

Closing the Gap in the NT—Whole of Government Monitoring Report

Input from the Commonwealth Ombudsman: July 2009–December 2009

Background

The Commonwealth Ombudsman's office conducts outreach to Indigenous communities in the Northern Territory (NT), investigates complaints, obtains feedback about programs and services, identifies systemic issues and engages with a range of stakeholders in relation to the 2007 Northern Territory Emergency Response and other Indigenous programs in the NT. Information gathered and analysed during these activities provides insight into issues with programs, service delivery or policy and the effectiveness of governments working together.

The Indigenous Unit (IU) of the Commonwealth Ombudsman's office is the primary avenue of independent oversight of many Australian Government Indigenous programs. The office conducts outreach visits to NT communities to provide Indigenous Australians with an accessible, independent complaints mechanism. Through this presence in the communities and the complaints received, the office is able to provide information to the responsible agencies about the impact of their programs on the ground, a perspective that is often not otherwise available. This feedback enables agencies to adjust and refine their processes and contributes to improved delivery of government programs and services.

The IU is funded for five positions to provide independent oversight of the implementation of the policies and programs called 'Closing the Gap in the Northern Territory' (CtGNT). The Ombudsman has supplemented this to the extent that eight full time staff are employed in the Unit.

Outreach visits

Between July and December 2009, complaints about the NTER and other Indigenous programs in the NT totalled 147. These were gathered almost exclusively as a result of 14 visits to 12 communities and one homeland area, and five visits to four town camps. The IU also provided feedback to Centrelink after observing three Remote Servicing Teams and observed three of FaHCSIA's Tier 2 Future Directions consultations. The number of visits and new complaints is lower this reporting period because complaints taken between January and June 2009 were still being investigated well into the second half of the year, limiting the capacity for further outreach. The number of complaints is directly related to the number of outreach visits conducted because few complaints are received from Indigenous people through the office's usual avenues, primarily being telephone, letter and internet.

While there was a reduction in the number of visits and complaints, the number of complaints taken during each outreach trip increased during this reporting period. The Ombudsman's office outreach program was reviewed to allow for repeat visits, while ensuring adequate time was available for investigations to be completed, remedies achieved for complainants and timely feedback to agencies. The need to reduce the length of time taken to resolve complaints to allow more time to visit communities is heavily dependent on agency response times, which are often extended due to the challenges agencies face in gathering the required information in this cross-jurisdictional environment.

The Commonwealth Ombudsman's office is one of the very few complaint/oversight bodies currently performing outreach. Consequently, we are commonly approached on matters which are the responsibility of other organisations, that is, where issues are out of jurisdiction. Two prominent examples are the NT Ombudsman, eg relating to police, and the Fair Work Ombudsman, eg relating to employment matters. If this office did not take these complaints and refer them to the appropriate body, it is likely that the complainants would not connect with other oversight agencies at all.

A Memorandum of Understanding with the NT Ombudsman was signed in December 2009 to facilitate the investigation of complaints about cross-jurisdictional issues. This has generated a platform for better information sharing, joint investigations and a single interface for people who cannot be expected to know which level of government is responsible for the services which are the subject of complaint.

Complaint investigations—a sample

Housing: The highest number of complaints taken between July and December 2009 relates to housing. The Ombudsman's office is investigating complaints about failures to deliver adequate repair and maintenance services, the amount of rent paid for houses, concerns and confusion about changes to housing management, decision making and communication to communities about refurbishments, location of houses and timeframes for building. The office is encouraged by the changed working arrangements that reflect the close cooperation required for the responsible Australian Government and NT Government agencies to deliver the expected improvements in housing outcomes.

Community dumps: A complaint that a government commitment to a new community dump had not been met and that the community had not been advised when this would occur highlighted the difficulties faced by agencies in managing contracts to deliver projects for remote Indigenous communities in the NT. As well as the need for intensive monitoring of contracted service providers, agencies need to keep communities informed of progress when delays occur. The complaint investigation continued to draw attention to this issue until it was resolved and the dump was completed.

BasicsCard: The complainant is a part-owner of a roadhouse. He applied to be a merchant for all BasicsCard transactions but was approved for petrol and automotive services only, and not for groceries. As a result of the complaint, the decision was reviewed and the roadhouse approved for all BasicsCard transactions. In addition, decision letters to merchants now explain merchants' review rights.

Asbestos surveys: The office received two complaints about the NTER asbestos surveys, one from Galiwinku and one from Imanpa. Both communities expressed concerns about a lack of communication of the results of the asbestos surveys. As a result, an investigation was conducted and the Commonwealth Ombudsman released a public report in December 2009. In addition to the much delayed communication of the survey results, the report identified the need for regular updates to affected communities from January 2008 when asbestos was first found in communities. The report was also critical of the reliance on Indigenous communities to initiate enquiries and on intermediaries to pass on information.

Feedback from complainants, communities and other stakeholders

By providing regular information to the responsible Australian Government agencies about the impact of their work on the ground, potential problems are identified early and should be able to be resolved. The following issues were brought to the attention of agencies during the reporting period.

Income Management (IM) and BasicsCard: The second highest number of complaints taken between July and December 2009 relates to Income Management and BasicsCard. The same issues continue to surface and many were also identified in the recent report of the Senate Community Affairs Legislation Committee.¹ Issues which remain current include:

- Toll free telephone numbers for obtaining BasicsCard balances and transferring funds from the 'kitty' are only toll free if called from a land line (currently, a separate phone call is required for each step). This is a cost impost which impacts disproportionately on people in remote communities where access to land lines is limited and the majority of people use mobile phones. This is an example of a policy, the use of toll free numbers to improve the accessibility of government services, which is not achieving its objective in remote Indigenous communities in the NT.
- People's interstate movements are restricted because they are on IM. They need to contact Centrelink in advance if they wish to travel and due to the small number of approved merchants, need to make special arrangements with Centrelink before they can leave for sorry business, hospitalisation or holidays. Complainants also report difficulty in making transfers on weekends. Complainants continue to experience difficulties transferring money on to their Basics Cards afterhours and on weekends.
- Recognising that for most people IM is currently mandatory and consequently access to their full Centrelink payment is restricted by government policy, the office has expressed concern that essential services, such as the Darwin public bus system, are not approved merchants for the Basics Card. In the circumstances, we have emphasised the need for agencies to actively engage service providers and encourage them to obtain merchant approval.
- Administrative issues such as the quality of Income Management Account Statements and the order of priority that applies if an IM recipient does not have sufficient funds for all of their priority need allocations.

Cross-agency issues

Communities' access to information: In response to the high number of requests for information received by the IU when in remote communities, the Ombudsman's office has informed agencies of the need for agencies to make themselves more accessible to communities. We also encourage agencies to make more use of interpreters and train their staff in how to work effectively with interpreters to ensure that people understand their messages.

People living in communities should be made aware of where to go if they require information, especially in the period following any community briefings. We recognise that this is not a simple task and would like to note the positive response from Australian Government agencies and their NT Government partners. The Ombudsman's office too is finding it challenging to identify alternatives to resource-intensive outreach visits to ensure we remain accessible between visits.

Internal complaint mechanisms: The office is also encouraging agencies to make their internal complaint systems more accessible to Indigenous Australians, to develop realistic feedback mechanisms and require their agents to do the same. It is important that agencies

¹ Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2009; Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (2009 Measures) Bill 2009; Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (restoration of Racial Discrimination) Bill 2009 published March 2010.

do not rely solely on passive mechanisms such as complaint phone numbers and the internet.

External service providers: As a result of complaint investigations and feedback, we have encouraged Australian Government agencies which fund services delivered to Indigenous communities in the NT to engage with, and monitor, their service providers. During the reporting period the office noted an increased awareness amongst agencies of their responsibility for outcomes delivered through other levels of government and private service providers.

Looking to the period ahead

The average number of complaints taken per outreach trip about the NTER and other Indigenous programs in the NT increased between July and December 2009. This may be because the role of the Commonwealth Ombudsman's office is more widely known and understood. It is also possible that some of the increase is attributable to the changes that occurred during this reporting period as the Government refined and adjusted its policy agenda in response to experience. The Ombudsman will monitor this trend in 2010 as the office looks for ways to be more effective with a shrinking resource base.