



Australian  
Human Rights  
Commission  
*everyone, everywhere, everyday*

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# Outstations Policy Discussion Paper

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Australian Human Rights Commission Submission  
to the Office of Indigenous Policy, NT Department  
of Chief Minister

15 December 2008

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## **1 Introduction**

1. The Australian Human Rights Commission (the Commission) makes this submission to the Office of Indigenous Policy, Northern Territory Department of Chief Minister in its Inquiry into Outstations Policy.
2. In 2007, the Northern Territory Government signed an MoU with the Commonwealth Government which transfers responsibility for Outstation municipal and essential services from the Commonwealth Government to the Northern Territory Government as of 1 July 2008. The MoU specified the transfer of \$20M per year for three years for the provision of these services.
3. The Northern Territory Government is now seeking comment on a *Northern Territory Outstations Policy*. To guide the process, the NT Government released a *Discussion Paper* which outlines existing policy and discusses some of the issues regarding Outstation service delivery. The *Discussion Paper* explains that the *Northern Territory Outstations Policy* will have a wider ambit than essential and municipal services. The range of policies which affect service delivery to Outstations will be reviewed, including health, housing, employment and education policies. The Northern Territory Government intends to develop a “uniform, whole of government Outstation policy”.<sup>1</sup>
4. This submission is structured to respond to four ‘Policy Propositions’ put forward by the *Discussion Paper*. It begins with a summary of issues, followed by responses to the Discussion Paper’s four Propositions and concludes with Recommendations. As follows:
  - Summary
  - Proposition 1: Eligibility for Support
  - Proposition 2: Outstations Definition
  - Proposition 3: Hub and Spoke Model
  - Proposition 4: Outstation Service Levels, and
  - Recommendations
5. The Commission prefers the term ‘Homeland’ to ‘Outstation’, and will use this terminology throughout the submission except in instances when quoting other sources or citing the names of existing documents.

## **2 Summary**

6. As the *Discussion Paper* describes, there are many benefits to Homeland living and there are many reasons why Aboriginal people choose to live in

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<sup>1</sup> Northern Territory Government, *Outstations Policy, Discussion Paper*, 2008, p.2

Homeland communities. There are also factors which cause the populations of Homelands to fluctuate over time.

7. Homelands are located on Aboriginal ancestral lands with cultural and spiritual significance to the Aboriginal people who live there. The connections to land are complex and include cultural, spiritual and environmental obligations, including obligations regarding the protection of sacred sites.
8. Homelands vary in size, composition, resources, access to potable water, access to services and time of establishment. Some may be very small and comprise a few families living together. Others may be expanding and developing small economies such as Mapuru Homeland in Arnhem Land. Homelands are difficult to categorise and in policy terms are distinguished as such because they are relatively small compared with townships and larger regional centres.
9. Homelands provide a healthy alternative living environment for Aboriginal people who want to avoid some of the problems that can be associated with living in larger regional centres. Evidence from a study conducted over a ten year interval at the Utopia Homelands in the Northern Territory found that there are positive health benefits for Aboriginal people living in Homelands. The study found: 'The factors associated with the particularly good [health] outcomes here are likely to include outstation living, with its attendant benefits for physical activity and diet and limited access to alcohol, as well as social factors, including connectedness to culture, family and land, and opportunities for self-determination'.<sup>2</sup>
10. Homelands provide important land management functions through fire abatement activities and other actions which preserve the biodiversity of otherwise unoccupied areas. Homelands residents manage the control of feral animals and introduced plant species in some of the remotest regions of Australia.
11. The Commission recognises that Homeland populations have been under-resourced and underfunded for many years. Due to the relatively small populations of Homelands and their dispersal over large unpopulated regions, many Homeland residents have to temporarily relocate to access services. For example, there are limited education services to Homelands communities. To date, governments have no firm estimates of the number of school-aged children across the Northern Territory who have **no** access to school education, and school staffing is allocated on the basis of school attendance rather than population estimates.

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<sup>2</sup> Kevin G Rowley, Kerin O'Dea, Ian Anderson, Robyn McDermott, Karmananda Saraswati, Ricky Tilmouth, Iris Roberts, Joseph Fitz, Zaimin Wang, Alicia Jenkins, James D Best, Zhiqiang Wang and Alex Brown, *Lower than expected morbidity and mortality for an Australian Aboriginal population: 10-year follow-up in a decentralised community*, 2007

12. As the *Discussion Paper* acknowledges, Aboriginal clan groups are mobile for a variety of reasons, though this is not an indication that they wish to permanently vacate their ancestral land. Homeland residents may relocate for periods of time when they are required to participate in ceremony and other cultural obligations. Parents and guardians leave Homelands to educate children in larger centres during school terms. Residents temporarily relocate to access health services in regional centres or to stay in other Homelands for therapeutic purposes. The Mt Theo Homeland is an example of this. When whole families move to a new temporary location this can significantly change population sizes. For this reason the numbers of people living in Homelands can fluctuate at different times.
13. New Homelands are being established over time. Elders and others set up new Homelands when they are unable to live in larger townships due to clan tensions. The situation at Wadeye is an example of this with people moving progressively to outlying community areas.

### **3 Policy Propositions**

#### **3.1 Eligibility for support**

14. The Commission supports a flexible model for Homelands funding and resourcing whereby municipal funds are provided to regions or language group areas for distribution. Under such a model, regional management structures would be responsible for allocating funds and determining eligibility for support. Existing clan leadership groups would play an important role in the decision-making process. A regional or language group model would incorporate traditional clan management structures and processes, building, if necessary, on the governance structures of the Outstation Resource Agencies.
15. A regional or language group model of municipal funding recognises the existing Aboriginal leadership groups across the Northern Territory. For example, the Yolngu and Bininj clan leaders associated with the communities of Yirrkala, Gunyangara, Gapuwiyak, Maningrida, Galiwin'ku, Milingimbi, Ramingining, and Laynhapuy Homelands regions are best placed to represent the interests of approximately 8,000 Aboriginal people who constitute these Arnhem Land clans. Similarly, the Warlpiri Group have representative structures associated with the communities of Lajamanu, Yuendumu, Nyirripi, Mt Allen, Willowra and Homeland regions; encompassing a population between 5,000 and 6,000 people.
16. Regional resource models allow for flexible, locally managed resource arrangements based on a needs assessment of Homelands over time. Funding and resource levels would necessarily change over time to meet the emerging needs of communities. Such a model gives Aboriginal people decision-making responsibilities over their own affairs in line with the right of Indigenous peoples to self management and to participate in decisions that affect them.

17. Outstation Resource Agencies have provided a wide range of service support for Homelands over time and should continue to administer services where they exist.
18. The Commission is not in a position to comment on a specific funding and resource allocation model to regions of language groups, though consideration should be given to per-capita allocations with additional funds on a needs basis.
19. The Commission does not support an eligibility model which assesses Homeland communities using fixed criteria. A fixed model does not allow for contingencies. For example, a model which sets a population threshold does not take into consideration the fact that Homeland residents move temporarily to regions where their children can access schools or where their kin can gain access health services. It does not account for the fact that small Homelands can swell to much larger communities during times of ceremony, which can occur over periods of months.
20. The *Discussion Paper* foreshadows the Northern Territory Government's position that newly established and newly populated Homelands will **not** receive NT Government funding. While understanding that the resources of governments are finite, the Commission does not support a sunset clause on eligibility for support. Limiting resources for new Homelands will adversely affect an increasing Aboriginal population in the Northern Territory. In addition, it does not take into account the complex reasons why Homelands are established over time. A flexible model based on a regional resourcing will allow for new Homelands should the regional representatives decide to allocate funds and resources.

### **3.2 Definition of an Outstation**

21. The *Discussion Paper* identifies the need to develop a definition of Homelands for policy purposes. The Commission supports the broadest definition of Homelands and warns against definitions that are developed and limited for the purposes of administrative or bureaucratic ease. Given that Homelands are increasingly supported by philanthropic groups and others, it is important that the definition does not limit understanding of these communities to those which are eligible for NT Government funding.
22. The term 'Homelands' is preferred to 'Outstations' as it is a more accurate description of these communities and it is the preferred term of the Aboriginal residents of Homeland communities.
23. A range of communities may be considered Homelands; communities that vary in population size, number and quality of houses, level of resources, distance from regional centres and time of establishment. Definitions should not be limited by assessments of these criteria.
24. Any definition of Homelands should recognise the fundamental right of Aboriginal people to live on their country of affiliation and maintain language, custom and cultural practices. These rights are protected under United Nations treaties and declarations.

### 3.3 **Hub and Spoke Model**

25. The Hub and Spoke model is essentially an outreach, part-time service delivery model whereby health, maintenance, education and other government personnel visit Homeland communities from larger regional centres. This model may be useful for some services such as maintenance of housing and infrastructure including roads, though it is not a model which fits all areas of service delivery. Decentralised services can provide good one-off services such as housing maintenance, but they are less likely to hit the mark in terms of quality and consistency for services such as education.
26. Education is a fundamental right of all Australian citizens and should be delivered to the highest standard with regard to availability, accessibility and appropriateness.<sup>3</sup> The Hub and Spoke model is not a preferred model for education services.
27. Education services should **not** be linked to assessments of community types. The under-resourcing of education services to Homelands is an ongoing issue and one that the Commission addressed in the 2000 *National Inquiry into Rural and Remote Education* report.<sup>4</sup> Given that up to

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<sup>3</sup> The Committee on Economic, Social and Cultural Rights at General Comment No. 13, 1999, paragraph 6 has identified 3 inter-connected elements of 'accessibility' in the context of education.

- i. Non-discrimination - education must be accessible to all, especially the most vulnerable groups, in law and fact, without discrimination on any of the prohibited grounds;
- ii. Physical accessibility - education has to be within safe physical reach, either by attendance at some reasonably convenient geographic location (e.g. a neighbourhood school) or via modern technology (e.g. access to a "distance learning" programme);
- iii. Economic accessibility - education has to be affordable to all. This dimension of accessibility is subject to the differential wording of article 13 (2) [of the International Covenant on Economic, Social and Cultural Rights] in relation to primary, secondary and higher education: whereas primary education shall be available "free to all", States parties are required to progressively introduce free secondary and higher education ([General Comment No. 13](#), 1999, paragraph 6).

Another element of 'accessibility' is what the Committee has termed 'acceptability': 'the form and substance of education, including curricula and teaching methods, have to be acceptable (e.g. relevant, culturally appropriate and of good quality) to students and, in appropriate cases, parents; this is subject to the educational objectives required by article 13 (1) and such minimum educational standards as may be approved by the State (see art. 13 (3) and (4))'.

<sup>4</sup> Human Rights and Equal Opportunity Commission, *Emerging Themes*, National Inquiry into Rural and Remote Education, March 2000, pp. 12-13, available online at: [http://humanrights.gov.au/pdf/human\\_rights/rural\\_remote/emerging\\_themes.pdf](http://humanrights.gov.au/pdf/human_rights/rural_remote/emerging_themes.pdf) accessed 18 December 2008

1,000 school-aged children in the Arnhem region alone have limited or no access to school education, it is now a matter of urgency that the Northern Territory government audit Homeland populations and provide accessible and acceptable education services to the current and projected school-aged populations of these communities.

28. The Hub and Spoke model should be abandoned for the purposes of education provision, and governments should enter into negotiations with Homelands stakeholders to determine appropriate education service delivery. The education model at Garrthalala in Arnhem Land is an example of the ways in which Homeland residents, volunteers, governments and Homeland Associations can work together to achieve quality education outcomes that suit local requirements.

### **3.4 Outstation Service Levels**

29. The Commission recognises that the policy settings for Homelands must be congruent so that one policy does not drive another. A shift in a policy such as the proposed reforms to Community Development Employment Projects (CDEP) will have implications for the viability of some Homelands.
30. The Commission notes that the proposed reforms to CDEP to take effect from 1 July 2009 in remote communities will adversely affect the resourcing of Homeland centres. Outstation Resource Agencies (ORAs) are dependent on CDEP workers to provide services to Homelands. Many of the positions that support Homelands are not full-time, and in limited markets, CDEP 'Top Up' is important to the functioning of these positions. If CDEP wages are transferred to Centrelink, this effectively converts waged workers to welfare recipients. While the Commonwealth Government intends to convert some CDEP positions into full time employment, part-time positions will be lost in transition.
31. Limits to funding for remote housing such as those under the Community Housing and Infrastructure Program (CHIP) will similarly affect the viability of Homelands, and must be part of any considered policy with regard to Homeland service levels.
32. At present, there is a lack of authoritative information about the population characteristics of Homelands which is linked to levels of government service support to Homelands. There is a need for a thorough analysis of population characteristics, requirements and outcomes, and the development of policy and resource plans to meet the shortfall in services based on evidence. For example, there is strong evidence that remote school students do not do as well as their urban counterparts. There is also evidence that remote schools are not staffed, supported or resourced in the same way as urban schools.
33. Services such as education, and possibly health should be categorised under universal provision models, rather than being resourced by community type. If governments expect equality of outcomes for student performance in national test results, they must ensure equality of education services and resources across the NT.



34. Ongoing support and funding to develop sustainable industries in Homelands is essential. There is scope to expand ranger programs and fire abatement projects and to build upon and develop cottage industries and low impact eco tourism ventures.
35. As part of the whole of government approach to Homelands policy, training and development resources should be made available to assist Homeland residents to utilise appropriate technologies in self sufficiency. The work of Bushlight (Centre for Appropriate Technology) is a model for improving renewable energy systems in remote communities utilising community engagement and community development processes. Programs such as this one should be expanded and funded into the future.

## **4 Recommendations**

36. The Australian Human Rights Commission recommends that:
  - a. the Northern Territory Government use the term Homeland rather than Outstation.
  - b. the Northern Territory Government employ a flexible model for determining eligibility for Homeland support which allows for new Homelands which may be established in future.
  - c. consideration be given to a resource model which allocates municipal and essential service funds to regions on a per-capita basis with additional funds on a needs basis.
  - d. the Northern Territory Government allocate municipal and essential service funds to regions to be managed by leaders of existing clan leadership groups in association with Outstation Resource Agencies.
  - e. any definition of Homeland communities recognise the fundamental right of Aboriginal people to live on their country of affiliation and maintain language, custom and cultural practices.
  - f. education services be provided to school-aged Homeland children on a per-capita basis and the Hub and Spoke model be abandoned for education purposes. As a matter of urgency, the Northern Territory government audit school-aged populations with limited or no education services and develop accessible and appropriate education options.
  - g. policies be congruent and consideration be given to the ways in which Commonwealth policies may undermine Northern Territory priorities and the viability of Homelands into the future.
  - h. consideration be given to expanding the development of sustainable industries in Homelands.
  - i. representative groups of Aboriginal residents from Homeland communities be part of any process to develop policies for Homeland communities.