SUBMISSION to SENATE STANDING COMMITTEE on COMMUNITY AFFAIRS – Inquiry, 2012

Re: Stronger Futures in the NT Bill 2011 and two related Bills

Dear Committee Secretary,

We are very disappointed with the Government's proposed legislation.

The bulk of information that we have gathered from wide listening and reading about Aboriginal experience in NT indicates a truth that is at odds with the position the Government is presenting. The disempowerment, hurt and frustration that comes through again and again does not reflect a people who have been listened to or respected. The rhetoric of the Government about its wish to work in partnership with Aboriginal people seems not to have been expressed through action in many, many communities.

We see as a major problem the failure of the Government to adequately recognize and understand how Aboriginal people in NT live under two Laws: one their consistent, essential, traditional Law that has sustained Aboriginal life for thousands and thousands of years, the other the Westminster Law of 200+ years, which in the main they have experienced as ever-changing, inconsistent, unseeing and deeply oppressive of their culture.

The UN Declaration on the Rights of Indigenous Peoples, which Australia has publicly supported by its signature, makes clear the right of Indigenous people to live according to the cultural teachings and mores that for them are important. However, as many Aboriginal Elders, leaders and organizations have said, the NTER has widely and distressingly hampered well-being and growth, rather than protected or nurtured it.

We believe Westerners can never know Aboriginal Law as the Elders do, and can in no way decide what measures will provide a 'stronger future' for any Aboriginal community. To try and push a particular vision, especially with a one-size-fits-all program, is a waste of time, energy and money, as the last four and a half years largely reflects. It is crucial that measures to be legislated be worked out by, and with, those who know best how to make them most relevant. Time and effort is required to work with appropriate respect with the Elders in each community.
If this attitude of deep recognition and respect was functioning we believe much would fall into place.

Among the issues in the legislation we find especially objectionable are:

- the extraordinary, overriding and unnecessary (given laws already in place) powers being given to the Minister

- the punitive impact of proposed approaches in SEAM, and its lack of insight into issues involved,
eg. loss of bilingual program, lack of full-time qualified teachers, transport issues, lack of suitable equipment and materials. Do communities know about School of the Air?

- the lack of funding for food security for NT communities that is available under a CHOAG plan in place in SA APY lands, and WA. eg for freight subsidies, encouragement of local markets for those who fish, hunt, etc.

- the focus on alcohol as a legal and Aboriginal, rather than Australian, problem. The Government needs to help provide for appropriate rehab services for alcohol and other drug addictions.
eg. the Mt Theo program which successfully became extinct

- the unjustifiable continuing involvement of the Australian Crime Commission, given the lack of substance in the initial decision to include it

- the direction to judges in relation to customary law which requires them to be discriminatory, and also undermines their discretion in accord with the judicial oath.

We also object to any leasing of land, and the unpalatable persuasion and pressure Aboriginal people have experienced to 'voluntarily' give up control of their lands.

Given the relatively small beneficial outcome since June 2007, it makes no sense to continue with the same program, however eased in small ways. It also makes no sense to invent a different wheel if Aboriginal people know of one that will work. We recommend the Government commit to a new connection with each community, working with an agenda set by its leaders/Elders, listening to them and learning from them in order to help create the particular conditions and way of life that they see as important for the community's future. It may be complex and time-consuming, but the results can't be any worse. And the rewards may be invaluable, for everyone.

Indigenous Concerns Group
Victoria Regional Meeting
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