Women's International League for Peace and Freedom

Consultative Status with United Nations ECOSOC, UNCTAD and UNESCO

Special Consultative Relations with FAO, ILO and UNICEF

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SUBMISSION ON STRONGER FUTURES IN THE NORTHERN TERRITORY BILL 2011 AND TWO RELATED BILLS

The Australian Section of the Women's International League for Peace and Freedom (WILPF) is an international non-government organisation in consultative status with United Nations ECOSOC and UNESCO. We have special consultative relations with the FAO, ILO and UNICEF. This submission is made on behalf of the Australian Section of our organisation. WILPF works for social and racial justice, human rights and an end to war as a means of dealing with human conflict.

We have previously make several submissions raising our concerns about the inappropriateness of the Northern Territory Intervention, including the mandatory use of Income Management, which we consider oppressive and unjust, suggesting instead that such a measure be instigated on a voluntary basis .

We thank you for the opportunity to now put forward our response to the three proposed Bills.

Yours Sincerely

Ruth Russell and Barbara O'Dwyer
Joint National Coordinators

SUBMISSION ON STRONGER FUTURES IN THE NORTHERN TERRITORY BILL 2011 AND TWO RELATED BILLS

It is important to note that the introduction of the Northern Territory Emergency Intervention (NTER) required the suspension of the Racial Discrimination Act in the Northern Territory for the imposition of 'special measures' on 73 prescribed Aboriginal communities. This legislation was rightly condemmed as racist discrimination which WILPF pointed out to the Australian government at the time.

WILPF understands that in October 2008 a review of the NTER was conducted by a panel of experts chosen by the Federal Government and chaired by Peter Yu, Executive Director, Kimberley Land Council. Many of the recommendations from this review were supported by the Aboriginal people, such as the recommendation to reinstate the Racial Discrimination Act and a change from compulsory income management to voluntary income management.

WILPF was pleased to support Aboriginal groups to meet in Alice Springs at a Convergence in 2010 where key Aboriginal Elders expressed their concerns about the introduction of the NTER, resulting in the publication of a book *"This is What We Said – Australian Aboriginal people give their views on the Northern Territory Intervention*." Aboriginal people still do not believe their views are being respected or even heard.

Following the expansion of the NTER to include non-Aboriginal people, the Racial Discrimination Act was reinstated but many of the concerns first raised in objection to the NTER remain today.

The three proposed 2011 Bills will replace the NTER Act 2007 which will be repealed, while, in essence, the three proposed Bills continuing and expanding the same special measures to not only the 73 prescribed Aboriginal communities but to 'states, territories or areas in which vulnerable, long-term welfare' recipients reside, ie any part of Australia or disadvantaged groups, such as unemployed youths, may be compulsorily subjected to income management and/or school attendance plans.

WILPF believes that this is imposing a 'one-size fits all' solution to complex personal problems of vulnerable people which would respond far better to an individualised, consensual approach rather than a mandatory punitive approach.

As an organisation focused on social justice, reconciliation and peaceful resolution of conflict, WILPF wholeheartedly supports the earlier submissions from other like minded organisations eg.

Submission by ANTaR – August 2011 ***A Better Way: Building healthy, safe and sustainable communities in the Northern Territory through a community development approach.***

In responding to *Stronger Futures*, ANTaR challenged both major parties to support the development of such a strategy, in partnership and negotiation with Aboriginal leaders, organisations and community members. To be effective, they say the strategy must:

- Outline a plan to manage the transition beyond the original NTER measures, some of which are due to expire in 2012, including by removing all racially discriminatory elements;

- Closely and meaningfully involve Aboriginal communities in all stages of its development and ensure community consent to any 'special measures';

- Support and strengthen governance in Aboriginal organisations to develop greater community capacity to identify local priorities and develop community solutions;

- Involve a commitment of sustained resources to Aboriginal community controlled organisations to strengthen capacity across a range of sectors and support social and economic development;

- Coordinate policy, program and service delivery across government departments and between local, state and Federal governments; and

- Promote a community development approach to social and economic development and service delivery.

Specifically :

- Amendments to the current income management scheme to ensure it is racially non-discriminatory, driven and applied voluntarily by communities, targeted to need and complemented by case management;

- Resources for communities to develop local community solutions to the problems of alcohol misuse;

- The cancellation of five year leases or, failing that, an amendment to the *Northern Territory National Emergency Response Act* ('NTNER') to ensure that the *Racial Discrimination Act* ('RDA') prevails over section 31 to the extent of any inconsistency (thereby making lease provisions subject to the RDA); and

- The withdrawal of Business Area Management powers.

Tackling alcohol abuse

ANTaR is encouraged by the commitments expressed by the Government in *Stronger Futures* to work in partnership with communities to develop local solutions to the problem of alcohol abuse, including addressing the underlying causes of alcohol abuse.

The effectiveness of the Government's response will now depend on the extent to which it adheres to these principles and the resources available to support communities in developing and implementing their own plans and addressing service gaps. The Government's response must focus not only on the misuse of alcohol, but also other drug problems in communities.

Importantly, the next stage of the Government's response must involve increased and ongoing funding (well beyond 2012) to expand access to alcohol and drug services, integrated with primary health care services in a holistic care model. In addition, Government must support and resource remote communities to develop their own alcohol management plans to put communities back in the driving seat of alcohol management.

Finally, the Government should adopt a range of effective supply, demand and harm reduction strategies, as recommended by the National Indigenous Drug and Alcohol Council and key NT peak organizations.

Community safety and the protection of children

ANTaR advocated a justice reinvestment framework within which funding can be directed towards early intervention and diversionary initiatives to reduce the Aboriginal prison population. Within this framework, ANTaR advocated:

- Ongoing support for effective community safety initiatives, including night patrols;

- More support and resources to community-directed law and justice mechanisms;

- Programs and education to promote better understanding of Aboriginal culture among police, and a willingness to adopt community approaches to policing;

- Enable Aboriginal communities to play a meaningful role in community safety and foster constructive partnerships with key stakeholders in the mainstream justice system.

Health :

- More alcohol and other drug treatment services;

- Better support for mental health and care for people with severe and debilitating mental illness (ANTaR strongly supports service delivery

integrated with primary care through local community-controlled health services) ;

- Improved specialist and allied health care services for children;

- Improved therapeutic services for children who have been victims of child abuse

Food Security :

- Tax subsidies on fresh food for remote consumers;

- Transport subsidies for fresh food and other perishable items to remote areas such as the Canadian Food Mail Program; and

- Supporting systems that allow Indigenous families to access a standard health food basket at a cost of less than 25% of the available income.

Housing :

Commonwealth Government to:

- Pay ‘fair rent’ for 5 year leases and just terms compensation;

- Work with NT land councils to transition from compulsory to voluntary leasing arrangements;

- Revisit its secure tenure policy to respect Aboriginal property rights and decision making processes;

- Reset its housing policy strategy with the objective of creating a diverse NT housing sector including public and Aboriginal housing providers and exploring leasing arrangements to facilitate an increase in home ownership with NT land councils.

Governance :

- The Government support and invest in needs-based, community-controlled governance models;

- Governance models be rooted in the values and aspirations of individual
- communities;

- Government commit sufficient funding and resources, and appropriate training and ongoing support, to develop local capacity and ensure long-term sustainable development;

- Government acknowledge and build on existing successful community leadership structures;

- Government urgently increase and strengthen community participation and engagement with government both on the ground and within policy development processes.

WILPF has re-iterated all the key ANTaR recommendations because we fully support them as the best way forward to build a fair, sustainable and resilient inclusive Australian society.

Submission by Aboriginal Peak Organisations Northern Territory – August 2011 *Response to Stronger Futures*.

Their Executive Summary identifies key concerns :

> Recognizing that intervention as an approach is fundamentally flawed. This is clear from the *Closing the Gap* report. The *What Works to Overcome Indigenous Disadvantage* Report found that what doesn't work includes 'one size fits all' approaches, and a lack of collaboration with communities.
>
> What does work is community involvement and engagement, adequate resourcing and planned and comprehensive responses; respect for language and culture; working together; development of social capital; recognizing underlying social determinants; commitment to doing projects with, not for, Aboriginal people; creative collaboration; and understanding that issues are complex and contextual. p.3

WILPF supports this approach as being the right way forward.

Submission by Concerned Australians – November 2011 – *Northern Territory Emergency Intervention – Evaluation 2011 Opinion.*

This Evaluation restates many of the same concerns as already raised about genuine consultation and effective service delivery. In particular, this report states :

> No leading representative from a prescribed community was invited onto the Advisory Group to this Evaluation
>
> A failure to acknowledge Elders as leaders in communities
>
> No acknowledgement of the relationships that exist between RSD and non-RSD communities
>
> Limited involvement by communities in their own management and a failure to focus on capacity building processes.

An almost total disregard for the existing culture by GBMs, public servants and service providers.

A disregard for Customary Law even though NAAJA was prepared to draw attention to its value.

The arbitrary introduction of programmes that have disempowered communities irrespective of the impact on the people

The removal of bilingual learning programmes against the wishes of the people

A determination to impose the NAPLAN assessment on second-language Aboriginalchildren even though it is conducted in the English language and is culturally insensitive.

A disregard for Aboriginal children in Homeland Learning Centres who do not have access to full-time education.

These three submissions are from well respected, national community organisations that have diligently researched the issues raised by the NTER and voiced serious similar concerns. How many key organisations need to put forward such concerns for the Australian government to take them on board?

WILPF is keen to see the recommended changes outlined above occur, so that the well being of Aboriginal people, along with the newly targeted vulnerable groups, are at the centre of Australia's future as a just and fair society.

In relation to the three proposed new Bills, WILPF makes the following comments

Social Security Legislation Amendment Bill 2011

WILPF does not support the blanket targeting of specific socio-economic areas in parts of Australia for the imposition of Income Management. We prefer that individuals who are identified by caseworkers as needing budgeting assistance or greater support for their children to attend school, receive individualised care plans to address the real reasons behind their inability to comply with expected outcomes, such as ill health, lack of transport etc.

To reduce already meagre pension payments is to further reduce vulnerable peoples ability to comply and is simply a punitive response, unlikely to achieve good long term outcomes. WILPF is concerned that the youth unemployment payments are already well below other pension rates while youth face the same rent, food and transport costs. This measure is not only counter productive but grossly unfair.

Stronger Future in the Northern Territory (Consequential and Transitional Provisions) Bill 2011

All of the measures contained in this Bill need to be applied only if individual Aboriginal communities have been fully consulted and agree that this change will benefit them- rather than a blanket Order.

Stronger Futures in the Northern Territory Bill 2011

Again, none of the introduced measures should be undertaken in a blanket order by the Minister for Indigenous Affairs, rather negotiated with each Aboriginal community to ensure that any new laws will meet their needs and truly benefit their community. Consultation, building trust and better working relationships are the key to fruitful partnerships that will lead toward better community outcomes.