



Northern Territory Emergency Response Review

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Overview of Ombudsman engagement

Background

The Commonwealth Ombudsman received funding under the NTER measures and as part of this funding, established an Indigenous Unit. The role of this team is to:

1. investigate individual complaints from the public and to seek resolution
2. work with Commonwealth government departments and agencies to ensure that they have robust complaint handling systems to deal with complaints that may arise and to assist in the development of complaint systems where none currently exist
3. Identify systemic issues and work with relevant departments and agencies to improve public administration and mitigate complaints. Such improvements include improving gaps in service delivery and/or the development of policies to address specific issues that arise.

In the first year of operation the office has focused on working with prescribed communities and agencies delivering the NTER measures. This includes visits to prescribed communities to explain the role of the office and to offer a face to face service as we recognize that access can be a major barrier to communities raising complaints with our office. To date we have visited the following communities:

Acacia Larrakia	Minjilang
Ali Curung	Mutijulu
Areyonga	Oenpelli
Barunga	Palumpa
Belyuen	Papunya
Beswick	Peppimenarti
Binjari	Pirlangimpi
Bulman	Santa Teresa
Docker River	Tara
Finke	Titjikala
Hermannsburg	Wallace Rockhole
Imanpa	Wadeye
Kintore	Warruwi
Kybrook Farm	Weemol
Mt Liebig	Wilora
Manyallaluk	Daly River
Milikapti	Nguiu

We have also visited town camps in Darwin, Katherine and Alice Springs.

In investigating complaints we work closely with agencies. We discuss with them what changes can be made to mitigate and resolve complaints and, where complaints identify systemic issues, what broader improvements can be made. Earlier this year the Ombudsman also opened an Alice Springs office to better service Central Australia.

The Ombudsman's office acknowledges the immensity of the task and the challenges faced in the introduction and delivery of these measures particularly given the myriad of programs and agencies involved and the speed with which the measures were introduced.

Our initial visits to communities proved vital in shaping our approach and in ensuring that agencies were aware of the critical oversight role we play. One of the first lessons we learned was that the timing of our visits to prescribed areas was critical. We determined that it is better for us to visit communities several weeks after income management is introduced as any visits prior to this are burdensome to the communities. There is also the issue of information overload and meeting fatigue in those weeks leading up to the introduction of the changes.

We also found that, prior to the changes being introduced into a specific community, people were uncertain as to what these changes meant for them and any problems arising could only be identified after the measure was in place.

Initial feedback to agencies

Our initial involvement in the NTER support included the handling of complaints, briefing for agencies, and an early issues paper presented to agencies. This paper highlighted early impressions and untested complaints/allegations, and provided to provide early warning to agencies of the issues we were confronting. (A copy of this is paper attached.)

Complaints received

The complaints that we received in the initial phase of the introduction of the measures reflected the rapid implementation of a program without the opportunity to fully

develop, refine and trial implementation and controls. This was especially evident in the first communities where the measures were introduced.

Changes such as income management, the removal of the Community Development Employment Projects (CDEP), remote area exemptions and alcohol extensions were all introduced on the same day. Complaints related to problems with data systems; proof of identity, the identification of who was on a CDEP program, the need for specific amounts of income managed funds to be allocated to specific essential needs categories, and payment of CDEP transitional funds.

The moratorium on the removal of CDEP and the continued adjustment of the program delivery has seen a number of these initial problems addressed. An example of this is that a person is no longer required to specify exactly how much money should be allocated to items such as footwear and clothing.

While these changes have reduced some of the types of complaints we receive, there are still a number of areas that continue to be problematic and feature in the complaints we receive. These include:

1. Information Delivery

The office acknowledges that intervention delivery has been a challenging task for service delivery agencies and that some agencies have made considerable efforts in this area. Nevertheless this still remains a problem area for prescribed communities. Complaints continue to be received about the number of visits (or lack thereof) and the volume of information (or lack thereof) delivered by each agency, the lack of interpreters and the lack of language specific information. The complexity of the measures has led to a complexity in language that has made communication even more problematic.

2. Income Management

Income management remains the area of greatest complaint. Complaints include the inconsistent information provided; the lack of family interviews which results in duplication in the allocation of funds to specific services (eg utilities); the lack of choice as to where funds are allocated, and the lack of information on Third Party Providers.

3. Store Cards

Two areas of complaint related to store cards have been the need for individuals to attend a Centrelink office in person to collect the cards, and the problems associated with the use of the cards. Problems include difficulties associated with the card readers in the stores, the difficulties in obtaining a balance on the card, and the embarrassment associated with using the cards.

It will be important to monitor the new card and how well it works. We will have to wait some time after introduction to assess whether this will alleviate the problems currently associated with the store cards. At the same time we anticipate that complaints will be inevitable with the introduction of this major new initiative.

4. Impact on the vulnerable

The requirement for individuals to attend in person to collect their income management cards and to do their shopping in some of the community stores has had a negative impact on some of the most vulnerable in communities. Many of the elderly disabled and those with undiagnosed mental illnesses have a nominee who has acted on their behalf. Complaints have shown that while the nominee arrangements remain in place, Centrelink has refused to allow nominees access to the income management portion of funds. The need to attend in person to collect a store card places a person at risk as a number of people have been harassed outside the Centrelink office and had their card taken. Many communities question why the elderly need to be income managed.

5. Inconsistent service delivery

We have received a number of complaints from residents of town camps who feel that they are treated differently from those in communities. They feel there is a misconception that because they are in town camps they have better infrastructure and access to services and therefore do not require as much assistance. However, many residents in town camps have similar barriers to service delivery such as; lack of public transportation, poor access to support programs and inadequate housing.

Some of the problems faced by the communities can in fact be worse for town camps, such as problems associated with long grassers in who put added strains on households that feed or shelter them. Town camp residents complain that they are being largely ignored by government as evidenced by the lack of Government Business Managers to deal with their issues.

6. Lack of Support Programs

A common theme in complaints has been a lack of Government programs to address the critical issues that led to the introduction of the NTER. Many complainants stated that when the measures were announced, communities were told that the changes were aimed at protecting children and at stopping the 'lethal rivers of grog' that were endemic in the prescribed areas, and that had led to lawlessness and domestic violence. Yet people complained that all the initial changes seemed focused on land acquisition and income management with insufficient attention to protecting children, reducing domestic violence or assisting those who were alcohol dependent.

Many residents complained that they have limited literacy and numeracy skills and poor, if any, financial literacy yet they are being asked to engage in and understand income management plans and activity agreements. There were also complaints about the continued lack of police presence and child care programs.

7. Lack and Cost of Public Transportation

Many community residents are required to attend a Centrelink office in person to collect their store cards and to shop in the town centres. This assumes that access to an office is relatively easy. However, most of the prescribed areas have no access to public transportation and private vehicle ownership is limited. This problem is not unique to remote communities and can be seen in the Darwin, Alice Springs and Katherine town camps.

8. Bush Orders

There are difficulties associated with bush orders and food access in remote communities that have no 'licensed' stores. Issues include the problems of food storage, the lack of refrigeration and the difficulties associated with placing orders. These problems have followed from the limitations on the use of roadhouses and other sources of supply that are outside the income management regime.

Observations and proposals

These are a few examples of the types of complaints the Ombudsman's office has received and that highlight some of the broader systemic issues. Having regard to the lessons that can be drawn from the examples above, we make the following observations and proposals:

1. A uniform approach may have been necessary in early days of the program to achieve the required timeframe but this can serve to alienate and isolate the vulnerable members of a community. Consideration must be given to the specifics of a measure and the impact this has on those who are most vulnerable. An example of this has been the requirement for a person to attend in person to collect their store value card. While this may be necessary for security reasons, consideration should be given to how this will work in specific communities given the location and transport arrangements.
There also needs to be flexibility built into specific NTER programs and their implementation to take account of special or unexpected consequences.
2. Careful consideration needs to be given to the timing of the introduction of new measures to ensure that appropriate policies and guidelines are developed and tested. Complaints showed us that the rapid introduction of numerous measures led to problems that could have been avoided. An example of this was the problems associated with a Centrelink office running out of store value cards. While staff acted swiftly in an attempt to address this issue, there were no clear guidelines on what to do and how to do it and the initial solutions were not effective. Although the roll out of measures is now almost complete this issue will remain in relation to any modification of the regime and any new measures (eg the BasicsCard).
3. Issues such as information overload, meeting and change fatigue need to be taken into account by departments and agencies responsible for implementation and service delivery. The NTER has numerous complex measures and the simultaneous introduction had a profound impact on the affected individuals and communities. There could be a large number of official visitors on a particular day, each holding public meetings and individual interviews to explain their specific changes.
Many communities do not understand the separate responsibilities of each agency/department and see government as one large entity. Such agency/department separation made a complex system even more difficult to understand and navigate.
4. It is important that communication occurs in a language that is culturally appropriate and understood. We received numerous complaints about language problems and the lack of interpreters. Many of the words used are not understood by recipients or have no relevant word in the local languages. Terms such as 'essential needs', 'income management', 'school nutrition' and 'transitional payments' are all terms that are not in common usage. Perhaps the most telling comment was on a FaHCSIA community sign about the alcohol and pornography laws, where someone had painted over much of the sign and had written the words "No grog, no dirty pictures."
5. Consultation should take account of community structures and thus ensure that everyone has a voice.

Concluding remarks

It is the nature of the Ombudsman's role that we focus on problems. This is a key to improving service delivery and outcomes. Given this focus, which is reflected in the issues raised above, it is important to acknowledge that there is another side to the intervention.

The agencies delivering the intervention have been responsive to the Ombudsman's office. There is a clear and strong commitment to delivering both improvements and outcomes.

Many of the communities that we have seen have clearly benefited from the intervention. Some of the measures have had a positive impact in most or nearly all communities, while others may have been less effective but still achieved more good than harm.

This submission is not an attempt to provide a comprehensive picture of the intervention. It is a picture focused on the problems we have identified. By continuing to focus on problems we hope to continue to play a constructive role in delivering solutions, and thus achieving the best possible results from the measures being implemented.

Subject to resource constraints we will continue our active engagement with the Northern Territory indigenous communities, and work with agencies to improve service delivery, responsiveness and the effectiveness of the measures being implemented.

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