



DESERT KNOWLEDGE  
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Desert Knowledge Cooperative Research Centre

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**SUBMISSION TO THE  
REVIEW OF THE NORTHERN TERRITORY  
EMERGENCY RESPONSE**

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## Background

The Desert Knowledge Cooperative Research Centre is a partnership of 28 agencies, government departments, non-government organisations and universities whose research focuses on the people and communities of the remote arid regions. We are an interdisciplinary organisation whose work covers four States and the Northern Territory and we engage with a sizeable proportion of the three per cent of Australians who live on 70 per cent of the land mass - the areas that the rest of the nation knows as “remote”.

Our research is about producing outcomes that make life sustainable for desert people and desert communities and promoting sustainable livelihoods in thriving desert regional economies. Our work promotes and supports effective governance and equitable access to services for people living in remote settlements and particularly in remote Aboriginal communities. Our program involves a great deal of scientific and technical research, which ranges from environmental research to appropriate housing and infrastructure design. At the same time, we apply social science insights into what makes communities work and how we can develop partnerships to deliver appropriate and sustainable local-level economic activity to support these communities.

Aboriginal people are significant contributors to our research program and we work extensively with people in remote Aboriginal communities on projects researching sustainable housing, water use, infrastructure and business development as well as natural resource management. Their knowledge is integral to our research and valuing Aboriginal intellectual property and knowledge systems is embedded in our practice and philosophy.

Before making specific comments on the Intervention, we would first like to explore how various systems might respond to remote desert living. After making comment on aspects of the Intervention, we will then discuss what is required to build a better future for remote desert people, and indeed all Aboriginal people in the Northern Territory.

### **Changing systems: new ways of doing business.**

Australia’s remote regions are characterised by:

- sparse and often highly mobile populations which lack the critical mass to be more than a distant voice in coastal focused political centres and the market place
- pronounced cultural diversity with rich local Aboriginal knowledge and with Aboriginal languages alive, well and in contemporary use
- limited economic opportunity and poor employment prospects, although deserts make a major contribution to the Australian economy through mining, pastoralism and tourism
- narrow range of government (housing, income support, defence) and private investment compared with coastal towns and communities
- a high proportion of significant natural and cultural resource icons (Uluru, McDonnell Ranges, Simpson, Tanami, Western and Great Sandy deserts, Channel Country) whose protection now and in the future is of national significance.

Desert regions also have extremes of climate, with temperatures ranging between below 0°C and above 40°C and low and highly variable rainfall of between 200 and 250mm per annum, although it can vary from 0mm in drought to 600mm and more in a pronounced wet season. All desert regions, however, are perceived by people and systems ‘outside’ as being in deficit: the focus is on what they lack, rather than on their assets; and this affects the way bureaucratic decision-making systems operate.

Any strategies for developing sustainable desert communities need to recognise and understand the characteristics of remote desert regions, recognise the ways in which they are interconnected and address them concurrently. Sustainable change is only possible if it is predicated on the provision of accurate information, consultation and negotiation with all of the right people and an informed and transparent decision-making process. Aboriginal people will not change simply because we assert that they need to change, neither will they engage in the mainstream economy at the expense of their culture.

A significant role of government is to create institutions (rules, norms, shared strategies) that support people to manage uncertainty. This may have been one of the intentions of the Intervention to create structures that attempted to deal with the Recommendations of the *Little Children are Sacred* report. Our research (Campbell et al in prep), however, indicates that, from the perspective of Aboriginal people and their livelihoods, many externally constructed institutions themselves generate or compound uncertainty. This contributes to the paradox in desert Australia of poor health despite a formal and widespread recognition of Aboriginal property rights which in turn sought to promote Aboriginal people’s control over their lives.

The concept of control over one’s life - the freedom or ‘capability’<sup>1</sup> that people have to live lives that are meaningful and fulfilling according to their own value systems – is a key social/psychological determination of health. This gives a clear indication that institutional change that fosters this capability needs to be at the heart of efforts to close the gap.

We approach a critique of the Intervention by using complex systems theory to inform our understandings of effective institutional design. A complex system is one whose elements interact in ways that to give rise to collective behaviours on various scales up to that of the whole system<sup>2</sup>. The greater the degree of interdependence between parts of the system, the greater the complexity.

Management systems fail when the complexity of the demands on the system is greater than the complexity of the system. Hierarchical or ‘top down’ management systems are prone to failure when information (the needs and aspirations of remote area people, in this case) that needs to flow up the system in order to form directives that engineer collective behaviour (approaches to dealing effectively with disadvantage and dysfunction) cannot be meaningfully simplified.

This approach is particularly pertinent for examining public policy in Aboriginal affairs. In 1992 historian and anthropologist Tim Rowse described this very

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<sup>1</sup> See Sen, A. 1999, *Development as Freedom*. Knopf, New York

<sup>2</sup> See Bar Yam, Y. 2005 *Making things work: solving complex problems in a complex world*. New England Complex Systems Unit, Boston.

phenomenon in *Remote Possibilities: Aboriginal Domains and the Administrative Imagination*. The pun in the title - that it may well be a remote possibility that the two shall ever meet – is carried through in Rowse’s dissection of the failure of the two elements to communicate and act effectively together.

With increasing complexity in a globalised world, these hierarchical systems are being replaced by networked systems (eg global markets, the internet, including YouTube and Facebook, microfinance) in which individuals exert mutual influences leading to emergent collective behaviours. These systems inform the way Desert Knowledge CRC ‘does business’ with desert Aboriginal people. A key element in this is recognising and valuing Aboriginal knowledge; and then putting that recognition into operating practice and procedure. DKCRC draws on all the assets of the desert. Aboriginal knowledge that is deeply rooted in the cultures, together with the ‘know-how’ that comes from the experience of desert living, combine with scientific method to support sustainable livelihoods, settlements and systems that meet the needs of desert people.

Our experience tells us that as a society we need to recognise that managing the landscape of desert Aboriginal communities and settlements (and indeed any remote region) is a highly complex set of processes because of the high level and multiplicity of interdependence among elements, sectors, agencies, cultures and individual people. It would challenge even the best resourced and coordinated hierarchical management system. If any intervention is to foster emergent collective behaviours that support good health, education and literacy, it needs to be designed for this inherent high degree of complexity.

So the institutions we create – in this case the Northern Territory Emergency Response – need to be flexible, fair and involve a collaborative adaptive planning and management process: cycles of planning, action, reflection and evaluation, conducted by community members/settlement representatives, traditional owners and qualified representatives from community organisations and agencies, drawing on a pooled fund of resources for community services. As well as dealing with the complexities of people, the collaboration needs to deal with the complex of issues in a comprehensive approach, or in the words of the *Little Children are Sacred* report: *There is, in our view, little point in an exercise of band-aiding individual and specific problems as each one achieves an appropriate degree of media and political hype. It has not worked in the past and will not work in the future*<sup>3</sup>.

This also clearly means adopting genuine block funding and abandoning the ‘silo’ approach that was rightly excoriated in the evaluation of the Council of Australian Governments trial at Wadeye. It means recognising the interrelationships between different government agencies and programs on the ground. The comprehensive approach also needs to be supported by relevant and appropriate governance structures so that the voices of desert people can be heard. This requires a ‘ground-up’ approach that supports and sustains local level capability; and it needs to recognise that one size never fits all. Small-scale local governance structures at individual settlement level could be nested into higher level structures. These higher structures would perform the kind of actions that are more effectively, economically and

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<sup>3</sup> Pat Anderson and Rex Wild. 2007, *Ampe Akelyernemane Meke Mekarle Little Children are Sacred*, NT Government Printer, Darwin, p12

therefore sustainably done at regional level. Perhaps the shire structure that the Northern Territory Government is putting into place could be an appropriate vehicle.

The ‘nesting’ model is the very antithesis of the hierarchical structure because if it is working properly then the regional-scale action plan will be informed and authorised by local planning processes. The model was used in the creation of the original Torres Strait Regional Authority. Island Councils representatives formed the membership of the Authority. While it is true to say that this may have reflected and reinforced local scale hierarchies, it allowed for local decisions to inform the regional structure. Prescribed Bodies Corporate are now providing critical traditional owner input to the TSRA and filling a gap in its management model.

In the context of all of the above, we need to remind ourselves of the first recommendation from the Anderson-Wild report: *It is critical that both [Australian and NT] governments commit to genuine consultation with Aboriginal people in designing initiatives for Aboriginal communities.*<sup>4</sup> Any basic consultation would have shown that suspending the Racial Discrimination Act was abhorrent to Aboriginal people; and that the Intervention should have been applied right across the Northern Territory. Aboriginal people refer to this failure to consult as a failure of the Intervention and as return to ‘old Welfare days’.

Anderson and Wild also noted the importance of empowerment<sup>5</sup> and we agree that, combined with engaging Aboriginal people and valuing their knowledge and systems, it is critical to moving out of the crisis and into productive and sustainable futures. True empowerment is people taking on responsibilities when they know how to do it. We can ‘fertilise’ the empowerment by seeking people’s advice and support in defining policy and practice. We can also empower them by collaboratively developing appropriate and locally relevant systems of governance, instead of insisting on models which meet neither Aboriginal expectations and aspirations nor the expectations of government agencies. And we can further empower people by helping them develop the systems and processes for economic self-sufficiency. Standing back and listening to what Aboriginal people are saying about their needs may be more effective than deciding policy from the top down, with no reference to them whatsoever.

### **Comments on the Intervention**

It goes without saying that the Intervention has been a classic ‘top-down’ hierarchical and bureaucratic approach to entrenched problems. These problems may then arguably become further entrenched by the actions of that same bureaucracy. This helps make what has or has not worked a vexed question. From whose point of view and to what end has something worked or not worked? For these questions to be answered properly, we must first re-examine the intent of the Intervention, which was to: *‘protect Aboriginal children from abuse and build the basis for a better future’.*<sup>6</sup>

It is too early to judge the effectiveness of protection. If the problem is as entrenched as it purports to be, then the solution lies in generational change. It would also take longer than 12 months to assess whether what has occurred was in fact ‘the basis for a

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<sup>4</sup> Ibid, p21

<sup>5</sup> Ibid, p13

<sup>6</sup> <http://www.fahcsia.gov.au/nter/>

better future'. Any evaluation at this stage is preliminary only and depends heavily on assessing the impact of measures. We are hampered in our attempts to do so by the absence of baseline data. In this section of our submission, we will make a few points on aspects of the intervention before making some suggestions for building a better future.

Our assessment is consistent with the concerns of the Aboriginal and Torres Strait Islander Social Justice Commissioner, whose *Social Justice Report 2007*<sup>7</sup> identifies specific concerns about the NT intervention: consistency of the income management regime with the rights to social security; privacy and non-discrimination; the consistency of the alcohol management regime with the right of non-discrimination; and the absence of effective participation of Indigenous peoples in decision making that affects them.

- Poor understanding of the scope and motivation for the Intervention appear to remain the norm, rather than the exception. The very language of the material 'explaining' the action lies beyond the comprehension of people whose grasp of formal English is limited at best. While there was a concerted effort to use the media, the tone and emphasis were largely aimed at winning a coastal urban audience. It did not engage Aboriginal people in remote communities. The Intervention teams did not seem especially prepared for the difficult task of communicating a complex message across cultures and languages. Subsequently, people employed under the Intervention who have had previous experience working with Aboriginal people have recognised this and made an effort to overcome it.
- There is some evidence to suggest that income quarantining has meant that people are spending more money on food and essential groceries. Again, there is little evidence – apart from the demonstrable effect in community stores - on which to base the assertion that this measure is 'working' to shore up the protection of Aboriginal children from abuse. Women in communities say less money sourced from welfare is being spent on alcohol, drugs and gambling, but at the same time there is some evidence to suggest that income management may have caused financial hardship. People report problems meeting debt repayments on vehicles and everyday expenses like car repair and running costs, a particular burden on those trying to remove themselves from dysfunctional communities.
- The complexities and consequences of the new requirements seem to have been little understood by those involved in the Intervention and much less by the people whose lives it was intended to improve.
- There is also some evidence that remote community Aboriginal people feel they have been singled out – and indeed discriminated against – in the way this measure has been applied. Their reasoning, which is hard to argue with, is that this should apply to all Australians and not just to Aboriginal people. They also argue that it is unfair to apply it as a blanket measure affecting everyone in receipt of welfare payments. It is an unsatisfactory and simplistic broad brush approach that is punitive and coercive on all Aboriginal people, including those who have been responsible with their money and those who have no dependent children.

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<sup>7</sup> At [http://www.humanrights.gov.au/social\\_justice/sj\\_report/sjreport07/index.html](http://www.humanrights.gov.au/social_justice/sj_report/sjreport07/index.html)

- Tying income quarantining to school attendance, which the Australian Government is trialling as a result of the Intervention, appears to have little chance of success as a stand-alone measure. It is based on the assertion that educational outcomes against benchmarks will improve as long as children attend school. The evidence does not support this assertion, but rather suggests that improving outcomes depends on a host of complex factors<sup>8</sup>. Singling out attendance without attempting to engage families and communities in schooling, or improving staff turnover and a host of other variables, is unlikely to work. In any case, many schools reported good attendance before the Intervention got under way.
- Confusion over the future of the Community Development Employment Program has complicated the already difficult employment reform agenda. Getting people into ‘real’ jobs is a laudable ambition, but it avoids recognising many CDEP jobs as ‘real’ jobs that occur despite CDEP being based on a welfare and community development model. Developing entrepreneurial activity, which can provide jobs with real levels of pay and career paths, means developing local and regional economies. Unless there is support for more jobs in remote communities, then people will inevitably drift to urban areas with little prospect of finding work or become more detached from country and identity, with equally negative results.
- Urban drift tends to stretch already overburdened resources and support mechanism. People who drift into towns from remote settlements may have poor or no English and low levels of literacy, which leaves them ill-equipped for the realities of urban living, like finding a job and a house to rent.
- The advent of the Intervention meant the abrupt disappearance of CDEP in many communities, which had an immediate and direct impact on people’s incomes. Where they were able to enter work transition programs, they no longer had access to the ‘top-up’ that was available for many CDEP jobs that provided a reasonable living wage. Many found themselves working fewer hours and at lower rates of pay. Coupled with restrictions on how they spent their money, this created profound anxiety among people. It also compromised service delivery to outstations, which threatens to limit people’s ability to leave pressure cooker situations in communities for their families’ health and well-being. Failing to recognise the interrelationship between programs like CDEP and other programs run by separate agencies has had consequences for service delivery, particularly to homelands, where housing, water, infrastructure development, health and even food supply and transport, may be linked to CDEP projects. New service delivery models are required
- The efficacy of the health checks has been called into question by health professionals. In the absence of a comparative study of the data, it is unclear whether they are showing any different profiles from those already described by health professionals on the ground before the Intervention.
- There appears to be general agreement that the Intervention could have proceeded without removing the applicable provisions of the Race Discrimination Act. As discussed earlier, people are dismayed that these provisions have not been reinstated. The Aboriginal and Torres Strait Islander

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<sup>8</sup> Burke C, Rigby K and Burden J, Better Practice in school attendance – Improving the attendance of Indigenous students at [http://www.dest.gov.au/sectors/indigenous\\_education/publications\\_resources/profiles/better\\_practice\\_school\\_attendance\\_improving\\_indigenous.htm](http://www.dest.gov.au/sectors/indigenous_education/publications_resources/profiles/better_practice_school_attendance_improving_indigenous.htm)

Social Justice Commissioner's 10-Point Action Plan for modifying the Intervention<sup>9</sup> called for:

- the restoration of all rights to procedural fairness and external merits review under the NT intervention legislation;
  - reinstating protections against racial discrimination in the operation of the NT intervention legislation;
  - amending or removing the provisions that declare that the legislation constitutes a 'special measure'; and
  - reinstating protections against discrimination in the Northern Territory and Queensland.
- There appears to be little progress on concluding leasing arrangements to allow for infrastructure funding, particularly for outstation settlements. As we suggest later, living and working on country in outstations has the potential to make significant improvement to Aboriginal health and well-being<sup>10</sup>.
  - The Intervention has to date required a huge investment in public servants to make it work; people travelling in and out of communities almost on a daily basis to deal with the diverse parts of the Intervention. We have to ask if this investment is sustainable. We would also like to know how it has contributed to the development of capability on the ground. If it has not, then it is difficult to see how the intensive activity has prepared the ground for a better future.

### **Beyond the Intervention**

Looking beyond the Intervention, we have to commit to long-term support and we have to integrate each element of our response in an overarching plan for change. It is critical that Aboriginal people are active participants in defining and managing change as a central part of this plan. Our research clearly shows that the legacy of centralised decision-making has inhibited Aboriginal initiative<sup>11</sup>. Local level involvement builds local capability and strengthens communities.

Acting from the principles of inclusive participation and engagement, and with sustainability firmly entrenched in our thinking, we may see some progress in key areas. A fully coordinated approach can lead to economies if we recognise complementarities between services and systems. Campbell et al note, for instance, that health spending is reduced when people live and work on country. At the same time, the Australian economy benefits from enhanced environmental services. An *ad hoc* approach will merely repeat the past.

#### *Housing and infrastructure*

Housing is an important ingredient in people's well being and it needs to be affordable and appropriate to specific regions. In the desert, planning appropriate housing means engineering houses for passive heating for winter as well as passive cooling in summer. Throughout the Northern Territory, it means designing houses that reflect regional differences in Aboriginal ways of living and definitions of family and not houses that reflect European concepts of relationship, space and need.

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<sup>9</sup> [http://www.humanrights.gov.au/about/media/media\\_releases/2008/36\\_08.html](http://www.humanrights.gov.au/about/media/media_releases/2008/36_08.html)

<sup>10</sup> Campbell, D., Davies, J. and Wakerman, J. Submitted April 2008, Facilitating complementary inputs and scoping economies in the joint supply of health and environmental services in Aboriginal central Australia. *Rural and Remote Health (International Electronic Journal of Rural and Remote Health Research, Education, Practice and Policy)*.

<sup>11</sup> Grey-Gardiner R, *Remote Community Water Management*, DKCRC, Alice Springs 2008

All people in Australia have the right to expect equitable levels of infrastructure no matter where they live. We need to guarantee remote communities adequate funding for roads, power and water supply, sewerage schemes, internet and phone communications and airstrips. Importantly, there also needs to be significant support for housing and infrastructure maintenance as a pre-emptive, rather than reactive and remedial, strategy. Aboriginal people should be an integral part of planning, design and maintenance teams.

### *Education*

Remote education needs to be properly planned and not merely be a transplanted mainstream service. Key areas for any plan should be recruitment and retention of skilled teachers, upgrading skills of Aboriginal teacher aides, high expectations of students, appropriate pedagogies for literacy and numeracy, improved housing and school buildings, family and community engagement, relevant school governance, use of community knowledge and more flexible timetabling to meet community needs. School buildings should be appropriately equipped for multiple uses as adult and vocational education centres. The key, however, is getting primary education right and there appears to be no plan to do so at present.

Schools and the systems that support them also need to adopt a more flexible approach that can recognise and accommodate Aboriginal cultures, like systems we have observed in New Zealand and Canada. If the education system is imposed and not culturally relevant there will remain a conflict between parents and the education system. Such change needs to start with preschool and be rolled out through primary and the secondary systems. It is encouraging that the NT Government's Remote Learning Partnerships process, which predates the Intervention, is considering applying the demands of culture to schooling. Aboriginal people in Central Australia and the Top End alike are asking the system to allow for prolonged periods of ceremony in programming the school year and to incorporate customary knowledge in formal certification of schooling.

### *Health*

Primary health care needs appropriate levels of staffing – more doctors, more access to itinerant specialist services - and there needs to be more home community-based chronic disease management. Prevention and health promotion needs a greater emphasis and current strategies need to be reviewed for relevance and effectiveness. Community-based health organisations need comprehensive administrative support and improved understandings of governance for more effective functioning. If centralised control of the health service is to remain, it must be flexible enough to support regional and local solutions. These decentralised and Aboriginal community-controlled health services are recognised for more effective service delivery than centralised government arrangements. They may need to be more widely supported by more effective methods of health record-keeping, to allow for patterns of mobility among Aboriginal settlements.

### *Economic Development*

Currently remote Aboriginal communities survive in a largely welfare economy that is simply not sustainable. For the foreseeable future, however, Aboriginal people are not likely to move away from country in search of jobs. This makes it imperative to design economic development and business support strategies for small-scale local and regional economies which may involve:

- building up the skills base so Aboriginal people take up more jobs in local essential services;
- more flexible support for local business development;
- creating partnerships with outside business and industry to market local products;
- formulating innovative approaches that require flexible government responses; and
- generating an economic value for local Aboriginal knowledge in, for example bush food, environmental management, pest management, surveillance cultural tourism and the arts.

#### *Support for environmental programs*

Community-based environmental management programs allow people to live on country and carry out land management using both traditional knowledge and contemporary techniques and equipment. There is much research to suggest that living and working on country gives people a strong sense that their knowledge is valued. This results in improved well-being which, together with access to bush foods, makes for healthier people - an important complementarity (Campbell et al in prep). Aboriginal knowledge may also offer important perspectives on contemporary environmental problems; for example controlled burning of country may contribute to reduced greenhouse gas load and observations on climate that have passed into a body of Aboriginal knowledge may inform our perceptions of, and reactions to, climate change.

#### *Governance*

Following on from our earlier discussion of the need for appropriate governance, it is important to note that our systems of governance have evolved over a long and complex history. Concepts of lines of authority and responsibility, and the distinctions between governance and management, however, do not readily cross cultural boundaries. Insisting on a sole model that is largely unworkable in the remote community context is merely to set up failure after failure. Funding bodies will rightly continue to insist on accountability, but they need to negotiate appropriate governance arrangements with Aboriginal people and set up mechanisms to underpin them so they can jointly achieve it.

#### **Conclusion**

We submit these observations for your consideration and understand the complexities of the task you face.