



*"Solidarity" by Barbara Shaw*

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### **Submission to the Senate Community Affairs Committee Inquiry into Stronger Futures in the Northern Territory Bill 2011 and two related bills**

Preamble:

The federal government has introduced 3 pieces of legislation:

- (1) Stronger Futures In The Northern Territory Bill 2011,
- (2) Stronger Futures In The Northern Territory (Consequential and Transitional Provisions) Bill 2011, and
- (3) Social Security Legislation Amendment Bill 2011

This submission is from the Intervention Rollback Action Group (IRAG) which is based in Alice Springs and is comprised of people living in and around Alice Springs and remote communities. The group was formed in 2007 after the announcement of the Northern Territory Emergency Response (Intervention) and has campaigned for the repeal of the NTER legislation on the basis that it is racist, punitive, and lacking in evidence. Time has unfortunately shown how destructive this and other federal and NT government policies have been.

*"The Stronger Futures policy is no different from the Northern Territory Emergency Response. In the process of all the consultations really, people do not have a voice, still. There is still more antisocial behaviour, more self harm, more suicides, that gap is not closing. People do not have control over their lands in which they live, especially their traditional lands.*

*When it comes to community based organisations it's about self determination and allowing Aboriginal people to make decisions for their own lives and their own communities, to work side by side with government rather than being controlled. And with social services they*

*should be controlled by Aboriginal people, so that we're looking after our own people.*

*I recommend that the legislation should be withdrawn because Stronger Futures actually represents no control from the community and more decision making and control coming from the government, and it's disempowering people where they have no decision making roles in their community".*

Barbara Shaw, Mt Nancy Town Camp

### **The NTER did not work**

Despite almost 5 years of the NTER, there have not been improvements in Aboriginal people's lives; indeed the situation is worsening. Since 2007 attempts at [self-harm/suicide](#) have more than doubled, [incarceration rates](#) are skyrocketing, overcrowded living conditions and ill health continue, and there has been a huge increase in the number of [children removed from their families](#). School attendance has not improved and in many instances has worsened. Employment numbers have fallen and more people are now on Centrelink payments than before the NTER.

These appalling outcomes are a result of a failure to understand the strong links between individual and community autonomy and self-pride; and health and economic improvements. They also result from a failure to understand the context of poverty and colonialism, and how punitive coercive policies will only worsen conditions.

### **The Stronger Futures legislation is not "Special Measures"**

Refer Racial Discrimination Act (1975) and International Convention on the Elimination of All Forms of Racial Discrimination.

The Australian Human Rights Commission has detailed information on Special Measures:

[http://www.hreoc.gov.au/racial\\_discrimination/publications/rda-nter/index.html](http://www.hreoc.gov.au/racial_discrimination/publications/rda-nter/index.html)

### **The proposed legislation does not reflect people's wishes**

The Stronger Futures consultations did not in any way inform or give consent to this legislation. Proceedings at many of the consultations around the NT were recorded by concerned community members/groups (with permission from the meeting participants) to ensure transparency. FAHCSIA did not record meetings but merely made notes. The consultations had a set agenda with key topics put forward by the government, and people were continually told that they were not there to talk about the Intervention.

The importance of education was stated by many Aboriginal people and they had good ideas about how to improve school attendance. Linking school attendance to welfare payments was not a proposal for which there was agreement.

People did state that alcohol is a serious issue but in no instance (as far as IRAG is aware) did communities suggest jail terms for possession of one bottle of beer or for the Minister to have the final say on alcohol management plans. Nor did they ask for increased bureaucratic administration of community stores.

People asked for self governance and true collaboration with the government, and for culture to be respected and valued. None of this is reflected in the legislation.

*"It's all good for us to say 'we want this' and for you to write it down, but if the government continues on with this hub town policy where they're not going to be funding communities that are not the hub towns, that's blackmail to us. Especially to us Pintupi. Cause you are holding an invisible weapon to us, the weapon of money. That's saying to us that we can't live on our own land, we can't keep our Pintupi identity. And we need to keep that identity. We need to keep that."*

Pintupi woman at the Stronger Futures consultations

### **The legislation further centralises control into government hands, and is punitive**

In particular, **Stronger Futures In The Northern Territory Bill 2011**

#### Alcohol

- imprisonment for trivial offences – up to 6 months for possession of a bottle of beer, and up to 18 months for a 6 pack,
- The Minister has final say over which alcohol management plans (AMPs) that a community develops are approved, and can modify or revoke any AMP without consultation.

#### An alternative:

- Rather, it is the community which should have ownership of these AMPs.
- The blanket bans on alcohol in Aboriginal communities need to be repealed. This notes that 95% of communities in the NT had already declared themselves dry before the intervention. Community led initiatives need to be supported, not over-ridden.
- Resources should be provided to ensure culturally appropriate and accessible alcohol treatment programmes are delivered where they are needed.
- Broader measures are needed to empower communities to employ Aboriginal people in rewarding work and ensure delivery of basic services which are crucial for dealing with problems associated with alcohol-related issues.

#### Land:

- The nature of Community Living Areas (CLAs) and town camp land is being changed, which potentially changes the previously legislated nature of this land as being for the use of Aboriginal people. CLAs and town camp land must remain Aboriginal land.  
With respect to CLAs, IRAG believes that titles must not be able to be revoked, as is the Aboriginal peoples' wish.
- With respect to town camp land, IRAG has grave concerns that the clauses 34(4) which treats town camp land as crown land, and 34(6,7) whereby the purposes of leases can be modified have the potential for people to lose access, control, and ownership of their land.
- The control of housing has already been forcibly acquired in town camps in the form of long term intergenerational leases by the federal

government, and in communities by the 5 year compulsory land acquisition leases which were part of the NTER.

#### An alternative

- Other community models of providing housing need to be researched, such as those established in many Aboriginal communities around the country. New South Wales, South Australia and Western Australia all have community housing programmes with various options to suit differing needs. Such models would more appropriately ensure consideration of cultural and social factors. Health Habitat, a Northern Territory housing provider, has action-research based methods of dealing with the issues of overcrowding, improving the living environment and providing safe and well-functioning houses.
- The permit system is still not being reinstated, despite unanimous calls for it from communities. This also removes community control.
- Although the 5 year leases are ending, it remains commonwealth and NT government policy not to provide housing or infrastructure until a community signs a 'voluntary' long term intergenerational lease, giving the government control over housing stock and community infrastructure. The government continues to refuse to put housing and infrastructure into most communities throughout the NT, or into any of the homelands.

#### Stores:

- The government will have the power to shut down or heavily fine any store, even if owned by the community. This is of even further concern given that the federal government owns Outback Stores, which already runs stores in most communities, sometimes in direct competition with community managed stores.

#### An alternative:

- Rather than the Minister or appointed representative having the final decision over what stores are able to operate, and how they operate, control and management of community stores should be vested in the communities themselves with contracted expertise where needed.
- Funds being allocated to the licensing and monitoring could be better directed to freight subsidies to reduce costs, and other creative methods of ensuring 'food security' by store management committees and community involvement.
- It is unclear why the government is demanding that all stores, including stores that are owned by the community, must be licensed, and why the government is taking powers such as being able to determine if income management is to be offered, or determining whether discounts or credit is able to be offered. This is an overly bureaucratic imposition, which further removes governance from communities where the store is community owned.

#### **Social Security Legislation Amendment Bill 2011**

- The government (and their representatives) will be able to bypass school governance structures, determine which absences from school are for 'unsatisfactory' reasons, implement 'compliance notices' for those children and their carers, and suspend carers' welfare payments.

- These government appointed representatives (such as truancy officers) will be able to share information about pupils and their carers with any other government employees.

This is despite no evidence that such measures actually work<sup>1,2</sup> with the latest report from the SEAM (School Enrolment and Attendance Measure) trial showing no improvements in attendance. There has been broad based opposition to this measure from Aboriginal organisations, social service providers, education experts and NGOs. It is unclear why the government continues to pursue a policy which is expensive, punitive, humiliating, and does not work.

At the Stronger Futures consultation meetings that IRAG attended, suggestions for improving school attendance included elders picking up children to take them to school, local residents to be employed by the school, bilingual education where wanted, and a curriculum more relevant for the locality. Where raised, linking school attendance to welfare suspension was unanimously opposed.

### **Stronger Futures In The Northern Territory (Consequential And Transitional Provisions) Bill 2011**

The pornography bans will continue. Prescribed areas will now be known as prohibited materials areas. The discriminatory signs at communities continue to stigmatise Aboriginal people and label them as inadequate and unequal.

Customary law: It will remain illegal to take customary law into consideration around bail or sentencing, except if it relates to sacred objects or landscapes. This is inadequate. This denies people the acknowledgement of their culture in their daily lives. It stigmatises customary law as inherently abusive and violent, which is not true. It is assimilationist and discriminatory. Customary law, as in the United Declaration of the Rights of Indigenous Peoples must be respected at the federal level as well as other levels of government.

### **Other aspects of the intervention which are remaining:**

Star Chamber powers for police remain in the NT. They were originally enacted for national security purposes. These powers allow someone to be detained for longer periods, with no ability to make contact with anyone outside the detainment area, and no right to remain silent. These draconian powers need to be repealed.

Government Business Managers. These government appointed positions holding administrative power in communities, at huge expense, and resented by many community members, have achieved little in the past 5 years. The positions should be dismantled and the resources reallocated to supporting community governance.

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<sup>1</sup> David Campbell and Joan Wright, 'Rethinking Welfare School Attendance Policies', Social Service Review, Vol. 79(1), March 2005

<sup>2</sup> for a good analysis of the lack of evidence for income management, especially as it relates to linking of social security entitlements to school attendance, refer to the Australian Council of Social Services submission to this enquiry (sub01), found at [http://www.aph.gov.au/Senate/committee/clac\\_ctte/strong\\_future\\_nt\\_11/submissions.htm](http://www.aph.gov.au/Senate/committee/clac_ctte/strong_future_nt_11/submissions.htm) (accessed 24/01/12)

### **Other current government initiatives**

Job creation is manifestly inadequate.

50 new ranger positions does nothing to mitigate the impact of ceasing CDEP (Community Development Employment Project) positions, which will result in thousands of people out of work and on social security payments from Centrelink in June 2012.

The federal government's support of the NT government plan to provide jobs for all Aboriginal students finishing Year 12 in Territory Growth Towns is a great start. However, yet again this neglects students in all other communities. Similarly with the traineeships: this again is consistent with the federal and NT governments' push to shut down smaller communities and homelands.

Local autonomy, community involvement in job creation programmes with employment structures that suit local requirements (e.g. cultural obligations, environment, desire to work part-time, family obligations etc), true community development processes that allow time for quality engagement, consultation and decision-making, will increase community and personal responsibility and decrease the risk of disengagement, waste of resources and disillusionment.

**In summary, the NTER legislation should be repealed, and the Stronger Futures set of legislation withdrawn.**

**The new Stronger Futures laws are not what people asked for in the Stronger Futures consultations, and cannot be seen as special measures.**

**There is no valid evidence that the NTER has improved the lives of Aboriginal people living in prescribed areas. There is increasing concern that the socio-economic and health situation is in fact deteriorating.**

**The Stronger Futures legislation dismantles community control, and disrespects Aboriginal people and their culture. It continues an assimilationist ideology. It does not meet the Articles of the United Nations Declaration on the Rights of Indigenous Peoples, which the federal government supposedly supports.**

## RECOMMENDATIONS:

- (1) Immediately withdraw the proposed *Stronger Futures in the Northern Territory* legislation and repeal the NTER legislation.
- (2) Ensure all policies relating to Aboriginal and Torres Strait Islander people are measured for compliance with the United Nations Declaration on the Rights of Indigenous Peoples.
- (3) Immediately enable the re-establishment of community governance.
- (4) Commence a genuine partnership engagement with key Aboriginal leaders in the Northern Territory including peak organisations and all non-government organisations providing services to people on the ground to ensure future plans have community involvement and support in order to find a path forward for the future.
- (5) Continue adequate investment in resources to improve health, housing, education and infrastructure and ensure these resources are allocated through community management and control.
- (6) Embark on a genuine community development process of job creation that meets individual community, social and cultural requirements.
- (7) Desist from pressuring communities to sign leases over their land.
- (8) End compulsory income management which has no evidence of improving people's lives and is a huge waste of money. Persons wanting to be voluntarily income managed can do this through Centrepay or community agencies.
- (9) Reintroduce customary law. A respectful dialogue with Aboriginal law makers would allay any fears in the minds of Western law enforcement officers about the risk of physical violence.
- (10) Enable the reintroduction of bilingual education in Aboriginal schools where communities desire this. Recognise that this is an accepted method of learning for children who speak English as a second or third language.

## **References**

***Australian Human Rights Commission: The Suspension and Reinstatement of the RDA and Special Measures in the NTER***

[http://www.hreoc.gov.au/racial\\_discrimination/publications/rda-nter/index.html](http://www.hreoc.gov.au/racial_discrimination/publications/rda-nter/index.html)

***Closing the Gap Monitoring Report: January to June 2011 Part Two***

[http://www.fahcsia.gov.au/sa/indigenous/pubs/nter\\_reports/ctg\\_nt\\_monitoring\\_rpt\\_janjun\\_2011/Documents/ctg\\_nt\\_monitoring\\_rpt\\_pt2\\_janjun11.pdf](http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/ctg_nt_monitoring_rpt_janjun_2011/Documents/ctg_nt_monitoring_rpt_pt2_janjun11.pdf)

***Australian Institute of Health and Welfare 2010-11***

<http://www.aihw.gov.au/publication-detail/?id=10737421016&tab=2>

***Australian Bureau of Statistics: Prisoners in Australia, 2011***

<http://www.abs.gov.au/ausstats/abs@.nsf/Products/AD702E3768342C4CCA25795F000DB4B0?opendocument>

***Rebuilding from the Ground Up: An Alternative to the Northern Territory Intervention***

<http://rollbacktheintervention.files.wordpress.com/2012/01/rebuilding-from-the-ground-up-working-doc-14-5-11.pdf>

***Improving School Enrolment and Attendance through the Welfare Reform Measures***

<http://rollbacktheintervention.files.wordpress.com/2012/01/seam-nt-2009-evaluation-report.pdf>

***Health Habitat: Housing for Health Programme***

<http://www.worldhabitatawards.org/winners-and-finalists/project-details.cfm?lang=00&theProjectID=D73E43FF-15C5-F4C0-99FC5B8B268473DE>

***Health Habitat: Solutions to Overcrowding***

<http://www.healthhabitat.com/big-issues/overcrowding>

***Intervention Rollback Action Group: various documents and links***

[www.rollbacktheintervention.wordpress.com](http://www.rollbacktheintervention.wordpress.com)