, Social Policy and Programs
- Ms Ursula Carolyn, Branch Manager, Family and Safety
- Mr Tom Dyer, Branch Manager, Northern Territory Strategy and Policy
- Ms Kate Elliot, Branch Manager, CDP Strategy
- Ms Deb Fulton, Acting Group Manager, Economic Policy and Programs
- Ms Jessica Hartmann, Branch Manager, Data and Evaluation
- Ms Rachael Jackson, Acting Group Manager, Central
- Mr Sam Jeffries, Acting Deputy Chief Executive Officer, Operations and Delivery
- Ms Yvonne Uren, Branch Manager, Health and Wellbeing

Northern Territory Government via video conference

- Ms Bridgette Bellenger, General Manager, Territory Regional Growth, Department of the Chief Minister and Cabinet
- Ms Giovina D'Alessandro, Senior Executive Director, Alcohol Policy Coordination Unit, Department of the Chief Minister and Cabinet
- Mr Travis Wurst, Assistant Commissioner, Northern Territory Police, Fire and Emergency Services

Wednesday, 7 December 2022

Darwin

Public hearing

North Australian Aboriginal Justice Agency (NAAJA)

- Ms Stephanie Griffin, Deputy Managing Lawyer

Katherine Women's Information and Legal Service

- Ms Siobhan Mackay, Chief Executive Officer

Aboriginal Peak Organisations Northern Territory (APO NT)

- Mr Jerome Cubillo, Manager

Larrakia Nation Aboriginal Corporation

- Mr David Kurnoth, Acting Chief Executive Officer
- Mr James Parfitt, Member Director

Local Government Association of the Northern Territory (LGANT)

- Mr Sean Holden, Chief Executive Officer
- Mr Kon Vatskalis, President
- Ms Mary Watson, Senior Policy Adviser

Darwin City Council

- Ms Simone Saunders, Chief Executive Officer
- Hon Kon Vatskalis, Lord Mayor

Aboriginal Peak Organisations Northern Territory (APO NT)

- Ms Seranie Gamble, Manager
- Dr John Paterson, Chief Executive Officer, Aboriginal Medical Service Alliance Northern Territory; and Member of APO NT
- Ms Theresa Roe, Secretariat Coordinator
- Ms Colleen Rosas, Chairperson, Northern Australian Aboriginal Justice Agency; and Member of APO NT
- Ms Skye Thompson, Chief Executive Officer, Aboriginal Housing Northern Territory; and Member of APO NT

Nova Peris Foundation

- Ms Nova Peris, OAM, OLY, Founder and Director
- Ms Constance Puruntatameri, Traditional Owner
- Ms Nikita Puruntatameri, Traditional Owner and Sea Ranger

FORWAARD Aboriginal Corporation

- Ms Ekaterine (Kathy) Katras, Treatment Manager
- Mr Stephen Versteegh, Chief Executive Officer

Northern Land Council

- Ms Rosanna De Santis, Regionalisation Project Manager
- Ms Deborah Katona, Senior Manager, Policy

Thursday, 8 December 2022

Alice Springs

Public hearing

Central Desert Regional Council

- Mr Adrian Dixon, President
- Mr Leslie Manda, Chief Executive Officer

Northern Territory Chamber of Commerce by video conference

- Ms Nicole Walsh, Chief Operating Officer

Action for Alice

- Mr Darren Clark, Representative

King's Narrative

- Mr Tyson Mpetyane Carmody, Managing Director
- Ms Jessica Wishart, Business Manager

Tourism Central Australia

- Mr Danial Rochford, Chief Executive Officer

Children's Ground

- Ms Cherisse Buzzacott, Head of Health
- Ms Felicity Hayes, Co-Director, Senior Arrernte Educator

- Ms Cassandra Neil, Early Years Educator
- Mr William Tilmouth, Chairperson
- Ms Veronica Turner, Co-Director, Arrernte Teacher Specialist
- Ms Jane Vadiveloo, Chief Executive Officer

Site visit

Youth Outreach Engagement Team

Friday, 9 December 2022

Alice Springs

Public hearing

Northern Territory Council of Social Service (NTCOSS)

- Ms Tessa Snowdon, Acting Policy Manager

Alice Springs Town Council

- Mayor Matt Peterson, Mayor

Central Australian Aboriginal Congress

- Ms Donna Ah Chee, Chief Executive Officer
- Dr John Boffa, Chief Medical Officer Public Health

Drug and Alcohol Services Australia

- Ms Eloise Page, Chief Executive Officer

Northern Territory Health

- Ms Angela Brannelly, Acting Regional Executive Director, Central Australia Region
- Mr David Reeve, General Manager, Primary and Public Health Care

Alice Springs Hospital

- Dr Stephen Gourley, Director Emergency Medicine
- Mr John Swiatczak-Steele, General Manager, Acute Care Services

Mental Health Service, Central Australia & Barkly Regions

- Mrs Sarah Mackenzie Dodds, General Manager

People's Alcohol Action Coalition

- Dr John Boffa, Spokesperson
- Ms Vicki Gillick, Policy Coordinator

North Australian Aboriginal Justice Agency (NAAJA)

- Ms Anna Gill, Regional Managing Solicitor, Southern Region

Department of the Attorney-General and Justice, Northern Territory

- Mr Warren Jackson, Superintendent, Northern Territory Police Force; and Acting Deputy Director, Aboriginal Justice Unit [via audio conference]
- Ms Gemma Lake, Chief Executive Officer
- Ms Leanne Liddle, Director, Aboriginal Justice Unit

Site visit

Alternative Custody, Life Skills Camp

Tuesday, 31 January 2023

Canberra via video conference

Public hearing

Tangentyere Council

- Ms Maxine Carlton, Vice-President
- Mr Michael Klerck, Social Policy Manager
- Mr Patrick McDonald, Chief Operating Officer
- Mr Geoff Shaw, President
- Mr Walter Shaw, Chief Executive Officer

Wednesday, 1 February 2023

Canberra

Public hearing

Hospitality NT via video conference

- Ms Sarah Andrews, Director Policy, Strategy and Stakeholder Relations
- Mr Alex Bruce, Chief Executive Officer

Coles Group via video conference

- Mr Adam Fitzgibbons, Head of Public Affairs, Corporate and Indigenous Affairs

Endeavour Group via video conference

- Mr Dan Holland, Director
- Mr Stuart Totham, Senior Adviser

Retail Drinks Australia via video conference

- Mr Jonathan Russell, Head of Policy and Advocacy
- Mr Michael Waters, Chief Executive Officer

Centre for Alcohol Policy Research, La Trobe University via video conference

- Dr Peter d'Abbs, Honorary Professor, University of Queensland
- Dr Emmanuel Kuntsche, Director, Centre for Alcohol Policy Research, La Trobe University
- Associate Professor Kylie Lee, Deputy Director, Centre of Research Excellence in Indigenous Health and Alcohol, University of Sydney
- Mr Jimmy Perry, Senior Project Officer, Aboriginal Drug and Alcohol Council (South Australia); and Associate Investigator, Centre of Research Excellence: Indigenous Health and Alcohol
- Dr Robin Room, Distinguished Professor, Centre for Alcohol Policy Research, La Trobe University
- Adjunct Associate Professor Scott Wilson, Director, Aboriginal Drug and Alcohol Council (South Australia); and Co-Director, Centre of Research Excellence: Indigenous Health and Alcohol
- Dr Cassandra Wright, Senior Research Fellow, Menzies School of Health Research and Centre for Alcohol Policy Research, La Trobe University

Northern Territory Government via video conference

- Mr Richard Coates, Chairperson, Northern Territory Liquor Commission
- Ms Giovina D'Alessandro, Senior Executive Director, Alcohol Policy Coordination Unit, Department of the Chief Minister and Cabinet
- Hon Chanston Paech, Attorney-General and Minister for Justice
- Mr Philip Timney, Director of Liquor Licensing, Department of Industry Tourism and Trade

National Indigenous Australians Agency

- Mr Carl Binning, Group Manager, Economic Empowerment
- Dr Mike Blanchard, Branch Manager, Employment Branch, Economic Empowerment Group
- Mr Ben Burdon, Group Manager, Social Policy Group
- Mr Tom Dyer, Branch Manager NT Policy, Central Group [via video conference]
- Ms Kate Elliot, Branch Manager, Community Development Program, Economic Empowerment Group
- Ms Jessica Hartmann, Branch Manager, Data and Evaluation Branch, Program Performance Delivery Group
- Ms Fleur Hill, Regional Manager, Top End and Tiwi Islands, Central Group [via video conference]
- Ms Rachael Jackson, Acting Group Manager, Central Group
- Mr Sam Jeffries, Acting Deputy CEO Operations and Delivery
- Mr Gerrit Wanganeen, Regional Manager, Arnhem Land and Groote Eylandt, Central Group

Private briefings

Department of Territory Families, Housing and Communities, Northern Territory Government—Youth Roundtables

Thursday, 9 February 2023

Canberra

Maningrida Community Roundtable—Public hearing

- Mr Reggie Wuridjal, Traditional Owner

Bawinanga Aboriginal Corporation

- Ms Jacqueline (Jackie) Phillips, Chairperson
- Ms Cynthia Brown, Board Member
- Ms Perlin Simon, Chief Executive Officer

Mala'la Health Board Aboriginal Corporation

- Mr Charlie Gunabarra, Chairperson
- Ms Valda Bokmakarray

Maningrida Progress Association

- Mr Shane Namanurki, Chairperson

West Arnhem Regional Council

- Mayor Matthew Ryan
- Cr James Woods, Acting Deputy Mayor
- Ms Brooke Darmanin, Executive Manager, Strategy and Advocacy

C. Timeline—Stronger Futures Act sunsetting

Date	Activity
2007	The Commonwealth Government enacted the <i>Northern Territory National Emergency Response Act 2007</i> (Cth) (NTNER Act), modifying Northern Territory (NT) legislation, including the <i>Liquor Act 1978</i> (NT).
2012	The Commonwealth Government enacted the <i>Stronger Futures in the Northern Territory Act 2012</i> (Cth) (Stronger Futures Act), repealing the NTNER Act, but continuing the Commonwealth Government's modifications to the <i>Liquor Act 1978</i> (NT).
December 2020	National Indigenous Australians Agency (NIAA) taskforce established and <i>Stronger Futures in the Northern Territory: Sunset Review</i> commenced
7 April 2021	NIAA and the NT Government discussed the Stronger Futures Act sunsetting and using NT legislation to extend alcohol management to communities not covered by that legislation. The NIAA and NT Government agreed that alcohol sunsetting issues would be managed through the Community-Identified Aspirations (Alcohol) Steering Committee.
18 June 2021	NIAA provided the NT Government with a working draft of its <i>Stronger Futures in the Northern Territory: Sunset Review</i> .
20 August 2021	NIAA and the NT Department of Chief Minister and Cabinet (CM&C) sent joint correspondence to the Land Councils seeking a meeting to discuss the Stronger Futures Act sunsetting arrangements.
28 August 2021	The Northern Land Council (NLC) and the Central Land Council (CLC) responded to the NIAA and CM&C, accepting a meeting.
1 September 2021	CM&C sought the Land Councils' preferences for a date and time to meet
14 September 2021	NIAA and CM&C made a presentation to the Community Aspirations Alcohol Forum discussing the sunsetting arrangements relating to alcohol restrictions.
19 October 2021	CLC advised the CM&C that they were not ready to discuss positions on future legislative arrangements associated with the Stronger Futures Act sunsetting.
27 October 2021	The Former Minister for Indigenous Australians, the Hon Ken Wyatt wrote to the Minister for Aboriginal Affairs, the Hon Selena Uibo noting the findings of the draft <i>Stronger Futures in the Northern Territory: Sunset Review</i> .
28 October 2021	CM&C attended the Closing the Gap Partnership Working Group meeting at the agreement of Aboriginal Peak Organisations of the Northern Territory

	(APO NT) and provided a briefing on the potential outcomes of the Stronger Futures Act sunseting.
October 2021	NIAA completed the <i>Stronger Futures in the Northern Territory: Sunset Review</i> .
11 November 2021	NIAA provided the draft <i>Stronger Futures Sunset Review</i> and a paper outlining proposed sunseting approaches to Land Councils and APO NT.
15 November 2021	NIAA and CM&C held a workshop with Land Councils, APO NT, Yili Housing, and the Northern Territory Indigenous Business Network (NTIBN) discussing the potential of the Stronger Futures Act sunseting and transitional arrangements.
3 December 2021	Minister Uibo wrote to former Minister Wyatt confirming its position to amend the <i>Liquor Act 2019 (NT)</i> and lead community-based consultations to determine community aspirations with respect to alcohol. Additionally noted, was the limited effectiveness of the <i>Classifications (Publications, Film and Computer Games) Act 1995 (Cth)</i> due to advances in technology, and that the establishment of a remote stores licensing scheme was dependent on appropriate resourcing.
December 2021 – January 2022	Additional meetings proposed by the NIAA and NT Government in December 2021 and January 2022 were declined by APO NT due to their Chair and/or senior staff being unavailable.
9 February 2022	NT Government held a second workshop with community organisations, including Land Councils, APO NT, NIAA, Yilli Housing, NTIBN, North Australian Aboriginal Justice Agency (NAAJA) and CM&C to discuss the Northern Territory Remote Aboriginal Investment and Stronger Futures.
3 March 2022	NIAA, NT Government and APO NT met at the Community-Identified Aspirations (Alcohol) Steering Group Meeting to discuss sunseting arrangements for alcohol.
8 March 2022	The NIAA attended the NT Aboriginal Health Forum. The need for transitionary arrangements if the Stronger Futures Act were to sunset, was discussed.
25 March 2022	CM&C met with the NT Aboriginal Health Forum to discuss Stronger Futures legislation.
6 April 2022	Former Minister Wyatt endorsed the draft <i>Sunset Review</i> and wrote to Minister Uibo confirming that the Stronger Futures Act would sunset based on the findings of the review, and accepting the NT Government's offer to transition responsibility for alcohol, stores licensing and land management measures into NT legislation. Former Minister Wyatt also wrote to the former Minister for Communications, Urban Infrastructure, Cities and the Arts, Hon Paul Fletcher and confirmed that the legislation would sunset, noting that due to advancements in technology, the effectiveness of Part 10 of the <i>Classifications (Publications, Film and Computer Games) Act 1995 (Cth)</i> had been diminished.

14 April 2022	NT Government met with APO NT to brief it on amendments to the <i>Liquor Act 2019</i> (NT) in preparation for Stronger Futures Act sunset.
17 May 2022	The NT Government passed the Associations and Liquor Amendment Bill 2022. This amended the <i>Liquor Act 2019</i> (NT) to include opt-in arrangements.
15 July 2022	The NT Government and NIAA sent a joint letter to store managers/owners, and peak community organisations in the NT advising of the Stronger Futures Act sunset and its impact; as well as the NT Government's plan to establish a remote stores licensing scheme.
17 July 2022	The <i>Stronger Futures Act</i> sunset.

Source: Northern Territory Government, *Submission 6*, pages 5–10; National Indigenous Australians Agency (NIAA), *Submission 15*, pages 9–15.