

**FROM THE GRASSROOTS:  
FEEDBACK FROM TRADITIONAL LANDOWNERS AND COMMUNITY  
MEMBERS ON THE AUSTRALIAN GOVERNMENT INTERVENTION**

**An initial briefing paper**

**19 December 2007**

### **Introduction**

In the months since the intervention was introduced, the Director and Chairman of the Central Land Council (CLC) have begun a 'listening tour' around communities to discuss aspects of the intervention with community members. The communities visited to date include:

- Yuendumu meeting 3 October, 100 Aboriginal residents present. Second meeting 30 October, 70 Aboriginal residents present.
- Laramba meeting 11 October, 30 Aboriginal residents present.
- Ampilatwatja meetings 16 October, 70 Aboriginal residents present. Second meetings December 4-5, 80 Aboriginal residents present.
- Lajamanu meeting 10 October, 50 Aboriginal residents present.
- Titjikala meetings 6 November, 30 Aboriginal residents present.

The intervention measures have also been extensively discussed at two Central Land Council meetings. These meetings are large scale meetings that bring together 90 senior traditional landowners, and their families, from across central Australia.

The CLC Executive, made up of the Chair and Deputy Chair of the Land Council, and 9 representatives from across central Australia have also had detailed discussions of the intervention on two separate occasions.

Together these consultations form the initial feedback from traditional landowners and community members that informs this briefing paper. The CLC accepts that this paper does not represent the views of all Aboriginal people in central Australia. It

does however, provide a sample of views based on the consultations that the CLC has conducted, to date. The CLC hopes that this paper begins to provide a snapshot of voices of people from remote communities in the early months of the intervention. The purpose of this paper is to provide early input into the Australian Government's 12 month review of the intervention measures in the NT.

Overall, most Aboriginal people from remote communities are supportive of steps being taken to address child abuse in remote communities. It is for this reason that many people participated in the initial consultations that led to the 'Little Children are Sacred' report. They also remain broadly supportive of efforts to increase policing in remote communities (although many communities have not received additional policing) and strongly supportive of the allocation of much needed housing resources. However, most Aboriginal people who participated in consultations with the CLC remain opposed to many other intervention measures including: five year leases, changes to the permits system, welfare reform measures and the current changes to the operation of the Community Development Employment Project Scheme (CDEP). This opposition is clear but it may be, in part, due to the process followed in rolling out the intervention.

Aboriginal people remain overwhelmingly opposed to the process followed in the roll out of the intervention (as documented in this paper). This largely stems from the lack of consultation around the intervention, and the lack of accurate information provided to people around the intervention measures. These process concerns have influenced greatly people's response to the intervention measures.

The CLC is of the opinion that if the roll out of the intervention had been handled more appropriately, a dialogue with Aboriginal people about how aspects of the intervention would work in their communities would have been possible.

Accordingly, some of the concerns, anger and fear expressed by people in this paper, may have been greatly reduced.

### **The intervention**

On 18 June, before the National Emergency measures were announced David Ross, the Director of the CLC, called on both the Northern Territory and Australian governments to adopt a bipartisan position and take decisive steps to address the recommendations of the Northern Territory Government's Inquiry into the Protection of Children from Sexual Abuse detailed in the 'Little Children are Sacred' report.

On June 21 the Australian Government announced a set of ‘national emergency’ measures designed to combat the high incidence of child abuse in Aboriginal communities in the Northern Territory. The Australian government stated that these measures were designed in response to the findings of the ‘Little Children are Sacred’ report (see timeline attached- Appendix1).

The measures introduced by the Australian Government fall into the following areas:

- Alcohol reform.
- The abolition of the Community Development Employment Project Scheme (CDEP).
- Blanket quarantining of welfare payments
- Further quarantining of welfare payments because of lack of school enrolment, unsatisfactory school attendance or child neglect.
- Normalised housing arrangements.
- Improved access to police.
- Health checks for children.
- Bans on pornographic material in remote communities.
- The placement of Australian Government Business Managers in remote communities.
- The increased regulation of community stores.
- The removal of customary law as a consideration in bail applications and sentencing determinations.
- New statutory property rights in government funded buildings.
- 5 year leases over 65 remote Aboriginal communities, including many communities located on Aboriginal land (as defined under the Aboriginal Land Rights Act).
- Changes to the operation of the permits system in remote communities; and
- New powers to allow the takeover of the town camps located in Alice Springs, Darwin, Katherine and Tennant Creek.

To date, the budget for this package of measures is estimated to have reached \$1.6 billion. This money is being expended without any meaningful monitoring and evaluation being built in to the intervention measures so as to determine what is working, and what is not.

## **The rollout in central Australia**

The rollout of the intervention in central Australia has seen health check conducted in most major communities, the placement of Government Business Managers and an increased police presence in some communities.

In addition, 5 year leases have been put in place in the following communities:

- Ali Curung, Alpururulam, Amoonguna, Ampilatwatja, Areyonga, Atitjere, Daguragu, Hermmansburg, Kalkukatjara, Kintore, Nyirripi, Papunya, Pmara Jutunta, Santa Teresa, Titjikala, Wallace Rockhole, Wutunugurra, Yuendumu.

5 year leases will also come effect in the following communities from Feburaray 18: Canteen Creek, Engawala, Haasts Bluff, Imangara, Imanpa, Lajamanu, Laramba, Mt Liebig, Nturiya, Tara, Willowra, Wilora, Yuelamu

At publication the welfare reform measures, including quarantining of welfare payments, have been rolled out in the following communities in central Australia, in the following order:

Group 1- Mutitjulu, Imanpa, Finke, Titjikala (Income management start date: 17 Sept).

Group 2- Hermannsburg, Areyonga, Wallace Rockhole, Santa Teresa, Tjuwumpa (Income management start date: 17 Sept).

Group 3- Mt Leibig, Papunya, Haasts Bluff, Kintore, Kaltukatjara (Docker River), Kings Canyon outstations (Income management start date: 11 December 2007).

## **The Central Land Council**

The Central Land Council (CLC) is a Statutory Authority established under the Commonwealth *Aboriginal Land Rights Act (NT) 1976* (ALRA). The CLC is also a Native Title Representative Body established under the *Native Title Act 1993*. The CLC is located in the southern portion of the Northern Territory and covers an area of 775 963 sq km, of which, 381 792 sq km Aboriginal Freehold claimed under the ALRA.

The CLC is directed by its Council, which consists of 90 members who represent traditional landowners and communities throughout the CLC region. The CLC represents approximately 18 000 Aboriginal people resident in the CLC region.

Indigenous communities located within the CLC area are diverse and include small family outstations, large remote communities and town camps located within the larger regional service centres of Alice Springs and Tennant Creek.

### **Process concerns**

Of almost universal concern to the Aboriginal people consulted, is the process by which the intervention measures have been introduced. People remain extremely concerned that there was no consultation or discussion with Aboriginal people before many of the measures were put in place. Aboriginal people from remote communities have also reported concern about the speed by which the changes have occurred, and the lack of information available on the intervention measures.

Consultation with traditional landowners is required under the Aboriginal Land Rights before any development can take place on Aboriginal land. By contrast, the intervention has involved short-term accommodation for Government Business Managers being placed in communities without any consultation. Traditional landowners in Ampilatwatja have spoken about the shock of waking up one day to find builders erecting a building without any discussion with traditional landowners about where the building should be located, or the presence of sacred sites:

“They just arrived and put up a house and a fence and then there was a new man there. No one talked to the community at all” (Feedback from CLC Region 7, Nov 13).

Similarly, community residents in Yuendumu have stated that a failure to consult over the placement of Business manager accommodation has caused significant problems. The team of workers who installed the accommodation bulldozed a humpie that someone was living in, and located the accommodation next to a sorry camp (meeting Yuendumu Oct 30). These concerns echo the recent incident in Numbulwar community where a team of workers involved in installing Business Manager accommodation dug a pit toilet in an area that was a designated, sign-posted sacred site.

These serious siting issues demonstrate the deeply flawed process that has been followed in the roll-out of the intervention. In relation to the siting of accommodation

for Business Managers, these problems could easily have been avoided if consultation with traditional landowners had occurred.

While it is easy to dismiss concerns about process, to Aboriginal people they are paramount and speak of a deep disrespect. At recent community meetings Aboriginal people in Laramba and Yuendumu have said, for example:

“The government should talk to us properly”.

“This process is a disgrace.”

“The government didn’t talk to us first. Because of how you [the government] are doing things you have put us back 30 years.”

These process concerns are further exacerbated because in many instances the roll out of information about the intervention has been inadequate, leaving many Aboriginal people in remote communities unaware of the detail of the intervention measures. In some communities traditional landowners and community members have been completely unaware that a 5 year lease had been placed over their community. This is in spite of a Government Business Manager already being in place in these communities.

People have reported being uninformed about intervention measures in the communities where the welfare reform measures and changes to the Community Development Employment Project Scheme (CDEP) have been made:

“The roll out happened too fast. They came and told us about the changes but we didn’t know what they were talking about” (Feedback from CLC Region 1, Nov 13).

Aboriginal people consulted are calling for better, clearer information about the details of the intervention and how it will affect them. Where information has been given by the taskforce, or by government agents it has often been given only to select members of the community, and not in any great detail. People in Laramba reported that when the taskforce came to Laramba, a lot of people were away (Meeting Laramba 16 October). Aboriginal people have complained that information often only goes to the town clerk in communities, or to the council but not to the community as a whole (Feedback from CLC Region 8, Nov 13).

Detailed surveying of council members from across the Central Land Council region indicates that many council members do not understand the detail of the intervention measures. Many Aboriginal people expressed concern that older people, in particular, would not understand the changes or what was happening. In Titjikala, where the welfare quarantining has been rolled out:

“Old people are finding the paperwork really hard”.

“Some old people still haven’t got their money. They are starving while that money is building up somewhere but they can’t find it” (Meeting Titjikala Nov 6).

Process concerns have affected the way that many people feel about the intervention, overall. The haste in which the roll-out of intervention measures has occurred has also given rise to a number of serious administrative mistakes that have, in many cases, eroded Aboriginal people’s support for the intervention. Aboriginal people have reported feeling “nervous” “shocked” and “frightened” about the intervention:

“We don’t understand the intervention, it came in too quick. The community was blind, we didn’t know it was coming. Parliament passed it really quick.

They should have talked to leaders, they should have explained. The Minister should have come out here. They shouldn’t just rush it through parliament”

(Feedback from CLC Region 7, Nov 13).

These concerns are related, in part, to a lack of detailed information and effective consultation strategy. Aboriginal people attending CLC meetings overwhelmingly requested more consultation with people on the ground in communities about the intervention measures, and better information about what is happening in terms of the intervention roll out.

### **Government Business Managers**

Where Government Business Managers (GBMs) are in place in many communities, community members are often unclear about what these people do. In discussions with a large group of women in Ampilatiwatja the women said that they had heard that the GBM was in the town but they did not know what he did. He had met with the Council but none of the women consulted sit on the Council (meeting Ampilatiwatja Oct 16). Similarly, people in Yuendumu commented that:

“Yuendumu has a Business Manager but we don’t know him or what he does. He should come and face us” (meeting Yuendumu Oct 3).

Business Managers seem well placed to be informing people about the intervention measures but in practice, it appears that this does not occur:

“He should be informing us about the changes but he’s doing nothing...He’s just driving around” (Feedback from CLC Region 2, Nov 13).

### **Five year leases**

Aboriginal people consulted, including traditional landowners of prescribed communities, remain strongly opposed to the placement of five year leases across Aboriginal communities in central Australia:

“This lease is no good. The government is taking over and traditional landowners will be nothing...Government is going to be the traditional landowner” (Feedback from CLC Region 1, Nov 13).

“We don’t like the lease. We want the red line off the map. The government has gotta explain what it is. The government is forgetting our rights” (Meeting Yuendumu October 3).

“We don’t support this. Why should we lose our control when they just want to fix up the houses? They are welcome to build new houses without taking over our land” (Feedback from CLC Region 7, Nov 13).

Moreover, Aboriginal people remain concerned that leases will not be handed back to Aboriginal Land Trusts at the end of the five year lease period (Feedback from CLC Regions, Nov 13). One senior women from Ampilatiwatja stated that:

“No one is a traditional owner any more, the government has taken over our country. Five years is a long time, and what happens then?” (Meeting Ampilatiwatja Oct 16).

In addition to the clear opposition to the leases being put in place, traditional landowners are also opposed to the designated lease boundary areas. The administrative process followed in establishing these geographical boundaries appears to have been an extremely poor one. Accordingly, this process has resulted in the

inclusion of infrastructure that is co-located next to a community. In many cases these boundaries are so inappropriate that they cover community dumps, cemeteries and gravel pits.

Of utmost importance to the traditional landowners is that most of the current lease boundaries cover sacred sites and 'keeping places' for cultural objects that are often located on the edge of communities. Traditional landowners have raised these concerns repeatedly with the CLC, in a number of different communities:

“That boundary is too big. We men don't want that one...Its got cultural areas and mukka mukka [sacred sites] in there”(Meeting Ampilatiwatja Oct 16).

“This is terrible. There is ceremony grounds inside that line. The Government Business Manager shouldn't have authority over those areas” ((Feedback from CLC Region 8, Nov 13).

While the issue may appear to be a trivial administrative mistake to Canberra bureaucrats, it is causing deep concern amongst Aboriginal people in the communities where leases have been put in place.

### **Links with the Little Children are Sacred Report**

Aboriginal people consulted, are confused and angry that land related intervention measures are somehow being linked to child abuse. In communities people have repeatedly expressed their disbelief that government control over land, through five year lease arrangements and changes to the permits system, was in any way related to protecting children:

“Taking the land is simply not fair. It's not just land for us, it's our future. We got kids taking over that land – how will they do that if they take it away? Our kids need to learn the law and be strong. Taking the land has got nothing to do with looking after the kids” (Laramba community meeting: Oct 11).

“The government got one thing wrong: they should target the perpetrators. Instead they have done everything because of the report and are targeting everyone. If there is anyone doing the wrong thing in Yuendumu we will shame that person in front of everyone...I spoke to Rex Wild and Pat Anderson [the authors of the 'Little Children are Sacred' report].

Now you [government] come and tell us what to do: ‘Oh, we are taking permits away, you are guilty’. Well, some non-indigenous people are paedophiles, what about them? We invited Rex and Pat and we spoke to them. We said we want education, we want psychologists, we want jobs, but you have done something else. We are so upset... We have just been classified as paedophiles, child abusers and wife bashers” (Senior man, Yuendumu community meeting Oct 30).

Most Aboriginal people remain supportive of the government taking steps to address matters related to child abuse in their communities. They do not support taking over Aboriginal communities, with five year leases, under the guise of protecting children.

### **Changes to permits**

Traditional landowners are overwhelmingly in favour of keeping the permits process in place. Many people consider that the proposed changes to the permit system would have allowed more unscrupulous people to enter into Aboriginal communities:

“We are worried about paedophiles coming in and art rip-offs. It will make it easier for people to do dodgy art deals and take photographs of us” (Feedback from CLC Region 2, Nov 13).

“These changes are a bad idea- any one can come in. It will encourage drug trafficking and dodgy art dealers who come and rip people off” (Feedback from CLC Region 5, Nov 13).

“Permits are the only protection we have. It’s like putting a sugar bowl on an ant hill- everyone will just rush in to communities” (Feedback from CLC Region 1, Nov 13).

“How do we tell people not to come if ceremony is going on?” (Feedback from CLC Region 1, Nov 13).

As these quotes demonstrate, traditional landowners continue to see permits as an important protection for communities that are located on Aboriginal land.

## **Welfare reform**

Welfare reform remains one of the most contentious of the intervention measures amongst Aboriginal people in remote communities. Of the communities that the CLC has consulted directly with only Titjikala, had experienced welfare quarantining. However, the CLC has also received feedback from regional delegates living in other communities that have experience welfare quarantining measures such as Apatula and Imanpa.

Many Aboriginal people in remote communities are opposed to 'sit down money' and think that most people should work. Ironically, in communities such as Titjikala where the Council has been trying to move people who are able to work from receiving 'sit down' money onto CDEP, it is CDEP that has been taken away as part of the welfare quarantining measures. As one Councillor said:

“They should have stopped sit down money and moved people onto CDEP but they just stopped CDEP. We want people to work for the community- we have been tough with people. People gotta sweat if they want sit down money”  
(Feedback from Titjikala community Nov 6).

Some Aboriginal people in remote communities are supportive of the idea of linking welfare changes to school attendance for children but they remain concerned about the details of the current arrangements. For example, in Amplatiwatja a number of ladies, and particularly those associated with the school, thought that it was appropriate that people who repeatedly didn't send their children to school should have their welfare payments penalised. However, the ladies remained concerned about how this would work in practice:

“People might be punished unfairly if they move around but still want to keep kids in school or if they take kids out for cultural reasons”.

“What if a kid is sick or lonely” (Ampilatiwatja community meeting Oct 16).

While many Aboriginal people are supportive of a dialogue around welfare reform, this dialogue has not taken place and a substantial number of people remain concerned about the detail of the current welfare arrangements. Many Aboriginal people are extremely concerned that the reforms apply to all people living in remote

Aboriginal communities, without any reference to peoples' actual behaviour. People have indicated that the blanket nature of the reforms means that they are not fair and do not allow for the fact that many people are good parents, who look after their children well and do not spend their money on drinking:

“We don't think these welfare changes are really fair- they get everyone”  
(Lajamanu community meeting Oct 10).

“This picks up people who are doing the right thing. It should be case by case like problem drinkers or gamblers. Then it might be ok, for the people that need it” (Feedback from CLC Region 7, Nov 13).

It appears from the feedback that the CLC has received to date, that people would be more supportive of the welfare changes if they were targeted at people who were behaving irresponsibly.

Many Aboriginal people in remote communities are greatly concerned about the discriminatory nature of the welfare reforms, in that they apply only to Aboriginal people. As a number of Yuendumu man stated:

“What about our human rights, why aren't these measures national?”

“The laws are only aimed at us. The government is telling us to be quiet”

“You are treating us like convicts. But we are people, yapa people”.

(Yuendumu community meetings Oct 3 and Oct 30).

People have also likened the quarantining and voucher nature of the reforms to rations handed out to people by the missions that once operated in remote communities:

“This is back to the mission days. We used to line up for food and rations.

This is taking us backwards” (Yuendumu community meeting Oct 3).

“This is rubbish...It is going back to the old welfare days just like when old Vesty was holding onto our money” (Feedback from CLC Region 3, Nov 13).

Aboriginal people living with welfare quarantining arrangements have also have a numerous specific concerns about the details of the welfare reforms. For example;

- “These changes will stop us being able to travel wherever we like because our payment will be stuck at home.”
- “What if I want to save to buy a car?”
- “This is a big problem for people who are looking after lots of kids. What about them?”

- “If you want to use the money in town you can’t get any cheap things like second hand clothes- you can only go to Coles, Woolworths or Kmart”.
- “People have had problems they need to fix up they have had to run around from the store to Centrelink and back. I have been running around, I keep asking. It’s a big headache”.
- “I’m eating from meals on wheels that’s all because there is no money coming in”.
- “It’s a tornado hitting central Australia”. “Govt just taking over.” “Instead of sending the army, why not come out and visit.” (Feedback from CLC Regions, Nov 13 and also Titjikala community Nov 6).

The CLC has also been made aware of some serious administrative chaos caused by the roll out of these arrangements. While it is expected that these problems will be corrected over the time in the meantime they have caused serious distress to large numbers of people living in communities where the welfare reforms have taken place. People in these communities have repeatedly asked for better information, a slower roll-out process and better, longer-term access to Centrelink agents. If such a process has taken place people may now be more supportive of the welfare reform package.

### **Changes to CDEP**

While recognising the need for some reform, Aboriginal people from remote communities have been almost universally opposed to the abolition of the Community Development Employment Project scheme (CDEP). Many Aboriginal people describe CDEP as a pathway to real employment and as integral to the operation of ranger programs and other activities in communities:

“Taking away CDEP will stop ranger programs and small business. It’s ok to give people proper jobs who have worked a long time on CDEP, but CDEP should stay for young people.” (Feedback from CLC Region 6, Nov 13).

“We have to keep CDEP it teaches young people how to work. There is nothing to do without CDEP. We need training for proper qualifications... We are really sorry for that ranger program” (Feedback from CLC Region 7, Nov 13).

“In Titjikala everything was working well- CDEP was working well. Now its all fallen over. We were doing small community projects with CDEP, things

that people wanted to do. Stopping CDEP has stopped self-determination because that was the only money people has to do any projects” (Feedback from CLC Region 1, Nov 13).

The transition arrangements from CDEP to work-for-the dole have been extremely problematic. From a CLC perspective changes to the operation of the award winning CLC Tjuwanpa ranger programs have been administratively chaotic. For example, CDEP payments stopped on October 26, and new Centrelink payments did not kick in until November 12. The administrative paperwork associated with Rangers being registered on CDEP consisted of the following process:

- Registration with Centrelink.
- Registration with a job network provider. Receive a red card (indicating transitional placement), a green card (inclusion in a work-for-the dole scheme) or a blue card (immediate placement in a seriously limited number of real jobs).
- Work a supervised 15 hour week.
- Timesheets submitted for approval to the job network provider who passes them on to Centrelink.

Unsurprisingly many of the Rangers were unable to comply with this administrative process and, at the beginning of the new welfare arrangements only half of the previous Rangers had managed to be registered on CDEP (Tjuwanpa Rangers Coordinator Report, 1 November 2007).

Changes to CDEP have also had a major impact on the morale of the Tjuwanpa Rangers. Rangers have made comments such as:

“We are the award winning Rangers, and now we’re on the dole!”

“I am not going to do contract work for dole money” (Tjuwanpa Rangers Coordinator Report, 1 November 2007).

People who have lost their jobs because they were once employed on CDEP are extremely distressed. In one community a man who had previously worked in an orchard on CDEP said:

“I was working but now I’m doing nothing- just drinking. I’m going down to the creek. I’m just gona go back to drinking till I die”.

The human cost of these administrative decisions is difficult to evaluate but it is Aboriginal people who once again, are bearing the brunt of the costs of these decisions.

Finally, Aboriginal people remain extremely concerned about what will happen to ceremonial activities that usually take place over Christmas, now that people must work-for-the-dole. Historically, CDEP workers have been given a six week pay packet and 6 weeks leave at this time of the year which has been used to support ceremonial activity. People are concerned that if they participate in ceremony they will be breached for not attending work (Feedback from CLC Region 7, Nov 13).

### **Policing**

Aboriginal people remain extremely supportive of additional policing resources being placed in remote communities. Where additional police have been placed in communities, people report that they are happy with these arrangements. Many communities still have no police and would like them as a matter of urgency.

### **Housing**

Aboriginal people are extremely supportive of steps to place additional housing resources, as a response to the critical housing shortage in remote communities. However, it will be some time before these additional housing resources are rolled-out.