

Committee Secretary
Senate Standing Committee on Community Affairs
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Submission on the Stronger Futures in the Northern Territory Bill 2011 and two related bills

Dear Senate Community Affairs Committee,

On 25 November 2011 the Senate jointly referred the Social Security Legislation Amendment Bill 2011 and the Stronger Futures in the Northern Territory (Consequential and Transitional Provisions) Bill 2011 and the Stronger Futures in the Northern Territory Bill 2011 for inquiry and report. The deadline for submissions has been set for 1 February 2012 and the reporting date to be 29 February 2012.

I am writing to express my strong opposition to the proposed Stronger Futures legislation. It is concerning that this legislation, which will only further worsen the lives of Aboriginal people in the Northern Territory, has been introduced in such a rush and with such a short notice and time for the public to be able to lodge their submissions. The announcement came just before the holiday period and should hearings take place in the NT, it will be difficult for people to travel due to it being in the time of the wet season. Also, I cannot see any "Stronger Futures" for Aboriginal people in this legislation as the title appears to promise. Rather it is having the opposite effect on Aboriginal people by disempowering them only further and infringing some of their most fundamental human and legal rights. Therefore this misleading title (along with the legislation should be removed). These actions seem to show a continued disinterest by the government to hear the voices and pleas of Aboriginal people in the Northern Territory and other communities around Australia.

How can it be that almost four years after the Government's pledge through the National Apology that the injustices of the past must never happen again, this new legislation can be proposed further weakening Aboriginal control over their families, schools, community stores and most aspects of their lives? By keeping Aboriginal people in a state of abject disempowerment with no control over their lives, their culture and land this policy deprives them of hope and as such of a future. The NTER seems to prove being the most damaging and genocidal policy since the era of the Stolen Generations. Extending key NT Intervention measures for another ten years is only a continued failure by the government to comply with its international obligations to which Australia is a signatory, e.g. the Universal Declaration of Human Rights and the United Nations Declaration on the Rights of Indigenous Peoples.

I agree with the Australian Council of Social Service's Media Statement of 23 November as a whole as well as that Policies should be based on what communities and governments know actually to be working on the ground.

During the 2011 Closing the Gap speech, the Prime Minister's called for Aboriginal people to change their behaviour. This cannot be seen as anything else but a return to assimilation. Despite all the Closing the Gap rhetoric, the Gap is not Closing.

More than 2000 waged positions within Community Development Employment Projects (CDEP) which are still operating in NT communities are set to be abolished from April this year.

The government wants to have more power to shut down, heavily fine and control stores owned and managed by a community, while owning and managing competing stores in the same community. Instead communities should remain in control of community stores and the government should subsidise the transport costs to make food in remote communities affordable.

Answers to the questions in the Senate Estimates recently revealed that the Government has spent well over a quarter of a million dollars in advertising for merchants to take the BasicsCard in the income management trial sites. Estimates figures show that the Government is spending another \$76 million in 2011-2012 implementing income management in the Northern Territory. A huge amount of money has been spent on income management with no evidence to show that it is helping people learn to take responsibility for managing their affairs. Would it not be better for that money to be spent on community support services to help disadvantaged people or even on job creation programs? The money would also be better spent by providing genuine support instead of punishing and demonizing people. Even more money is about to be spent on failed programs expanding the School Enrollment and Attendance Measure (SEAM) in the NT when the Government's own evaluation has failed to show that SEAM works.

I recommend all parliamentarians and all Australians to genuinely listen to Aboriginal peoples and learn about their culture. The book *Walk With Us - Aboriginal Elders Call Out to Australian People to Walk with them in their Quest for Justice* published by 'concerned Australians' in August 2011 provides one of the very rare opportunities to hear genuine voices of Aboriginal Elders. It presents the ongoing impact of the NT Intervention on the lives of Aboriginal people in their own words. The heartfelt and passionate statement by seven NT Aboriginal Elders in Melbourne on 7 February 2011 to the people of Australia included in *Walk With Us* is particularly striking. The threat to their culture, language and heritage as well as their loss of human rights is clearly expressed in this moving statement. The statement ends with an emotional appeal to all people of Australia to "*walk with us in true equality. Speak out and help to put an end to the nightmare that Northern Territory Aboriginal people are experiencing on a daily basis.*" The message these Elders are sending to the people of Australia is clear: we need to resist these policies that are causing Aboriginal people so much hurt and harm; instead we need to walk with them. As Rev Dr Djiniyini Gondarra put it: "*Don't let the other people, the First People of this country, be rejected! Being seen as the second class citizen! Being seen as an outcast! We have lived in this country as a foreigner! We invite you brothers and sisters, walk with us, then fight a system that victimises people.*"

At a press conference in Canberra on 25 May 2011 Navi Pillay, the UN High Commissioner for Human Rights remarked that in her discussions with Aboriginal people she could "*sense the deep hurt and pain that they have suffered because of government policies that are imposed on them*" and urged a fundamental rethink of the measures being taken under the Northern Territory Emergency Response (NTER). She added that "*There should be a major effort to ensure not just*

consultation with the communities concerned in any future measures, but also their consent and active participation”.

At the launch of Walk With Us Nicole Watson pointed out that “It is crucial that we hear the voices of those who live under these measures. Walk With Us provides an unflinching gaze into life under the intervention. There is pain in these pages. But there is also courage, resilience and wisdom. One of the most prescient statements came from Rosalie Kunoth-Monks, who said: “Does there need to be a policy about Aboriginal people? Does it need to come down from government? “Why not have a dialogue with the Aboriginal people and get some direction from us?” Ms Nicole Watson said that “at a community level, the Intervention has enabled the Commonwealth to seize control of Aboriginal lands not only the most valuable asset of many communities, but the lynchpin of identity and culture. The imposition of government business managers has usurped community initiative and contributed to a sense of powerlessness.” Towards the end of her speech she remarked “We need to spread the word that these measures are inhumane and they do more harm than good. We also need to spread the word that each one of us is diminished while these measures remain in place. Aboriginal people in the Northern Territory deserve better. All Australians deserve better than measures that degrade and dehumanise the most marginalised people in our society. And we must tell our fellow Australians this.”

The proposed Stronger Futures legislation completely fails to take into account the views and wishes as expressed by communities during the Stronger Futures Consultations. I implore the policymakers to re-establish bilingual education which Aboriginal people asked for during the Stronger Futures Consultations. Prohibiting bilingual education means suffocating Aboriginal culture and destroying identity.

Being in support of the call by Aboriginal peak bodies, community welfare and public health groups from around the country who are calling for a new direction in policies affecting Aboriginal Australians based on cooperation, not ‘intervention’, I urge the government to immediately withdraw the above legislation which is in contradiction with Australia’s claims to be a humane and just country. Instead an alternative policy should be developed, based on the respect of Aboriginal culture and identity, languages, lore and the fundamental right of Aboriginal people to determine and control their own lives.

In his response to the Prime Minister’s announcement of a Second Intervention in the Northern Territory Rev Dr Djiniyini Gondarra stated that *“Only through respectful dialogue and working together can we call Australia a nation based on the principles of democracy.”*

Thank you very much for your kind attention and consideration of my submission.

Sincerely,

Sabine Kacha