

Aboriginal Peak Organisations Northern Territory

An alliance of the CLC, NLC, CAALAS, NAAJA and AMSANT

Aboriginal Peak Organisations (NT) submission to the

FORREST REVIEW

September 2014

1. INTRODUCTION

Aboriginal Peak Organisations Northern Territory (APO NT) welcomes the opportunity to make a submission to the Forrest Review.

APO NT is an alliance between the Northern Land Council (NLC), Central Land Council (CLC), Aboriginal Medical Services Alliance Northern Territory (AMSANT), North Australian Aboriginal Justice Agency (NAAJA) and Central Australian Aboriginal Legal Aid Service (CAALAS).

The alliance was created to provide a more effective response to key issues of joint interest and concern affecting Aboriginal people in the Northern Territory, including through advocating practical policy solutions to government. APO NT is committed to increasing Aboriginal involvement and implementation, and to expanding opportunities for Aboriginal community control. APO NT also seeks to strengthen networks between peak Aboriginal organisations and smaller Aboriginal organisations in the Northern Territory. As representatives from peak organisations in the NT, we share the aim of protecting and advancing the wellbeing and rights of Aboriginal people and communities.

The Forrest Review 'Creating Parity' was broad and covered a wide range of issues that affect Aboriginal people in the NT. The report itself was largely ideological and it is difficult to ascertain how these measures will hit the ground. Although APO NT supports some of the recommendations made, with respect to early childhood in particular, there are a number of recommendations that will significantly impact Aboriginal people in a negative way. APO NT are also deeply concerned by the premise underlying much of this report that remote community residents need to move away from their community and traditional country in order to obtain employment and participate in the mainstream economy. APO NT are also concerned that Aboriginal organisations are not recognised for their ability to employ large numbers of Aboriginal people and the investments that should be made into those organisations to retain and continue to employ Aboriginal people.

APO NT have found that in the past, what does work in the Northern Territory is community involvement and engagement, adequate resourcing and planned comprehensive approaches; respect for language and culture; working together; development of social capital; recognising underlying social determinants; commitment to doing projects with, not for Aboriginal people; creative collaboration; and understanding that issues are complex and contextual. A one size fits all, does not work in the Northern Territory.

APO NT feels that the recommendations to welfare reform are premature and that waiting for the recommendations of the McClure Review to be published is the best approach. By extension, recommendations relating to sections 27 are largely the core business for Land Councils, and so separate (but complimentary) submissions are provided by the CLC and NLC. APO NT also endorses the recommendations made in the NAAJA submission.

3. APO NT recommendations and brief discussion

FORREST REVIEW	APO NT RECOMMENDATION
Prenatal, Early Childhood and Education	
Recommendation 1: Early Childhood	<ul style="list-style-type: none"> • APO NT welcomes this focus on investment in early childhood programs and services; • APO NT is concerned that the report underestimates the challenges associated with the roll-out of new programs in remote areas, and suggests that specific remote implementation plans and associated investment needs to be detailed; • Many remote Aboriginal children come to school and are set up to fail. This is evidenced by NAPLAN and AEDI results. Early childhood programs can be a key enabler for improved educational outcomes. • APO NT strongly supports recommendation 1.5 regarding comprehensive case management • APO NT does not support the proposal to roll-out the SEAM trials to 200 further locations (see below) • APO NT believes that Aboriginal organisations are the best placed organisations to deliver early childhood programs and should be supported to do so.
Recommendation 2: School Attendance	<ul style="list-style-type: none"> • APO NT believes that there needs to be positive rather than negative messaging around parental responsibility and school attendance. In our view, both governments have focused too heavily on coercive and punitive measures – such as the School Enrolment and Attendance Measure (SEAM) and other coercive measures on parents and independent children who fail to attend school. Fines and other forms of coercion, and rejection of cultural inclusion in schools, may satisfy populist desire for strong action but are not supported by available evidence as effective in improving school retention or achievement.¹ Such approaches also fuel the already widespread concern of Aboriginal parents that schools do not support their aspiration for their children to have a good education in both western schooling and Indigenous knowledge. It is difficult to see how such a situation can result in the effective partnerships between schools, parents and communities that governments have committed to. • The new truancy program in the NT funded by the Federal Government must be evaluated and results should be published so that decision making can be based on evidence. • APO NT recommends that Aboriginal Education Workers be employed to work closely with Aboriginal families, because they are the link between schools and the community.
Recommendation 3: Improving educational	<ul style="list-style-type: none"> • APO NT welcomes the focus on educational outcomes in addition to attendance • There are many issues relating to severe social and economic disadvantage for many students in remote and urban communities that impact on the ability of students to engage with education. It is vital that education policy in the NT encompasses a whole-of-government approach to improving and supporting social, health and economic outcomes for Aboriginal people, with a strong focus

¹ For further information on this see APO NT's submissions to the Northern Territory Education Review and Review of the NT Education Act on the APO NT website: <http://apont.org.au/index.php/education.html>

<p>outcomes</p>	<p>on community owned and controlled solutions.</p> <p>The Closing the Gap Clearinghouse report, <i>What works to overcome Indigenous disadvantage</i> summarised key evidence from Australian and international research that:</p> <ul style="list-style-type: none"> - Projects characterised by a high degree of Indigenous involvement and control produced significant benefits for participants; and - Engaging parents in children’s learning was of critical importance² <ul style="list-style-type: none"> • Consistent with article 14 of the UNDRIP, APO NT believes that in the Northern Territory there is a pressing need for an independent community controlled peak body for Aboriginal education, which would greatly increase opportunities for Aboriginal participation and control. AMSANT is the peak body for Aboriginal community-controlled health. It is no coincidence, that the NT has developed national-leading examples of innovative health care practices for Aboriginal people in the remote context. The NT education sector needs to learn from the experience of the health sector. There needs to be genuine partnership between the school and community where the community has control or autonomy over the process of development that occurs in the school or class room. Depending on the community, this would not necessarily mean that the community carries out all responsibilities concerning school-classroom development, but instead the partnership could create an umbrella of control where all employees (paid and voluntary) work according to the notion that power is delegated to them for a period of time from Aboriginal decision makers.³ • APO NT asserts that a bilingual education can provide the basis for learning English literacy and numeracy, and disputes the report’s focus on English-language explicit instruction. In the NT, the available evidence supports the contention that students in bilingual programs generally attained better literacy and numeracy scores than their peers in non-bilingual schools. • The report is very focused on attracting and retaining high performing teachers. While this is important, APO NT believes it is important to create equity in support for Aboriginal and non-Aboriginal staff. For example, in the NT local teachers and teachers aides are not provided with staff housing. APO T strongly recommends that to enhance the engagement of local Aboriginal staff members, the Government should seek to offer equal benefits to both locally and externally engaged staff, such as remuneration and housing. • APO NT also believes that there should be training in cross-cultural communication and engagement skills, cultural awareness and Aboriginal languages, cultures and histories for non-Aboriginal teachers. • APO NT supports the need for adequate resourcing of Aboriginal education. This is an issue of particular significance in the NT because of the high number of remote schools. Evidence suggests that there has been systemic, racially discriminatory under-resourcing of Aboriginal education in the NT. Research in the community of Wadeye found that Wadeye children received less than half the average per capita funding for children attending school in the NT. In a case to the Human Rights and Equal Opportunity Commission (HREOC) this was found to be racially discriminatory. It is essential that state and territory governments be held accountable by the Commonwealth government with regard to the adequate and equitable resourcing of Aboriginal schools and education.
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² Ibid.

³ Heslop, J. ‘Making the schools relevant: School and community in partnership’. IN Parlington, G. (Ed). (2000). *Perspectives on Aboriginal and Torres Strait Islander Education*. Melbourne: Cengage Learning, p.275.

<p>Recommendation 4: Stopping distractions to education</p>	<ul style="list-style-type: none"> • The future of education in the NT must include measurable performance indicators to develop and foster more Aboriginal educators. • The importance of culture is highlighted in the observation that “in the context of societies with dominant and minority cultures, such as Australia, the widespread and persistent suppression of minority cultural practices causes severe disruption, making our communities susceptible to trauma, collective helplessness and endemic maladaptive coping practices.”⁴ APO NT believes that culture cannot be ignored or treated as a barrier to learning. It is a strength that should be built upon. • Suggesting that ceremonial practice be confined to weekends, school holidays and after school hours suggests a total lack of understanding of the imperatives and world view of remote Aboriginal people. • The government should actively seek to identify and support community based goals, rather than adopting a top down, ONE SIZE FITS ALL approach to education delivery. Only community members can drive any possible changes to the way the community choses to conduct its own business according to their own priorities. • To ensure community involvement in local schools’ decisions and practices, nominated community based leaders and elders should sit on school boards and school councils. • The local community should be engaged in areas of the school curriculum to ensure that Aboriginal people in the community are closely connected with the schools, are valued for their knowledge and expertise and can help students and teachers make the connection between traditional and western education in a culturally safe environment.
<p>The Healthy Welfare Card</p>	
<p>Recommendation 5: The Healthy Welfare Card</p>	<ul style="list-style-type: none"> • APO NT does not support the introduction of the Healthy Welfare Card given that income management in the NT is extremely expensive and has been found in a recent evaluation to not be achieving any of the desired outcomes or objectives of the policy.⁵ • If, despite APO NT’s recommendations, the government does proceed with a national income management scheme APO NT notes that a card linked to mainstream financial institution (ie a debit card) would carry less stigma, and be more flexible, than the current Basicscard used in the NT. However some service providers have warned of possible problems associated with mainstream fees and charges. • APO NT does not under any circumstances support the proposal to income manage 100% of a recipient’s income.
<p>Implementation and Accountability</p>	
<p>Recommendation 6-8:</p>	<ul style="list-style-type: none"> • APO NT agrees that there needs to be far greater accountability and transparency in relation to government policy and program development, implementation and resourcing. • APO NT does not believe that the recommended actions (6.1 – 7.4) will achieve the desired accountability. There have been

⁴ Halloran, Dr Michael J. (2004), ‘Cultural maintenance and trauma in Indigenous Australia’, Paper presented at the 23rd Annual Australia and New Zealand Law and History Society Conference, Perth, Western Australia (2-4th July, 2004).

⁵ This was found in the cited article, but also through recent updates with Kelly Hand, Matthew Gray and Ilan Katz on new research on income management due for release this year: Bray, R.J., Gray, M., Hand, K., Bradbury, B., Eastman, C and Katz, I., ‘Evaluating New Income Management in the Northern Territory: First Evaluation Report’, July 2012, University of New South Wales and Australian National University, http://www.dss.gov.au/sites/default/files/documents/11_2012/nim_first_evaluation_report.pdf

	<p>numerous taskforces, and whole-of-government approaches over the years, with limited results. The key question is ‘accountable to whom?’. APO NT strongly asserts that government needs to be accountable to Aboriginal people in each state or Territory. A mechanism needs to be developed to allow an Aboriginal representative body at the state and territory level to determine policy, drive implementation and hold the government/s accountable.</p> <ul style="list-style-type: none"> • It is unclear how the recommendations regarding the agreement to implement the recommendations would be in any way different to existing National Partnership Agreements
Breaking the welfare cycle	
Recommendation 9: Young People	<ul style="list-style-type: none"> • APO NT does not agree with recommendation 9.1. There is no evidence provided that demonstrates that tying education or training for employment to welfare payments will result in keeping young adults engaged in school or commence engagement in training.
Recommendation 10: Job seeker obligations	<ul style="list-style-type: none"> • APO NT does not support this recommendation. Mutual obligation already exists. But to place such an obligation upon recipients of Carers payments, Disability support payments and Parenting Payments is flawed. For example, what would be the benefit of obligating a recipient of the Disability support payment in a community with limited job opportunities, to undertake meaningless work that does not progress their work or the objective that they gain meaningful employment. • There needs to be considerably more consultation around the current social security environment and its effective relationship with certain demographics.
Recommendation 11: Breaking the Welfare Cycle	<ul style="list-style-type: none"> • APO NT does not support this recommendation. It would appear that this recommendation would be overstepping the McClure Review. The Government should be waiting to see the results of the McClure Review before social welfare reforms are formed and implemented. • Further, it would appear that this recommendation contradicts the overall objective of transitioning people off of welfare dependency.
Building capability, dismantling the cash barbeque and eliminating disincentives	
Recommendation 13: Employment services	<ul style="list-style-type: none"> • APO NT does not support transferring RJCP recipients to Newstart Allowance.
Recommendation 15: Driver’s licences	<ul style="list-style-type: none"> • APO NT supports these recommendations. This measure could have considerable impact on reducing recidivism on those who breach disqualification orders due to employment purposes. This will allow those who make rare mistakes continue their rehabilitation by not imposing measures which would see them lose their employment on top of their punishment. • There could be policy implications surrounding the implementation of this measure and careful consultation will be required when the framework for the implementation of this measure is developed.
Recommendation 16: Training in	<ul style="list-style-type: none"> • APO NT supports these recommendations but also highlights that there is a need for these programs to be delivered in a culturally appropriate manner and not discard the role that Aboriginal culture can play in the learning and engagement of inmates. This should

incarceration	not be used as an assimilation type tool. Aboriginal people should not have to choose between their culture and mainstream Australia. Again the 'Both Ways' method should be adopted.
Recommendation 17: Housing	<ul style="list-style-type: none"> • APO NT is deeply concerned by the premise underlying much of this report that remote community residents need to move away from their community and traditional country in order to obtain employment and participate in the mainstream economy. • Housing in the Northern Territory is hard to come by. In remote communities in particular, this problem is greatly exacerbated by the absence of a diversified housing sector, and a public housing system that has thus far been unable to cope with the strain. These factors combine to produce high rates of homelessness and overcrowding, with barriers to private home ownership apparently insurmountable. There is a clear need for better housing arrangements in the Northern Territory, and especially in remote communities, and efforts by the Commonwealth and Northern Territory government to meet this need have been demonstrably unsuccessful. • These people that do want to relocate for employment should be supported with access to appropriate and affordable accommodation. • The report adopts an ideological position that private home ownership is to be aspired to but does not explicitly state the aims of this program, nor sufficiently analyse the complexities associated with private home ownership in remote communities. Issues include but are not limited to, the uncertainty of the behaviour of remote housing markets, the possibility of trapping recipients in negative equity, the problems associated with private responsibility for repairs and maintenance in remote areas, and the level of private income required to service a mortgage. • APO NT does not support any redirection of the 'remote housing funding to increase first Australian employment home loans' (as recommended in 17.1.5). • APO NT does not support prioritising social housing to families in employment, etc (as recommended in 17.2.3). Housing allocation must be based on need and equity, not employment status. This would create further stress within the community. • APO NT does not support the recommendation regarding rent for public housing.
Building Employer demand	
Recommendation 18: Government procurement	<ul style="list-style-type: none"> • APO NT believes this recommendation falls short. The qualifying minimum percentage for Indigenous ownership of the business should be at minimum 50%. This would ensure the businesses are genuine Indigenous businesses with genuine Indigenous control. • There are other serious flaws including the seemingly low 4% purchase of goods and services. • APO NT believes there needs to be specific support programs developed to enable Indigenous businesses to enter into joint venture arrangements.
Recommendation 19: Top 200 employers	<ul style="list-style-type: none"> • APO NT supports the active involvement of Australia's Top 200 in increasing Indigenous employment on the basis that public funds are not utilised to support the concept, other than the utilisation of existing training and employment programs. • It is disappointing and concerning that Aboriginal organisations and service sectors were not recommended as a way to close the gap

	<p>on Indigenous employment. Aboriginal Community Controlled Health Services alone, are the ‘largest single employers of Aboriginal people, providing meaningful and sustainable training and career pathways’. These employers also provide economic benefits to local and regional business.⁶</p> <ul style="list-style-type: none"> • Equally as important are areas such as housing, which provides huge potential for sustainable employment in construction, housing maintenance and repairs, and tenancy management. In the past a significant Aboriginal controlled housing sector existed, now almost completely dismantled and taken over by government and private enterprise. We urge the rebuilding of an Aboriginal controlled housing sector as a significant component of sustainable enterprises and employment for Aboriginal communities. • APO NT does not support the government negotiating individual contracts with companies for payments rewarding retention of employees at 26 weeks (as in recommendation 19.3). If the government intended negotiating individual contracts, then it should be done with each Aboriginal employer, such as small businesses, etc.
Recommendation 20: Support for employers	<ul style="list-style-type: none"> • APO NT supports this recommendation.
Recommendation 21: Public sector employment	<ul style="list-style-type: none"> • APO NT supports this recommendation.
Empowering people in remote communities to end the disparity themselves	
Recommendation 22: Remote Job Centres	<ul style="list-style-type: none"> • APO NT does not support this recommendation. There doesn’t appear to have been appropriate consultation on the effectiveness of this recommendation or its possible implementation. There are already very limited employment opportunities in Aboriginal communities. By further limiting how people may undertake training for employment in communities with this recommendation would only be counterproductive and detrimental to Aboriginal people. • Recommendation 22.10 is not viable, because there are little to no, alcohol or drug rehabilitation services in NT Aboriginal communities. • APO NT put considerable work into developing a proposal for a remote subsidised employment program which would replace the old CDEP program by acknowledging its faults and building on its many strengths. It remains APONT’s view that such a program is the most viable way to improve participation and develop remote communities. APO NT urges the government to reconsider such a scheme as a matter of urgency and we note that it would provide the means to create “social enterprises or intermediate labour markets” that the review supports (p197). APO NT’s proposal is attached here.
Recommendation	<ul style="list-style-type: none"> • APO NT welcomes a focus on indigenous governance and recognition that building strong indigenous governance is critical. However,

⁶ NACCHO, ‘Andrew Forrest: Aboriginal community controlled health sector is the single largest employer of Aboriginal people’, Media Release, August 4 2014, <http://nacchocommunique.com/2014/08/04/andrew-forrest-aboriginal-community-controlled-health-sector-is-the-single-largest-employer-of-aboriginal-people/>

<p>23: Local governance Recommendation 24: Consolidating service delivery</p>	<p>these recommendations fail to comprehend the complexity of the governance development work required in remote areas, fail to comprehend the difference between legitimate governance arrangements and ‘service delivery’ and do not question whose ‘social norms’ are being imposed.</p> <ul style="list-style-type: none"> • The report acknowledges that remote Aboriginal organisations sometimes must carefully carry out more than just service delivery in order to bring remote Aboriginal community residents into the world of work. It says (p197): “Activities should target areas of market need, but where there is a market failure due to costs and barriers to entry, social enterprises or intermediate labour markets should be supported to deliver these activities.” • Among the Aboriginal Governance and Management Program’s range of activities and ‘client’ organisations, the program is working closely to support one very remote Aboriginal organisation that exemplifies the challenges but also the realisation of potential here if properly supported. This organisation provides a range of regional services and social enterprises employing 144 staff – and 90% of them are Aboriginal! It has been in existence since 1983, generally going from strength to strength. Yet occasionally such organisations require support. This should not be read to necessarily imply regular phases of impropriety in such organisations – certainly not in this case – rather it is simply a reflection of their challenges. Funding must continue to bodies like the AGMP to provide the support if organisations like the one mentioned here are to continue to serve and employ remote Aboriginal people. It is an investment in their sustainability as service providers and employers of Aboriginal people. • The organisation mentioned in the paragraph above points to some of the deficiencies in the Creating Parity report chapter 8. One is its emphasis on local organisations when it is commonly remote <i>regional</i> Aboriginal organisations, such as the one mentioned above, that are best placed to serve and employ <i>sustainably</i>. If they have cultural legitimacy – essentially they are constituted appropriately, do not neglect local affiliations and continue to deliver – and are properly supported, regional organisations can provide the economies of scale etc that local organisations often cannot. Yet the Creating Parity report says (p202): “Integration of services through a single local organisation is essential” for its model to work. It is true that many remote Aboriginal communities experience a duplication of services through a number of organisations. But reducing them all to one local organisation is not the way to address this. • While APO NT supports the intention of Recommendation 24 to consolidate and integrate service delivery in local Aboriginal organisations, we do not support the creation of new entities called Local Responsibilities Boards to be given local service delivery and thus employment oversight among a range of other powers (pp 204-206). • Recommendation 24 (p206) says: “That, to reduce duplication and improve outcomes from service delivery aimed at improving employment and social wellbeing of first Australians, the Commonwealth, state and Northern Territory governments (should) engage with Local Responsibilities Boards to consolidate and integrate service delivery in credible local first Australian organisations.” • Recommendation 23 (p205) makes clear these boards would also have “the power to set out and enforce rules, expectations and consequences in relation to matters such as work, schooling and other social norms.” It says these boards would be on an opt-in basis and the quote from page 202 in the third paragraph above suggests they <i>may</i> not be uniform in nature. • Yet, while perhaps well-meaning, they appear to represent a sweeping, imposed, one-size-fits-all, quite radical change to current
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	<p>remote NT Aboriginal community dynamics that will lack community and cultural legitimacy and authority. The likelihood is that these will become dysfunctional bodies that do little to support employment, and instead detract from and disrupt those local and regional organisations with community legitimacy, like that mentioned in the paragraphs above, that are serving and providing employment for communities.</p> <ul style="list-style-type: none"> • Further, some of the suggested roles, such as the ‘power to hear and determine appeals by individuals against a decision to withhold, or income-manage, welfare payments’ is clearly drawn from the Cape York Families Responsibilities Commission model but without any of the associated support programs, statutory basis, funding, professional development and protection for community commissioners. Without such a framework this is an unacceptable proposal.
Recommendation 25: Remote housing	<ul style="list-style-type: none"> • Again, APO NT does not support the prioritisation in the allocation of social housing for families in employment, etc (as in recommendation 25.3)
Recommendation 26: Enabling leasing or freeholding of Indigenous land	This recommendation is being responded to by the CLC and NLC separately.
Recommendation 27: Land access payments	This recommendation is being responded to by the CLC and NLC separately.