
Commonwealth Government Intervention in NT Communities: Background

What aspects does it affect?

- It affects welfare benefits
- Community stores
- Changes to the permit system
- Land rights law
- Sentencing in Criminal law and bail
- Grog
- Pornography
- Management of communities

Where does it apply?

- It will apply to approximately 70 communities or more, including community living areas and town camps also affected

How long and Spending?

- Spending over \$587 million this financial year in “additional” money - 2007/2008 (Minister 7/8/08)
- “The emergency measures will last for up to five years while longer term approaches develop.” (23/8/07 FACSIA)

Welfare benefits changes include:

- Social security benefits
- Social security pensions
ABSTUDY
- Defence Service pensions
- Income support
- Defence force income support allowance
- Compulsory Income Management for welfare benefits
- For 12 months, half of all income-support and family-assistance payments will be income managed—that is, held back—so that the money can be spent only on food, rent and other essential items.
- One hundred per cent of advances, lump sums and baby bonus installments will be income managed (FACSIA Fact Sheet 14)

- Government Department will take out 50% of welfare benefit for Aboriginal inhabitants who live in a listed community for next 12 months, related to residence not behaviour

- Half or more of social security payments go will into an Income Management Special Account in the name of each resident, but managed by the government department, and can go into vouchers or store value cards.

- Money can be used for “priority needs” — food, clothing, health needs, things for the house, childcare, education, rent, funerals, motor car costs but cannot be used for alcohol, tobacco, gambling or pornography.

- You can ask for a statement showing how the money has been spent

- The Department can exempt a person from this new law (123UG)

- Appeals can be made against department decision to another Centrelink officer but there is no external review by SSAT OR AAT

School Enrolment

- The Department can give notice asking for proof that the child is enrolled in school. If the child is not enrolled or does not attend school regularly, this can result in up to 100% income management

Land Rights Changes

- No Permits will be needed for communities, the roads to the communities (access roads), roads within the communities, stores, football ground, art centre etc and community airstrip, barge landing areas. Permits for all other areas on Aboriginal land remain in place.

- Freehold title remains with traditional owners but Minister has right of exclusive possession of community area

- Minister will control who can live in the community under the 5 year lease

- Minister may/may not pay rent - his decision

- 5 Year Leases continued

- Existing leases/interests in land are protected but Minister can finish any existing lease or interest in land.

- the Government will continue negotiations with interested communities on 99-year township leases and if agreed will apply instead of the 5 year lease

- Compensation to Land Owners

- Compensation for the taking of 5 year leases will be paid to traditional owners if required by the Australian Constitution
- As we are a Territory existing High Court case law is that compensation doesn't have to be paid in a Territory
- NT Law Self Government Act changed so that compensation not required unless High Court says it is required by the Constitution.
- Possible test case.
- Government business managers for each community
- Government managers will be appointed to communities, or groups of communities
- manage services and assets - buildings, houses, rent collection, maintenance of houses
- Manage delivery of essential services and co-ordination of government programs
- Minister control all government programs
- The Minister or his delegate will be able to control all government programs delivered in a community
- Can appoint outside managers for a program
- Native Title
- If native title exists it is suspended for the 5 year lease period

Alcohol Laws

- "People will be banned from having, selling, transporting and drinking grog.
- Take-away sales across the Northern Territory are being monitored.
- Drinking permits will stay in place pending a review of their effectiveness and some clubs (licensed premises) in communities will be allowed to operate, but only if they have strict alcohol-management rules."
- (Minister 18/8/07)
- Pornography
- Pornography is being banned. All publicly-funded computers will be checked for any illegal material.
- community stores
- Licences will be issued to community stores that:
- are able to participate in the requirements of the income-management scheme
- have a reasonable quality, quantity and range of groceries and consumer items, including healthy food and drink, available and promoted at the store
- can demonstrate sound financial structures, retail practices and governance.
- Conditional licences can be issued

- Minister can take over store if cant meet livensing conditions

FACSIA Fact sheet16

- Sentencing and Bail
- Change NT criminal law
- bans taking into account of ABORIGINAL customary law or cultural practices in bail and sentencing decisions of the Courts when it would reduce or make greater the penalty
- Courts can still take into account other community/ ethnic groups culture in sentencing and bail decisions if the Court thinks it is proper
- Racial Discrimination Act
- Government say the laws are not discriminatory
- Intervention law says the RDA sections 9 & 10 that make discrimination unlawful and NT Anti-Discrimination Act won't apply
- Government says the Northern Territory emergency response is a 'special measure' and for the benefit of the affected Aboriginal people
- Racial Discrimination Act (cont'd)
- One Judge in the High Court in *Gerhardy v Brown* indicated that special measures require the "consent" of the Aboriginal community people affected?
- But also that Parliament determines whether the special measures are necessary

Relevant legislation (all Federal Parliament Canberra laws)

- *Northern Territory National Emergency Response Act, 2007*
- *Social Security and Other Legislation Amendment (Welfare Payment Reform) Act 2007*
- *Families, Community Services and Indigenous Affairs and Other Legislation Amendment (Northern Territory National Emergency Response and Other Measures) Act 2007*
- *Appropriation (Northern Territory National Emergency Response) Act (No. 1) 2007-2008*
- *Appropriation (Northern Territory National Emergency Response) Act (No. 2) 2007-2008*

See also Central Land Council fact sheets:

http://www.clc.org.au/media/publications/fact_sheets/factsheets.asp