



LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

COUNCIL OF TERRITORY CO-OPERATION

THIRD PROGRESS REPORT

November 2010

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CHAIR'S FOREWORD

The third Council of Territory Co-operation report continues to bring to Parliament recommendations on the three main issues the CTC is focussing on; the Strategic Indigenous Housing and Infrastructure Program (SIHIP), local government reform and *Working Future*.

This report again raises issues and makes recommendations about the housing design, life-span of the houses and ongoing maintenance on the SIHIP houses. A visit to Wadeye highlighted the importance of the tenancy agreements and the tenants understanding of agreement conditions.

Local government reforms, SIHIP and the changes to CDEP and other numerous government policies are placing enormous strain on the shires' economic viability. Northern Territory and Australian Governments must sit down with shires to resolve these issues. The memorandum of understanding being developed by the MacDonnell Shire with government should be replicated in all shires.

The CTC strongly supports the call for the Northern Territory Government to take over the negotiations and administration of all leases on Aboriginal land. Future township leases should not be based on the Nguju township lease which has been found to be hindering economic development.

It should be noted that the Country Liberals have now withdrawn from the CTC. Obviously I am disappointed with the decision which I hope will be reconsidered because the CTC offers unique opportunities for members outside of government to investigate, question and learn about government policies.

I should make it clear that regardless of the withdrawal of the Country Liberals the CTC will continue.



Gerry Wood
Chair

CTC MEMBERS

Mr Gerry Wood, MLA Member for Nelson	Independent
Ms Marion Scrymgour, MLA Member for Arafura	Territory Labor
Ms Lynne Walker, MLA Member for Nhulunbuy	Territory Labor
Ms Alison Anderson, MLA Member for Macdonnell	Independent
Mr Willem Westra Van Holthe, MLA (14 October 2009 to 2 November 2010) Member for Katherine	Country Liberals
Mr John Elferink, MLA (14 October 2009 to 18 June 2010 13 July 2010 to 2 November 2010) Member for Port Darwin	Country Liberals
Mr David Tollner, MLA (18 June 2010 to 13 July 2010) Member for Fong Lim	Country Liberals

CTC SECRETARIAT

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ABBREVIATIONS

ABA	Aboriginals Benefit Account
AG	Australian Government
ALC	Anindilyakwa Land Council
ALRA	<i>Aboriginal Land Rights (Northern Territory) Act</i>
CHIP	Community Housing Infrastructure Program
COAG	Council of Australian Governments
CDEP	Community Development Employment Projects
CEA	Community Enterprises Australia
CEO	Chief Executive Officer
CLC	Central Land Council
CTC	Council of Territory Co-operation
DHLGRS	Department of Housing, Local Government and Regional Services
EDTL	Executive Director Township Leasing
FaHCSIA	Australian Government Department of Families, Housing, Community Services and Indigenous Affairs
GBM	Government Business Manager
HOIL	Home Ownership on Indigenous Land
IBA	Indigenous Business Australia
IES	Indigenous Essential Services
LANT	Legislative Assembly of the Northern Territory
LGA	Local Government Act
LGANT	Local Government Association of the Northern Territory
NLC	Northern Land Council
NPA	National Partnership Agreement
NTER	Northern Territory Emergency Response Also known as the Northern Territory Intervention
NTG	Northern Territory Government
OTL	Office of Township Leasing
PRA	Post Review Assessment
PWC	Power Water Corporation
RTA	Residential Tenancies Act
SDCU	Service Development Coordination Unit
SIHIP	Strategic Indigenous Housing and Infrastructure Program

LIST OF RECOMMENDATIONS

Recommendation 1

The CTC recommends that SIHIP construction only be of housing designs that will deliver the longest possible useful life and low maintenance requirements.

Recommendation 2

The CTC recommends that the Northern Territory and Australian Governments urgently consider transferring SIHIP refurbishment funding from alliances to shires or other local organisations to undertake refurbishments.

Recommendation 3

The CTC recommends the SIHIP program managers provide the CTC with details of the 'programmed way' DHLGRS repairs and maintenance funding is being used to complete SIHIP refurbishments.

Recommendation 4

The CTC recommends that it be provided with the full details of all conditions and service requirements of housing repairs and maintenance funding paid to shires.

Recommendation 5

The CTC recommends a scope of works be published for the three Tennant Creek town camps where infrastructure works are underway.

Recommendation 6

The CTC recommends:

- (a) a greater level of consultation occur with shires on how SIHIP subdivisions are planned; and
- (b) details be provided of the planning processes followed for designing SIHIP subdivisions and who participates in the processes.

Recommendation 7

The CTC recommends that all cases of apparent malicious and wilful damage to public housing be reported to Police, as part of the tenancy and asset management systems.

Recommendation 8

The CTC recommends the Northern Territory Government honour its commitment to provide a detailed financial report on SIHIP each quarter.

Recommendation 9

The CTC recommends the Northern Territory Government provide details of how the outcome of delivering healthy homes will be monitored and evaluated.

Recommendation 10

The CTC recommends DHLGRS develop memorandums of understanding or agreements with all shires to improve coordination between governments and establish a single point of contact.

Recommendation 11

The CTC recommends the Northern Territory Government:

- (a) tell the Australian Government that the closure of CDEP will have a detrimental impact on Aboriginal communities; and
- (b) work with the Australian Government to achieve the maintenance of the CDEP program.

Recommendation 12

The CTC recommends the Northern Territory Government provide a report to the CTC on the number of current local jobs in local government by shire and community and the number of jobs that existed prior to local government reform.

Recommendation 13

The CTC recommends the Northern Territory Government provide information about ongoing additional funding it has identified that will assist shires in delivering the full range of services.

Recommendation 14

The CTC recommends the Northern Territory Government urgently establish a Northern Territory statutory lease-holding entity or negotiate with the Australian Government for the transfer of the Office of Township Leasing.

Recommendation 15

The CTC recommends the existing township leases not be used as a template and the Northern Territory Government insist on head lease terms for Territory Growth Towns that exclude the need for permits.

1. INTRODUCTION

On the 14 October 2009 the Legislative Assembly established a Sessional Committee to be known as 'The Council of Territory Co-operation' (CTC or the Council), as part of a Parliamentary Agreement between the Independent Member for Nelson, Mr Gerry Wood MLA and the Chief Minister, the Hon Paul Henderson MLA.

The CTC is comprised of up to six members including two government members, two opposition members and at least one independent member, with Mr Wood appointed as Chair. The CTC's purpose is to improve collaboration and participation in parliamentary democracy by expanding involvement of all Territorians in the Territory's governance.¹

While the duties of the CTC are to inquire into, consider, make recommendations and report to the Assembly from time to time on a range of matters of public importance, it has determined its immediate priorities are to investigate the Strategic Indigenous Housing and Infrastructure Program (SIHIP), local government and *A Working Future (Working Future)*.²

The CTC also has the power to self-reference any matter of public importance and has used this power to inquire into the compilation of domestic violence statistics and the power generation network.³ Subsequently, the CTC has resolved to inquire more generally into the management of the Power Water Corporation.

Public Hearings

Between April and the end of September 2010 public hearings were held in Darwin, Alice Springs, Santa Teresa and Hermannsburg and site visits conducted in the Larapinta and Trucking Yards town camps in Alice Springs and in Santa Teresa. In addition to the public hearings, one *in camera* briefing was also conducted in Darwin.⁴

In late August the Chair, Mr Gerry Wood, conducted informal visits to Daly River, Peppimentarti, Palumpa and Wadeye to meet traditional owners, inspect SIHIP construction and talk to local Victoria Daly Shire representatives.⁵

Initial CTC public hearings were conducted in Darwin, Tennant Creek, Alice Springs and Katherine from November to December 2009.⁶ Between January and the end of March 2010, public hearings were held in Darwin, Nguuu, Wadeye and Angurugu, Umbakumba and Alyangula on Groote Eylandt, with site visits also undertaken at Nguuu, Wadeye and on Groote Eylandt.⁷

¹ See Appendix A for a copy of the Council's full terms of reference.

² Legislative Assembly of the Northern Territory (LANT), Council of Territory Co-operation (CTC), *Media Release*, 22 October 2009, <http://www.nt.gov.au/lant/parliament/committees/CTC/Media%20Releases.shtml>.

³ See LANT, CTC, *Second Report*, May 2010, <http://www.nt.gov.au/lant/parliament/committees/CTC/CTC%20Second%20Report.pdf>.

⁴ See Appendix B for the full details of the conducted hearings.

⁵ Recording equipment was not used for this visit, however notes taken during the trip will be used in this report.

⁶ For the details see LANT, CTC, *First Report*, February 2010, <http://www.nt.gov.au/lant/parliament/committees/CTC/CTCFirstReport24Feb2010%20.pdf>.

⁷ For the details see LANT, CTC, *Second Report*.

Reporting

The Council determined it would report on a quarterly basis to the Legislative Assembly, with this being the third progress report. The first report was tabled in the Legislative Assembly on 24 February 2010; the second report on 6 May 2010; and the Council's annual report for the year ended 30 June 2010 was tabled on 12 August 2010. All reports are available online or by contacting the Council's Secretariat.

The Northern Territory Government responds to CTC reports within three months of reports being tabled.⁸ The government's responses to the CTC's first two reports were tabled on 4 May and 18 August 2010. Appendix C provides a table of edited CTC recommendations and government responses.⁹

Details of the CTC's expenditure from 1 April to 30 September are at Appendix D and the registers of the tabled papers and questions on notice are at Appendix E.

This report quotes from CTC public meeting transcripts. Page references for the quotes are taken from initial transcripts available to CTC Secretariat and therefore they may vary slightly from edited transcripts made public on the CTC's website.

Structure of the report

This report provides information on the Council's public hearings and visits during the period April to September 2010. There are four chapters of which this is the first.

Chapters two to four discuss progress in the CTC's investigations into the CTC's immediate priorities in public hearings and site visits. Chapter two reports on progress in looking at SIHIP; chapter three provides feedback on the CTC's inquiry into local government related matters; and chapter four discusses CTC findings in relation to *Working Future*.

Submissions

The Council welcomes submissions both in writing and orally. Submissions do not have to be long or detailed and can set out a community's, organisation's or an individual's concerns in dot points and can be emailed or posted to the Secretariat.¹⁰

⁸ Clause 13 of the terms of reference, see Appendix A.

⁹ For the full versions of the recommendations see the CTC's two earlier reports. For full details on the Northern Territory Government's responses see: Northern Territory Government, 'Northern Territory Government Response to 1st Report of the Council of Territory Co-operation', April 2010, <http://www.nt.gov.au/lant/parliament/committees/CTC/NTG%20Response%20FINAL.pdf>; and 'Northern Territory Government Response to 2nd Report of the Council of Territory Co-operation', June 2010, <http://www.nt.gov.au/lant/parliament/committees/CTC/NTG%20Response%202nd%20Report.pdf>.

¹⁰ See page v for Secretariat's contact details.

2. SIHIP

The Australian Government announced SIHIP in April 2008 as a joint \$672 million housing program undertaken with the Northern Territory Government in 73 remote Territory Indigenous communities and some community living areas (or town camps). As part of the initial announcement, 57 communities were listed to receive housing upgrades and 16 communities to receive major capital works.¹

SIHIP was included in the arrangements under the Remote Indigenous Housing National Partnership Agreement (NPA) agreed at the Council of Australian Governments (COAG) meeting in November 2008. Under the Remote Indigenous Housing NPA the Australian Government became the major funder of remote Indigenous housing, with States and the Northern Territory responsible for delivery.

In August 2009, responding to sustained media attention on the reported lack of houses being built, the Australian and Northern Territory Governments reviewed SIHIP's delivery. The review included assessing the program's capacity to meet Governments' housing priorities in the Northern Territory as part of COAG's Remote Indigenous Housing NPA.²

The key findings and recommendations of the review included:

- revising the unit cost estimate for houses to \$450,000;
- setting an average cost for rebuilds at \$200,000 and for refurbishments, \$75,000;
- focusing the revised program budget on housing; and
- determining housing-related infrastructure costs to be part of the audit being undertaken as part of the NPA and sourced from the NPA and Northern Territory Government programs.³

A Post Review Assessment (PRA) was also conducted to report against the SIHIP review recommendations and any issues in meeting SIHIP's targets.⁴

Three construction company consortia known as alliances were contracted to deliver SIHIP. In March, the Australian and Northern Territory Governments jointly announced that one of the alliances, Earth Connect, would cease SIHIP operations. Territory Alliance was appointed to undertake the remaining Earth Connect contract work.⁵

¹ For more information see the CTC's *First Report*, pp.4-6.

² Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) and the Northern Territory Government (NTG), *Strategic Indigenous Housing and Infrastructure Program – Review of Program Performance*, 28 August 2009, p.13, <http://www.fahcsia.gov.au/sa/indigenous/pubs/housing/sihip/Pages/default.aspx>, accessed 29 December 2009.

³ The Hon Jenny Macklin, Minister for Department of Families, Housing, Community Services and Indigenous Affairs and the Hon Paul Henderson MLA, Chief Minister of the Northern Territory, 'Improving Indigenous housing in the NT', *Media Release*, 31 August 2009, http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/sihip_31aug09.htm, accessed 29 December 2009.

⁴ O Donald & J Canty-Waldron, *Strategic Indigenous Housing Infrastructure Program (SIHIP) Post Review Assessment (PRA)*, 10 March 2010, http://www.fahcsia.gov.au/sa/indigenous/pubs/housing/sihip_pra/Pages/default.aspx, accessed 18 March 2010.

⁵ NTG, 'New SIHIP arrangements on Groote Eylandt', *Media Release*, 18 March 2010, <http://newsroom.nt.gov.au/index.cfm?fuseaction=viewRelease&id=6683&d=5>, accessed 18 March 2010.

This chapter includes SIHIP issues discussed with the CTC during visits to Central Australia and the Daly River region⁶ and with SIHIP program managers, the Northern Territory Department of Housing, Local Government and Regional Services (DHLGRS) and the Australian Government Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) and the two alliances.

Issues raised

In its two earlier reports the CTC made 15 recommendations in relation to SIHIP and the Government has agreed to about half.⁷ The recommendations reflect the CTC's concerns about the standard and type of work undertaken as part of refurbishments, finding out the cost of completed SIHIP works and infrastructure work as part of SIHIP.

Issues raised with the CTC during its visits between April and September include progress in negotiating housing leases, standard and type of work undertaken as refurbishments and infrastructure costs.

The implementation of Remote Housing NT, the Territory's public housing system in remote communities and a part of the Remote Housing NPA, is an emerging issue that the CTC looking at as houses are handed over to DHLGRS.⁸

Leases

Like most communities only receiving SIHIP refurbishments, Santa Teresa is under a five year Northern Territory Intervention lease⁹ which is considered sufficient by the Australian Government for SIHIP refurbishments.¹⁰ Santa Teresa community members said they understood there are on-going talks between the Australian Government, the Central Land Council (CLC) and traditional owners about what will happen after the five year lease.¹¹

In its June hearing, the CTC asked the Chief Executive Officer (CEO) of DHLGRS, Mr Ken Davies, how many new SIHIP houses had been completed, refurbished and rebuilt, and how many of those houses have leases. Mr Davies provided the details as follows in Table 1.¹²

Table 1. SIHIP building progress and leases

	Underway	Completed	Leased to CEO (Housing)
New houses		11	11
Rebuilds & refurbishments	113	207	200 ¹³

⁶ Note the Daly River region trip was undertaken informally by the CTC Chair, Mr Gerry Wood. Notes from his trip are used for this report.

⁷ See Appendix C.

⁸ Australian and Northern Territory Governments (AG & NTG), *Remote Housing NT*, November 2009, <http://www.housing.nt.gov.au/remotehousing>, accessed 22 April 2010.

⁹ That is a lease under the Northern Territory Emergency Response (NTER) Act.

¹⁰ See the CTC's *First Report* for details about leasing requirements for SIHIP.

¹¹ Information on the meeting with the Housing Reference Group in Santa Teresa is drawn from the Principal Research Officer's notes as the meeting was an informal briefing without a transcript.

¹² LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, pp.2-3.

¹³ Note that this number includes some housing where the Australian Government holds the lease and the CEO (Housing) manages the housing. The CEO (Housing) is a body corporate sole created to provide residential accommodation and can acquire, hold and dispose of real, leasehold and personal property: Northern Territory of Australia, *Housing Act*, as in force at 1 July 2009, sections 6, 15-16.

The CTC has examined all information available to it on leases in communities where SIHIP is being delivered and has prepared an analysis of housing lease progress, as it stood at the end of September 2010. See Appendix F for that information.

Mr Andrew Kirkman, Executive Director SIHIP, clarified which entity holds the various SIHIP housing leases.

...where we've got a housing precinct lease i.e. Nguiu, Wadeye, Galiwinku, Maningrida, if we've taken over refurbished or new houses in those communities the Northern Territory has the underlying lease on those homes. If they're in those communities that are currently under the Northern Territory Emergency Response five year leases, held by the Australian Government, then the Australian Government is effectively the landlord and they have the leases; we're managing those houses on behalf of the Commonwealth.¹⁴

Mr Davies said the intention is for the CEO (Housing) to have a housing precinct lease over all housing in the Territory's Indigenous communities. There are confirmed precinct leases in the Alice Springs and Tennant Creek town camps, but in the communities where only refurbishments are being done, the housing precinct lease is the five year lease.¹⁵

Mr Davies said under the terms of the Remote Indigenous Housing NPA (which SIHIP is part of), the Northern Territory Government will work with the Australian Government to ensure there are leases over housing precincts in the refurbishment communities. These are still being negotiated with the Australian Government. However, the reality is the priority is on the 15 large communities where the major building program is being rolled out.¹⁶

In June Mr Mathew Fagan, Executive Director, Service Delivery Coordination Unit (SDCU), provided an update on lease negotiations for housing subleases in the remaining towns in the remote service delivery sites (as part of the Growth Towns strategy in *Working Future*).¹⁷ Tables 2 and 3 provide that information.

Table 2. Lease negotiations with the Northern Land Council (NLC) for housing subleases

Ngukurr	Full council of the NLC has endorsed the lease documents. Negotiation is underway to determine the exact area to be leased.
Numbulwar	In principle agreement from the traditional owners. Awaiting endorsement from NLC full council.
Yirrkala	There are issues associated with the NLC identifying and seeking agreement with local people over who should be making the final decision in respect of leasing.

Mr Fagan said in the CLC region the leases are going to be held by the Executive Director of Township Leasing (EDTL) who will then sublease them to the CEO (Housing). Progress in Central Australia was:¹⁸

Table 3. Lease negotiations with CLC for housing subleases

Hermannsburg	CLC in principle agreement
Lajamanu	CLC in principle agreement
Yuendumu	It is hoped negotiations will progress this year.

¹⁴ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, p.5.

¹⁵ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, p.13.

¹⁶ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, pp.6-7, 14.

¹⁷ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, pp.3-4.

¹⁸ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, p.4. At the September hearing Mr Davies said a new housing lease was just agreed at Lajamanu and a lease is being put in place to be signed off at Hermannsburg. LANT, CTC, 'Transcripts of Proceedings', 14 September 2010, p.57.

The CTC notes that of the 12 communities under s31 (NTER) leases, four have signed housing leases, two were being negotiated and six were agreed in principle.

Refurbishment standard

In Santa Teresa the CTC met the Housing Reference Group which spoke to the Council about its role in improving housing in the community. Members of the Housing Reference Group and other community members raised a number of housing-related issues at the briefing.¹⁹

At the meeting with the Housing Reference Group, New Future Alliance representatives said the budget had been set for Santa Teresa, and that their task was to determine how many houses could be refurbished within that budget. Territory Housing's role was to set the scope of works that must be done, however, if there was any money left over, the Alliance could complete more work.

The Housing Reference Group's role was to provide advice on which houses should be done first and to help find families housing while their houses were refurbished.²⁰ A SIHIP progress report at the end of August shows a target of 70 refurbishments in Santa Teresa of which about 40 were completed and handed over to DHLGRS.²¹

The CTC looked at one of the houses being refurbished and at one that was not to have any work as it was believed to be beyond economic repair. The CTC has previously raised concerns about the work to be undertaken as part of SIHIP refurbishments.²² Inspecting houses at Santa Teresa has added to those concerns. The CTC has sought a meeting with the Australian Government Minister, Jenny Macklin, to discuss this and other concerns about SIHIP.

During its site visit, the CTC saw houses that did not have concrete flooring from the interior of the house to the exterior toilet and bathroom. This would mean that people would have to walk across dirt to access the bathroom and then back into the house. To address this, the local Community Development Employment Projects (CDEP) organisation, Community Enterprises Australia (CEA), was working with New Future Alliance to concrete the gap between the interior of the house and the bathroom. The CTC cannot understand why this work was not part of the scope for SIHIP refurbishments.

While in Santa Teresa, the CTC was told there were four houses deemed to be beyond economic repair. It was unclear what was happening to the four houses deemed to be beyond economic repair and which people continued to live in. If Territory Housing has determined they are beyond economic repair and presumably will not become part of its public housing stock, are these houses to be demolished? Who has responsibility for the houses? How will people who continue to live in the houses be adequately housed?

Community members were angry about the standard of the refurbishments, with many community members saying the completed houses had only received basic

¹⁹ Information on the meeting with the Housing Reference Group in Santa Teresa is drawn from the Principal Research Officer's notes as the meeting was an informal briefing without a transcript.

²⁰ At the time of the visit, six of the refurbishments had been started. New Future Alliance representatives acknowledged there had been delays in getting temporary housing in the community for people to move into to allow their houses to be refurbished.

²¹ LANT, CTC, *SIHIP Information for the CTC*, 30 August 2010.

²² See recommendations in the CTC's two earlier reports, available in Appendix C.

maintenance, like pressure cleaning and painting. They were particularly disappointed with the lack of floor coverings and pantries in the kitchens.

New Future Alliance representatives outlined the scope of works that could be included, adding that most houses would be refurbished for about \$75,000 while the smaller houses would not cost as much. New Future Alliance representatives said the four completed (at that time) houses all exceeded \$75,000. On floor coverings, the Alliance had provided the SIHIP Program Managers with an estimated cost for flooring, with two paint-based options. They were waiting for guidance from SIHIP about the floors.

The Alliance was working with CEA which had some funding (through FaHCSIA's CDEP program) to undertake some additional work, like the concrete slabs to the exterior bathrooms. The Shire Services Manager, Ms Diane Nona, was working with the Alliance and CEA to coordinate funding and work programs to try to get the most work possible done on the houses before people move back into them. Ms Nona described the additional housing work the Shire was undertaking as repairs and maintenance, using available repairs and maintenance funding. The work included installing some new stainless-steel kitchens, but did not stretch to pantries and floor coverings at that stage.

CEA and New Future Alliance had CDEP workers completing a training house with workers employed on the house paid a wage (rather than the CDEP rate).²³ As well as the training houses there was a CDEP painting group and a third group undertook the usual CDEP community services. CDEP workers then moved between the three groups to ensure that all had a chance to receive a normal wage for at least some time. New Future Alliance Manager, Mr Brian Hughey said:

I believe Santa Teresa is a community that really shines in all three of the alliance, the Shire and the CDEP and so on and actually working together and achieving some good outcomes. I think it's a community where we have the best relationship with the Shire.²⁴

Questions were asked about Territory Housing's responsibility for the evaporative air-conditioners or 'swampies' in a lot of the houses. New Future Alliance said installing or re-installing swampies was not part of the scope of works agreed with Territory Housing. It was believed to be Territory Housing's responsibility to upgrade the older housing, i.e. installation of improved kitchens, the inclusion of floor coverings and heating and cooling systems.

During his trip through the Daly River region, the CTC Chair viewed SIHIP work in a number of communities. In Palumpa Mr Wood looked at a refurbished house where the painted surfaces had clearly not been properly prepared. Mr Wood asked Mr Brian Hughey (New Future Alliance) about the standard of work done in Palumpa. Mr Hughey acknowledged that some refurbishment work done initially in Palumpa was not up to standard and the Alliance will be re-doing some of it during the next six weeks.²⁵

Mr Hughey confirmed that all 48 refurbishments in Ali Curung were completed and handed over to DHLGRS. He said reported dissatisfaction with the work was more a result of 'miscommunication' about what would be delivered as part of the

²³ See also AG & NTG, *Remote Housing NT May 2010*, p.2, http://www.housing.nt.gov.au/remotehousing/sihip/work_underway, accessed 16 June 2010.

²⁴ LANT, CTC, 'Transcript of Proceedings', 13 September 2010, p.36.

²⁵ LANT, CTC, 'Transcript of Proceedings', 13 September 2010, p.23.

refurbishment program.²⁶ As part of the handover process, the Territory Housing Asset Manager inspected and passed the work and no-one refused to move back into a house.²⁷

The CTC remains very concerned about the standard and cost of SIHIP refurbishments. It is unclear to CTC members what the standard of refurbishments was in Santa Teresa, if that standard meets the requirements of the *Residential Tenancies Act* (RTA) and if the refurbishment standard is the same across all SIHIP refurbishments.

Alice Springs town camps - rebuilds

While in Alice Springs in May 2010, CTC members met Mr Allan McGill and Mr Ian Wilson of Territory Alliance at the Alliance's office in Alice Springs, followed by a visit of two town camps, Trucking Yards and Larapinta.

Mr McGill provided an overview of Territory Alliance's involvement in the initial clean up of town camps (i.e. 'fix and make safe') undertaken at the end of 2009. Following that the Alliance moved to developing the early works package involving eight new houses and working across five town camps, doing about 12 rebuilds. At that stage they were the only approved works. At the time of the CTC visit, one of those rebuilds was due to be handed over and the CTC was able to inspect it.²⁸

Mr Wilson said that the total scope of works for the town camps was 132 houses to be rebuilt or refurbished.²⁹ He said the average rebuild was costing about \$145,000, however some will cost \$200,000 and some will be less. He said that if the work doesn't need structural alterations, the work is classified as a minor rebuild and doesn't cost as much as those needing major structural work.

Mr Wilson clarified that there are different building board requirements for housing construction work that includes structural change in towns, compared to requirements in remote communities. This is because building board regulations do not apply in remote communities. This means that for the all the SIHIP work being undertaken in the town camps that includes structural modification, the work has to be certified by a structural engineer.³⁰

An additional problem for the Alliance is that not all of the town camp houses received building certification when originally built. This has meant some delay in the initial stages.³¹ A structural engineer has advised the Alliance that about five of the 132 houses that were to be rebuilt will still not comply with the building code. As the houses are structurally sound and safe, it has been agreed that they will receive minor refurbishments by Tangentyere, with a view to making the houses liveable for another five or so years.³²

²⁶ K. Nancarrow, 'Cracks appear in SIHIP houses', *ABC News*, 26 May 2010, <http://www.abc.net.au/news/stories/2010/05/26/2909882.htm>, accessed 26 May 2010.

²⁷ LANT, CTC, 'Transcript of Proceedings', 13 September 2010, p.33.

²⁸ LANT, CTC, 'Transcript of Proceedings', 13 May 2010, p.1.

²⁹ A recent media release states 85 new houses will be built and 101 rebuilds and 33 refurbishments make the final package of works for the Alice Springs town camps. NTG, 'Transforming the Alice Springs Town Camps', *Media Release*, 6 October 2010, <http://www.newsroom.nt.gov.au/index.cfm?fuseaction=printRelease&ID=7430>, accessed 15 October 2010.

³⁰ LANT, CTC, 'Transcript of Proceedings', 13 May 2010, p.2.

³¹ LANT, CTC, 'Transcript of Proceedings', 13 May 2010, p.3.

³² LANT, CTC, 'Transcript of Proceedings', 13 May 2010, pp.4-5.

Mr McGill said an important part of Territory Alliance's work was the involvement of Tangentyere which was using housing maintenance money to undertake refurbishments. This was anticipated to provide a better final result in the town camps.³³ The CTC noted that this was an example of cooperation between two providers that the *SIHIP Post Review Assessment* identified as essential to ensuring houses are refurbished to the required standard.³⁴

DHLGRS response to issues identified in Central Australia

During the public hearing with DHLGRS in June, the CTC asked about the apparent different standard for refurbishments in the communities, compared to what is happening in towns, e.g. the difference seen in Santa Teresa compared to what is happening in Alice Springs. Mr Andrew Kirkman, Executive Director SIHIP, said SIHIP refurbishment was never going to bring community houses up to an urban standard because there is not enough money to do everything that could be done. He said if the amenity level was increased in Santa Teresa, only 30 houses would have been refurbished instead of 60. Following the review last year,³⁵ the decision was made to try and bring the amenity level across the community to a base level, in keeping with 'delivering maximum benefit across the communities.'³⁶

The CTC asked DHLGRS representatives if the difference between community and urban housing in amenity level was due to the Northern Territory Planning Scheme not applying in communities. Mr Kirkman said it wasn't because of the different planning requirements, but rather because of the amount of available funding. He said that although the planning scheme does not apply in remote communities SIHIP is being delivered as if it does apply and each new house will have a certificate of occupancy.³⁷

Mr Ken Davies, CEO DHLGRS, said the Australian and Northern Territory Governments are in the second year of a program trying to address 30 years of inadequate policy and practice in Indigenous community housing in the Territory. The next step in the process is to ensure that houses are brought up to urban public housing standard. It is recognised that the Northern Territory Government will need to continue re-investing rental income and also bring 'legacy' houses, i.e. those not included in SIHIP, up to urban public housing standard.³⁸

Mr Kirkman said the shires have been funded to undertake tenancy and property management on behalf of DHLGRS under a grant arrangement. The shires receive on average, \$7,500 per house to undertake repairs and maintenance each year. Some shires are managing the funding in such a way as to do minor repairs and maintenance on some houses and then do more work on some houses to make them more liveable for families.³⁹

Mr Davies said all refurbished housing has to meet a 'safe, functional and secure' standard prior to handover to Territory Housing, but also stand the test of 'reasonableness'.⁴⁰ The CTC asked about the SIHIP work undertaken in refurbishing houses in Santa Teresa where the CTC saw houses without sealed flooring from the

³³ LANT, CTC, 'Transcript of Proceedings', 13 May 2010, pp.6-7.

³⁴ Donald & Canty-Waldron, *SIHIP PRA*, p.14.

³⁵ FaHCSIA & NTG, *SIHIP Review*, 28 August 2009.

³⁶ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, pp.12, 17.

³⁷ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, pp.19-20.

³⁸ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, pp.12-3, for example those houses considered beyond economic repair in Santa Teresa.

³⁹ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, p.14.

⁴⁰ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, pp. 8,14.

living area to the exterior bathroom. It was clear that without a CDEP project to concrete the area from the house to the bathroom, the so-called refurbished houses could not be considered to provide healthy living conditions. Mr Kirkman said:

There is a bit of judgement required on some of these places, we've been working very closely with the alliances to input that judgement and those houses in Santa Theresa [sic] are an example of that...it's not acceptable to have dirt in between your bathroom and toilet and the rest of the house so we're addressing that actually through a sort of CDEP program ... it really takes quite a bit of education with both the alliance partners but also our asset managers around what is reasonable, what is necessary in terms of the scope of the work and, as Mr Davies pointed out, ... there's been several times where we've had to go back and say, "No, you need to go back and do that item. No, it wasn't in the scope of works but we're telling you to go back and do it because it needs to be done".⁴¹

The CTC was told in Santa Teresa that the evaporative coolers or 'swampies' in most houses were not part of the SIHIP refurbishment program, however many people in the community had family in Alice Springs who know the swampies were part of SIHIP refurbishments in the town camps. Community members were also concerned about the lack of floor tiling in Santa Teresa, as tiling is included in public housing in town. A number of Santa Teresa residents said it looked like the bush and town houses aren't equal.⁴²

Mr Kirkman said both issues have been raised and recognised in the remote public housing framework which charges rent to take account of differences in amenity level. In the community, tenants will only be charged rent at 18 per cent of accessible income, compared to tenants in towns who are charged at 23 per cent of accessible income.⁴³

In addition, Mr Kirkman said that all SIHIP houses handed over to Territory Housing meet the RTA requirements and in some instances exceed those requirements. He said there is no discernable difference in housing standard between those in communities and those in urban centres. However, there is a difference in the amenity level of urban and community housing. It is planned to address this by using rent revenue and funding from the NPA to ensure that community housing is brought to the same amenity level as urban public housing.⁴⁴

Given the success of the alliances working with the shires and CDEP providers in some communities, the CTC asked if there were any changes being considered to how refurbishments might be undertaken. Mr Davies (DHLGRS) said there are some good examples of the alliances working well with Aboriginal organisations and getting value for money in the refurbishment program. He said both governments are therefore looking at whether it's possible to try using local companies for refurbishment work.⁴⁵

⁴¹ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, pp.14-5.

⁴² LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, p.15.

⁴³ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, pp.15-6. See also DHLGRS, 'Fact Sheet Remote public housing rent', *Remote Housing NT*, http://www.housing.nt.gov.au/data/assets/pdf_file/0020/101828/Rent_FactSheet_WP170610.pdf, accessed 4 June 2010.

⁴⁴ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, p.11.

⁴⁵ LANT, CTC, 'Transcript of Proceedings', 14 September 2010, pp.58-9.

Remote housing reform

The CTC asked about the process between the Northern Territory and the Australian Governments to bring refurbished houses to RTA requirements. Mr Davies said the idea is to get a proper rent framework in place that will generate additional income from rent payments. Through the NPA there is also money available to use in tenancy management. The plan is that through the Remote Rental Framework, a revenue base will be built which will be used to continue refurbishments and upgrades. Mr Davies said the current rental revenue base is about \$12 million and that is anticipated to increase to about \$30 million, once SIHIP is fully delivered in 2013.

Mr Kirkman said that as part of the quality assurance process, all SIHIP houses, whether refurbishments, rebuilds or new houses, are inspected by Northern Territory Government asset managers using a condition assessment report. This means that all houses handed over to Territory Housing have been inspected and met the requirements of the RTA, prior to keys being handed over. After Territory Housing assumes responsibility for the houses, as part of the property management process it is planned for houses to be inspected four times a year. In addition to that, there will be regular meetings between tenants and community housing officers. Under the terms of the RTA, a landlord, unless having good reason can only inspect a house four times a year.⁴⁶

Mr Davies said that under the newly announced Remote Rental Framework,⁴⁷ there are 54 positions involved in service delivery either in remote communities or in regional Territory Housing offices and there are 60 community housing officers funded through the shires. In addition, there is a commitment to recruit an additional 20 people to assist as the program develops.

The additional positions are to help with the signing-up of tenants as the refurbishment and building program accelerates. The idea is to have people ready in communities so that as housing becomes available, tenants can be prepared and supported as tenants in either newly refurbished or built housing.⁴⁸ Mr Davies said that how the additional positions will be used is still being determined but was expected to include the shires employing some of the people.⁴⁹

It is anticipated that the employment of community housing officers by shires will be part of the service level agreements that DHLGRS has with each shire. The agreements will set the expectations of how the houses will be managed and that they are required to employ a community housing officer in each of the communities who will work with tenancy management officers.⁵⁰

As part of the rental framework and the NPA, Mr Davies guaranteed that shires will be funded to employ people to fill positions. Mr Davies emphasised that the positions are real jobs which will need real training and the department wants the jobs filled by community people so that there will be people who speak the community's languages and can work with tenancy officers, asset managers and community households.⁵¹

⁴⁶ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, pp.7-9.

⁴⁷ NTG, 'New Rental System to Improve Remote Housing', *Media Release*, Minister for Affordable and Public Housing, 2 June 2010, <http://www.newsroom.nt.gov.au/index.cfm?fuseaction=viewRelease&id=6994&d=5>, accessed 2 June 2010.

⁴⁸ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, pp.8-9.

⁴⁹ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, p.23.

⁵⁰ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, pp.25-6.

⁵¹ LANT, CTC, 'Transcript of Proceedings', 3 June 2010, pp.16,25-6.

The CTC asked how much larger DHLGRS will grow, given the additional houses and tenancy and property management responsibilities. Mr Davies said that while the housing stock was being doubled he did not anticipate that the number of staff needing to be employed would also double because the Department will use existing tenancy and property management systems. The need for additional staff will be closely monitored as the number of houses and tenants grows. It is intended that each Territory growth town will have a Territory Housing office and staff.⁵²

The CTC asked about policies in place to ensure that tenants look after the properties and if that process includes possible eviction. Mr Davies said the aim is to sustain tenancies as DHLGRS is very aware that evicting people in communities is not a practical solution, as there are no other housing options and people will have nowhere to live.

Our efforts will be focussed around sustaining the tenancies and what we will be doing is rolling out three levels of tenancy support: there'll be the basic tenant support where we have the front-end sort of service delivery where the tenancy officers are working with people and signing them up; we're going to have an intensive tenant support program. Currently... I can say that of the families we're signing up there's been 995 visits in that intensive tenancy support program and...we've got nine tenancy sustainability programs; we're going to have things like looking after your home, rolling out, and we've got these talking books, 15 languages that the tenancy officers can use that will enable people to work with communities to explain what their responsibility as tenants are in each of the houses...⁵³

Mr Davies said the plan is to work with the Department of Health and Families and other agencies to develop living skills programs that will work with families on things like how to maintain a house and options for transitional housing. He added that to date there hadn't been a need for that sort of program.

The CTC asked if any tenants have refused to sign a tenancy agreement or move back into a property. Mr Kirkman said there have been some instances of tenants concerned about not having painting done inside their houses. The community said they'd rather have other work not done and the painting done, so that happened. The houses were painted and the tenants have accepted them, paid their bond and moved in.⁵⁴

As part of his Daly River region trip the CTC Chair, Mr Gerry Wood, saw significant damage done to a new house in Wadeye, that the CTC inspected in February 2010 and was told had a projected lifetime of 40 years.⁵⁵ The CTC asked DHLGRS about the processes followed to recover the costs associated with repairing malicious damage and to punish people who wilfully damage houses. Mr Davies said the people who damaged the Wadeye house have made full admissions and apologised to the community, which is angry and shamed by the incident.⁵⁶

Mr Davies said SIHIP houses are being built to last for 30 years and in cases where people wilfully damage public housing DHLGRS will be seeking the repayment of the cost of the repair of the house. In the case of the damage at Wadeye, Police were contacted about laying charges; however the department was advised to follow up through the RTA process.

⁵² LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, pp.23-4.

⁵³ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, pp.9-10.

⁵⁴ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, pp.10-1.

⁵⁵ See LANT, CTC, *Second Report*, pp.29-30.

⁵⁶ LANT, CTC, 'Transcript of Proceedings', 14 September 2010, pp.47-8, 53.

Mr Davies said that DHLGRS is in the process of establishing a high level strategic relationship with the Police, which will include Police contacting the department when they see evidence of damage to a house as part of the normal police reporting processes. The department will then immediately inspect the house, identify the wrongdoer and go through the processes, whether it's civil or criminal.⁵⁷

As part of tenancy management, there are processes to recover debts and manage unacceptable behaviour. In remote communities, the Housing Reference Group is also relied on for assistance with tenancy management. Prior to allocation of housing, prospective tenants are assessed and offered life skills training. This high level intensive tenancy support also continues after people have moved into public housing.⁵⁸

Alliance model

In June, the CTC asked DHLGRS' representatives if the SIHIP packages transferred to Territory Alliance were on target. Mr Davies said that work is progressing and reported that four houses on Groote Eylandt were near to lock-up stage and a family was due to move into a house at Gunbalunya.⁵⁹

Mr Davies said Territory Alliance was working well with the Anindilyakwa Land Council (ALC) and the communities to ensure contractors were on site and Indigenous employees remain employed. He said the whole process had been 'very seamless'. In Galiwinku, Mr Kirkman said the delay was due to the development of the construction camp; however the Alliance is now operational there and is working closely with the local Indigenous organisation.⁶⁰

The CTC also asked DHLGRS representatives about the cost efficiencies that the SIHIP alliance model promised to deliver.⁶¹ Mr Kirkman said the Australian and Northern Territory Governments have undertaken to review the procurement methodology. In the meantime it needs to be recognised that when costs are talked about, e.g. average of \$75,000 per refurbishment, that figure includes absolutely every cost.

It's not just those costs that hit the ground; it's the cost to meet the national safety guidelines which comes with any grant from the Australian Government over \$5M, which very few contractors in the Territory can meet. So it's all the protection gear, it's the fencing around houses, it's the protection of people in the community ...; it's the training, ... management costs, it's GST ... There's no hidden costs in back offices. Even my team working with me is costed to the program. We haven't seen that before in any of the [programs].⁶²

⁵⁷ LANT, CTC, 'Transcript of Proceedings', 14 September 2010, pp.41-2.

⁵⁸ LANT, CTC, 'Transcript of Proceedings', 14 September 2010, pp.55-6.

⁵⁹ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, p.24.

⁶⁰ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, pp.24-5.

⁶¹ The SIHIP Review said both Governments agreed an analysis of possible contracting methods was warranted to identify a method that optimised outcomes and addressed inefficiencies. The analysis recommended a strategic alliancing method, using a panel of alliance partners that would have the ability to drive down prices, reduce delivery times, attract larger national companies and effectively use local labour. This recommendation was accepted by both Governments. See, FaHCSIA & NTG, *SIHIP Review*, pp.12-3. The Northern Territory's Auditor-General found the alliance model was chosen because its methodology would give SIHIP the best chance to achieve its objectives. One of SIHIP objectives is reducing the cost of delivering and managing houses. See Auditor General for the Northern Territory, *Strategic Indigenous Housing and Infrastructure Program June 2010 Report to the Legislative Assembly*, p.14; and FaHCSIA & NTG, 'SIHIP Industry Information Session', Copy of Presentation, Wednesday 30 April 2008.

⁶² LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, p.17.

The CTC believes that communities and taxpayers are entitled to be told the cost of completed SIHIP work.⁶³ Mr Kirkman said telling community members how much each refurbishment, rebuild or new house costs could raise complications in communities with people thinking someone else is getting more or less spent on their house. Instead, the accounting for each package of works will allow an average cost for houses in the package to be known at the end of the package. Mr Davies said the final expenditure will be made public but at the moment the information isn't available to the Northern Territory Government.⁶⁴

In response to a question on notice, DHLGRS provided the expenditure to the end of August for SIHIP work undertaken at Milikapiti, where all houses were completed and handed over to DHLGRS. This information showed that 30 rebuilds were completed for an average cost of \$160,000. The work was part of the first 'tranche' of SIHIP work, i.e. prior to the review when the targets for housing upgrades (i.e. both refurbishments and rebuilds) were established and when upgrades were costed at \$150,000.⁶⁵

Mr Steve Shenfield, Territory Alliance Operations Manager, said the reason for the additional cost was because a delay in securing transitional accommodation for households while their houses were being upgraded, led to the Alliance being in Milikapiti longer and incurring additional labour costs.⁶⁶

Overcrowding

Santa Teresa community members said the current population of the community was about 800 people living in 100 existing houses, of which about 70 were to be refurbished under SIHIP. Community members said they were concerned the community was not to receive any new housing when the housing is already overcrowded, noting that refurbished houses will not help with overcrowding.⁶⁷

The CTC asked about the funding arrangements for the temporary housing and if it could stay in the community after the program was finished to provide well-needed additional housing. New Future Alliance representatives said the cost of leasing the temporary housing was met from the Santa Teresa SIHIP funding. The temporary housing being moved to Santa Teresa had to go to the next community to allow refurbishments to occur in that community, with the cost being met from that community's SIHIP funding. The Alliance's view was that the temporary housing was very basic and not suitable to be used more permanently as community housing.

The CTC notes that despite the rhetoric that SIHIP will address overcrowding in Indigenous communities, overcrowding will continue well past 2013, particularly in the 57 communities where only refurbishments and or rebuilds are occurring.

Infrastructure cost

Mr Allan McGill, Territory Alliance Manager, said the total \$100 million for SIHIP work in the Alice Springs town camps included internal infrastructure only, i.e. the funding

⁶³ CTC recommendations 7,8 and 9 in the *First Report* and recommendations 13 and 14 in the *Second Report* all relate to ascertaining SIHIP related costs.

⁶⁴ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, p.25, Answer to question on notice.

⁶⁵ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, p.17. Answer to question on notice. Following the SIHIP Review the price targets were for averages costs of new houses \$450,000, rebuilds \$200,000 and for refurbishments, \$75,000. See FaHCSIA & NTG, *SIHIP Review*, p.33.

⁶⁶ LANT, CTC, 'Transcript of Proceedings', 14 September 2010, pp.3-4.

⁶⁷ Information on the meeting with the Housing Reference Group in Santa Teresa is drawn from the Principal Research Officer's notes as the meeting was an informal briefing without a transcript.

does not cover infrastructure costs external to the boundaries of the town camp leases.⁶⁸ As part of determining infrastructure needs the Alliance had developed a range of options to deliver the required housing. At May 2010, the options were being considered by the SIHIP Program Managers. There were considerable, long-standing issues about the delivery of water, sewerage and power, and inadequate roads in town camps. The Alliance was concerned about the delay in receiving direction on the agreed approach to infrastructure as it was affecting the Alliance meeting its targets of building houses by the end of this year.⁶⁹

Mr Wilson said the town planning process is one like that for new subdivisions, but in effect what is needed is to 'retro-fit' the existing subdivisions and that is a large undertaking. As things stood at the time there was enough money for houses and for those houses to be connected to existing infrastructure, but there was insufficient money for town camp roads and additional new infrastructure. He said in some of the town camps a new water main or other significant infrastructure upgrade was needed before housing construction could start.⁷⁰

Mr McGill said it was planned in the longer term that the town camps will become part of suburban Alice Springs and therefore the roads would become gazetted as public roads. The CTC queried if the camps' lease conditions allowed for this. Mr McGill said the whole situation, particularly in regards to lease conditions was being considered by the Office of Township Leasing (OTL).⁷¹

Mr McGill estimated about \$65 million additional funding was needed to provide infrastructure to bring the town camps to the required standard for power, water and sewerage services.⁷² The CTC believes the associated infrastructure to improve the town camps should not be funded from SIHIP, but, rather from other sources, like the appropriate national partnership agreement.⁷³

As part of her evidence to the CTC in November 2009, the Under Treasurer, Ms Jennifer Prince identified that an additional \$20 million was provided for Indigenous Essential Services (IES) through a Treasurer's Advance towards the end of the 2008-09 financial year. She agreed that regardless of SIHIP requirements, the Northern Territory Government would be spending more on infrastructure in the coming years as part of the Growth Towns development.⁷⁴ In June the CTC was told that most (\$17M) of the Treasurer's Advance was used to provide essential services in Indigenous communities.⁷⁵

The CTC asked Mr Davies about the funding of SIHIP associated infrastructure and essential services in the current financial year and if any additional funding was needed. Following the CTC's questioning about additional funding in the 2010-11 Budget for IES, Mr Kirkman agreed that the Northern Territory Government's commitment to SIHIP, through increased spending on IES, has increased from \$100 million to \$240 million. Mr Kirkman added SIHIP is working in conjunction with the IES team in the Power and Water Corporation.⁷⁶

⁶⁸ LANT, CTC, 'Transcript of Proceedings', 13 May 2010, pp.7-8.

⁶⁹ LANT, CTC, 'Transcript of Proceedings', 13 May 2010, pp.9-11.

⁷⁰ LANT, CTC, 'Transcript of Proceedings', 13 May 2010, pp.11-2.

⁷¹ LANT, CTC, 'Transcript of Proceedings', 13 May 2010, pp.12-3.

⁷² LANT, CTC, 'Transcript of Proceedings', 13 May 2010, pp.17-8.

⁷³ This was the policy announced in the SIHIP Review. See FaHCSIA & NTG, *SIHIP Review*, pp.30-1.

⁷⁴ LANT, CTC, 'Transcript of Proceedings', 9 November 2009, p.21; also CTC's *First Report*, Chapter 3.

⁷⁵ LANT, CTC, Answer to Question on Notice, 3 June 2010.

⁷⁶ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, pp.20-3.

Mr Peter McLinden, Manager of Transport and Infrastructure for the Local Government Association of the Northern Territory (LGANT), said LGANT members are concerned there is inadequate service infrastructure, particularly roads, being developed as part of SIHIP and other housing subdivisions and that there is no process for shires to have input into the planning of subdivisions.

...they're not providing sealed roads, they're not kerbing them, there's no street lights, no footpaths and they're trying to close the gap. There's a significant burden in the future on local government to provide that amenity to those suburbs...⁷⁷

The CTC understands that housing-related infrastructure is being funded through the Remote Public Housing NPA⁷⁸ and that roads are included in infrastructure to be provided or upgraded. Information provided in relation to the Alice Springs town camps confirms that approach. DHLGRS also clarified additional funding being provided through IES for upgrading and delivering new infrastructure in Growth Towns.⁷⁹

In relation to planning requirements for SIHIP subdivisions the process that is followed should be the same as if it was being done in Darwin, even though the planning requirements in remote communities are different.

As you know, a subdivision anywhere, the local council has a set of standards, those standards there are plugged in to that whole process. Some of the new shires probably didn't have those sort of things developed this early in their life, so this discussion going on about what those standards should be. Should it be curb to curb channel, should it be rural residential subdivision type. So there are different standards, and the standards in Alice Springs in the town camps there, for example, the normalisation process will be different than what they might be somewhere else. Probably.⁸⁰

The CTC is concerned the new SIHIP subdivisions may not provide full amenity to subdivisions and will seek further information about what infrastructure is being delivered as part of SIHIP housing subdivisions.⁸¹

Findings

A range of SIHIP-related matters have been raised with the CTC and it has followed up SIHIP issues highlighted in its two earlier reports. In this section, the CTC makes comment on issues that are consistently being identified as community concerns.

Suitability of new houses

The incidence of significant damage done to a new house in Wadeye raises the question of the robustness of some SIHIP housing designs. The CTC is aware there are two designs being used in Wadeye, one a steel frame and one, concrete. The CTC heard evidence that the steel-frame houses are quicker to construct. The damaged house is a steel frame house. The CTC believes concrete houses are more likely to achieve the aim of houses having a 30 to 40 year lifetime.

⁷⁷ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, pp.54-5.

⁷⁸ The SIHIP Review stated that essential services will be sourced initially from the NPA and Northern Territory Government programs: FaHCSIA & NTG, *SIHIP Review*, p.31.

⁷⁹ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, pp.54-5.

⁸⁰ LANT, CTC, 'Transcript of Proceedings', 13 September 2010, p.16.

⁸¹ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, p.54.

Recommendation 1

The CTC recommends that SIHIP construction only be of housing designs that will deliver the longest possible useful life and low maintenance requirements.

Refurbishments

In its first report the CTC recommended that refurbishments and rebuilds should be delivered to the original promised standard. In its response to this recommendation the Northern Territory Government said refurbishments would be supplemented by DHLGRS' repairs and maintenance program that 'will see houses further upgraded in a programmed way...'⁸² The CTC has noted the collaboration between Tangentyere and Territory Alliance is an example of the cooperation identified by an independent SIHIP review as essential to ensuring housing is refurbished to the required standard.

However, the CTC remains concerned about the standard and the scope of work included in SIHIP refurbishments. Evidence from a number of witnesses show there is growing reliance on housing repairs and maintenance funding to shires to complete SIHIP refurbishments. The CTC believes the high administrative costs associated with the alliances means refurbishments cannot be delivered to the full value.

The CTC is not convinced that supplementing SIHIP refurbishments is the best use of shires' housing maintenance funding. The practice appears to have come about because there is recognition that an average of \$75,000 is not enough to return houses to a standard that will allow for healthy living. The CTC asks if shires and organisations like Tangentyere are using repairs and maintenance funding to contribute to SIHIP refurbishments, how will repairs and maintenance needed to houses throughout the year be undertaken.

Recommendation 2

The CTC recommends the Northern Territory and Australian Governments urgently consider transferring SIHIP refurbishment funding from alliances to shires or other local organisations to undertake refurbishments.

Recommendation 3

The CTC recommends the SIHIP program managers provide the CTC with details of the 'programmed way' DHLGRS repairs and maintenance funding is being used to complete SIHIP refurbishments.

Recommendation 4

The CTC recommends that it be provided with the full details of all conditions and service requirements of housing repairs and maintenance funding paid to shires.

Infrastructure

The CTC has a number of concerns about infrastructure being delivered as part of SIHIP and has recommended that infrastructure costs be funded separately and details of the scope of works be published. Despite the Northern Territory Government agreeing to this recommendation, qualified by waiting for the scope of works for each community being finalised, no information has been published.⁸³ The

⁸² See Appendix C.

⁸³ See Appendix C.

CTC notes that infrastructure work is underway in three of Tennant Creek's town camps and therefore, information on that infrastructure scope of works should now be available.

Evidence was given that in some new SIHIP subdivisions there is inadequate service infrastructure which is of concern to some shires, who also feel they have no input to the subdivisions' planning. This is contrary to other evidence given to the CTC that SIHIP planning requirements are as if the subdivision was being done in Darwin.

Recommendation 5

The CTC recommends a scope of works be published for the three Tennant Creek town camps where infrastructure works are underway.

Recommendation 6

The CTC recommends:

- (a) a greater level of consultation occur with shires on how SIHIP subdivisions are planned; and**
- (b) details be provided of the planning processes followed for designing SIHIP subdivisions and who participates in the processes.**

Tenancy management

In June DHLGRS witnesses described the tenancy management support system for public housing in remote communities. The CTC inquired about the availability of life skills-type training to assist people become used to the better housing and what was required of them as tenants. The CTC was told that it was planned to work with other agencies to develop programs that would help people maintain their houses, but so far there had been no need for that sort of program.

It was with great disappointment then, that the CTC Chair saw significant damage occur to a new house and also housing that wasn't being kept clean. In both these examples it is questionable if the level of tenancy management support was sufficient.

The CTC rejects the idea of not pursuing criminal damages in wilful damage cases like that in Wadey. Because the criminal system relies on someone making a statement and that could be difficult for most head tenants in public housing, the CTC believes the onus of making a statement should come through the tenancy and asset management systems.

Recommendation 7

The CTC recommends that all cases of apparent malicious and wilful damage to public housing be reported to Police, as part of the tenancy and asset management systems.

SIHIP outcomes

The CTC continues to be concerned about the difficulty in finding out the costs associated with SIHIP work. The CTC notes that a key feature of the SIHIP alliance model advocated by both governments was the 'open, honest and efficient sharing of information'.⁸⁴ However, the CTC has had difficulty in receiving information despite often repeated requests at public hearings and through questions on notice. The Northern Territory's Auditor-General has similarly commented on the unavailability of

⁸⁴ FaHCISA & Territory Housing, *SIHIP Industry Information Session*.

'appropriate performance and monitoring reports' that could be used to gauge SIHIP progress.⁸⁵

The Northern Territory Government has agreed to provide the CTC with detailed quarterly financial reports and stated, in response to a linked recommendation, that it intends to provide total expenditure on houses in each community.⁸⁶ After many requests in following up the Government on this commitment, the CTC has only received one overall expenditure figure to date in one community where SIHIP work was completed. It is the CTC's opinion that no detailed financial information has been received.

The CTC is mindful that the underlying purpose of SIHIP is to help improve living conditions in Indigenous remote communities and has previously recommended that housing should be refurbished to a standard that allows for healthy living.⁸⁷ The CTC has not seen or heard any evidence that this recommendation, agreed to by the Government, is occurring. It is unclear to the CTC how the objective of healthy homes will be met when refurbishments are being supplemented by funding provided for another program and programs to support tenants do not appear to be fully effective.

Recommendation 8

The CTC recommends the Northern Territory Government honour its commitment to provide a detailed financial report on SIHIP each quarter.

Recommendation 9

The CTC recommends the Northern Territory Government provide details of how the outcome of delivering healthy homes will be monitored and evaluated.

⁸⁵ Auditor-General, *SIHIP June 2010 Report to the Legislative Assembly*, pp.30-1.

⁸⁶ See Appendix C for the NTG's responses to CTC recommendations 7 and 8 in the *First Report*.

⁸⁷ LANT, CTC, *2nd Report*, p.27.

3. LOCAL GOVERNMENT

Following the structural reform of local government in the Northern Territory, a new local government structure commenced on 1 July 2008 with the creation of eight new large shire councils and three smaller shire councils and the retention of existing municipal councils.¹

The *Local Government Act* (LGA) provides for the establishment of local boards to improve integration and involvement of local communities in the council matters for the local area and to allow local communities to participate in the development of council policies.² The Act requires councils to have a municipal or shire plan that must contain a strategic plan, a service delivery plan with performance indicators and a long term financial plan. These must be reported against annually and be publicly available.³

For the purposes of preparation of regional management plans, three regions of north, central and south, were created and councils within the regions can decide if they will be part of the plans. The regional management plans assist inter-council co-operation on matters like cemeteries, waste management facilities and other agreed regional facilities, but their main purpose is to identify core local government services needed to be delivered in each regional area.⁴

Inaugural elections for the new shire councils were held in October 2008. The Act stipulates that general shire elections are to be held at intervals of four years, commencing in March 2012.⁵

This chapter looks at the impact of local government reform and local government service issues raised by community members in Santa Teresa and Hermannsburg and discussed with representatives of the MacDonnell Shire, DHLGRS and LGANT.

Issues raised

Over the period between April and September the CTC heard from a number of communities and a shire about issues with local government reform (or shire amalgamation), local government funding, core services, roads, rating and jobs in local government.

Representatives of the MacDonnell Shire Council, including the Shire President, Mr Sid Anderson and the CEO, Mr Graham Taylor, spoke to the CTC about a range of local government matters.⁶ The CTC followed up some of the issues that arose at meetings at Santa Teresa the previous day. More broad-ranging discussions occurred with LGANT and DHLGRS.

¹ The Hon Rob Knight, Minister for Local Government, 'Second Reading Speech Local Government Act 2007', http://www.localgovernment.nt.gov.au/legislation/proposed_new_local_government_act, accessed 30 December 2009.

² Northern Territory of Australia (NT), *Local Government Act* (LGA), 1 July 2009, Part 5.1.

³ NT, LGA, Part 3.2.

⁴ NT, LGA, Part 3.1.

⁵ NT, LGA, s85.

⁶ See Appendix B for a list of hearings and witnesses.

Local government reform

Ms Kerry Moir (LGANT President) said LGANT supported local government reform and the amalgamation of shires as it was supported by LGANT members. Ms Moir stressed that while the idea of amalgamations was very good, she believes the process 'stumbled due to a whole range of reasons' and there remains a number of ongoing problems that need to be addressed.⁷ However, she believed on the whole that the problems should not detract from the principle of amalgamation being 'the right way to go'.⁸

One part of the process that contributed to ongoing complications, was the selection and appointment of shire CEOs by the Department of Local Government, prior to the local government elections in October 2008. Ms Moir said this detrimentally affected some shires in two ways.

The first is that prior to the election of the shire elected members, the CEOs were in fact the shire councils and they made all the decisions, including establishing processes and making organisational arrangements. Many of those decisions and processes were not approved by elected members. The second factor is the elected members did not select CEOs but were responsible for assessing CEOs performance and continuation. Ms Moir noted there have been about five CEOs leave.⁹

Ms Moir said another difficulty was that despite the Department of Local Government emphasising the importance of good governance in shires' determinations, shires were without fundamental financial information to inform their decision making.¹⁰ Ms Moir said LGANT fought hard to have this situation fixed and said she understands the shires are now online, have adequate training and know their financial situation. She added however, that there is a need for ongoing training.¹¹

LGANT CEO, Mr Tony Tapsell, said as a result of the shire amalgamations the shires are stronger financial organisations with additional capacity and systems that previous community government councils did not have. Although there have been some problems with the IT systems, they are integrated systems that were not there previously. This has helped to improve shires' administrative capacities.¹²

Ms Moir said she didn't believe there was a proper quantification of how much money each shire would actually need, but rather, there was just a distribution of existing funding. In addition, LGANT is aware that the condition and ownership of many of the assets transferred to shires, was in question. LGANT sought additional funding from the Territory Government to assist shires establish themselves. The government

⁷ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, pp.31,33. LGANT membership is voluntary and is open to all local governing bodies who have been approved by the Commonwealth and Northern Territory Governments for the receipt of Commonwealth Financial Assistance Grants; see Local Government Association of the Northern Territory (LGANT), 'Membership & Associates', *About LGANT*, <http://www.lgant.asn.au/about-lgant/members-associate-members-alternative-map>, accessed 24 May 2010.

⁸ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, p.33.

⁹ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, p.31-2.

¹⁰ During its initial public hearings in November and December 2009, the CTC heard concerns about the CouncilBiz and IT (known as ShiresBiz) systems, developed as part of local government reform which weren't working well and meant most shires could not produce financial reports and did not know what their financial situations were. It was conceded by the Department of Local Government that there had been problems with the IT systems and put in place an IT remediation process to tailor the business system specifically for the eight shires. See CTC's *First Report*, Chapter 4.

¹¹ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, pp.32, 59.

¹² LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, p.35.

provided an additional \$5 million (2008-09 financial year) which was used by shires to buy equipment and services they were required to deliver under the new LGA, but which they weren't funded to deliver.¹³

LGANT strongly opposed the timeframe for the commencement of shire amalgamation and only supported local government reform that was accompanied by a thorough planning process.

We fought publicly and behind the scenes through letters to the Minister and the government, extremely strongly, to try and delay the implementation and to do it properly, because unseemly haste, I believe, caused many of the problems. And we asked why it was necessary for the LG Act to commence on 1 July 2008 with the elections three months later. We never got an answer to that.¹⁴

The CTC agrees that reform needed to happen in the Territory's local governments but is disappointed by the demise of community government councils and other incorporated council associations that were working. These bodies gave communities a sense of ownership and community. Ms Moir said she thinks the sense of community is one of the major things that need to be addressed because feedback suggests one of the affects of the amalgamations is that people can no longer run their own services in their own way.¹⁵

When the CTC Chair was talking to people in the communities of the Daly River region, some people said they thought the introduction of shires and the Intervention were connected. The CTC asked DHLGRS representatives if they had also heard that local government reform and the Intervention were connected and that possibly people believe that when the Intervention ends, so will the shires.

DHLGRS CEO, Mr Ken Davies said he had not heard that in any of his visits to communities and shires. However, he had been asked by the President of the East Arnhem Shire, Mr Banambi Wunungmurra, for a guarantee that there will be no changes to the shires/ local government reform process.¹⁶

The CTC was told that it was planned to evaluate and review the new local government arrangements, but at this stage a full review of the reform process was not expected in the near future.¹⁷ However, DHLGRS is conducting reviews into a number of components of local government reform, including reviews of:

- the inaugural 2008 local government elections;¹⁸
- the local government voting system;¹⁹
- elected member allowances;²⁰

¹³ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, pp.32-3.

¹⁴ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, pp.47-8.

¹⁵ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, p.49.

¹⁶ LANT, CTC, 'Transcripts of Proceedings', 14 September 2010, p.62.

¹⁷ LANT, CTC, 'Transcripts of Proceedings', 14 September 2010, pp.64,73-5.

¹⁸ The report of this review has been finalised. See NTG, *Review: 2008 Northern Territory Local Government Elections*, DHLGRS, 14 September 2010,

http://www.localgovernment.nt.gov.au/local_government_reviews/review_of_the_2008_nt_local_government_elections, accessed 14 September 2010 and LANT, CTC, 'Transcripts of Proceedings', 14 September 2010, pp.64-5 and Answer to question on notice.

¹⁹ NTG, *Discussion Paper: What is the best voting system for local government in the NT?*, DHLGRS, July 2010, http://www.localgovernment.nt.gov.au/review_of_the_local_government_voting_system, accessed 11 August 2010.

- shire council employees as candidates,²¹
- the \$100 fee to nominate as a candidate;
- conditional rating; and
- with FaHCSIA funding, an evaluation of local boards.²²

A number of the reviews are into aspects of local government that have upcoming deadlines, e.g. the conditional rating review will affect preparation of shires' financial planning for next year. The CTC sought an assurance that the review outcomes would be known in time for shires to fully consider its implications. Mr Davies said the department was working closely with the Minister and LGANT on the timeframes for the reviews and is aiming for December/ January for the conditional rating review to be completed.²³

Rates and funding

Section 142 of the LGA introduced a new category of land, called 'conditionally rateable land' and includes land held under a pastoral lease and land occupied under a mining tenement. To rate that land, shire councils must submit a rating proposal to the Minister for Local Government who then considers the proposal in consultation with the Ministers responsible for the pastoral sector and the mining sector. Under s268 of the LGA the Minister may impose limits on rates for the 2008-09, 2009-10 and 2010-11 financial years. The limit can apply to any rates imposed by a shire council and to conditionally rateable land of a municipal council.²⁴

The LGANT President, Ms Kerry Moir, said she believes it is unfair to have conditional rating and to think industries are not able to pay rates. She compared the rates paid by the mining sector in Kalgoorlie, Western Australia at about half a million dollars, compared to about \$3,000 to a shire in the Northern Territory.

So I don't believe that rate capping and conditional rating is appropriate in terms of the sort of financial situation shires are in, and their ability to raise funds.²⁵

LGANT CEO, Mr Tony Tapsell said there is no conditional rating or rate capping for the municipal councils where the decision making is left in the hands of the councils which have to be able to explain them to rate payers. He said it seems the reasoning behind conditional rating and rate capping is that shires would charge unreasonable rates, but there is no proof that would occur. The imposition of conditional rating and rate capping is restricting shire councils' ability to raise revenue from rates by effectively removing the one tax local government is able to levy.²⁶ The CTC notes the Government is currently reviewing the LGA rating provisions.

The CTC asked DHLGRS representatives if there were any plans to re-establish provisions in the LGA for shires to charge service fees. Mr Davies (DHLGRS CEO)

²⁰ NTG, *Discussion Paper: Elected Member Allowances*, DHLGRS, http://www.dlgh.nt.gov.au/corporate/current_reviews/elected_member_allowances, accessed 4 August 2010.

²¹ NTG, *Discussion Paper: Council employment and council membership*, DHLGRS, September 2010, http://www.localgovernment.nt.gov.au/local_government_reviews/review_of_council_employees_as_elected_members#, accessed 4 October 2010.

²² LANT, CTC, 'Transcripts of Proceedings', 14 September 2010, p.66.

²³ LANT, CTC, 'Transcripts of Proceedings', 14 September 2010, p.74.

²⁴ See Northern Territory Government of Australia, *Local Government Act 2008 Guidelines*, Part 6, http://www.localgovernment.nt.gov.au/legislation/local_government_guidelines, accessed 1 September 2010; Knight, 'Second Reading Speech Local Government Act 2007'.

²⁵ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, p.44.

²⁶ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, pp.52-3.

said it wasn't being currently examined, however, it's not something he would rule out if the CTC suggested it. The CTC recommended in its *First Report* that the Northern Territory Government amend legislation to enable shires to increase their own revenue base, such as through service fees. The Government, in its response to that recommendation said it would be considered as part of a future review of the LGA.²⁷

Ms Moir (LGANT President) said the Henry Tax Review found that local government rating of land is an appropriate form of tax, a fair way to raise revenue and user charges are an equitable way to charge for use of local government services.²⁸ Ms Moir queried if there is an issue with trying to introduce services fees or user charges on people in communities, many of whom are being income managed, on top of rent on their public houses. She said the answer to that is unclear.²⁹ Ms Moir has since advised that shires and municipalities have adopted different responses to raising revenue.

The East Arnhem Shire, which has a very limited rate base as it operates entirely on Aboriginal land, was considering ways to raise revenue through local government charges. The Shire was considering levying charges at full cost recovery as a way to help fund the Shire's delivery of core services.³⁰ The Alice Springs Town Council has also pursued charges against businesses whose liquor related packaging products contribute to litter in open spaces.³¹

The MacDonnell Shire CEO, Mr Graham Taylor, told the CTC that the Shire has \$3 million untied funding and the Shire's total rate base was about \$1 million, of which about \$750,000 is from the Northern Territory Government for houses in the communities and the balance is from pastoralists.³²

The CTC asked if he thought the Shire could raise more revenue through introducing service fees. Mr Taylor said:

The theoretical figure would be yes, because you would be rating more about based on need and cost rather than – so that you have got a return of income versus expenditure and returned back to the community, but for that to happen the question of affordability and social benefit is really a question that has to be considered³³ about rating. It is not just a money in and a money out process.

LGANT President, Ms Kerry Moir, said that most shires' revenue comes from grants which have to be acquitted and cited an example of one shire with 85 grants, all having to be acquitted, at the same time as having to undertake core business.³⁴

²⁷ See Appendix C for the recommendation and the NTG's response.

²⁸ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, p.43. For an analysis of the Henry Tax Review and local government see: Australian Local Government Association (ALGA), *Australia's Future Tax System Review Report*, 2 May 2010, ALGA Overview Briefing, http://www.alga.asn.au/policy/finance/ALGA_Overview_Henry_Report_2_May_2010.pdf, accessed 4 June 2010.

²⁹ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, p.43.

³⁰ The shire's 2010-11 rates declaration includes \$1,442.00 per annum for garbage collection for each residence. East Arnhem Shire Council, *Rates Declaration for 2010/11*, 14 July 2010, http://www.eastarnhem.nt.gov.au/xavier/data/Rates/East_Arnhem_Shire_Council_Rates_Declaration_V3_2010-11.doc; accessed 27 September 2010.

³¹ LANT, CTC, 'Transcript of Proceedings', 3 June 2010, pp.43-5, Answer to question on notice.

³² LANT, CTC, 'Transcripts of Proceedings', 12 May 2010, pp.8-9,19.

³³ LANT, CTC, 'Transcripts of Proceedings', 12 May 2010, pp.19-20.

³⁴ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, p.44.

As demonstrated in the MacDonnell Shire example, shires raise negligible revenue from rates; about three per cent, compared to about 50 per cent by municipals. Ms Moir said some shires have had to introduce significant user charges to try to counteract the loss of revenue through conditional rating and rate capping.³⁵

The CTC asked if LGANT would support the re-introduction of service fees as part of assisting a shire raise revenue. Mr Tapsell said the LGA provides for shires setting their own charges and rates and that charges can be interpreted to mean fees, however there is no provision to charge service fees as they were previously. The CTC believes that shires need to be able to recover some of the costs for some services like swimming pools.³⁶

The CTC notes the ongoing concerns about the financial sustainability of most shires and their small own-source revenue bases. It queries however, the fairness of trying to raise additional funds through charging increased rates from pastoral properties and mining properties when the real issue is that shires were never viable in the first place.³⁷

Mr Tapsell, LGANT CEO, said the financial sustainability of the shires has not been assessed in the Northern Territory as it has in all other states. A national study in 2006, by Price Waterhouse Coopers, found that because local government is no longer just roads, rates and rubbish, there has been a large increase in local governments providing community-type services. Providing these services has put additional pressure on local governments.

The PriceWaterhouse Coopers report recommended that local governments have to find ways to fund these services and to look after their assets better.³⁸ Mr Tapsell noted though, there will always be shires that are not financially sustainable because of the revenue levels and will therefore need supplementary funding assistance from the Northern Territory and Australian Governments.³⁹

The CTC asked LGANT if shires didn't get operational funding from the Northern Territory Government would they be viable. Mr Tapsell said if the test of financial sustainability was applied to shires, i.e. would they survive a large drop in funding, the previous smaller councils could not, however with the larger shires, it is probably dependent on the size of the decrease.⁴⁰

Ms Moir said the Grants Commission has changed its methodology, its definition of remoteness and a range of factors affecting disadvantage, which has meant a decrease in funding to the Tiwi Islands Shire Council. She added:

...there are a whole raft of things that councils once had the money for but they now have to take out of their untied grant or not do it. And that's where criticism comes about...them not doing the sorts of things that the old councils used to do in communities.⁴¹

³⁵ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, p.43. See NTG, *LGA Guidelines*, Part 6; Knight, 'Second Reading Speech LGA'.

³⁶ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, pp.44-5.

³⁷ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, pp.45-6.

³⁸ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, p.46. See PriceWaterhouse Coopers, *National Financial Sustainability Study of Local Government*, Commissioned by the Australian Local Government Association, November 2006, <http://www.alga.asn.au/policy/finance/pwcreport/overview>, accessed 1 September 2010.

³⁹ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, pp.47,51.

⁴⁰ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, p.51.

⁴¹ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, pp.51-2.

LGANT has written to the Northern Territory Government and the Northern Territory Grants Commission about the drop in funding (from \$1.2M to \$800,000) for the Tiwi Islands Shire.⁴² Mr Tapsell said LGANT is concerned about what impact the land tenure changes will have on shire councils' revenue. Mr Tapsell used the example of Nguui on the Tiwi Islands, which said the OTL is saying rent for land that shire properties sit on will be \$120,000. If this figure (for one town) is used to extrapolate costs across the Territory, the impact could be significant, in an all ready financially-stressed sector.⁴³

The CTC notes that the Northern Territory Government has not promised to keep operational funding going and if the shires lose that funding they cannot survive.⁴⁴ The CTC asked Mr Davies (DHLGRS CEO) what plans are in place to increase local governments' discretionary funding. Mr Davies said the department is working to:

...get longer term revenue streams locked in so that they can see a revenue stream coming in; we are working with our Treasury to ensure that where Shires want to take a loan to invest, to improve their footprint, they can do that providing they can demonstrate the capacity to repay. There are a range of things we are working with and on, but in terms of their actual revenue base, that's going to be something that is going to take a little while to sort out.⁴⁵

While increasing the amount of discretionary funding available to shires will help improve their longer-term sustainability, it will not address complex funding conditions and burdensome acquittal processes. The Northern Territory Coordinator-General, Mr Bob Beadman, has raised concerns about 'serious under-equipped and under-funded local government bodies'.⁴⁶ The CTC asked DHLGRS representatives about action taken to simplify funding conditions and acquittal processes.⁴⁷

Mr Mathew Fagan (SDCU) confirmed Mr Beadman is driving change to local government funding arrangements. He has asked each government agency to provide him with information on all government grants provided to local governments and then for an explanation for why those grants cannot be freed up in grant duration and acquittal processes. Mr Fagan said future funding arrangements will be included in *Working Future's* Local Implementation Plans.⁴⁸

Core services

Over the last 12 months, the CTC has asked most shires about the services they deliver. For example, the Shire Services Manager at Santa Teresa, Ms Diane Nona, said her role included local roads, clearing rubbish, maintaining the swimming pool, sport and recreation, housing, repairs and maintenance, night patrol and maintaining the airstrip, cemetery and parks and gardens. The store was the responsibility of the

⁴² LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, p.40. For more information on the drop in funding see: LANT, CTC, *Second Report*, pp.21-2.

⁴³ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, pp.35-6.

⁴⁴ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, pp.51-2.

⁴⁵ LANT, CTC, 'Transcripts of Proceedings', 14 September 2010, p.68.

⁴⁶ NTG, Northern Territory Coordinator-General for Remote Services, *Report #2 December 2009 to May 2010*, DHLGRS, July 2010, pp.47-54, [http://www.workingfuture.nt.gov.au/download/Report%202/NTCG Remote Services Report\(June10\)%20v11.pdf](http://www.workingfuture.nt.gov.au/download/Report%202/NTCG%20Remote%20Services%20Report(June10)%20v11.pdf), accessed 4 August 2010.

⁴⁷ The Northern Territory Coordinator-General also commented on the effect of the restrictive and time consuming nature of local government funding requirements. LANT, CTC, 'Transcript of Proceedings', 14 September 2010, pp.89-91.

⁴⁸ LANT, CTC, 'Transcript of Proceedings', 14 September 2010, pp.68-70.

Shire (and managed by Outback Stores) but it was hoped to be returned to the community in the near future. The art centre is managed by a separate organisation.

Santa Teresa community members raised concerns about the role of the community's Night Patrol who were in Darwin attending training. Ms Nona described the role as helping to make the community safe and if there are any problems, for the Police to be contacted. Community members however said because drinkers consume alcohol outside the community and then walk back about 12 kilometres, there was confusion about the boundaries of responsibilities of the Night Patrol.

CTC members were concerned to see that Night Patrol included at least some women who can ensure women and small children were kept safe. CTC members described the role of particularly female Night Patrols in northern communities and the training they receive with female Police.⁴⁹

Concerns were raised about the lack of any way to fight a fire, particularly a grass fire as following the rain there was a lot of long grass around the community. The CTC heard that the community government council had a fire truck. Following the transfer of assets to the Shire, the fire truck was deemed to be beyond economic repair by the Shire and was understood to have been sold for scrap. An application for a fire trailer has been completed with the Government Business Manager (GBM), however the outcome of this was unknown.

Community members discussed the need for a new dump which was said to be delayed by the CLC consultation with traditional owners, some of whom live in Alice Springs. Discussion between community members indicated there was still some confusion about the agreed location of the new dump site. The CTC suggested the community and or Shire contact the Department of Natural Resources, Environment, The Arts and Sport which has a process that needs to be followed for registering new dump sites.⁵⁰

The CTC asked if the services provided by the Shire are better than those delivered through community government councils and what peoples' feeling were about the services provided. The MacDonnell Shire CEO, Mr Taylor, agreed with the Shire President, Mr Anderson, who said the changes were not necessarily bad but the new way of delivering services was still coming together. He added that what has been missed in the move to shires is the sense of community control. In particular, the message about the change to local government wasn't communicated well. People are therefore still working through the changes and what they mean.⁵¹

One example of this lack of clarity about responsibility for particular services is roads. Mr Taylor said the Shire has the Northern Territory Government's listing of roads which shows who has responsibility for each road, however the Shire does not believe it's quite correct. The Shire is therefore clarifying the list and the funding obligations, before it accepts responsibility for other assets.

Mr Taylor said a new Maryvale road had been built at a cost of about \$7 million, which the communities were very happy about. The CTC asked about responsibility for the Santa Teresa road which members had driven on and found to be in very bad condition. Mr Taylor confirmed that it is a Northern Territory Government road.⁵²

⁴⁹ LANT, CTC, 'Transcript of Proceedings', 11 May 2010, pp.14-5.

⁵⁰ LANT, CTC, 'Transcript of Proceedings', 11 May 2010, pp.19-20.

⁵¹ LANT, CTC, 'Transcript of Proceedings', 12 May 2010, p.4.

⁵² LANT, CTC, 'Transcript of Proceedings', 12 May 2010, p.5.

Ingkerreke Resource Services receives special purpose grant funding specifically to maintain roads on Aboriginal Land Trust land, while the MacDonnell Shire receives federal assistance grants to maintain roads as a local government authority. Mr McConnell, Ingkerreke General Manager, said Ingkerreke didn't have any graders as it hadn't been able to receive any capital grants, however the grading work was subcontracted.

Mr McConnell told the CTC about how road work is undertaken around Hermannsburg (also known as Ntaria) with some roads maintained by the MacDonnell Shire, some by the Territory Government and some by the outstations resource agency, Tjuwanpa. Mr McConnell said that if Tjuwanpa was able to contract to the Shire to do all the work, it would be able to create more Indigenous employment than the Shire can.

The CTC asked LGANT if it has reviewed the required functions of shire councils under the new LGA. Ms Moir said members want to be able to deliver all the services, however need additional funding to be able to do that. LGANT's focus therefore has been to not change the list of responsibilities but to try to address shires' fundraising abilities. However, Mr Tapsell agreed to ask LGANT members if they have a view about which services could be dropped and which ones to focus on.⁵³

Mr Tapsell reported shires having difficulty in providing all of the below core services because of a lack of funding.

Table 4. Core local government services

Local Infrastructure	Community Engagement in Local Government
Maintenance and Upgrade of Parks, Reserves and Open Spaces	Training and Employment of local people in council operations
Maintenance and Upgrade of Buildings, Facilities and Fixed Assets	Administration of Local Laws
Management of Cemeteries	Public and Corporation Relations
Lighting for Public Safety including Street Lighting	Customer Relationship Management, including complaints and responses
Local Road Upgrading and Construction	Governance, including administration of council meetings, elections and elected member support
Local Roads Maintenance	Administration of Local Boards, Advisory Bodies and Management Committees
Traffic Management on Local Roads	Advocacy and Representation on local and regional issues
Fleet, Plant and Equipment Maintenance	Local Government Administration
Local Environment Health	Financial Management
Waste Management (including litter reduction)	Revenue Growth
Weed Control and Fire Hazard Reduction in and around community areas	Human Resources
Companion Animal Welfare and Control	Asset Management
Local Civic Services	Records Management
Library and Cultural Heritage Services	Risk Management
Civic Events	Council Planning and Reporting: Strategic, Financial and Service Delivery Planning and Reporting
Local Emergency Services	IT and Communications

⁵³ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, pp.62-3.

The services that shires have the most difficulty with include those in the following table.⁵⁴

Table 5. Most difficult services to deliver

Local Infrastructure	Community Engagement in Local Government
Maintenance and Upgrade of Buildings, Facilities and Fixed Assets (including swimming pools and major plant and equipment)	Training and Employment of local people in council operations
Local Road Upgrading and Construction	Customer Relationship Management, including complaints and responses
Local Environment Health	Local Government Administration
Companion Animal Welfare and Control	Revenue Growth
Local Civic Services	IT and Communications
Library and Cultural Heritage Services	

Shires argue that their ability to satisfactorily perform these services is totally dependent on them receiving grants to carry them out. If grants are not forthcoming then shires say they will either not perform the service or only provide services at the level of funds they have to do them, which in some cases is next to nothing.⁵⁵

The CTC asked DHLGRS representatives what was being done to assist shires undertake the large number of core functions with little or no additional funding. Mr Davies (CEO), said government is looking at the financial sustainability of shires and is working with the Australian Government to identify grant programs that perhaps need increased administrative components.⁵⁶

In its *First Report* the CTC recommended the identification of ongoing funding for roads prior to their transfer to shires.⁵⁷ The Northern Territory Coordinator-General has said further significant 'one-off capital' and additional roads funding is needed to address the dire state of inherited shire roads.⁵⁸ This is one example of core services that shires have responsibility for, but little funding to undertake.

Mr Fagan (SDCU) said shires have made it very clear that they need additional funding to support transferred roads. In regard to the core services information provided by LGANT, he said there wasn't anything on the list that wouldn't be considered something shire councils shouldn't do. On the question of additional roads funding, Mr Fagan said the government is still hopeful of getting additional money from the Australian Government. Feedback through the Local Implementation Plans' process shows roads are the top priority for all shires.⁵⁹

Local boards

The CTC asked the MacDonnell Shire about the role of local boards in determining the Shire's priorities. Shire President, Mr Sid Anderson said local boards are listened to, with the CEO attending and keeping notes of boards' meetings so that the Shire Council can hear the views of each board. The problem is there isn't enough funding available to be able to follow up on some boards' ideas. There are 14 communities in MacDonnell Shire with limited funding.

⁵⁴ LANT, CTC, 'Transcript of Proceedings', 3 June 2010, p.63, Answer to question on notice.

⁵⁵ LANT, CTC, 'Transcript of Proceedings', 3 June 2010, p.63, Answer to question on notice.

⁵⁶ LANT, CTC, 'Transcript of Proceedings', 14 September 2010, pp.78-9.

⁵⁷ See Recommendation 17 in Appendix C.

⁵⁸ NTG, *NTCG Report #2*, pp.25, 65-9.

⁵⁹ LANT, CTC, 'Transcript of Proceedings', 14 September 2010, pp.79-80.

The boards are working well in some communities with meetings held prior to the Shire Council meeting so that issues can be considered there. Governance training was provided to local boards, however in some communities it is difficult to get people to participate in the training and be involved with local boards. In some communities there is a lot of community engagement with local boards, while at other communities people are interested in attending meetings but complain about the Shire. Mr Anderson said they need more local people to attend local board meetings.⁶⁰

Mr David Doolan, an elected member for the MacDonnell Shire's Rodinga Ward said it has been frustrating trying to encourage community involvement with the local boards.

You have got to have more than local people and do not look at your board members, you know, like your shire. And we are trying to teach these people what is going around in the community, to tell them that we are the listeners. They are the ones who have to speak on behalf of the community.⁶¹

As in other communities, the CTC was told by Hermannsburg community members there was a sense of loss of control in the community since local government reform, with little feedback from the local board. One community member said there is a growing sense of no-one listening to Aboriginal people. Another difference noted with local government reform was there seems to be less support now for community events. People said they didn't really know who the Shire CEO is and added that he needs to be out more than just local board meetings.

In Hermannsburg, people said there were three elected members from Hermannsburg on the Shire Council and while people are encouraged to attend meetings, few people come and then complain about not being told. Other people said that community members are sick of meetings, with some people having to leave work and to attend meetings at least weekly. There doesn't appear to be an integrated approach to planning for the capacity of the community.⁶²

Employment

Many Santa Teresa community members raised concerns about the lower level of local employment in Santa Teresa since local government reform. A community member commented that under the community government council:

There was more employment, people were working, people had the power, people make their decisions. Everything was working.⁶³

One of the factors contributing to less local employment was said to be the use of outside contractors to undertake work such as repairs and maintenance to housing. Examples were provided by community members of trained local people able and willing to undertake work, while contractors were brought into the community to do the work.⁶⁴

⁶⁰ LANT, CTC, 'Transcript of Proceedings', 12 May 2010, pp.9-10.

⁶¹ LANT, CTC, 'Transcript of Proceedings', 12 May 2010, p.10.

⁶² Due to failure to the recording system it was not possible to produce a transcript of the hearing. This information is prepared from Secretariat notes.

⁶³ LANT, CTC, 'Transcript of Proceedings', 11 May 2010, p.23.

⁶⁴ LANT, CTC, 'Transcript of Proceedings', 11 May 2010, pp.28-9. The CTC was told by the Ingerreke Outstation Resource Services that Ingerreke's Indigenous employment target is 80 per cent and it is

Sister Liz Wiemers recalled that the community government council had its own electrician, carpenter and plumber that could be called, through the council, to undertake work. The current situation however, is that people have to wait for a contractor to come from Alice Springs.

The Shire Services Manager, Ms Diane Nona, said the shire (then) employed 29 people in Santa Teresa, of whom 24 were Indigenous. Community members said there were about 72 people employed by the community government council, just prior to the Shire's creation.⁶⁵ Santa Teresa residents told the CTC the disconnection of water to the orchard, where 10 young men were being trained, resulted in the loss of their jobs.⁶⁶

The CTC asked if the MacDonnell Shire had more or less jobs than before local government reform. Mr Anderson (MacDonnell Shire President) said the feedback from the communities was that there needs to be more, steady employment. He believes there are fewer community people working now in local government because many lost jobs with the community government councils following local government reform. This seems to have contributed to the view that community government councils' experience is not being used.⁶⁷

An example was provided of loss of jobs in Titjikala where the tourist business had 64 people employed, which had dropped to about 10, because of the loss of CDEP. People however felt that the Intervention also affected the numbers of jobs lost, rather than just local government reform.⁶⁸

Mr Taylor (MacDonnell Shire CEO) said the loss of CDEP was a significant change for the Shire.

...we have a \$36m budget. \$1m of that is rates and about \$2m of that is financial assistant grants, so the \$33m is basically tied to giving a particular service so you are employing for that service... and you have to get a specific skill for that service, so it makes things very tricky. So what we are doing is raising development for people to come up from a worker into a supervisor, a supervisor to a team leader and team leader eventually into shire service manager. That is actually happening now...

We have entered into an agreement with NT Training, so we are taking up sponsorship for apprenticeships. We need a plumber, electrical and carpenter, so we are looking for Indigenous trainees coming through the training program that do sponsorships when they finish they come back to us work in our communities for two years and provide skills and training back to others and with that skill we are doing that already. That is just being agreed to with NT Training so there is a process now about trying to lift people as best as we can with extra skills and extra training to bring them up.⁶⁹

The jobs are partly funded between the projects they are employed on or from the funding for an agency service, depending on hours worked on different projects. This is because many projects cannot fund jobs all the time, so the funding for jobs can come from a couple of projects. For example:

the sole contractor working with New Future Alliance on its southern SIHIP construction. About 20 Ingkerreke employees were working in Santa Teresa.

⁶⁵ LANT, CTC, 'Transcript of Proceedings', 11 May 2010, p.23.

⁶⁶ LANT, CTC, 'Transcript of Proceedings', 11 May 2010, p.1.

⁶⁷ LANT, CTC, 'Transcript of Proceedings', 11 May 2010, pp.2-3.

⁶⁸ LANT, CTC, 'Transcript of Proceedings', 12 May 2010, p.2.

⁶⁹ LANT, CTC, 'Transcript of Proceedings', 12 May 2010, p.3.

Some of our civil crews come and work as well, do that work and they get charged, we cost their hours working on that to that sports program and then they go back to the civil works over here.⁷⁰

In addition, Mr Taylor said some people do not want to work full time and not all jobs are full time. He said the Shire has 294 fulltime equivalent jobs, but employ about 384 people as a fair proportion of people work part time.⁷¹

Hermannsburg community members said they believed there were less people employed by the Shire than were employed prior to local government reform. They said there were 39 local people currently employed and about 60 per cent of those were part time.⁷²

The CTC asked LGANT about the then impending closure of CDEP and the impact of this in communities and for employment with the shires. Mr Tapsell said:

Each of the shires has got between 50 and 100 employees out of that funding but it all runs out on the 30th of June, this month. We wrote to the Territory government in August of last year highlighting this as a major potential problem in that, I guess, there was an expectation that people would be able to be transitioned into shire funded jobs...they tried to transition them into housing and what-not, and they did transition some, but generally speaking, they haven't been able to transition the bulk of them...We went to see the then minister a few times as well and he said that the Territory government was taking it up, and they did. They pursued it with the Commonwealth, but it seems that the Commonwealth, at this stage, is standing firm.⁷³

Ms Moir provided the CTC with a copy of the letter LGANT sent to the Australian Government Minister calling for resolution of the anticipated loss of jobs for Indigenous people if the CDEP matching funding during the transition period ceased at the end June 2010. She said the shire councils need to be involved more in the process around CDEP and its replacements because shires are the major employers of people in Indigenous communities.⁷⁴

Mr Tapsell said LGANT believes the CDEP transition and closure is a cost shifting exercise that the Northern Territory Government does not have the capacity to change. It is a Commonwealth issue which the Australian Government has a duty to resolve.⁷⁵

The CTC notes that following the meeting with LGANT, the Northern Territory Local Government Minister, Ms Malarndirri McCarthy, announced that the CDEP transition funding would continue until at least 31 December 2010.⁷⁶ While the Minister's statement said negotiations would continue with the Australian Government to resolve the issue, no further information has been released. The CTC notes that at the time of local government reform the Northern Territory Government said one of the benefits of local government reform would be more jobs and real jobs.⁷⁷

⁷⁰ LANT, CTC, 'Transcript of Proceedings', 12 May 2010, pp.3-4.

⁷¹ LANT, CTC, 'Transcript of Proceedings', 12 May 2010, p.4.

⁷² Due to failure to the recording system it was not possible to produce a transcript of the hearing. This information is prepared from Secretariat notes.

⁷³ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, p.60.

⁷⁴ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, pp.34-5, 60-1.

⁷⁵ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, p.61.

⁷⁶ NTG, *Media Release*, 'CDEP extended till 31 December 2010', 16 June 2010, <http://www.newsroom.nt.gov.au/index>, accessed 16 June 2010.

⁷⁷ Department of Local Government and Housing, *Reform Benefits*, p.1, http://www.localgovernment.nt.gov.au/history/community_engagement/benefits, accessed 30 December 2009.

LGANT has sought changes to the Local Government (Accounting) Regulations so shires can be more efficient in their procurement practices and allow the tenders process to factor in steps to ensure the employment of more local Indigenous people.⁷⁸

Mr Mathew Fagan (SDCU) said as part of the Growth Towns strategy, the Remote Services Delivery NPA and Northern Territory Coordinator-General comment, there has been a review of government practices to increase Indigenous employment, particularly through shires. The Department of Construction and Infrastructure is now allocating people to assist shires to do workforce planning based on government's capital works programs in shires.⁷⁹

The other area discussed with DHLGRS representatives was that there is increasing pressure on people in Indigenous communities to undertake unpaid work and participate in advisory-type groups. Mr Davies (DHLGRS CEO) acknowledged the considerable work being done by people on local boards, housing reference groups and other advisory bodies and agreed there was increasing pressure for the work to be paid, but was unsure how it could be funded.⁸⁰

Planning/ Working Future

When the CTC visited Hermannsburg, which is a growth town, community members seemed unsure about planning processes for *Working Future* and SIHIP delivery. Hermannsburg community members asked about housing leases and the role of the Housing Reference Group. People said they were in the process of considering leases, but did not understand why government wants to lease Aboriginal land. Community members thought there was already a commitment for the community to get new housing – with or without leases.

The CTC explained the role of the OTL and that the Australian Government is saying if there are no leases then no there will be no new houses. There are two types of leases being discussed with one being a lease of a housing area or precinct only, and the other a lease of the entire town area.

It was stressed that land title remains with the traditional owner who can negotiate the length and terms of the lease. Nonetheless, there was strong feeling at the meeting against leasing of Aboriginal land and that governments haven't explained about leasing or housing programs properly.⁸¹

To answer people's questions about what was happening in the towns where leases have been agreed, for example, was government delivering on its promises, the CTC described the housing progress on the Tiwi Islands. Some community members said they didn't believe the CLC had talked about the leases enough with the community, that there has been very little explanation about leasing.

⁷⁸ LANT, CTC, 'Transcript of Proceedings', 14 September 2010, pp.77-8.

⁷⁹ LANT, CTC, 'Transcript of Proceedings', 14 September 2010, pp.77-8.

⁸⁰ LANT, CTC, 'Transcript of Proceedings', 14 September 2010, p.66.

⁸¹ In May 2010, the media reported that Hermannsburg, Lajamanu and Yuendumu were refusing to sign a housing lease until the Northern Territory Government revealed rent to be charged to public housing tenants: N. Robinson, 'Rent snag to Aboriginal leases', *The Australian*, 24 May 2010, <http://www.theaustralian.com.au/news/nation/rent-snag-to-aboriginal-leases/story-e6frg6nf-1225870280808>; and S. Everingham, 'Call for answers on Indigenous housing costs', *The World Today*, transcript 25 May 2010, <http://www.abc.net.au/worldtoday/content/2010/s2908681.htm>.

People seemed very confused about what was going on, not only in relation to leasing, but more broadly about SIHIP and *Working Future* and particularly the Growth Towns policy. There were calls for the Chief Minister to come and talk directly to the community.⁸²

Mr Tapsell said LGANT is in discussion with the land councils about a range of land tenure issues as the councils have asked for a memorandum of understanding to be signed that will include the different land tenure arrangements in place in different places and identify all properties that leases are needed over. He said LGANT is moving to resolve land tenure issues as local governments realise they are operating on Aboriginal land and need to have land tenure arrangements in place.⁸³

Mr Tapsell said LGANT's strategic plan requires plans to be in place prior to the transfer of roads, barge landings, boat ramps and airports from the Northern Territory Government to local governments.⁸⁴

Coordination

The CTC heard that many Santa Teresa community members felt that the Intervention and the introduction of shires following local government reform have caused significant disruption to service delivery in the community. Attendees at the public meeting cited many examples of poor coordination and lack of integrated government services, due to the combined impact of the Intervention and local government reform. One example of this combined effect was said to be a lack of employment stability in the community which is affecting the motivation of secondary school students who have returned to the school.

Community members noted that it seemed that some agencies make unilateral decisions, without telling other people and without considering the possible effects on the community and other services. When community members attempt to find out what has occurred it is difficult due to the 'silo' approach to delivery of services and the lack of intersectoral collaboration – 'certainly the people did not have any kind of feeling that there was any overall perspective to [the] community'.⁸⁵

The issues the community identified as contributing to the lack of coordination and consistency were:

- the 'silo' approach of Northern Territory Government agencies;
- lack of intersectoral collaboration (i.e. between Northern Territory and Australian Governments, local governments and non-government organisations); and
- the turnover of organisations and/ or their staff delivering services.

One example in Santa Teresa was the presence of two Centrelink offices. One was an agent funded through Centrelink and part of shire core services and the other was an office as part of the GBM facility. While there was a duplication of Centrelink services, there was no facility to post a letter or buy a stamp, despite there being a sign for a Post Office, the office was no longer staffed.⁸⁶

⁸² Note that a housing precinct lease has since been agreed in principle. See Chapter 2 and Appendix F.

⁸³ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, pp.35-7.

⁸⁴ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, p.37.

⁸⁵ LANT, CTC, 'Transcript of Proceedings', 11 May 2010, pp.1-2.

⁸⁶ LANT, CTC, 'Transcript of Proceedings', 11 May 2010, pp.21-3.

Mr Anderson and Mr Taylor (MacDonnell Shire) said there was a shift in the Shire Council's approach which was trying to work from the bottom, or community up, rather than from the top, or services, down. Mr Anderson (Shire President) said it was important that the Shire, government, and community work together.⁸⁷

Mr Anderson said there were more people from government agencies coming to communities and that there were almost continuous meetings. Mr Anderson understood the role of the GBMs was not actually happening in the communities, that most people didn't know what the GBMs were supposed to be doing.

Both Mr Anderson and Mr Taylor believed it was important for the GBMs to get closer to communities and to work with them. The continuing lack of coordination was frustrating communities so the Shire was discussing with the Northern Territory Government's Service Delivery Coordination Unit the need for a memorandum of understanding about processes to help improve coordination through a single contact. Mr Taylor said that change was slowly happening.⁸⁸

Another issue was that GBMs are not in communities all the time. Mr Anderson said communities were still trying to develop projects with GBMs but it was a slow process. Mr Anderson acknowledged the 'human factor' in who GBMs are, but essentially what has happened is the role of GBMs has shifted from coordination to being a 'grant chaser' of what they think should happen rather than what the community wants.⁸⁹

Mr Taylor provided an example of a GBM's involvement in building a high quality dirt BMX track on one of the communities which came from a few people talking to the GBM. He said the track was a good thing but with extra thought and time the track could have had a sealed surface and therefore would be longer term improvement. As it is the track has a limited life.⁹⁰

In September, there was protracted discussion at the public hearing about the withdrawal of the MacDonnell Shire from providing local government services to Mutitjulu.⁹¹ Mr Alexander (DHLGRS) said:

During the Local Government Reform there were, in most communities...community run councils that were under the NT legislation and ... Local Government Reform amalgamated those into the Shire Councils. There were a couple of communities where there were organisations that were not under the NT Act...Mutitjulu was one of those communities, so there was the process to develop agreements between the community and the Council... Those were signed in most cases, the Mutitjulu community didn't sign an agreement... They'd been accepting the services but there's no formal agreement for that to happen.⁹²

Mr Davies said the department is working with the Mutitjulu Community Aboriginal Corporation and Ngurratjuta Aboriginal Corporation which is going to provide municipal services to Mutitjulu. In effect, what will happen is the funding that was

⁸⁷ LANT, CTC, 'Transcript of Proceedings', 12 May 2010, p.1

⁸⁸ LANT, CTC, 'Transcript of Proceedings', 12 May 2010, pp.5-7.

⁸⁹ LANT, CTC, 'Transcript of Proceedings', 12 May 2010, pp.7-8.

⁹⁰ LANT, CTC, 'Transcript of Proceedings', 12 May 2010, pp.7-8.

⁹¹ In August, the MacDonnell Shire Council withdrew its services following legal advice that Mutitjulu was the responsibility of Parks Australia, and therefore ultimately, the Australian Government. See: A.Marshall, 'Mutitjulu 'a community everyone wants to forget', *ABC News*, 31 August 2010, <http://www.abc.net.au/news/stories/2010/08/31/2998483.htm>, accessed 31 August 2010.

⁹² LANT, CTC, 'Transcript of Proceedings', 14 September 2010, p.81.

provided to the MacDonnell Shire to provide services to Mutitjulu, will be provided to Ngurratjuta to provide the services. Mr Davies said the department will work closely with both corporations to ensure a proper agreement is put into place.⁹³

Findings

Feedback from communities and the local government sector during the six months this report covers show there is still considerable concern about some parts of local government reform including how the reform has affected communities and the drop in local employment in the shires. The ongoing issue of financial sustainability of the shires is perhaps the most pressing concern that needs to be addressed.

Impact of local government reform

The CTC heard that many communities' residents feel the change to shires has meant a loss of community control and a growing sense that governments are not listening to Indigenous people and their concerns for the communities they live in.

Community residents, shire representatives and LGANT provided evidence to the CTC of a growing weariness of community members having to attend seemingly endless meetings and of the apparent lack of an integrated approach to planning for the capacity of the communities.

The CTC agrees that reform needed to happen in the Territory's local governments. It is concerned reform has occurred at the cost of losing functioning and effective community government councils in which communities had a sense of ownership.

The CTC commends the MacDonnell Shire for taking the initiative by seeking to negotiate a memorandum of understanding to resolve its concerns about lack of coordination and notes the Shire CEO's evidence that change is starting to happen.

Recommendation 10

The CTC recommends DHLGRS develop memorandums of understanding or agreements with all shires to improve coordination between governments and establish a single point of contact.

Employment

The CTC notes the action taken by the Northern Territory Government to ensure CDEP transition funding continued, until at least the end of this year. The CTC understands that negotiations continue with the Australian Government to resolve the issue. However, it has concerns that no further information has been provided about a possible resolution of the longer term funding issues associated with the changes to CDEP and the emphasis on Indigenous employment and training.

This is at the same time as there is increasing pressure on people in Indigenous communities to undertake unpaid work to participate in advisory-type groups. In some instances Indigenous people are asked to absent themselves from their paid employment to participate in advisory forums.

The CTC also heard from a range of witnesses about the significant drop in the number of local people employed in local government in the communities. The CTC is shocked that there has been such a significant drop in the number of jobs for the

⁹³ LANT, CTC, 'Transcript of Proceedings', 14 September 2010, pp.81-8.

local community in local government services when one of the stated benefits of local government reform was that there would be more real jobs for local people.⁹⁴

Recommendation 11

The CTC recommends the Northern Territory Government:

- (a) tell the Australian Government that the closure of CDEP will have a detrimental impact on Aboriginal communities; and**
- (b) work with the Australian Government to achieve the maintenance of the CDEP program.**

Recommendation 12

The CTC recommends the Northern Territory Government provide a report to the CTC on the number of current local jobs in local government by shire and community and the number of jobs that existed prior to local government reform.

Financial sustainability

The CTC has previously recommended that legislation be amended to enable shires to increase their own revenue bases, such as through service fees. The Northern Territory Government in its response to that recommendation said it would look at the recommendation as part of reviewing the LGA. The CTC understands the LGA is currently being reviewed.

The CTC notes there is no guarantee that operational funding will continue and if the shires lose that funding they cannot survive as their discretionary income is negligible. In addition to surety about operational funding, the CTC continues to believe shires need to be able to recover costs they incur to provide some services, like swimming pools.

The lack of an appropriate level of funding for roads is perhaps the most pressing example of an unfunded core service that shires are not able to undertake without additional funding. The CTC has made recommendations to address this in an earlier report.

The CTC notes the government is optimistic about getting the improved funding needed to adequately maintain roads in shires and that shires have indicated their undertaking all local government services is dependent on receiving adequate funding.

Recommendation 13

The CTC recommends the Northern Territory Government provide information about ongoing additional funding it has identified that will assist shires in delivering the full range of services.

⁹⁴ DLGH, *Reform Benefits*; Department of Local Government, Housing and Sport, 'Questions and Answers', *New Local Government*, p.8, 30 January 2007, http://www.localgovernment.nt.gov.au/data/assets/pdf_file/0013/7150/lg_answers.pdf, accessed 5 October 2010.

4. **WORKING FUTURE**

Working Future was announced in May 2009 and has six parts that aim to develop 20 'growth towns', establish a new policy for homelands and outstations and better coordinate the delivery of infrastructure and services to remote areas. It is closely aligned to COAG's National Indigenous Reform Agreement and its priority areas of action.¹

The NT Coordinator-General for Remote Services, Mr Bob Beadman was appointed to be responsible for remote service delivery and improved service coordination. Mr Beadman released his first six monthly report on progress in implementing the six parts of the *Working Future* policy, including the development and delivery of government services and facilities to the Territory Growth Towns in December 2009.²

During its initial hearings the CTC began to look at how *Working Future* was being implemented, raised some emerging concerns and said it would seek further briefings on the policy, but particularly on its implementation. In late January 2010, Mr Beadman spoke to the CTC about his role and findings of his first report.

Since then the CTC has heard from people in a number of communities, shires and organisations about issues related to *Working Future* and its implementation. In July 2010, Mr Beadman released his second report which described progress made in the period December 2009 to May 2010.³ In September 2010, Mr Beadman spoke to the CTC at a public hearing.

This chapter looks at the *Working Future* issues raised with the CTC in the past six months. In most cases there are links to issues from the two earlier chapters on SIHIP and local government. Where issues from earlier chapters intersect with *Working Future* they are also discussed here.

Issues raised

A range of matters have been raised with the CTC in relation to *Working Future*. During this, the initial year of its implementation, issues have consistently been raised about land tenure, coordination and planning. The CTC has also sought community views about the future of outstations.

There are links to SIHIP in regard to land tenure and the issues surrounding coordination and planning are closely linked to issues discussed in the local government chapter.

Land tenure

In April the CTC heard that the EDTL is a statutory position established under section 20(c) of the *Aboriginal Land Rights (Northern Territory) Act 2007* (ALRA) and came into effect on 1 July 2007. The EDTL reports directly to the Minister for Families, Housing, Community Services and Indigenous Affairs, the Hon Jenny Macklin MP. As Executive Director, Mr Pat Watson manages Township Leases in the Northern

¹ For more detailed information on *Working Future* and the national agreement see the CTC's *First Report*, pp.10-2; and NTG, *Working Future*, <http://www.workingfuture.nt.gov.au>.

² NTG, *Northern Territory Coordinator-General for Remote Services: Report #1 May to November 2009*, Department of the Chief Minister, Darwin, http://www.workingfuture.nt.gov.au/ntcg_report1.html, accessed 18 December 2009.

³ NTG, *NTCG Report #2*.

Territory on behalf of the appropriate land council, land trust and the Australian government.⁴

The OTL is the administrative arm of the EDTL and undertakes the initial cadastral surveys of the townships, negotiates subleasing arrangements with existing and future occupiers of the townships and works with the land council and land trust to promote economic development.⁵

The OTL is funded by payments from the Aboriginals Benefit Account (ABA) established under Part VI of the ALRA to receive and distribute statutory royalty equivalent monies generated from mining on Aboriginal land in the Territory. Under section 64(4A) of the ALRA, the ABA makes payments for the acquiring and administration of township leases approved under section 19A of the ALRA. In the financial year 2008-09, ABA payments to the OTL totalled \$1.77 million, of which \$1.088 million was spent on administrative expenses associated with the office of the EDTL.⁶

The EDTL administers township leases negotiated between the Australian government and Indigenous communities in the Northern Territory and includes the administration of any subleases and other rights and interests derived from the leases in accordance with the terms and conditions. The agreed head lease sets out the terms and conditions under which the lease is to be managed. The EDTL is required to develop a township and improve the prosperity and wellbeing of its residents while protecting those with existing legal rights, titles and other interests in the township.

At the time of the CTC meeting, the EDTL said head leases were held over the townships of Nguiu on Bathurst Island where 10 families have bought houses, Angurugu and Umbakumba on Groote Eylandt, and Milyakburra on Bickerton Island. The EDTL also manages the leases held over the Alice Springs towns camps.⁷

Mr Watson outlined the benefits of a township lease as:

- regularising land tenure arrangements;
- promoting certainty over land tenure to assist in encouraging new businesses;
- encouraging lending organisations to offer loans to businesses with land tenure;
- creating opportunities for new jobs for local people; and
- allowing community residents to buy houses.⁸

The EDTL has formed consultative forums to seek traditional owners' views on a range of issues around land usage, rights of access, identifying and protecting sacred sites and ensuring continual respect for Aboriginal culture and tradition. In Nguiu the traditional owners have established an organisation called Mantiyupwi to pursue development opportunities.⁹

⁴ The Northern Territory Government declined to establish a statutory leasing entity, see: LANT, CTC, *Second Report*, pp.14-5 and NTG, *NTCG Report #1*, pp.30-1.

⁵ LANT, CTC, 'Transcript of Proceedings', 14 April 2010, pp.1-2.

⁶ FaHCSIA, *Annual Report 2008-2009*, Appendix 12 Aboriginals Benefit Account Annual Report 2008-09, http://www.fahcsia.gov.au/about/publicationsarticles/corp/Documents/2009_2009_Annual_Report, accessed 13 April 2010; FaHCSIA, *Land and Native Title*, 'Aboriginals Benefit Account (ABA)', http://www.fahcsia.gov.au/sa/indigenous/progserv/land/Pages/aboriginals_benefit_account.aspx, accessed 13 April 2010.

⁷ LANT, CTC, 'Transcript of Proceedings', 14 April 2010, pp.1-2.

⁸ LANT, CTC, 'Transcript of Proceedings', 14 April 2010, p. 2.

⁹ LANT, CTC, 'Transcript of Proceedings', 14 April 2010, p.2.

Lease payments are established through independent valuation of a market price, with the valuers using their understanding and knowledge of the areas in the Territory to advise an appropriate rental rate. The EDTL also negotiates with the lessee about what would be appropriate and any other factors that need to be considered, like infrastructure costs. The views of the consultative forum are also sought as part of determining an appropriate rent and when the standard sublease conditions needs to change. The decision on rental return is made however, strictly on a commercial basis and adhering to the principle of organisations wanting to use land owned by others being expected to pay a fair rent.¹⁰

Responding to the CTC's questions about the financial arrangements surrounding the agreement of head leases, Mr Watson described the process followed in Nguiu where the received \$5 million was, in effect, a prepayment for the first 15 years of the lease. If more than the amount already paid is collected it will be paid to the traditional owners less administrative costs. The payment of \$5 million is sourced from the ABA and any revenue collected (such as rent on houses or businesses) is returned to the ABA, as determined by the Australian Government.¹¹

The CTC is concerned about the use of the ABA to fund the EDTL and to make lease payments. The CTC sought information on the effect of the use of the ABA to fund the EDTL and township lease payments in relation to the constitutional provisions for the acquisition of property rights and settlement on just terms. The CTC was told the payments from the ABA are legitimate uses of the ABA under the ALRA, and are also constitutionally lawful as far as acquisition of property on just terms considerations.¹² The CTC has sought additional information about this view.

In Nguiu's case, Mr Watson said if the Northern Territory Government and Tiwi Shire pay fair rents, it is expected that rent could total about \$0.5 million each year, minus administrative costs. Mr Watson said when township leasing was first envisaged it was expected that the take-up rate would be greater. However, he acknowledged that given only a few communities have township leases, it is possibly inappropriate to put all EDTL costs against the few leased communities. He said this was being looked at.¹³

With the stated idea behind township leases to establish 'normal' towns, the CTC asked Mr Watson if a permit was required to go to Nguiu, or if it was an open town. Mr Watson said that the head lease was constructed in such a way as to include existing requirements under ALRA for Indigenous communities, like permits.¹⁴

Mr Watson commented that he was unaware of how strictly permit requirements were being enforced but he was not aware of any issues for people not being able to go to Nguiu. CTC members noted that if permits are still needed for people to go to Nguiu, it cannot be considered a 'normal' town where private businesses would seek to operate.¹⁵ Mr Watson added that private business can operate in Nguiu, but there

¹⁰ LANT, CTC, 'Transcript of Proceedings', 14 April 2010, pp.14-5.

¹¹ LANT, CTC, 'Transcript of Proceedings', 14 April 2010, pp.5, 7, 31-2. For the head leases on Groote Eylandt and Bickerton Island, a similar system of prepayment (of \$4.5 million) was made. In the Alice Springs town camps there is no payment for the leases, but there is a commitment by the Australian Government to spend \$100 million on upgrading houses and building new houses in the camps. LANT, CTC, 'Transcript of Proceedings', 14 April 2010, pp.30-1.

¹² LANT, CTC, 'Transcript of Proceedings', 14 April 2010, pp.5-6 and Answer to question on notice.

¹³ LANT, CTC, 'Transcript of Proceedings', 14 April 2010, pp.31-2.

¹⁴ LANT, CTC, 'Transcript of Proceedings', 14 April 2010, pp.18-9. Section 7 of the Head Lease for Nguiu says anyone entering the township needs a permit, except where the ALRA allows entry to that person. LANT, CTC, 'Transcript of Proceedings', 14 April 2010, Answer to question on notice.

¹⁵ LANT, CTC, 'Transcript of Proceedings', 14 April 2010, pp.18-9.

was a different process to follow to allow the consultative forum to consider and advise on proposals. He noted the Nguui community is very supportive of new enterprises becoming established in the town.¹⁶

The Northern Territory Coordinator-General, Mr Bob Beadman, has raised concerns with the subleasing arrangements in Nguui which the Commonwealth Bank has found do not provide an investment platform for the establishment of private businesses.¹⁷ This is contrary to Mr Watson's assertions and both governments' reasoning for establishing Growth Towns and demands for leases. Mr Beadman agreed that some terms of the Nguui head lease, like the requirement for permits and the inability to access bank finance, are impediments to achieving the intent behind leases, of opening-up towns for economic development.¹⁸

The CTC asked why permits still apply in cases where head leases have been signed and Mr Watson said it was because the ALRA still applies.¹⁹ The CTC sought clarification about whether permits are needed to enter land subject to the NTER provisions or to land under a township lease that was, prior to the lease, subject to the NTER provisions.²⁰

The advice provided was that the permit system applies to 'all Aboriginal land' (as defined in the ALRA by virtue of the *Aboriginal Land Act*). Because the leased townships are on Aboriginal land the permit system applies. However, the Northern Territory Intervention legislation does allow for a number of access rights to enter 'Aboriginal land' which mean in practice, very few (if any) people would need a permit for areas under township leases. The township leases did not change this situation in practice.²¹

The CTC is very conscious of the importance of governments securing township leases to successfully implementing the Growth Towns strategy. Reflective of this, the Northern Territory Coordinator-General has recently said securing township leases remains pivotal to the success of Remote Service Delivery and *Working Future*.²²

Progress on township leases for all Growth Towns is set out in the following table.²³

¹⁶ LANT, CTC, 'Transcript of Proceedings', 14 April 2010, p.20.

¹⁷ NTG, *NTCG Report #2*, p.74. Also LANT, CTC, 'Transcript of Proceedings', 14 September 2010, pp.93-4.

¹⁸ Also LANT, CTC, 'Transcript of Proceedings', 14 September 2010, pp.92-3.

¹⁹ LANT, CTC, 'Transcript of Proceedings', 14 April 2010, pp.21, 22.

²⁰ LANT, CTC, 'Transcript of Proceedings', 14 April 2010, pp.18-9, 21-3.

²¹ LANT, CTC, 'Transcript of Proceedings', 14 April 2010, pp.23, Answer to question on notice.

²² NTG, *NTCG Report #2*, pp.12,70.

²³ Please note information on housing precinct leases in Chapter 3 and Appendix F is repeated here to give the full picture on lease negotiation progress for the Territory Growth Towns.

Table 6. Growth Towns lease progress²⁴

Town	Land owner	Lease type/ progress
Maningrida	Arnhem Land Aboriginal Land Trust	<ul style="list-style-type: none"> • 5 year s31 NTER lease • Housing precinct lease in place
Wadeye	Daly River/Port Keats Aboriginal Land Trust	<ul style="list-style-type: none"> • 5 year s31 NTER lease • 2 s19A ALRA leases to Indigenous Business Australia (IBA) for 40 years for residential purposes on 24 lots in Wudapuli (35kms from Wadeye) • Township lease negotiations underway
Borroloola	Multiple – town	<ul style="list-style-type: none"> • Native Title implications to be addressed
Town camps	Yanyula, Garawa 1&2: Crown leases Mara: Narwinbi Aboriginal Land Trust	<ul style="list-style-type: none"> • Lease negotiations underway
Galiwin'ku	Arnhem Land Aboriginal Land Trust	<ul style="list-style-type: none"> • 5 year s31 NTER lease • Housing precinct lease in place • Township lease negotiations underway
Nguiu	Tiwi Aboriginal Land Trust	<ul style="list-style-type: none"> • 99 year s19A ALRA township lease to EDTL • Sublease to NTG in place
Gunbalunya	Arnhem Land Aboriginal Land Trust	<ul style="list-style-type: none"> • 5 year s31 NTER lease • Housing precinct lease signed
Milingimbi	Arnhem Land Aboriginal Land Trust	<ul style="list-style-type: none"> • 5 year s31 NTER lease • Housing precinct lease agreed in principle
Ngukurr	Arnhem Land Aboriginal Land Trust	<ul style="list-style-type: none"> • 5 year s31 NTER lease • Housing precinct lease agreed in principle.
Numbulwar	Arnhem Aboriginal Land Trust	<ul style="list-style-type: none"> • 5 year s31 NTER lease • Housing precinct lease agreed in principle
Angurugu	Anindilyakwa Land Trust	<ul style="list-style-type: none"> • 40 year s19A ALRA township lease to EDTL (further 40 years subject to s28) • Sublease under negotiation
Umbakumba	Anindilyakwa Land Trust	<ul style="list-style-type: none"> • 40 year s19A ALRA township lease to EDTL (further 40 years subject to s28) • Sublease under negotiation
Gapuwiyak	Arnhem Aboriginal Land Trust	<ul style="list-style-type: none"> • 5 year s31 NTER lease • Housing precinct lease agreed in principle
Yuendumu	Yuendumu Aboriginal Land Trust	<ul style="list-style-type: none"> • 5 year s31 NTER lease • Housing precinct lease negotiation underway
Yirkkala	Arnhem Land Aboriginal Land Trust	<ul style="list-style-type: none"> • 5 year s31 NTER lease • Housing precinct lease consultation underway
Lajamanu	Hooker Creek Aboriginal Land Trust	<ul style="list-style-type: none"> • 5 year s31 NTER lease • Housing precinct lease agreed in principle
Daguragu	Daguragu Aboriginal Land Trust	<ul style="list-style-type: none"> • 5 year s31NTER lease
Kalkarindji	Various - town	<ul style="list-style-type: none"> • s31 & 40 NTER lease negotiations underway • Native Title implications to be addressed
Ramingining	Arnhem Aboriginal Land Trust	<ul style="list-style-type: none"> • 5 year s31NTER lease
Hermannsburg	Ntaria Aboriginal Land Trust	<ul style="list-style-type: none"> • 5 year s31NTER lease • Housing precinct lease agreed in principle - negotiations continuing
Papunya	Haasts Bluff Aboriginal Land Trust	<ul style="list-style-type: none"> • 5 year s3 NTER lease
Elliott	Multiple – town	<ul style="list-style-type: none"> • Native Title implications to be addressed
Town camps	Elliott north town camp: Gurungu Aboriginal Land Trust Elliott south town camp: Special Purpose Lease	
Ali Curung	Warrabri Aboriginal Land Trust	<ul style="list-style-type: none"> • 5 year s31 NTER lease

²⁴ The information for this table is from evidence to the CTC, Northern Territory and Australian Governments' Coordinator-General's reports and CTC Secretariat research into land titles and is current at 30 September 2010.

As highlighted by the Northern Territory Coordinator-General in his recent report, the table shows there are no mainland township leases in place.²⁵ There are three Growth Towns which do not require township leases but have native title claims pending.²⁶

In his second report, the Northern Territory Coordinator-General made four recommendations to resolve the apparent stalemate in negotiating further township leases and to amend existing leases' obstructive terms. His recommendations include:

- if the Northern Territory Government continues in not establishing its own township leasing entity, negotiating with the Australian Government to accelerate progress on township leasing;
- reviewing the terms and conditions of township leases and subleases already negotiated; and
- developing direct communication with traditional owners.²⁷

The CTC asked LGANT about its role in resolving the land tenure issues around road corridors. LGANT's Infrastructure Manager, Mr Peter McLinden, said the road network that LGANT and shires manage is all on Aboriginal land but that the tenure of land and where roads are going is not the real issue. He said the ownership of the roads is not as important as who has responsibility for the roads. He added that with the negotiation of township leases, there is an opportunity to identify the internal road networks and survey them to ensure some ownership by the shires in towns.²⁸

Mr Tapsell (LGANT CEO) said LGANT is in discussion with the land councils about a range of land tenure issues as the councils have asked for a memorandum of understanding to be signed that will include the different land tenure arrangements in different places and identify all properties that leases are needed over. He said LGANT is moving to resolve land tenure issues as local governments realise they are operating on Aboriginal land and need to have land tenure arrangements in place.²⁹

Mr Watson (EDTL) outlined the EDTL's process in relation to leasing the Alice Springs town camps.

The way that was put together was that there was 14 hectares under leases over town camps. We immediately sublet those to the Northern Territory government in their entirety. So my responsibilities there are much less. Basically, they are in relation to forming a consultative forum again which are representatives of the town camps, and to address issues which emerge from the town camps which have a commonality, and to take those forward to appropriate areas to have issues resolved.³⁰

The lease, from the Housing Associations, over the town camps is for 40 years and as the EDTL entered immediately into subleases with the Northern Territory Government, the roads are the responsibility of the Northern Territory Government. As the town camps were held by the Housing Associations as Special Purpose

²⁵ NTG, *NTCG Report #2*, p.73.

²⁶ The Northern Territory Coordinator-General has noted that native title issues need to be resolved in Elliott, Borroloola and Kalkarindji: NTG, *NTCG Report #2*, p.12. Research shows native title claimant applications on land across the three towns: NTG, 'NT Land Information System'.

²⁷ NTG, *NTCG Report #2*, p.74.

²⁸ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, pp.40-3.

²⁹ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, pp.35-7.

³⁰ LANT, CTC, 'Transcript of Proceedings', 14 April 2010, p.26.

Leases and therefore not subject to the ALRA, permits were never required to enter the land and this remains the case.³¹

Coordination

The EDTL used the example of Nguiu to describe the lease and consultative arrangements. In Nguiu, houses built on land that is leased to the EDTL are effectively part of the lease arrangements. About 240 lots of community housing have been subleased to Territory Housing and become public housing with no rent charged to assist in ensuring available funding is spent on improving housing.³² All other housing on leased land attracts rent and sublessees are responsible for the maintenance of the house.³³

DHLGRS has established Housing Reference Groups as community representatives to advise on community housing related matters. In leased townships the EDTL establishes a consultative forum to advise on the appropriateness of business developments, on the people proposing the developments and the rental rates to charge developments. Mr Watson stated that the EDTL heavily relies on the consultative forum.³⁴

The forum is expected to represent the views of the community and to provide information back to the community on the agenda of the forum. The role of the EDTL is to consider applications for subleases or use of land with the interests of the land owners in mind – whether they would allow that land to be used in that way. The consultative forum is the main way of ensuring the views of the land owners is reflected.³⁵

Membership of the consultative forum varies, but it is made up of about a dozen community members who are traditional owners and the EDTL. Some members do not attend regularly, however there is a core group who consistently attend meetings.³⁶

The CTC questioned how a town like Nguiu could be considered a 'normal' town if people who want to establish business in the town have to be agreed to by the consultative forum - it is an additional process not present in other towns. Mr Watson said:

While we accept, in what we call a normal world, competition and so forth, we are dealing with a microcosm here which does not necessarily have the flexibility to cope with all of those sorts of pressures of competition and so forth, and which can end up having a detrimental impact on the community rather than a positive impact. So it is a bit softly softly as we sort through some of this to ask: is that a good thing for the community, or is it a bad thing for the community? Does the community want healthy competition? They have to understand what goes with competition and that is part of going through the consultative forum process to engage with representatives of the community to say: 'If you allow this then you need to understand that there are issues associated with this and there are potentials down the track for things to

³¹ LANT, CTC, 'Transcript of Proceedings', 14 April 2010, pp.26-7.

³² LANT, CTC, 'Transcript of Proceedings', 14 April 2010, Answer to a Question on Notice.

³³ LANT, CTC, 'Transcript of Proceedings', 14 April 2010, pp.7-9.

³⁴ LANT, CTC, 'Transcript of Proceedings', 14 April 2010, p.9.

³⁵ LANT, CTC, 'Transcript of Proceedings', 14 April 2010, p.25.

³⁶ LANT, CTC, 'Transcript of Proceedings', 14 April 2010, p.16.

occur which you might not have expected. You need to have all the information before you actually go down that profile'.³⁷

Mr Watson also noted the need for the EDTL to take notice of local issues and the views of the traditional owners. He said that it's necessary to look at things on a community by community basis – that what works for one group of people is not necessarily the best approach somewhere else.³⁸

The LGANT CEO, Mr Tony Tapsell said LGANT is on the Board of Management for implementation of Remote Services Delivery NPA and is part of the Northern Territory's governance arrangements contained in the *Remote Services Delivery Bilateral Plan*. He said as part of working on how to implement that plan (15 'priority communities', and under *Working Future* the Territory has another five Growth Towns), each town will have a local implementation plan, developed in consultation with communities. The plans will be draft but will include all things like early childhood, schools, police, community safety, economic participation and other service delivery issues like leadership and governance.

What they're trying to do is pick up the shire plan ... and they're hoping that what they put in their plans they can just put into these local implementation plans.³⁹

The CTC asked if shires will have a real say in what is actually delivered to each town. Mr Tapsell said shires will have quite a lot of input and that shires will see the draft implementation plans for service delivery within the next few months and have them fully explained.⁴⁰

Mr Fagan, Executive Director SDCU, said a big part of the local implementation plans being developed as part of the Growth Towns is local jobs for local people and economic development strategies specific to each place.

...a very big focus of that is bringing together DEEWR, our own Department of Business and Employment, housing like government resources services, all of the agencies really involved with employment to case manage people from the SIHIP program into other work, and even more broadly, working with the Department of Construction and Infrastructure and others to better plan the sequencing of projects, because we do have an extraordinary amount of capital works going into the growth towns over the next few years: power, water, sewerage, housing, childhood family centres, \$100M in remote areas under the Building Education revolution Program etc, etc, and it's about sequencing those projects in a way that ensures that people get the full training, get ongoing employment, post SIHIP. And the local implementation plans are providing a framework for that.⁴¹

The CTC asked about the role of the shires in employment, the development of local implementation plans and Growth Towns, as it seemed they are an important part of employment in communities. Mr Fagan said the shires are part of the development of the local implementation plans and are one of the four signatories to each plan and process.⁴² The Australian Government's Coordinator General for Remote Indigenous Services, Mr Brian Gleeson, recently reported that the Northern Territory has no local

³⁷ LANT, CTC, 'Transcript of Proceedings', 14 April 2010, pp.9-10.

³⁸ LANT, CTC, 'Transcript of Proceedings', 14 April 2010, pp.16-7.

³⁹ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, p.55.

⁴⁰ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, p.56.

⁴¹ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, p.28.

⁴² LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, p.29.

implementation plans signed as they are still in draft form for all communities. He added:

The high level sign off process required by the Northern Territory Government is also likely to add to the delay in the finalisation of the Local Implementation Plans.⁴³

The CTC has previously raised concerns about the number of advisory boards and reference groups being established as part of Territory Growth Towns and called for governments to re-establish government offices in Growth Towns.⁴⁴ The Northern Territory Coordinator-General has also recommended establishing a government centre in each growth town and changes to reporting requirements and service delivery and coordination with local governments.⁴⁵

The Australian Government's Coordinator General for Remote Indigenous Services has also said that governments need to properly recognise the critical role of community reference groups. He said:

I would like to see consideration given to ways of professionalising the relationship with these critical partners in the planning process and make clear our expectations of them in the engagement process.⁴⁶

It is clear from evidence to the CTC from communities and shires that there is still some way to go to improving coordination between the various groups with involvement in *Working Future*.

Planning and regulation

The CTC asked the EDTL, Mr Watson if he was aware of complaints about the ability of home owners in Nguiu being able to get a certificate of occupancy for houses built by Indigenous Business Australia (IBA) as they failed to comply with building requirements. Mr Watson said he was aware of an issue with certification of new houses due to the lack of building control, inspections and certification processes in Indigenous communities.

The builder – and there is an issue herein that what we would expect in a normal town of building control, inspections and certification does not apply in Indigenous communities. Therefore, you cannot rely on the regulator to regulate the standard of building construction. Therefore, the mortgagee is basically saying: 'Well, I am protecting the person who has the mortgage, and our own interests, in trying to ensure that there is quality work'.⁴⁷

Because it is unclear what building and other regulations apply in communities and Growth Towns in remote areas, the IBA which is using taxpayers money, was seeking to protect its financial interests. In effect, IBA was withholding funds until it is satisfied that the houses are to a satisfactory standard, as required under IBA lending conditions.⁴⁸

⁴³ Australian Government Office of the Coordinator General for Remote Indigenous Services (CGIRIS), *Coordinator General for Remote Indigenous Services Six Monthly Report: December 2009 – August 2010*, October 2010, p.22, http://cgris.gov.au/userfiles/CGIRISREPORT_DEC09-AUG10_Web.pdf, accessed 5 October 2010.

⁴⁴ Recommendations 6 and 7 in the CTC's *Second Report*.

⁴⁵ NTCG, *Report #2*, p.54.

⁴⁶ CGRIS, *Six Monthly Report: December 2009 – August 2010*, p.69.

⁴⁷ LANT, CTC, 'Transcript of Proceedings', 14 April 2010, p.13.

⁴⁸ LANT, CTC, 'Transcript of Proceedings', 14 April 2010, p.29.

The CTC asked the EDTL why communities' local management boards, as provided for in the LGA, do not have a say in approving the use of land, particularly when developments such as roads and parks are being considered. Mr Watson said that he thought the consultation about planning processes around roads and parks was a Northern Territory Government responsibility, along with power and water and other infrastructure.⁴⁹

Mr Fagan, Executive Director SDCU, clarified the development of Growth Towns in relation to the planning scheme.

...the planning scheme applies across the whole of the Northern Territory, including every remote community, so in terms of the broad application of the scheme it applies everywhere. For each of the growth towns and we are now in the process of developing areas plans or towns plans under the planning scheme. So the scheme broadly applies then you have an area plan or a town plan that will apply to a particular place. And under the Working Future policy, we're expecting to gazette those town plans over the 20 towns over the next ... this calendar year and the next calendar year.

What doesn't apply in most remote areas is the requirement for building certificates, so the Building Act doesn't apply in most remote areas. And most of our larger remote communities at this point.⁵⁰

Mr Fagan said that as part of the *Working Future* policy the Department of Lands and Planning is preparing a proposal for a range of laws to apply in remote areas that don't currently apply. Mr Davies said as part of *Working Future* there are 'layers and layers of things that need to be rolled out' in remote areas that have not been done before.⁵¹

Mr Tapsell (LGANT CEO) said LGANT's strategic plan requires plans to be in place prior to the transfer of roads, barge landings, boat ramps and airports from the Northern Territory Government to local governments.⁵²

The CTC asked the Northern Territory Coordinator-General, Mr Bob Beadman, if there were plans for mid-size communities or towns which are not outstations and not identified as Growth Towns. He said governments are talking about the current Growth Towns are the 'first tranche' and that in the long term, the smaller towns may be part of a 'second tranche'. He added that expenditure programs continue to apply to the towns and the fact that they are not included in the accelerated attention of Growth Towns does not mean they will be neglected.⁵³

In his second report, Mr Beadman made four recommendations to clarify which government agencies have responsibility for management of human remains and morgue arrangements and to make the *Cemeteries Act* applicable to Aboriginal land.⁵⁴ In the September public hearing, Mr Beadman reported that the *Cemeteries Act* is being reviewed and consideration is being given to low cost options for morgues and how it could become a private sector business opportunity.⁵⁵

⁴⁹ LANT, CTC, 'Transcript of Proceedings', 14 April 2010, pp.25-6.

⁵⁰ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, p.20.

⁵¹ LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, p.20.

⁵² LANT, CTC, 'Transcripts of Proceedings', 3 June 2010, p.37.

⁵³ LANT, CTC, 'Transcript of Proceedings', 14 September 2010, pp.107-8.

⁵⁴ NTCG, *Report #2*, p.64.

⁵⁵ LANT, CTC, 'Transcript of Proceedings', 14 September 2010, pp.108-9.

Education, employment and training

During its trips to some remote communities, the CTC has noticed a large number of school-age children wandering around communities and apparently not attending school.⁵⁶ Many residents of communities have raised with the CTC their concern about getting children to school, but also about school facilities and availability of enough teachers. The CTC asked Mr Beadman what he thinks might work best to improve attendance at schools.⁵⁷

Mr Beadman said he is hoping there is acceptance of how big a problem school non-attendance is – that at the moment there will be ‘another generation of second-class kids’. He said there has to be a different message sent than in the past and that penalties need to be imposed that demonstrate the importance of school attendance.

...what I was trying to do was elevate this problem as highly as you could possibly get it because it's going to determine what sort of place the Territory is into the future. It's as serious as that...The Education Act says it's compulsory. The Commonwealth government says it will sanction parents who don't send their kids to school through the cessation of Family Allowance. How about the Territory government goes through the process of fining and the Commonwealth government goes through the process of sanctioning.⁵⁸

The CTC notes that in his second report, the Australian Government Coordinator-General has discussed the introduction of reward payments for improvements in Indigenous education outcomes and school retention.⁵⁹ In his first report, Mr Beadman detailed the role of employment and training to the economic development of Indigenous communities.⁶⁰ In his second report, Mr Beadman expands on that discussion and includes looking at the principles of ‘mutual obligation’ and ‘shared responsibility’ and introducing sanctions for those who do not take on jobs or training.⁶¹

The CTC asked Mr Beadman about the Australian Government's Coordinator-General's response to the idea of changing how welfare payments are paid to encourage take-up of work and training. Mr Beadman acknowledged that the subject was not in Mr Gleeson's first report and was not thought to be in his second report. He added:

I hear rhetoric out of the Prime Minister and...Minister for Indigenous Affairs that's encouraging, that says these same things that their best welfare measure is a job, we've got to get everybody in jobs and education...And then I look what's happening on the ground and there's an enormous gulf between the rhetoric and the practice, and that's what we've got to get fixed.⁶²

The CTC raised with Mr Beadman that the biggest impediment to education, jobs and training is substance abuse and that there seems to be silence about substance abuse in Indigenous communities. Mr Beadman agreed but said he is planning to include the issue of alcohol in his third report.⁶³

⁵⁶ For example see LANT, CTC, *Second Report*, p.34.

⁵⁷ LANT, CTC, ‘Transcript of Proceedings’, 14 September 2010, pp.110-4. For details of the NTCG's comments about school attendance see NTCG, *Report #2*, pp.55-61.

⁵⁸ LANT, CTC, ‘Transcript of Proceedings’, 14 September 2010, pp.110-11.

⁵⁹ CGRIS, *Six Monthly Report: December 2009 – August 2010*, p.77.

⁶⁰ NTCG, *Report #1*, pp.10-1,14-5,35.

⁶¹ NTCG, *Report #2*, pp.28-37.

⁶² LANT, CTC, ‘Transcript of Proceedings’, 14 September 2010, p.102.

⁶³ LANT, CTC, ‘Transcript of Proceedings’, 14 September 2010, pp.103-4.

Outstations

The CTC met Mr Scott McConnell and a number of staff and board members at the Ingkerreke Outstation Resource Service's office in Alice Springs to be briefed on the role and work of the organisation as part of developing a better understanding of outstations/ homelands circumstances.⁶⁴

Mr McConnell, General Manager Ingkerreke, delivered a presentation on the services provided by Ingkerreke to 44 outstations, with a population of about 600 scattered over the large area. Most of the outstations are within 100 kilometres of Alice Springs, either to the north or west of Alice Springs. The two exceptions are about 180 kilometres south-east, and 220 kilometres south-west of Alice Springs.

Mr McConnell's main message was that outstations are not receiving the same basic levels of service and facilities that are provided to other Aboriginal living areas. He believes this is due to factors resulting from the Northern Territory Intervention, local government reform and the move to shires, and changes to the funding provider, DHLGRS.

Mr McConnell said there is public benefit from working in partnership with people on outstations because the impact of making outstations less 'liveable' is that people move to Alice Springs with the already apparent additional pressure on housing and related services.

As an outstation resource agency, Ingkerreke receives an operating grant to deliver municipal and essential services of \$799,000 to 43 outstations, Indigenous housing funding for 158 houses of \$425,000. Under the Northern Territory Government, funding for infrastructure essential services (CHIP) was \$130,000 in the last two years. This compares to CHIP from the Australian Government of \$630,000 of which about half was used to buy a water truck. The more recent funding through the Territory Government was used for pipeline upgrades and tank stands and one generator.

All Ingkerreke outstations are on Aboriginal Land Trusts, held under the ALRA and there is one pastoral living area excision. Therefore, Mr McConnell believed technically the 158 houses on the outstations are owned by the land trusts. However, the Northern Territory Government provides funding to Ingkerreke to maintain and manage the housing.

A subsidy of \$2,300 helps maintain each house and about \$80,000 goes towards employing a housing management officer to collect the rent and overall housing management. Mr McConnell said outstation residents can choose to be part of the housing program, when they pay rent of an agreed amount, a service charge at an agreed amount and together with the subsidy, they are provided with a housing maintenance service. However, Ingkerreke is not a landlord and has no legal authority over the properties.

The CTC asked about outstations' willingness to enter into leases so that people could look at buying their houses. Mr McConnell said that in Central Australia s19 and 19A ALRA leases are extremely rare. One outstation resident said this was because people have their land already and feel it is their own and they don't need a lease which would be seen as creating a division from everyone else.

⁶⁴ This was an informal briefing without a publicly available transcript.

The CTC asked LGANT what its view was about outstation/ homeland resource agencies and how they fit with shires. Mr Tapsell said that resource agencies have partnerships with shires or are contractors to the shires and he expected that to continue, particularly in relation to roads' maintenance contracts.

Findings

The CTC is particularly concerned about the processes surrounding township leasing, the situation in regard to permits and the ALRA, the role of consultative forums and the implementation of the Growth Towns strategy. In this section the CTC summarises its findings on these matters.

Leasing processes

The reason behind township leasing is the policy to 'normalise' nominated Aboriginal communities so that appropriate levels of infrastructure and services are available to develop into towns. The Australian Government continues to state that no further houses, infrastructure or services will be built unless there is secure land tenure. The Northern Territory Government's *Working Future* policy statement to develop 20 Growth Towns is similarly based on the nominated communities' land tenure being secured to the EDTL in long term township leases.

The CTC heard that the first township lease over Nguui was entered into by the Tiwi people deliberately to assist in opening up the community and to leverage investment. The processes surrounding the township lease and sublease arrangements however, is being reported by Tiwi and other people interested in establishing businesses, as too hard to put business development in place. This has recently been confirmed by advice from the Commonwealth Bank. The CTC believes the actual process is undermining the stated goals of the people who agreed to the lease.

The CTC agrees with the Northern Territory Coordinator-General that the Northern Territory should have its own statutory lease-holding authority and that the Northern Territory Government take the lead role in negotiating township leases.

Recommendation 14

The CTC recommends the Northern Territory Government urgently establish a Northern Territory statutory lease-holding entity or negotiate with the Australian Government for the transfer of the Office of Township Leasing.

Permits and the ALRA

Evidence to the CTC has confirmed that under the existing head lease terms the need for permits still applies. This seems counter-productive to achieving the aim of 'normalising' Growth Towns. The CTC understands the existing head leases may be used as template for future leases elsewhere in the Territory. If this is the case and permits are still required to enter Growth Towns a pivotal aim of *Working Future* will not be achieved.

Recommendation 15

The CTC recommends the existing township leases not be used as a template and the Northern Territory Government insist on head lease terms for Territory Growth Towns that exclude the need for permits.

Funding and role of EDTL

The CTC has sought additional information about the use of the ABA to fund the EDTL and make lease payments. The CTC has sought a meeting with Minister Macklin to discuss its concerns about township leasing and associated issues and will report further on these matters.

Consultative forums

The CTC heard that in each community agreeing to a township lease a consultative forum is established to advise the EDTL. In addition to this there are consultative and or advisory groups on housing, local government and *Working Future's* implementation plans, to name just some of the many groups.

Previous CTC recommendations have been made that governments establish government offices in Growth Towns. The Northern Territory Coordinator-General has added to this by recommending changes to reporting requirements and service delivery and coordination with local governments. The Australian Government's Coordinator General for Remote Indigenous Services is calling for professionalising the role of community reference groups.

The CTC has previously highlighted this issue and in the discussion of local government issues earlier in this report made additional recommendations to acknowledge the real work being done by community members. It is clear from evidence to the CTC from communities and shires that there is still some way to go to improving coordination between the various groups with involvement in *Working Future*.

Territory Growth Towns

The outstanding Growth Towns-related matters that concern the CTC include:

- the criteria for determining Growth Towns;
- what happens to the many mid size communities that are not considered Growth Towns and are not outstations;
- planning standards in Growth Towns;
- effective action to improve school attendance;
- economic development and real jobs; and
- strategies to address substance abuse and its impact.

The CTC will continue to inquire into these matters and eagerly awaits the release of draft Local Implementation Plans that may address some of its concerns.

APPENDICES

APPENDIX A**COUNCIL OF TERRITORY CO-OPERATION****TERMS OF REFERENCE**

- (1) That the Legislative Assembly establish a Sessional Committee to be known as 'The Council of Territory Co-Operation';

Purpose of the committee

- (1) That the committee facilitate:
- (a) greater levels of collaboration in the governance of the Northern Territory;
 - (b) enhance parliamentary democracy by providing a strong role for members of the Legislative Assembly who are not members of the executive government, particularly on matters of common concern;
 - (c) expand involvement in important Northern Territory initiatives and projects;
 - (d) provide new avenues for Territorians to have input through the Legislative Assembly into the government of the Northern Territory; and
 - (e) provide a road map for tackling some specific issues currently facing the Territory.
- (2) The committee consist of up to six members including two government members, two opposition members and at least one independent member to be appointed by a subsequent resolution and that unless otherwise ordered, Mr Wood be appointed Chairman of the committee.

Duties of the committee

- (3) That the committee inquire into, consider, make recommendations and report to the Assembly from time to time on the following matters of public importance:
- (a) the strategic indigenous housing and infrastructure program (SIHIP);
 - (b) local government reform;
 - (c) the planning scheme and the establishment of Weddell;
 - (d) a working future (including homelands policy);
 - (e) any other matter of public importance referred to it by the Legislative Assembly; and

- (f) any matter of public importance concerned with the administration of matters of which ministers of the Territory have executive authority pursuant to the provisions of the *Northern Territory (Self-Government) Act* and Regulations (Commonwealth).
- (4) That the provisions of paragraph (4) have effect notwithstanding the terms of reference of other Assembly committees.
- (5) That the committee determine appropriate timeframes and work plans and the priority for consideration of matters referred to it;
- (6) That, notwithstanding paragraph (4) above, the committee report to the assembly as soon as possible after 30 June each year on its activities during the preceding financial year;
- (7) That in the event of an equality of voting, the member chairing the committee shall have a casting vote;
- (8) That the committee have power to appoint subcommittees and to refer to any such subcommittee any matter which the committee is empowered to examine.
- (9) That three members of the committee constitute a quorum of the committee and two members of a subcommittee constitute a quorum of the subcommittee.
- (10) That the committee or any subcommittee have power to send for persons, papers and records, to adjourn from place to place, to meet and transact business in public or private session and to sit during any adjournment of the Assembly.
- (11) That the committee shall be empowered to print from day to day such papers and evidence as may be ordered by it and, unless otherwise ordered by the committee, a daily *Hansard* shall be published of such proceedings of the committee as take place in public.
- (12) That the committee have leave to report from time to time and any member of the committee has power to add a protest or dissent to any report.
- (13) That any report tabled by the committee which recommends action by the government, shall within three months from the date of tabling of such report generate an information paper in response to the report and that the Assembly has the capacity to take note of the response.
- (14) That unless otherwise ordered by the committee, all documents received by the committee during its inquiry shall remain in the custody of the Assembly provided that, on the application of a department or person, any document, if not likely to be further required, may, in the Speaker's discretion, be returned to the department or person from whom it was obtained.
- (15) That members of the public and representatives of the news media may attend and report any public sessions of the committee, unless otherwise ordered by the committee.

- (16) That the committee may authorise the broadcasting of public hearings of the committee under such rules as the Speaker considers appropriate.
- (17) That the committee shall be provided with all necessary staff, facilities and resources and shall be empowered, with the approval of the Speaker, to appoint persons with specialist knowledge for the purposes of the committee.
- (18) That the committee be empowered to consider the minutes of proceedings, evidence taken and records of committees established in previous Assemblies; and
- (19) That the foregoing provisions of this resolution, so far as they are inconsistent with Standing Orders, have effect notwithstanding anything contained in the Standing Orders.

APPENDIX B**LIST OF PUBLIC HEARINGS, BRIEFINGS AND WITNESSES****Darwin Public Hearing Wednesday 14 April 2010****Office of Township Leasing**

Mr Pat Watson, Executive Director Township Leasing
Mr Scott Kinley, Director Township Leasing

Darwin Briefing Friday 30 April 2010

(This was a closed briefing; evidence was given *in camera*)

Department of Housing, Local Government and Regional Services

Mr Andrew Kirkman, Executive Director SIHIP

Australian Government Department of Families, Housing, Community Services and Indigenous Affairs

Mr Ian Boyson, Executive Director NT Housing

Santa Teresa Briefing Tuesday 11 May 2010

(This was an informal briefing without a publicly available transcript)

Housing Reference Group (HRG)

Ms Louise Cavanaugh, Santa Teresa HRG
Ms Mary Therese Mulladad, Santa Teresa HRG
Ms Imelda Palmer, Santa Teresa HRG
Ms Elaine Goring, Santa Teresa HRG
Ms Paula Turner, Santa Teresa HRG
Ms Annie Young, Santa Teresa HRG
Ms Analese Young, Santa Teresa HRG
Mr Justin Hayes, Santa Teresa HRG
Mr Chris Wallace, Santa Teresa HRG
Mr Victor Dobson, Santa Teresa HRG
Ms Wendy Brooks, Government Business Manager, FaHCSIA
Ms Diane Nona, Shire Services Manager, Macdonnell Shire
Mr Tony Radalj, New Future Alliance
Ms Karen Murray, New Future Alliance
Mr S Tuituri, New Future Alliance
Mr Ken Lechleitner, New Future Alliance
Mr Roman Erwin, New Future Alliance
Mr Robert Zupanovich, New Future Alliance

Santa Teresa Public Hearing Tuesday 11 May 2010**Community Public Meeting**

Ms Louise Cavanaugh, Santa Teresa HRG
Ms Mary Therese Mulladad, Santa Teresa HRG
Ms Imelda Palmer, Santa Teresa HRG
Ms Elaine Goring, Santa Teresa HRG
Ms Paula Turner, Santa Teresa HRG
Ms Annie Young, Santa Teresa HRG
Ms Analese Young, Santa Teresa HRG
Mr Justin Hayes, Santa Teresa HRG
Ms Wendy Brooks, Government Business Manager, FaHCSIA
Ms Diane Nona, Shire Services Manager, MacDonnell Shire
Mr Greg Crowe, Ltyentye Apurte Community Education Centre
Mr Will McDonnell, Northern Territory Police
Sister Liz Wiemers, Catholic Parish Santa Teresa
Ms Tamara Giles, Community Enterprises Australia Limited (CEA)
Ms Miriam Dieudonne, Community Member

Alice Springs Public Hearing Wednesday 12 May 2010**Alice Springs Transformation Plan**

Mr Peter McDonald, Executive Director, Alice Springs Transformation Plan
(Department of the Chief Minister)
Mr Mark Coffey, Executive Director, Alice Springs Transformation Plan (FaHCSIA)

MacDonnell Shire Council

Mr Syd Anderson, President
Mr Graham Taylor, CEO
Mr David Doolan, Elected Member
Mr Gary Wilson, Elected Member
Mr Joe Rawson, Elected Member

Alice Springs Briefing Wednesday 12 May 2010

(This was an informal briefing without a publicly available transcript)

Ingerrkeke Outstation Resource Services

Mr Scott McConnell, General Manager
Ms Liz Spencer, Business Development Administration
Ms Amelia Turner, Director
Ms Matthew Palmer, Director
Ms Veronica Lynch, Director
Ms Kathleen Martin, Director
Ms Benita Kopp, Director
Ms Marjorie Lindner, Director
Ms Skye Thompson, Finance/ Deputy Manager
Ms Joyce Measures, HR Manager
Ms Jozan Collins, Accounts Officer
Ms Colleen Campbell, Accounts Officer
Ms Michelle Swan, Divisional Manager
Ms Shannelle Moseley, Housing Officer
Ms Michelle Liddle, Reception
Mr Clarrie Robinya, Municipal Supervisor
Mr Jamie Roman, Municipal Supervisor
Mr Chavas Johnson, Municipal Supervisor
Mr Earl Palmer, Municipal staff member
Mr Peter Palmer, Municipal staff member

Mr Eric Williams, Municipal team member
Mr Camden Vigona-Ross, Municipal team member

Alice Springs Briefing Thursday 13 May 2010

(This was an informal briefing without a publicly available transcript)

Territory Alliance

Mr Allan McGill
Mr Ian Wilson

Hermannsburg (Ntaria) Public Hearing Thursday 13 May 2010

(Due to the failure of the recording system there is no publicly available transcript)

Community Public Meeting

Ms Serena Williams
Mr Kenny Windley
Ms Heidi Williams, Manager Historical Precinct
Mr Warren H Williams
Mr Darrell Fowler, Principal Ntaria Community School, Remote Services
Development Reference Group
Mr Bryan McKain, Government Business Manager, FaHCSIA
Mr John Rigby, Coordinator, Hermannsburg Potters
Mr Peter Mitchell, Shire Services Manager
Mr Bob Durnan, Western Aranda Health Aboriginal Corporation (WAHAC) Health
Services Development Officer
Ms Elfreda McLean
Ms Roxanne Kenny, Remote Services Development Reference Group
Mr Mark Inkamala
Ms Marjorie Wheeler
Mr Benjamin Paroultja
Ms Sonja Brayborn
Mr Selwyn Kloeden, FRM Manager, Remote Services Development Reference Group

Darwin Public Hearing Thursday 3 June 2010

Department of Housing, Local Government and Regional Services

Mr Ken Davies, Chief Executive
Ms Fran Kilgariff, Senior Executive Director Local Government, Regional and
Community Services
Mr Mathew Fagan, Executive Director Services Development Coordination Unit
Mr Andrew Kirkman, Executive Director SIHIP

Local Government Association of the Northern Territory (LGANT)

Ms Kerry Moir, President
Mr Tony Tapsell, Chief Executive
Mr Peter McLinden, Manager Infrastructure
Ms Sue Davy, Manager People and Capacity Development

Darwin Public Hearing Monday 13 September 2010

Territory Alliance

Mr Allan McGill, CEO
Mr Steve Shenfield, Operations Manager
Ms Karen Smith, Executive Officer

New Future Alliance

Mr Brian Hughey, Manager

Darwin Public Hearing Tuesday 14 September 2010**Department of Housing, Local Government and Regional Services**

Mr Ken Davies, Chief Executive

Mr Andrew Kirkman, Executive Director SIHIP

Mr Mathew Fagan, Executive Director Services Development Coordination Unit

Mr David Alexander, Director Local Government and Outstation Programs

Australian Government Department of Families, Housing, Community Services and Indigenous Affairs

Mr Ian Boyson, Executive Director NT Housing

Northern Territory Government

Mr Bob Beadman, NT Coordinator-General

APPENDIX C

CTC RECOMMENDATIONS STATUS¹

	Recommendation	Government's Response
	<i>First Report 24 Feb 2010</i>	<i>Response to 1st Report 4 May 2010</i>
1	The Council recommends that Governments note that it is the Council's opinion that the NTG is still the best positioned government to manage SIHIP.	Noted. SIHIP is an important first stage in addressing Indigenous housing need. The Government recognises that this requires a strong and committed partnership between the NTG and AG, non-government associations and communities over many years to resolve.
2	The Council recommends SIHIP be allowed to roll out its refurbishments and rebuilds to the standards originally promised.	Noted. In August 2009 the SIHIP review established program parameters for what constitutes a rebuilt and refurbished house. Refurbishments will range in cost from \$20,000 to \$100,000 per house with an average cost of \$75,000. The average cost for rebuilds is \$200,000 and will focus on returning houses to full functionality for less than half the cost of a new house on average. Refurbishments will be supplemented by DHLGRS repairs and maintenance program. This will see houses further upgraded in a programmed way and will occur via service agreements with Shires or other contracted parties.
3	The Council recommends the NTG work with the AG to ensure that stock from SIHIP meets minimum Territory Housing standards.	Agreed. The NTG and AG will continue to work toward ensuring stock is at an appropriate standard.
4	The Council recommends the transition period from a new, rebuilt or refurbished house being completed, checked for successful completion and handed over to new tenants be streamlined to minimise any delay of occupancy.	Agreed. Refurbishments, Scoping and Handover Guidelines have been developed by Remote Housing NT (the NTG's system to manage public housing in remote communities across the NT). These Guidelines detail a transition process from construction to handover aimed at minimising any time between completion and occupancy. On the ground, the alliances and regional housing property and tenancy management staff work together within these guidelines to ensure that handovers are undertaken within required timeframes.
5	The Council recommends the \$13.5 million set aside in Tennant Creek for infrastructure be used for the construction of new houses and the infrastructure money is sourced from the NPA.	Noted. The Government's discussions with Julalikari Council Aboriginal Corporation indicate that their priorities are that infrastructure upgrades to bring the community living areas up to the same standards or better than the town area of Tennant Creek are the priority for SIHIP funding.
6	The Council recommends that a scope of infrastructure works for SIHIP be published, providing detail of who will do what when.	Agreed. Once the scopes of work for each community have been finalised and the procurement methodology agreed, these details will be published.
7	The Council recommends all new, rebuilt or refurbished houses when handed over to Territory Housing have a publicly available final cost that includes an administrative component.	Noted. Apportioning parts of costs to individual houses to get an accurate house by house figure will involve additional staff time and resources we believe would be better focussed on delivering houses. It is the Government's intention that the total expenditure on the houses in each community will be published. This information will be drawn from the quarterly financial report as indicated in response to recommendation 8 and will include total cost and number of houses or work done.
8	The Council recommends the NTG and AG provide the CTC with a detailed	Agreed. A detailed financial report will be provided at the end of each quarter.

¹ Note this table provides edited information on CTC recommendations and the NTG's responses. For full details see original recommendations in the CTC first two reports and NTG responses in tabled response documents. All available at: <http://www.nt.gov.au/lant/parliament/committees/CTC/Council%20of%20Territory%20Cooperation%20.shtml>.

	Recommendation	Government's Response
	financial report of the SIHIP project every quarter.	
9	The Council recommends an audit be done by an independent auditor at the completion of the process to determine the usefulness of the alliance model, including an assessment of the profits returned by the Alliances through the process.	Agreed. An independent audit / review of the alliance contracting methodology will occur at the end of the current construction program.
10	The Council recommends that IBA schemes supporting the private ownership of houses on Aboriginal communities be actively encouraged by the NTG and private financial institutions, especially in communities where the SIHIP program is presently operating.	Agreed. An output of the Remote Indigenous Housing NPA is to develop homeownership possibilities and NTG and AG have been working with IBA and the OTL to facilitate homeownership in those communities where long-term secure tenure has been established. Government is working with commercial financial institutions to enable the availability of mainstream finance for residents and businesses in the 20 Territory Growth Towns identified in Working Future.
11	That every 6 months training and employment data for SIHIP is made publicly available. This data is to include a breakdown of employee and sub-contractor numbers, labour hours, training hours on-site and in the class room, and the types of trades and certificates that people are being trained in.	Agreed. Training and employment data will be provided as recommended. The further breakdown of data to the level of subcontractor numbers, training hours onsite and in classroom is not currently collected and would be an additional cost to the program. The data currently collected allows Government to oversight the program in terms of the Indigenous employment key performance indicators and outcomes without placing additional levels of reporting burden on the Alliances.
12	The Council recommends the NTG amend legislation to enable shires to increase their own revenue base, such as through service fees in remote Aboriginal communities where they provide services.	Noted – will be considered as part of future review of the LGA. Shires collect rates on land tenements and charges for services such as waste management. Aboriginal Land Trusts and Commonwealth land are exempt from rates; however, land leased from an Aboriginal Land Trust is rateable. Shires may also charge fees for miscellaneous direct services such as cleaning, hire of equipment or dog registration. Most rates in shire areas are capped until the end of 2010–11 year. Charges are not capped.
13	The Council recommends the Minister for Local Government establish a working relationship with shires and municipal councils based on the model of the Capital Cities Committee to improve on the delivery of services and community development.	Agreed. The Capital Cities and Palmerston City processes are working well. The Minister for Local Government has also established a process for direct consultation with presidents and mayors. Elements of the Capital City charter will be considered in developing revised local government Regional Management Plans.
14	The Council recommends the NTG immediately increases the establishment funding that was provided for new shires, taking into consideration the unexpected costs from ShireBiz.	Noted. DHLGRS has met the cost of re-configuration of the ShireBiz system, established as part of local government reform, to meet the needs of individual Councils. It is also funding upgrades of new system modules requested by Councils. The Government is currently considering a range of funding requests submitted by LGANT. More detail on our position will be provided in the future.
15	The Council recommends the NTG improves the available elected members training program to increase the knowledge and understanding elected members of shires and municipals have of the reformed LGA and their legal and financial responsibility under the Act. Further, that the Government investigates the possibility for this training to be delivered independently.	Agreed. The NTG and AG are working together to implement improved coordinated training for elected members. The project is proceeding in consultation with LGANT and with direct input from shire council elected members, and will have a key focus on leadership and governance for presidents and mayors.
16	The Council recommends the NTG resolves the status of road corridors to	Agreed. The status of road corridors to Growth Towns through Aboriginal Trust Land with appropriate land councils is being

	Recommendation	Government's Response
	Growth Towns through Aboriginal Trust Land with appropriate land councils.	progressed by the DHLGRS. Legal advice is currently being prepared by the Department of Justice.
17	The Council recommends the NTG finalise the handover of roads to shires, by: <ul style="list-style-type: none"> (a) Consulting with shires on the proposed roads for hand over; (b) Auditing the state of roads and identifying all works required before handing the roads over; (c) Upgrading roads to a satisfactory standard prior to handover; and (d) Identifying on going funding for these roads. 	Agreed. (a) A working group comprising Department of Lands and Planning (DLP), DHLGRS, NT Treasury and LGANT (acting on behalf of the shire councils) is coordinating the preparation of a NT submission to the AG seeking additional funding for the NT's local government road networks. (b) DLP is currently coordinating a road hierarchy audit of all roads within 50km of the identified Growth Towns together with all roads on the NT Grants Commission local roads database. DLP's database can provide the required information on the 8 500km of roads proposed for handover to the shires. (c) A gap analysis will be undertaken to determine the resources needed to bring these roads to an appropriate standard for their level of use and overall importance. (d) Subject to the completion of the analysis, a submission will be developed that will demonstrate the high level of under-funding that exists under the Grants Commission methodology for NT roads and seeking additional funding from the AG to address this shortfall (see response to recommendation 18 regarding funding received by the South Australian (SA) Government).
18	The Council recommends the NTG seek an explanation from the AG for why there has been no increase in road funding in the newly incorporated shires, as there was for the Pitjantjatjara Council.	Agreed. Work is currently under way to prepare a detailed case for presentation to the AG regarding road funding in the NT. SA receives supplementary AG funding for all local roads, not only for the Anangu, Pitjantjatjara and Yankunytjatjara lands. The arguments that were successfully put forward by the SA Government a number of years ago are being investigated to determine their relevance to the NT.
19	The Council recommends public servants are instructed that when briefing the Council they should be fulsome and forthcoming with information on all occasions when advising the CTC.	Noted. The Territory's public servants play an important role in the social and economic development of the Territory. They work hard and provide professional advice to Government at all times. It is the view of the Government that public servants already provide full and comprehensive information at all times when advising the Council.
20	The Council recommends the Government provide a secretariat that is staffed with sufficient expert and other resources, if the Council is to achieve its aims.	Agreed. Government has agreed to provide the Council with a secretariat of 3 staff comprising a Committee Secretary, Executive Officer and an Administrative Officer to assist the Council in the performance of its role.
21	The Council recommends that its reports must be timely and handed directly to government for immediate advice as to what action will be taken in relation to the report.	Agreed. The NTG will respond in a timely manner to a report of the Council, and table its response in the Legislative Assembly within 3 months of the date a report is received as required by paragraph 14 of the Council's Terms of Reference.
2nd Report 6 May 2010		Response to 2nd Report 18 August 2010
1	The CTC recommends the Power Water Corporation (PWC) send the CTC at its earliest convenience the results of the PWC and NT Gas investigations into events leading up to and on the day NT Gas stopped supply to the Weddell Power Station.	Agreed. The PWC is finalising its investigations into the events and will provide a report to system participants and the Utilities Commission by June 2010. A copy of the report will also be provided to the Council at the same time.

	Recommendation	Government's Response
2	The CTC recommends that the final report from the discussions between NT Gas, APA Group, PWC, Worley Parsons, the regulator and Eni which identified risks and recommendations on the release of early off-specification gas (EOSG) be released to the CTC.	Agreed. The BGP Early Gas Safety Management Study Report will be attached to the incident investigation and provided to the Council in June 2010. ²
3	The CTC recommends the Minister for Essential Services and the Treasurer attend a CTC hearing to determine their involvement and level of knowledge of what transpired.	Disagree. The NTG's position regarding the appearance has not changed. At the time the Council was established, the NTG publicly stated that while the Council will be able to call senior public servants and, in some cases, private citizens involved in the delivery of such programs being considered by the Council, it is not intended that ministers appear before the Council in the interests of keeping politics out of the Council as much as possible, however, ministers would continue to answer the Parliament through Questions Time and the Estimates Committee.
4	The CTC recommends that statistics used by the Department of Justice (DOJ) and the NT Police relating to reporting of crime, especially domestic violence-related crime, be accurate and consistent with one another or if not, explanations be given to interpret the differences.	Noted. The NT Police and DOJ recorded offence crime statistics are accurate and consistent for the whole of the NT. However the statistics will continue to differ at the regional level. In relation to reporting Domestic Violence related assault offences, NT Police and DOJ have agreed that in the future these statistics will only be released by DOJ, thus eliminating the risk of any confusion.
5	The CTC recommends the minimum reporting times for crime statistics be reviewed to reduce the volatility in the numbers.	Noted. At the discretion of Cabinet, DOJ currently publishes recorded crime statistics on a quarterly basis. Concern has been raised, that due to the small populations in the NT, these statistics can fluctuate quite markedly from one quarter for the next. NT Police and DOJ are considering options to reduce the frequency at which these statistics are published and to extend their scope of content. It is anticipated that a joint proposal will be presented for consideration of the respective Ministers in July 2010.
6	The Council recommends the NT and AGs re-establish government offices in Growth Towns to prevent overloading shires and non-government organisations.	Noted. As stated in the 2010-11 NT Budget Overview, the NTG will work in conjunction with the AG and local governments to plan the staged roll out of government business centres in Growth Towns.
7	The CTC recommends that the AG and NTG review the number of advisory boards and reference groups that governments are requiring Growth Towns establish.	Agreed. This matter has been considered by the NT Coordinator-General for Remote Services and reviewed by the SDCU in DHLGRS. Actions to limit the number of advisory boards and reference groups are being implemented as part of the Local Implementation Plans being developed for each Growth Town.
8	The CTC recommends the AG review Home Ownership on Indigenous Land (HOIL) to ensure the housing standard meets existing agreed national standards for Indigenous community housing.	Agreed. DHLGRS will write to IBA seeking their confirmation that funds from the HOIL program are to be used to construct dwellings that meet existing agreed national standards for Indigenous community housing.
9	The CTC recommends that the NTG permit shires to develop an organisation structure without requiring approval from the government.	Agreed. The LGA outlines essential qualifications for shire CEOs to ensure that only appropriate and suitably qualified people are appointed to the position of CEO. Under the Act a shire CEO is responsible for the appointment of staff in accordance with a staffing plan approved by the shire council. DHLGRS monitors these requirements to ensure their compliance with the Act and provides advice to Shires in developing their organisational structures and governance issues.

² In its response to the 2nd report, the NTG included additional comments to respond to what it saw as three inaccuracies in the CTC's conclusions (on pages 7- 9 of the Second Report) in relation to the early off specification gas. See NTG, *Response to 2nd Report*, pp.7-8.

	Recommendation	Government's Response
10	The CTC recommends that refurbishment of housing include all work to return houses to functional houses that allow for healthy living, including the ability to keep houses clean.	Agreed. In August 2009 the SIHIP Review established program parameters for what constitutes a rebuilt and refurbished house. The objective of the refurbishment program is to ensure key areas in houses that are essential to healthy living are fully functional and safe in each community. Refurbishments will be supplemented by the DHLGRS remote repairs and maintenance program.
11	The CTC recommends that both Governments publicly acknowledge their shortcomings in implementing SIHIP.	Noted. The August 2009 SIHIP Review resulted from concerns of both the NT and AG about the delivery of SIHIP to that date. Changes to the management of SIHIP have been implemented as recommended by the Review. This was noted in the independent PRA recently undertaken. Both the NT and AG remain committed to delivering housing targets set under SIHIP by 2013.
12	In the interests of transparency and accountability, the CTC recommends both Governments establish independent building supervision and certification as part of SIHIP works.	Agreed. The <i>Building Act</i> applies to Declared Building Areas of the NT. Declared Building Areas cover the larger urban localities and some rural localities but generally exclude industry-owned mining towns, Aboriginal communities and pastoral properties. In accordance with the requirements of the <i>Building Act</i> , where SIHIP is constructing houses in declared building areas, they are obtaining building permits and outside building areas SIHIP is requiring certification of houses as if they were in declared building control areas. All standard certificates must be presented at handover of houses to Territory Housing asset managers, who also have a responsibility to ensure works being handed over are at an appropriate standard. To supplement the quality monitoring for the Program, a new independent, quality assurance team is in the process of being established to inspect and assess new houses and refurbishments delivered under SIHIP. Both Alliances already engage an independent third party to provide engineering reviews, certification of compliance and interim approval as part of their operations.
13	The CTC recommends the NTG provide a report detailing monies paid to Earth Connect and work undertaken up to the termination of its contract.	Noted. Accounts are being finalised with Earth Connect Alliance, however there will be no monies paid to Earth Connect as a result of ending this alliance.
14	The CTC recommends that detailed costs for the remainder of the work allocated to Earth Connect be provided to ensure Territory Alliance has sufficient funds to complete this work.	Noted. Any additional costs necessary to fully mobilise Territory Alliance to complete Earth Connect Alliance's works will be met. This will ensure there is no impact on commitments made to any community where works are transitioning from Earth Connect Alliance to Territory Alliance.

APPENDIX D**EXPENDITURE FOR THE PERIOD 1 APRIL TO 30 SEPTEMBER 2010**

	Actual Expenditure \$	
	April to June	July to September
Total Salaries	116,355	125,084
Accommodation	5,974	1,430
Bank Charges	-	13
Communications	6,689	(1,363)
Consultants fees	4,400	5,770
Consumables/ General Expenses	504	56
Document Production	811	4,847
Entertainment/ Hospitality	1,054	-
Fees and other regulatory charges	86	-
Freight	-	45
General Property Management	-	240
Information Technology Charges	11,023	8,712
IT Hardware and Software Expenses	3,017	20
Library Services	292	444
Marketing and Promotion	4,713	-
Motor Vehicle Expenses	5,738	3,319
Official Duty Fares	5,481	50
Office Requisites & Stationery	5,262	2,927
Other Equipment Expenses	2,506	946
Power	-	(472)
Property Maintenance	199	60
Recruitment Expenses	-	1,290
Relocation Expenses	-	200
Training and Study Expenses	50	-
Travelling Allowance	2,392	-
Total Operational Expenses	60,691	28,534
Total Salaries and Operational Expenses	177,046	153,619
Committee Members Travel	14,615	2,176
TOTAL EXPENSES	191,661	155,795

APPENDIX E**TABLED PAPERS AND QUESTIONS ON NOTICE****REGISTER OF TABLED PAPERS**

Number	Title	Tabled by
Tabled:	<i>Darwin 14 April 2010</i>	
TP20/1	Office of Township Leasing - Information Sheets	Mr Pat Watson, Executive Director Township Leasing
TP20/2	Statement to the CTC	Mr Pat Watson, Executive Director Township Leasing
Tabled:	<i>Alice Springs 12 May 2010</i>	
TP27/1	Iwupataka Land Trust map	Mr Scott McConnell, General Manager, Ingerreke Outstations Resource Services
TP27/2	Map of Ingerreke's Member Outstations	Mr Scott McConnell, General Manager, Ingerreke Outstations Resource Services
TP27/3	Outstations Serviced by Ingekerrke at May 2010	Mr Scott McConnell, General Manager, Ingerreke Outstations Resource Services
TP27/4	Presentation to the CTC	Mr Scott McConnell, General Manager, Ingerreke Outstations Resource Services
Tabled:	<i>Darwin 3 June 2010</i>	
TP/1/1	Locality Plan for Numbulwar Public Housing leases, 11 November 2009	Mr Ken Davies, Chief Executive DHLGRS
TP/1/2	A 'talking book' explaining remote public housing tenancy rules, in Luritja, April 2010.	Mr Ken Davies, Chief Executive DHLGRS

REGISTER OF QUESTIONS ON NOTICE

Date	Witness	Information to be provided	Number	Response date
14.04.10 Darwin	Mr Pat Watson, Executive Director Township Leasing	A copy of the registered township lease for Nguiu.	IP20/1/1	07.05.10
		What is the effect of the use of the Aboriginal Benefit Account for funding the Office of Township Leasing, or the prepayment arrangements over the township leases, in relation to the constitutional provisions for the acquisition of property rights and settlement on just terms.	IP20/1/2	09.07.10
		How many subleases for more than 12 years have been granted so far at Nguiu. Have all the subleases been registered and, if so, what have been the separate plans of survey that have been lodged for registration in respect of all or any of those subleases.	IP20/1/3	12.05.10
		Clarification is sought about the requirement for permits to enter Aboriginal land. Are permits required to enter land subject to the Northern Territory Emergency Response provisions. Are permits required to enter towns leases to the Office of Township Leasing that were immediately prior to entering into the lease, subject to the NTER provisions.	IP20/1/4	12.05.10
		Copies of maps of all township leases and copies of the head leases.	IP20/1/5	07.05.10
30.04.10 Darwin Confidential Briefing	Mr Andrew Kirkman, Executive Director SIHIP (DHLGRS) Mr Ian Boyson, Executive Director SIHIP (FaHCSIA)	A copy of the checklist used to inspect refurbished houses.	IP21/1/1	09.06.10
		Are the KPMG audits of New Future Alliance and the Territory Alliance available to the CTC or are they commercial-in-confidence.	IP21/1/2	01.09.10
		How did it happen that while Elliott is a growth town, its associated north and south camps are classified as	IP21/1/3	03.06.10

Date	Witness	Information to be provided	Number	Response date
		outstations and therefore receive less funding for repairs and maintenance.		
03.06.10 Darwin	<p>Mr Ken Davies, Chief Executive DHLGRS</p> <p>Ms Fran Kilgariff, Senior Executive Director Local Government and Regional Services</p> <p>Mr Andrew Kirkman, Executive Director SIHIP</p> <p>Mr Mathew Fagan Executive Director SDCU</p>	Can the Department provide the completed inspection reports for all SIHIP houses handed over to Territory Housing	IP30/1/1	<p>11.10.10 – partial</p> <p>18.10.10</p> <p>21.10.10</p>
		Provide costs of refurbishments in Milikapiti	IP30/1/2	10.09.10
		Please provide a breakdown of what the \$20 million Treasurer's Advance was used for.	IP30/1/2	01.09.10
	<p>Ms Kerry Moir, President, LGANT</p> <p>Mr Tony Tapsell, CEO LGANT</p> <p>Mr Peter McLinden Manager Infrastructure</p> <p>Ms Sue Davy Manager People and Capacity Development</p>	Could LGANT provide information on the Territory's road hierarchy networks, including funding and maintenance responsibility.	IP30/2/1	10.09.10
		Note a question, but Ms Moir offered to provide the LGANT submission on the impact of rating and conditional rating.	IP30/2/2	10.09.10
		A copy of the letter sent by LGANT to Minister Macklin about the effect of ending CDEP conversion funding.	IP30/2/3	03.06.10
		The list of changes to <i>the Local Government Act</i> LGANT has recommended.	IP30/2/4	10.09.10
		Not a question, but Mr Tapsell agreed to canvas members' views about the required functions of shire councils under the new LGA and if there are services that shires should not have to/ cannot provide.	IP30/2/6	10.09.10

Date	Witness	Information to be provided	Number	Response date
		Not a question, but Ms Moir offered to find out about the discussion that occurred at West Arnhem Shire about service fees.	IP30/2/7	10.09.10
13.09.10	Mr Brian Hughey, Manager New Future Alliance	Provide details of costings of Package 3A.	IP33/2/1	
		Provide details of the Aboriginal training program and skills acquired through the SIHIP/ Alliance's Indigenous training program.	IP33/2/2	
14.09.10	Mr Ken Davies, CEO DHLGRS Mr Andrew Kirkman, Executive Director SIHIP Mr Mathew Fagan, Executive Director SDCU Mr David Alexander, Director Local Government & Outstation Programs	Provide schedule of housing inspections for all SIHIP houses handed over to Territory Housing by region.	IP/33/3/1	15.09.10
		How many Acceptable Behaviour Agreements are in place, by urban centres and how many have led to eviction and or criminal or civil proceedings due to wilful damage.	IP/33/3/2	15.09.10
		What is the process followed to recover tenancy-related debts.	IP33/3/3	17.09.10
		Please advise if the tenants of the house in Wadeye (discussed), infested with cockroaches, participated in the Intensive Tenancy Support Program. Please advise how many tenancy inspections have occurred at the house.	IP33/3/4	21.09.10
		Please provide a copy of the Election Review Report, released today.	IP33/3/5	17.09.10
		Copy of transitional local government reform process timetable and other related documents – subject to Cabinet confidentiality.	IP33/3/6	17.09.10

APPENDIX F**LAND TENURE AND LEASING ARRANGEMENTS – SIHIP COMMUNITIES***Major capital works communities*

Town	Land owner	Lease type/ progress
Hermannsburg (Ntaria)	Ntaria Aboriginal Land Trust	<ul style="list-style-type: none"> • 5 year s31 NTER lease • Housing precinct lease agreed in principle - negotiations continuing
Yirrkala	Arnhem Land Aboriginal Land Trust	<ul style="list-style-type: none"> • 5 year s31 NTER lease • Housing precinct lease consultation underway
Yuendumu	Yuendumu Aboriginal Land Trust	<ul style="list-style-type: none"> • 5 year s31 NTER lease • Housing precinct lease negotiation underway
Gapuwiyak	Arnhem Land Aboriginal Land Trust	<ul style="list-style-type: none"> • 5 year s31 NTER lease • Housing precinct lease agreed in principle
Numbulwar	Arnhem Land Aboriginal Land Trust	<ul style="list-style-type: none"> • 5 year s31 NTER lease • Housing precinct lease agreed in principle
Angurugu	Anindilyakwa Land Trust	<ul style="list-style-type: none"> • 40 year s19A ALRA township lease to EDTL (further 40 years subject to s28) • Sublease under negotiation
Umbakumba	Anindilyakwa Land Trust	<ul style="list-style-type: none"> • 40 year s19A ALRA township lease to EDTL (further 40 years subject to s28) • Sublease under negotiation
Milyakburra	Anindilyakwa Land Trust	<ul style="list-style-type: none"> • 40 year s19A ALRA township lease to EDTL (further 40 years subject to s28) • Sublease under negotiation
Milingimbi	Arnhem Land Aboriginal Land Trust	<ul style="list-style-type: none"> • 5 year s31 NTER lease • Housing precinct lease agreed in principle
Gunbalunya	Arnhem Land Aboriginal Land Trust	<ul style="list-style-type: none"> • 5 year s31 NTER lease • Housing precinct lease signed
Nguiu	Tiwi Aboriginal Land Trust	<ul style="list-style-type: none"> • 99 year s19A ALRA township lease to EDTL • Sublease to NTG in place
Ngukurr	Arnhem Land Aboriginal Land Trust	<ul style="list-style-type: none"> • 5 year s31 NTER lease • Housing precinct lease agreed in principle.
Galiwin'ku	Arnhem Land Aboriginal Land Trust	<ul style="list-style-type: none"> • 5 year s31 NTER lease • Housing precinct lease signed • Township lease negotiations underway
Maningrida	Arnhem Land Aboriginal Land Trust	<ul style="list-style-type: none"> • 5 year s31 NTER lease • Housing precinct lease signed
Wadeye	Daly River/Port Keats Aboriginal Land Trust	<ul style="list-style-type: none"> • 5 year s31 NTER lease • 2 s19A ALRA leases to IBA for 40 years for residential purposes on 24 lots in Wudapuli (35kms from Wadeye) • Housing precinct lease signed • Township lease negotiations underway
Lajamanu	Hooker Creek Aboriginal Land Trust	<ul style="list-style-type: none"> • 5 year s31 NTER lease • Housing precinct lease agreed in principle

Housing upgrade communities

Town	Land owner	Lease type/ progress
Tara	Tara Community Incorporated	• 5 year s31 NTER lease
Imangara	Imangara Aboriginal Corporation	• 5 year s31 NTER lease
Kybrook Farm	Pine Creek Aboriginal Advancement Association Inc.	• Housing precinct lease signed
Eva Valley (Manyallauk)	Manyallaluk Aboriginal Land Trust	• 5 year s31 NTER lease
Acacia Larrakia	Delissaville/Wagait/Larrakia Aboriginal Land Trust	• 5 year s31 NTER lease
Weemol	Arnhem Land Aboriginal Trust	• 5 year s31 NTER lease
Amanbidji	Nagurunguru Aboriginal Land Trust	• 5 year s31 NTER lease
Rittarangu	Yupanalla Aboriginal Corporation	• 5 year s31 NTER lease
Wallace Rock Hole	Uruna Aboriginal Land Trust	• 5 year s31 NTER lease
Nturiya	Ahakeye Aboriginal Land Trust	• 5 year s31 NTER lease
Wilora	Wilora Community Incorporated	• 5 year s31 NTER lease
Bulla	Bulla Goorbidjim Association	• 5 year s31 NTER lease
Haasts Bluff	Haasts Bluff Aboriginal Land Trust	• 5 year s31 NTER lease
Canteen Creek	Northern Territory of Australia	• 5 year s31 NTER lease
Robinson River	Garawa Aboriginal Land Trust	• 5 year s31 NTER lease
Imanpa	Imanpa Community Incorporated	• 5 year s31NTER lease
Bulman	Arnhem Land Aboriginal Land Trust	• 5 year s31NTER lease
Engawala	Engawala Community Incorporated	• 5 year s31NTER lease
Atitjere	Atitjere Land Aboriginal Corporation	• 5 year s31NTER lease
Pigeon Hole	Bilinara Aboriginal Land Trust	• 5 year s31NTER lease
Peppimenarti	Daly river/Port Keats Aboriginal Land Trust	• 5 year s31NTER lease
Areyonga	Haasts Bluff Aboriginal Land Trust	• 5 year s31NTER lease
Binjari	Binjari Community Aboriginal Land Trust	• 5 year s31NTER lease
Santa Teresa	Santa Teresa Aboriginal Land Trust	• 5 year s31NTER lease
Ramingining	Arnhem Land Aboriginal Land Trust	• 5 year s31NTER lease
Daguragu	Daguragu Aboriginal Land Trust	• 5 year s31NTER lease
Kalkarindji	Various - town	• s31 & 40 NTER lease negotiations underway
Kintore	Haasts Bluff Aboriginal Land Trust	• 5 year s31NTER lease
Ali Curung	Warrabri Aboriginal Land Trust	• 5 year s31 NTER lease
Gunyangara	Arnhem Land Aboriginal Land Trust	• 5 year s31 NTER lease
Belyuen	Delissaville/Wagiat/Larrakia Aboriginal Land Trust	• 5 year s31 NTER lease
Yuelamu	Yalpirakinu Aboriginal Land Trust	• 5 year s31 NTER lease
Finke	Various	• 5 year s31 NTER lease

Town	Land owner	Lease type/ progress
Titjikala	Titjikla Social Club Incorporated	<ul style="list-style-type: none"> • 5 year s31 NTER lease
Wutunugurra	Wutunuguura Aboriginal Corporation	<ul style="list-style-type: none"> • 5 year s31 NTER lease
Yarralin	Victoria Daly Shire Council	<ul style="list-style-type: none"> • 5 year s31 NTER lease
Mutitijulu	Uluru-Katatjuta Aboriginal Land Trust	<ul style="list-style-type: none"> • 99 year head lease Parks Australia • Authority to manage community housing under discussion with FaHCSIA and Parks
Pmara Jutunta	Ahakeye Aboriginal Land Trust	<ul style="list-style-type: none"> • 5 year s31 NTER lease
Nyirripi	Yunkanjini Aboriginal Land Trust	<ul style="list-style-type: none"> • 5 year s31 NTER lease
Minjilang	Arnhem Land Aboriginal Land Trust	<ul style="list-style-type: none"> • 5 year s31 NTER lease
Willowra	Wirliyajarrayi Aboriginal Land Trust	<ul style="list-style-type: none"> • 5 year s31 NTER lease
Mount Liebig	Haasts Bluff Aboriginal Land Trust	<ul style="list-style-type: none"> • 5 year s31 NTER lease
Laramba	Laramba Community Incorporated	<ul style="list-style-type: none"> • 5 year s31 NTER lease
Jilkminggan	Djembere Community Incorporated	<ul style="list-style-type: none"> • 5 year s31 NTER lease
Barunga	Beswick Aboriginal Land Trust	<ul style="list-style-type: none"> • 5 year s31 NTER lease
Amoonguna	Amoonguna Aboriginal Land Trust	<ul style="list-style-type: none"> • 5 year s31 NTER lease
Papunya	Haasts Bluff Aboriginal Land Trust	<ul style="list-style-type: none"> • 5 year s31 NTER lease
Pirlangimpi	Tiwi Aboriginal Land Trust	<ul style="list-style-type: none"> • 5 year s31 NTER lease • Township lease negotiations significantly advanced
Alpurrurulam	Alpurrurulam Land Aboriginal Corporation	<ul style="list-style-type: none"> • 5 year s31 NTER lease
Kaltukatjara	Petermann Aboriginal Land Trust	<ul style="list-style-type: none"> • 5 year s31 NTER lease
Nganmarriyanga (Palumpa)	Daly River/ Port Keats Aboriginal Land Trust	<ul style="list-style-type: none"> • 5 year s31 NTER lease • 2, 40 year s19A ALRA leases to IBA for residential purposes on 24 lots 13 kms north of Palumpa in Wudapuli
Milikapiti	Tiwi Aboriginal Land Trust	<ul style="list-style-type: none"> • 5 year s31 NTER lease • Township lease negotiations significantly advanced
Waruwi	Arnhem Land Aboriginal Land Trust	<ul style="list-style-type: none"> • 5 year s31 NTER lease
Naiyu (Daly River)	Catholic Church of the Diocese of Darwin Property Trust	<ul style="list-style-type: none"> • s31 & 39 NTER lease being negotiated – agreed in principle
Beswick	Beswick Aboriginal Land Trust	<ul style="list-style-type: none"> • 5 year s31 NTER lease
Minyerri	Hodgson Downs Community Incorporated & Alawa 1 Aboriginal Land Trust	<ul style="list-style-type: none"> • 5 year s31 NTER lease over Hodgson Downs Community Inc land • Some houses on ALRA (Land Trust) land to be negotiated
Ampilatwatja	Aherrenge Aboriginal Land Trust	<ul style="list-style-type: none"> • 5 year s31 NTER lease

Sources: CTC evidence, Northern Territory and Australian Governments Coordinator Generals Reports and CTC research into land titles. Current as at 30 September 2010.