Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council (Aboriginal Corporation)
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1st February 2012

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

Submission on the Social Security Legislation Bill 2011. The Stronger Futures in the NT (Consequentional and Transitional Provisions) Bill 2011 and the Stronger Futures in the Northern Territory Bill 2011.

Dear Committee Secretary,

Please find following NPY Women's Council's response to your request for submissions to the Committee. We hope this is of assistance.

Please do not hesitate to contact me if you require further information.

Yours sincerely,

Andrea Mason
Co-ordinator
NPY Women's Council

Section A. Organisational background and aims

NPY Women's Council was formed in 1980. The push for a separate women's forum came about during the South Australian Pitjantjatjara Land Rights struggle of the late 1970s. During consultations over land rights, many women felt that their views were ignored, so they established their own organisation. Its region covers 350,000 square kilometres of the remote tri-State cross-border area of Western Australia, South Australia and the Northern Territory.

Anangu and Yarnangu (Aboriginal people) living on the Ngaanyatjarra, Pitjantjatjara and Yankunytjatjara lands (Western Desert language region) share strong cultural and family affiliations. What began as an advocacy organisation is now also a major provider of human services in the region, in essence working to address the needs that clinical health services cannot, and that government agencies do not directly provide in this remote area. NPY has taken this direction because of the glaring needs that exist in member communities.

NPY represents women in the region, which has an over-all population of around 6000. The members' determination to improve the quality of life for families in the region drives the organisation. Its existence gives members an avenue for participation in the decision-making processes that affect them and their families. It is a permanent forum where they are able to raise issues and make their opinions and decisions known. It also provides opportunities for Anangu to learn, share knowledge and keep informed about relevant issues. NPY Women's Council's success is largely due to its ability to provide a decision-making process steered by the members. One of the major advantages of its existence is the development over time of members ability to consider and analyse policy issues, deal with government agencies and advocate on their own behalf.

NPY Women's Council's Constitutional objectives**:**

1. Provide a forum for Ngaanyatjarra, Pitjantjatjara and Yankunytjatjara women to discuss their concerns;
2. Assist and encourage the representation and participation of women from the Ngaanyatjarra, Pitjantjatjara and Yankunytjatjara region on local, regional and other relevant bodies;
3. Help individual women and girls to achieve further training, education and employment;
4. Establish, provide and or promote services to improve the health and safety, education and general well-being of people in the Ngaanyatjarra, Pitjantjatjara and Yankunytjatjara region;
5. Establish, provide and promote the artistic and cultural interests of Ngaanyatjarra, Pitjantjatjara and Yankunytjatjara women;
6. Promote and support the achievements and authority of Ngaanyatjarra, Pitjantjatjara and Yankunytjatjara women;
7. Gather and provide information about issues of importance to Ngaanyatjarra, Pitjantjatjara and Yankunytjatjara women and to the broader community;
8. Promote and encourage the law and culture of Ngaanyatjarra, Pitjantjatjara and Yankunytjatjara women;
9. Support and encourage other women and organisations who work towards similar aims.

The organisation's work is based on the following philosophy:

- The unique history, heritage, contributions, knowledge, strength and diversity of Anangu women
- The empowerment of all women
- Support and promotion of Anangu Law and Culture
- Improving the quality of life for women and their families
- Cross-cultural collaboration
- The active participation of Anangu in the development of policy and the delivery of services that affect them
- Consultation and development of services with Anangu and other relevant bodies for the provision of culturally relevant, effective programs
- An approach based on social justice, interdisciplinary and community development principles
- Ethical, collaborative partnerships.

Section B

Introduction

In its submission to the Committee in March 2010, Ngaanyatjarra Pitjantjatjara Yankunytjatjara (NPY) Women's Council outlines its support for income management and for alcohol reforms and so it is not the Council's intention to repeat the details that were provided to the Committee. This submission will address the proposed changes through the above proposed legislation.

The current public policy debate in regards to remote and regional communities, largely populated by Aborigines or where Aborigines are identified as being at risk due to anti-social behaviour has focussed on policy and legal approaches to reducing harm to individuals, families and communities.

While this discussion is necessary, this new legislation offers the Australian community the opportunity to have a broader discussion concerning broader systemic issues that if explored may assist governments and communities to improved health, education, safety, employment opportunities in remote Indigenous communities.

The basic premise for the investment by government in remote communities is found in its support to enable Aboriginal people to live on country and by doing so, to practice law and culture and to live out traditional values and duties. In this context of this discussion it is also important to acknowledge that the establishing of the majority of communities in the NPY Lands was not due to economic considerations, but largely due to social and cultural reasons.

In this commitment, government has effectively invested in facilitating places for Indigenous Australians to continue culture and practice on country, by providing essential services in remote Aboriginal communities, services that all Australians have a right to access to be sustainable and which are necessary for communities to exist safely: community council or local government services, police services, schools, stores, health services, telecommunications, community services, visiting aged and disability services, school holiday program, legal services and land management.

Some may call this arrangement that government has with Indigenous communities as a type of partnership. This partnership offers Indigenous people the opportunities to set their own agenda, as well as the means and systems to maintain law and culture and all the correlating responsibilities. This partnership is based on the understanding that central to the wellbeing of Indigenous people in remote communities is the active adherence to law and culture, and that by providing the means to those who live on country to maintain social obligation and responsibilities, independent child rearing practices, sorry and ceremonial business, and a myriad of complex social responsibilities which were traditionally controlled through a range of measured physical and non-physical forms which are based in Aboriginal practices indeed practices which stem from eastern traditions.

An example of Aboriginal culture and its reflection of eastern traditions is explained in the causes of trauma and remedies to address concerns as described by Andy Tjilari, Ngangkari (Traditional Healer): NPY Women's Council:

> Some Anangu suffer from depression and anxiety. You can see for example a person who will eat very little and will drink very little. They're sad inside, their spirit is sad. They won't drink much water or eat much meat; they are not well. Over time their spirit becomes weaker and weaker and makes them much more vulnerable to other sicknesses too.
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> When people are anxious it can be because they have witnessed something happen to their family members. And that's what's teaching them that fear or anxiety. They can think that the same thing might happen to them; that they might be harmed or die, and in turn that can lead to people harming themselves. We give treatments to help people's spirit.
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> It's this constant anxiety which really weakens a person's spirit. It makes their thinking go bad and over time they develop serious mental health issues and harm their mental health. Ngangkari could give treatments to these people. They would touch their heads and see inside and see that their brain had been harmed by what they'd seen. It was akin to a small ball that had shrunk and become narrow. They could also see the various blockages which had caused it to close off, a lot of heat coming from certain places.
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> When people have anxiety and are mistaken in their thinking it spreads down to their spirit and a whole range of illnesses can come from that. Those illnesses can in turn cause further anxiety. Ngangkari have an important role in treating and healing people who are fearful and have anxiety.

NPY Women's Council along with other organisations has supported this partnership arrangement. Since its inception in 1980 the Council has advocated to promote the artistic and cultural interests of Ngaanyatjarra, Pitjantjatjara and Yankunytjatjara women; their authority and law and cultural practice.

This said, the Council is also on record stating that when cultural rights or traditional practices have been in conflict with contemporary, democratic interpretations of human rights, for example in relation to the oppression of or violence against women or the neglect or abuse of children because of a cultural or traditional practice, or even just something that men do at times as their right because they are more powerful and important than others, then there is a greater need for human rights to be protected.

NPY Women's Council has taken the position that the interests of children, women, or other vulnerable persons such as the frail aged or disabled, should not be subjected to the violent or otherwise oppressive behaviour of others. Their interests, for example, take precedence over the rights of men, for example: to abuse, assault or kill women, often when affected by alcohol or drugs, and sometimes in the alleged pursuit of cultural or traditional practices or law (she swore at me wrong way; she didn't cook my dinner, she make me jealous, she wouldn't give me money for grog/smoke/marijuana.) NPY Women's Council has taken its position on intra-community violence and intra- community abuse because it is wrong at a legal level, a human level, and a national and international level (*UN Declaration on the Elimination of Violence Against Women and Convention on the Rights of the Child*).

Section C

Jobs

In the lead-up to the formation of NPY Women's Council (NPYWC) in 1980, women from the NPY region were identifying many issues that were concerning them but which were not being satisfactorily addressed by governments. These were issues such as combating petrol sniffing, providing services and support for the aged and disabled, and creating local employment opportunities for women in areas of interest to them such as art and culture. Women also felt shut out from the avenues available to deliver the services they wanted to improve the quality of life for families living in NPY communities. For these reasons, initiatives that create opportunities for local employment have the support of NPY Women's Council.

The inclusion of traineeship and apprenticeship opportunities in remote communities are welcomed, and to increase chances of young people continuing on in employment, wherever possible cultural and social considerations must be discussed prior and during employment.

Fundamental to this discussion is reaching an agreement on the purpose of education and its role in combining the Anangu way of living on country with how to ensure that community members are taking every opportunity to fill employment opportunities in communities.

For example community leaders, young people, schools and parents, ought to have direct input into guiding the professions students are encouraged to pursue. This should not be seen as a punitive approach but as one that offers insight to school communities as community members will know all of the cultural and social dynamics at play that will assist students to enjoy a successful transition from school to work. Ultimately, delivering employment outcomes for young people through a partnership arrangement is crucial to realising long term successful placements.

An example of this is the flexible working conditions that NPY Women's Council staff based in remote communities prefer. This acknowledges and allows staff to be available to respond to family and cultural obligations such as ceremonial business or sorry business as necessary. This approach requires a larger number of Indigenous employees on casual or part-time arrangements to fill any one position.

Income management

The members of the Council have recorded their support for income management, at the Council's Annual General Meetings held in March 2010 and September 2011. The women largely support income management based on this tool increasing the security of funds available to welfare recipients for the necessities of life. They also acknowledge that for some recipients it aids in reducing the amount of money available for the purchase of alcohol, illicit drugs and gambling, and thus reducing the level of 'humbug' and abuse for more money from those most vulnerable in the community.

NPY Women's Council agrees that government has an obligation to provide income to members of the Australian community including those from remote communities, who due to a range of circumstances including age, disability and work availability are unable to gain employment, and that the provision of this income enables recipients to purchase basic life necessities. Many Australians have come to see their right to social security payments as a right to use the benefit however they wish. However, these benefits, whether a disability pension, student allowance, unemployment benefit or aged pension are funded through taxes and provided by government must be viewed as a safety net to ensure individuals can purchase essential needs.

The Directors of the Council have observed that the introduction of income management could have been announced in such a way to inform individuals and communities of the long term objective of the tool, such as financial management or income budgeting.

All of the communities in the NPY Lands are dry communities (alcohol not permitted to be brought into the Lands) and it would be fair to say that the majority of members living in the NPY Lands communities do not drink alcohol. That said alcohol and other drugs such as cannabis still finds its way into communities, and with it increased risk of women and children experiencing domestic and family violence.

The extent of Domestic and Family Violence has been well documented in the recent years. According to the data from the NPYWC Child Nutrition Program, of the current client data (171 children in the NPY region) 52% of the children receiving case management support in that program for issues related to failure to thrive are also children involved with the NPYWC Domestic and Family Violence Service. 42% of those 171 children are or have been involved with statutory child protection agencies, and 75% of those are children living with domestic and family violence.

Income management has not solved all the problems of excessive substance abuse and violence in communities; however overall it has had a settling effect.

NPY Women's Council has previously stated that it has no objection to income management being applied to other Australian welfare recipients, and would particularly like to see income management extended across the Central Australian region, including to its WA and SA member communities.

It is the Council's recommendation that prior to the rollout of income management into other regions, targeted communities should firstly have clear and accurate information provided to explain why the tool is planned to be rolled out an secondly government must notify communities of the triggers that will identify individuals for assessment for income management and provide a direct and clear explanation of the social indicators and improvements that it is seeking to realise. If communities are not fully informed it increases the risk of misinformation and individuals and communities left feeling stigmatised and hurt.

The Council also urges the government to include review dates and that data across key indicators, including government investment and any other relevant information be collected to detail a summary of the overall impact during the reporting period and this summary be provided to the affected communities. Based on this feedback, government together with communities work together to develop future plans to address areas of concern as well as acknowledged achievements made.

As an investment in communities, NPY Women's Council urges the government to develop appropriate services to provide case management support to individuals and families identified as eligible for consideration for income management including SEAM, and that the development of a case management framework be evidence of the government's initiative to invest in individuals and communities. It is also important to note that through indigenous tradition and custom, a parent may not be solely responsible for disciplining their child, this responsibility often lies with the grandparents and other extended family. Therefore, the proposed Centrelink penalties related to school attendance may mean that a parent is penalised however they may not have the responsibility as it applies in a western system. A case management approach would ensure that such dynamics can be identified through consultation with community leaders and family concerning identifying who has responsibility, and through a discussion, ways and means identified that are permissible in eastern or Anangu culture to assist a child improve attendance.

The Council urges the government to consider gathering base line data on the cost of living prior to or soon after income management is rolled out across communities. This data would offers communities and government the opportunity to consider broader systemic changes including management of stores and transportation subsidies and maintaining of roads.

Alcohol

While there are many historic and contemporary explanations for alcohol abuse, NPYWC considers addiction a cause rather than a symptom of problems, and the effects too serious to wait for all underlying issues to be resolved before it can be tackled. All NPY communities are 'dry' by law and by choice, but the trafficking of supplies from regional centres is an ongoing issue, as is the tendency of some highly addicted drinkers to drift in to towns in search of grog.

Many Aboriginal people in the central region do not drink at all. Those who do drink however, especially those from remote communities, tend to be opportunistic in their approach - binge drinkers who consume heavily when grog is available and until it is gone, and if there is none, go without. A number of Aboriginal health and community organisations have therefore focused on availability as a critical issue[i]. NPYWC has pursued and supported supply reduction measures as well as better treatment options and education.

NPY Women's Council welcomes initiatives announced through this proposed legislation that assists to hold businesses accountable licensed to sell alcohol but which whose operations are causing direct harm to Aboriginal people. This new provision offers an avenue for concerns to be raised by the community though it's noted that the Northern Territory Minister can decline to appoint an assessor, and if the Minister does decline a reason must be given to explain this decision. The Council also supports the increased penalty to include six months imprisonment for grog running.

The new measures to expand the avenues available for people to be referred for income management is welcomed. As mentioned earlier this assessment must be provided through a case management approach including a case plan so that individuals have an opportunity to transform and regain full control of their income.

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[i] *The Continuing Dilemma: Liquor Licensing, Aborigines & Take-Away Alcohol in Central Australia*, Lyon P., Aboriginal Law Bulletin: www.austlii.edu.au/au/journals/AboriginalLB/1991/39.html