

IAN THORPE'S
Fountain for youth



To The Committee Secretary
Senate Standing Committee on Community Affairs
PO Box 6100
Parliament House
Canberra ACT 2600

January 30th 2012.

**SUBMISSION ON THE SOCIAL SECURITY LEGISLATION
BILL 2011. THE STRONGER FUTURES IN THE NT
(CONSEQUENTIAL AND TRANSITIONAL PROVISIONS)
BILL 2011 AND THE STRONGER FUTURES IN THE
NORTHERN TERRITORY BIL 2011.**

The legislation proposed under the misleading title of *Stronger Futures* should be withdrawn as it would contribute to the growing disempowerment of Aboriginal people and it infringes some of their most fundamental human and legal rights.

The proposed legislation is inconsistent with Australia's obligations under the Declaration on the Rights of Indigenous People's as it clearly asserts Government control over Aboriginal land, communities and town camps against the wishes of a vast majority of Aboriginal residents. A genuine sounding of Aboriginal community leadership indicates Aboriginal people are dismayed and feel they have lost control over their destiny as a result of an increasing assimilation in Government policy.

Australian Government pledged through the National Apology not to repeat the mistakes of the past but the evidence and history shows that our nation is now embarked on a new effort to weaken Aboriginal control over their families, schools, shops and most aspects of their lives. Government control destroys local initiative which is the very key to a genuinely stronger future for these communities.

After working with the leaders of some of the prescribed communities for more than forty years and spending the last decade focussed entirely on not-for-profit efforts to improve their wellbeing, I am deeply disturbed that the Australian Parliament is steadily dismantling the most crucial aspects of Aboriginal community control of their lands.

The clauses 34(4) of the Bill regards town camp land as Crown Land and 34 (6,7) and could allow leases to be modified to allow government to dictate to communities the entrance and nature of private businesses. Aboriginal people and their local community organisations must be afforded their legal right to manage and control the development of their communities.

By weakening Aboriginal control, undermining local Aboriginal organisations and setting up government funded enterprise in direct competition with struggling Aboriginal businesses this legislation prevents the creation of a post-Intervention spirit of cooperation.

On the contrary, against the urgings of the UN Nations Special Rapporteur and the UN Human Rights Commissioner, the legislation is coercive and does not afford Indigenous people their legal rights.

Community councils should be reinstated and local Aboriginal organisations funded to deliver many of the basic human services being handled by lavish government sub-contracting which has failed Aboriginal remote communities.

Every genuine success such as school breakfast and lunch programs, pre-schools, literacy work with adults and children and efforts to improve Aboriginal health have flowed from local initiative.

Contrary to popular myth, the Close the Gaps rhetoric is not closing the gap. The malaise and despondency is deepening and many Aboriginal people believe the Government does not care whether they live or die. It is the ignoring of community leaders and the calculated efforts to divide and conquer them that have created an overwhelming sadness and increasing loss of hope.

The proposed legislation also deprives just one Australian Culture of a fundamental legal right, the entitlement to ask a judge or jury to consider relevant Cultural beliefs and Customary Law in bail or sentencing. Even eminent members of the NT Judiciary have protested that the Intervention determination to drive Customary Law out of the courts has deprived judges of the opportunity to fully assess circumstances fairly when sentencing.

Our Parliament and our Government should heed the warnings of the United Nations that the Intervention in its five-year emergency phase blatantly discriminates against Aboriginal people. The proposed legislation heightens that discrimination.

The way ahead in alcohol reform and rehabilitation is not to impose jail penalties for illegal possession of prohibited grog but to understand that alcoholism is a destructive illness that requires care, consideration and treatment. The alcohol prohibition rules are clearly discriminatory. Our nation has a binge drinking culture but the parliament would not dare restrict the drinking habits of its own members, let alone the public, no matter how damaging this social practice has become. Support alcohol rehabilitation by supporting local control of programs and drinking restrictions.

The punitive thrust of the so-called Stronger Futures legislation extends for a new era the extraordinary social damage caused to Aboriginal communities by five years of social engineering that have seen the genuine welfare and well being of Aboriginal people deteriorate alarmingly. Aboriginal medical services I consult regularly report a serious increase in suicide, family stress, a worsening of infant care and a failure by the punitive approach to improve school attendance.

The proposed legislation is devoid of reality. The reason life is becoming increasingly stressful in many of these prescribed remote communities is a direct consequence of the government's efforts to ignore and marginalise local leadership.

The Northern Territory Intervention is proving to be the most damaging government policy since the policies of the Stolen Generation. I am a witness the extraordinary pain, death and destruction of community life inflicted by this thoughtless approach.

This new legislation must be thrown out to clear the way for Aboriginal involvement at the community and national level to shape a new relationship.

Our nation has no greater responsibility.

Yours truly,

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