



Sisters of St Joseph Victorian Province Justice Peace and Social Issues Group

Committee secretary  
Senate Standing Committees on Community Affairs  
PO Box 6100  
Parliament House  
CANBERRA ACT 2600  
26<sup>th</sup> January 2012

*A Submission regarding the "Stronger Futures in the Northern Territory Bill 2011"*

The Peace, Justice and Social Issues group (PJ&SI) of the Victorian Province of the Sisters of St Joseph, pay our respects to the First Peoples, Custodians of this Land for thousands of years. We have participated in both the Northern Territory Elders' Gatherings here in Melbourne, *Conversations with the NT Elders; Further Conversations with the NT Elders, February 7<sup>th</sup> 2011*; we read the Elders' deep and moving Statement on this last occasion. We heard their Challenge to all present: *Walk with Us* to bring a stop to this Northern Territory Emergency Response which has been visited upon us, they said with passion and despairing hope. We understood their wholehearted dissent when the NT Elders stated publicly:

*"We will not support the extension of the Intervention legislation;  
We didn't ask for it. It was imposed on us."* Melbourne 4th November 2011

We are concerned that this proposed legislation is flawed in its intent; based on selective data; and will only serve to further disadvantage Aboriginal peoples. Our association with leaders from the Northern Territory such as Rosalie Kunoth-Monks and Rev Dr Djiniyini Gondarra has served to convince us of the pain that has been caused through the Northern Territory Emergency Response. While in Melbourne at the end of 2011 leaders from the Northern Territory who live under the constraints of the NTER, and who had attempted to consult with the government officials on the "Stronger Futures" proposals, outlined the significant problems that are embedded in the proposed legislation. They are as follows:

1. As pointed out by the United Nations, the NTER is racist as it does not meet the terms of the “Convention of the Rights of Indigenous Peoples”. The Intervention should be ended rather than extended in order to meet Australia’s obligations under this convention.
2. The proposals are unworkable and will not achieve the goals set out in the government’s commitment to “Closing the Gap”, or the promises that were made in “The Apology” by the then Prime Minister Kevin Rudd. This is clear as the actions proposed extend a system that is already not working. It will further entrench the problems facing Aboriginal communities.
3. The proposed legislation is based on, once again, a flawed and biased consultation that lacked transparency and fairness. Any legislation that makes sweeping proposals and does not recognise the range of problems facing different, individual and discrete communities is bound to fail – and is, therefore, a waste of tax payers money.
4. The proposed legislation does not take an approach that recognises the dignity of Aboriginal people. It is negative, patronising and based on a hierarchical model of authority that is neither appropriate nor culturally sensitive. All successful initiatives that have brought improvements for Aboriginal and Torres Strait Peoples have been ones that have **empowered** the communities – not disempowered them. Once again “The United Nations Declaration on the Rights of Indigenous Peoples” spells out the right of people to have a say in the governance of their communities, a right to self-determination.
5. The proposal does not recognise cultural practices of the people in the affected communities. It does not recognise the significance of children being a part of the ritual life of the community, such as sorry business. The punishing of families, and putting at risk their well-being by depriving them of their income because the families were following the beliefs of their religious tradition, does not show an understanding of the significance of a cultural life to the health of a person. It also doesn’t show an understanding of the gift Aboriginal people with their cultural practices are to Australia, and that this aspect of a child’s education cannot be neglected. A family should not be forced to starve, go without health care, or go without basic essentials because they take their children out of school in order to attend to cultural protocols.

In conclusion:

We strongly and sincerely recommend that this flawed legislation be withdrawn, and in the light of the report on the recognition of Indigenous peoples in the Constitution, thus ensure that racism is not institutionalised in Australia through this proposed legislation.

We recommend strongly and urgently that ‘They May Be Heard’, not in the way of the flawed consultations of ‘The Stronger Futures’ but through positive discussions. These discussions must begin with Indigenous communities, recognising that Aboriginal people are also working to end the problems that face communities so that these community approaches are more successful than the punitive approach of the Intervention. We need policies based on cooperation not Intervention.

Yours sincerely,

Joan Hamilton for Members of PJ&SI  
Sisters of St Joseph  
3/406 Murray Road  
Preston Victoria 3072.

Aileen Shanahan rsj

Fran Mannes rsj

Joan Guiry rsj

Joan Hamilton rsj

Joan Healy rsj

Maria Cox rsj

Maria Dunell rsj

Marianne Zeinstra rsj

Mary Luscombe rsj

Therese Quinn rsj

Mary Davis rsj member of Province Team

Mary Ryan rsj member of Province Team

Josephine Dubiel rsj Provincial Leader of Sisters of St Joseph, Victoria.