Bob Durnan

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To: the Committee Secretary
Senate Standing Committees on Community Affairs
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Parliament House
Canberra ACT 2600
https://senate.aph.gov.au/submissions/pages/index.aspx

Submission to Senate Community Affairs Committee on the Stronger Futures in the Northern Territory Bill 2011 and two related Bills.
I wish to submit

I have worked for Aboriginal organisations in NSW, central Australia and Queensland, as an employee, manager or research and planning consultant, for most of the past 35 years, with a particular focus on alcohol problems, and community development programs and processes. I submit the following observations about these bills and related issues to the Committee for its consideration.

Alcohol measures

I generally support the initiatives detailed in the Stronger Futures in the Northern Territory Bill, particularly in regards to making both the penalties for transporting liquor into restricted areas, and the technical aspects of measuring quantities of alcohol involved in grog running offences, consistent with the NT legislation.

I support the Commonwealth Minister having a role in approving Alcohol Management Plans and, together with NT Ministers, arranging for independent reviews of the operation of specified laws relating to alcohol, particularly their effectiveness in reducing alcohol-related harm, provided the results of these reviews are normally made available to the public.

I also support making provision for investigating and assessing premises licensed to sell alcohol and which appear to be producing substantial harm to the community.

I believe that significant reduction of addictions (and consequently of violence, crime and poverty) requires first and foremost the decreasing of drug and alcohol availability and consumption. The measures as proposed should assist in this process.

Some will say that to attain these goals we require much more personal responsibility, extensive early childhood and family intervention programs, more education and jobs, more economic development, treatment and counselling services, self-reliance, autonomy, and

individual discipline and agency. They are all correct. But the starting point must be the creation of circumstances, or settings, in which these other initiatives can take root and thrive. I believe this means firstly we must ensure excessive drug use is contained by increased interceptions of illegal drugs before sale to consumers; and secondly, excessive alcohol consumption is reduced by the introduction of both a floor price and also individual alcohol consumption licences for all NT citizens who want to drink alcohol in the NT. Some days free from sales of take-away alcohol wouldn't hurt as well. There should also be widespread implementation of violence-prevention strategies. These combined strategies, sustained over time, would have a big impact on diminishing the rates of both crime and poverty.

If we don't do these things, then I doubt whether any of the other initiatives are likely to have the desired effects, and all our determination to foster more responsible behaviours will amount to very little.

Significant Improvements in Socialisation and Education: SEAM

For significant, sustainable improvements, and reduced burdens on tax payers, we have to start now doing what we neglected to do in the 1980s and since: we must ensure all NT children have real chances to do well in life. At its most fundamental level, this means investing in greatly expanded, high quality early childhood and education services that are able to meet the needs of large sections of the Aboriginal population. An important part of this will be adaptations of successful elements of the Alice Springs Transformation Plan across the NT: programs such as training in how to control a house so it is safe for children, intensive case management of tenants who are at great risk of failing to comply with the details of their leases, support for young mothers by specially trained nurses who make home visits, and parenting skills training, and strongly co-ordinated activities and services for young people. The redesign and extension of SEAM is another important element in this process.

Such programs provide the necessary support and education needed to assist parents to learn how to be authoritative, rather than authoritarian or overly permissive in the early years – a critical part of the development of good character including good self-control. We need more of these programs that help provide skills and motivation for people to take responsibility and become the agents of their own futures.

If our educationists, politicians, public servants and parents find ways to work together productively over the next few years, we could also hope to see a greatly expanded and stabilised education workforce, adequately accommodated and reimbursed, and residing in (or, in some cases, continually visiting) remote communities. This workforce would include many Aboriginal people, and would be comprised of experienced teachers with appropriate qualifications and good morale, along with a range of people with other specialisations

(counsellors, early childhood services workers, special needs teachers, linguists, Teachers of Languages Other Than English, administrators, producers of teaching materials).

If these needs are met, and existing complementary programs to ensure community support and reasonable enrolment and attendance levels are consolidated and successful, then we may expect to start seeing reduced levels of offending and reduced rates of addictions by 2022.

Some claim that the new SEAM proposals contained in this legislation should be opposed because they allegedly diminish human rights, or take a too punitive approach. I do not believe that these accusations are correct. A truly beneficial and just "human rights perspective" needs to be based on a balanced, intelligent and integrated model of human rights.

Some advocates privilege the instrumental rights of some adults over the substantive rights of their neglected children and other vulnerable people, and neglect to take the time and trouble to ascertain the actual facts about the issues. This is neither balanced nor intelligent.

For example, the freedom of some adults to neglect their children's welfare, and ignore their need for close supervision by too often allowing them to do whatever they want, including not going to school on two or more days out of five, is sometimes justified in the name of "culture," tradition, autonomy and "self-determination" rights. Such "rights" are given greater weight by these advocates than the rights of children to receive adequate care, supervision and education.

Governments are ethically and legally bound to act on behalf of children in such situations. When government actions fail to produce more acceptable behaviour, they have to increase the pressure for change, or remove the children from the situations that are almost certainly causing them irreparable harm that will endure for the rest of their lives.

I do not believe however that the enactments of the School Enrolment and Attendance Measure (SEAM) is racially discriminatory or constitute breaches of human rights, as (apart from the fact that they are being applied to some mainstream schools as well as some in targeted Aboriginal communities) they are pre-eminently special affirmative action measures, or positive discrimination, designed specifically for the benefit of groups of people, Aboriginal or others, who were demonstrably experiencing extreme harm and lifelong disadvantage as a result of the previous inappropriate methods of providing welfare payments without reasonable requirements or responsibilities. That is, they are for the benefit of children's resilience and life-skills, and for the individual and collective wellbeing of dysfunctional sections of the community.

The revised version of SEAM must be required to provide qualified, culturally trained social workers, supporting families to support themselves and their children, to enable a better

calibrated approach to getting certain parents to understand and act on their responsibilities.

It has been said this revised version of SEAM has learnt from the earlier SEAM trials and is based around supplying support by experienced social workers who can take a practical case management approach to families which are having problems getting their children to attend school.

The model appears to be based on team work with the school and other agencies, including family conferencing and practical remedies, anchored by the possibility, when parents fail to comply with agreed plans and other avenues have been exhausted, of suspension of some of the parents' welfare support.

(I understand that under these new SEAM arrangements, non-compliant families are to have Part H income support payments like Newstart and Parenting Payment suspended. Part A payments like Family Tax Benefits are not suspended, so families retain an income stream. This continuing welfare stream will average around 45% of their normal income, but it will be subject to Income Management, thus ensuring that neither the children nor the parents will starve. NT children will continue to receive meals at school when they attend.)

This does not appear to be some cruel Dickensian scheme to be visited on poor defenceless innocent people.

However, for the program to be effective, Centrelink or other participating agencies will need to be able to guarantee the continuing presence of skilled and highly motivated social workers living in the communities. This means provision of not only a sufficient salary package to attract and retain the suitably qualified and experienced social worker, but also provision of adequate accommodation for them, along with suitable office space and a vehicle, in each case.

I should note that the critique of the consultations about the Stronger Futures proposals by Michele Harris and Rosa McKenna in their report *Cuts to welfare Payments for School Non-Attendance – Requested or Imposed?* (for 'Concerned Australians', October 2011), which is claimed to support the contention that Aboriginal leaders support just about every tactic other than SEAM, is in my opinion, deeply flawed. Their list of places from which consultation meeting transcripts were obtained and analysed was heavily biased towards those places where strong anti-Intervention sentiment and propaganda has been a public feature since the inception of the NTER.

They are Maningrida, Yuendumu, Bagot, Yirrkala, Kintore, Mutitjulu, Galiwin'ku, Alice Springs Town Camps, Alice Springs Public Meeting, Darwin Public Meeting.

This is by no means a broad cross section of remote community opinion. It could hardly have been designed to be less representative in terms of grass roots Aboriginal opinion: it

includes only 6 of the 60 plus remote communities, and most of the places where anti-Intervention activists have been most active (such as Alice Springs and Darwin and their town camps, and a few other centres of conspicuous antagonism).

The important issues identified by the Harris/McKenna analysis would seem to me to be: the re-introduction of bilingual learning (but I would support this only where there is demonstrated support for it from students' parents/carers, sufficient enrolled students fluent in a particular language to justify the investment of time and resources in the language, and where it is feasible in terms of availability of sufficiently experienced, qualified teacher-linguists and trained LOTE/EAL teachers to make it a wise move). Their calls for support for Aboriginal teachers is important; and acknowledging culture in the curriculum is also important (so long as it is not allowed to impinge too much on other necessary components of the timetable and syllabus), as is the need to distribute funds reasonably equitably over time.

However it is of concern to me that some people are still demanding categorically that there be unrealistic "access to full-time education in homelands", without consideration of pupil numbers, guaranteed continuity of residence by students, and several other key factors such as costs and availability of adequate teacher accommodation and workspaces.

However, personally, as my priority option, I support the Commonwealth and NT governments in their efforts to prioritise school attendance, create school infrastructure of sufficient physical quality in hub communities, and recruit and retain teachers with sufficient skills to attract, engross, teach and retain students with quality education and appropriate respect and discipline (whether or not it is particularly locally relevant or bi-lingual). I think these things, supported by strictly enforced sanctions against unjustifiable non-attendance, together would make staying away from school a very unattractive option.

But also - importantly - all parties should read the fine print of the Macklin proposal carefully and without rancour or prejudice. Macklin is clearly not proposing that all of a family's income from welfare payments will be suspended, as Part A Family Tax Benefits will not be suspended. It is the Part H income support payments like Newstart and Parenting Payment that may be suspended. The family's Part H welfare income stream will be restored, and lost welfare income will be reimbursed, immediately upon compliance with their agreed attendance plan. There is little chance that children will go hungry, as a Centrelink social worker will be assigned to their case from the beginning to help avoid such outcomes, and they will be able to receive meals as soon as they attend school, where meals are provided.

Minister Macklin made it clear that the new SEAM differs from the model trialled at Hermannsburg and other NT towns over recent years, and is based on an integrated effort complementing the NT Government’s own moves against truancy. The qualified social workers will take a practical case management approach to families having problems getting

their children to attend school. The model is based on team work with the school and other agencies, family conferencing and practical remedies, anchored by the possibility, when parents fail to comply with agreed plans, and other avenues have been exhausted, of suspension of some of the parents' welfare support.

ACOSS, and some of its associated organisations, should assess programs on their merits, and cease their automatic opposition to programs like SEAM on ideological grounds. It is obvious that solutions to these problems are long term, and the evidence has to be gathered from the experiment itself, which is necessarily an unprecedented one in our circumstances.

The most important fact is that initiatives like SEAM are being demanded by many responsible Aboriginal people in remote communities.

Another SEAM-related issue is teacher safety: Education workforce problems will be exacerbated further if the NTG and Commonwealth fail to reach agreement about problems of police availability and related communication difficulties. They need to decide who is going to keep paying for the 60 extra police already provided over the last four years by the Federal Government under the NTER arrangements. If these numbers are not maintained, the problem of providing adequate safety in remote communities is certain to worsen considerably. This, of course, will also mean that Closing the Gap becomes an ever more remote possibility, and the challenge of recruiting and retaining competent staff for the many vital functions that must be guaranteed to all citizens on these communities will become even more difficult than is already the case. (One of the most vital functions which is curtailed by poor policing services is that of providing effective education and training to locals to enable them to take over many local jobs. Children who can't get a decent night's sleep are not likely to learn much even if there is somebody in their house who is awake in the morning and able to persuade them to get to school and stay there. Staff who can't get a decent night's sleep are also unlikely to perform their duties very well, or to want to stay very long teaching in the community).

Yours sincerely

Bob Durnan