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Submission

For the Senate Inquiry into the Stronger Futures in the Northern Territory Bill 2011

by

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Submission to the Senate inquiry regarding the Stronger Futures in the Northern Territory Bill 2011: in regards to Cape York and the Alcohol bans and restrictions in place and the similarities with Northern Territory intervention, due simply as there is interventions directed at remote and Aboriginal communities all over Australia. Please be aware that much of what I discuss below are referenced from Westerns Cape, Cape York FNQ communities,; however the parallels and recommendations I make in the below submission are ones which I will strongly recommend and advocate for in the Northern Territory and all over the nation. While I make recommendations and comment on the situation in the Northern Territory I acknowledge their peoples' respective elders and different customs and do not assume to speak on their behalf.

After the page Recommendations please find a series of short papers written by myself on a few of the social issues facing A&TSI people. This is to give broader scope into the myriad of issues surrounding modern A&TSI culture which all play an equal role and have symbiotic effect especially in small, remote communities. Each paper is summarised with a recommendation to the inquiry.

ATTENTION: Please note, the thoughts and opinions I express in the below and subject content are my own and do not necessarily reflect those of any of my employers, affiliated organisations and groups which I may be a member of. I do allow for this submission to be published publicly and do consent to provide evidence at and to be present at any subsequent hearings to give evidence, however the content of this submission, email and attachment must only be used, displayed, published and quoted only within the context of its submission, being, the Australian Senate Inquiry regarding the Stronger Futures in Northern Territory Bill 2011 and also in/for any subsequent hearings, interviews, media announcements, speeches, publications, displaying of and quoting of my submission in relation to the Inquiry. Please note that I retain a copy of this exact submission and any deliberate misquoting of the context of, content of and text of this document will be considered as defamation of my character. Aboriginal & Torres Strait Islander (A&TSI) peoples are warned that this submission and its content may contain references and names of people(s) dead or who may have died after the submission.

Background

I would call it a blanket approach, but then when corrected I realised it was not a blanket approach, because not all communities have outright bans, some only have restrictions. Who decided, if not the local citizens and health workers, which communities are worse off and hence needing an outright ban rather than emplacing mere restrictions? Also, if some communities were deemed worse than others to need tighter and tougher action, why were no rehabilitation clinics and health workers placed in said communities in order to truly and effectively target the law's main enemy-alcohol addiction? With the lack of support initiatives and active policing and emphasis on rehabilitative services etc. i.e. as the laws currently stand; one could assume the laws are targeting Alcohol Consumption and not Alcohol/Substance Abuse, Misuse & Dependency and all the due social and family repercussions such addiction inspires. I then ask the question, why the Government(s) feel the need to impose such laws on people who have only location to differentiate them from those consuming and becoming addicted to Alcohol in city scapes? Why is this happening? Understanding that I don't one-hundred percent disagree with the laws, only how shallow they currently stand (and have stood). Is it because when it comes to remote Indigenous, or "Discreet", communities, it's too hard and expensive? Next to the signs at the entrance roads, that display and warn of the restrictions and bans, the Government(s) should erect one saying "Welcome to 21st Century Apartheid in a 1st World Country".

We as a people can't even drink the alcohol of our choice, and furthermore, can't even drink alcohol and receive basic public services to tackle the more extensive causes behind addiction (which is merely a symptom), in short, are being treated as a sub-race with punitive measures on the Government(s) part. These laws don't work, they are being broken all the time; even I break them. As a Traditional Owner of the Mapoon and Weipa area, I insist on exercising my rights of so-called "ownership" over my tribal lands by conducting myself in the exact same manner and enjoying the exact same indulgences as I do in my free, residence of Cairns. The Police personnel are also in a lose-lose situation when enforcing these laws; as relationships are formed while living in small rural towns are put to the test with the opinions of the locals being "you're not entirely with us, you must be against us". Without community support and trust the Police can't effectively function to the desired outcomes; and the Governments have set both the community and Police up to fail. This is where inter-departmental communication and participation must happen fully and move forward in a partnership with the community via capacity building and empowerment possible only by facilitating the togetherness of the Indigenous community members, by being able to take ownership of the causes facing them and the solutions, with the Government(s) there in a supportive role only.

Currently when a person breaks these laws they, when the back/bush roads are also manned, are arrested and issued a fine (a punitive approach). They then may be sent to face a judge who resides in a different community or city with totally different

social customs, rendering them unable to pass a judgement that is truly in the best interests of the people, these "criminals" are then mostly sent to jail, to be released and the cycle begins over and over. Something's got to give and it's got to be put forward by the Government(s). The Government(s) do need an emphasis on rehabilitative punishments as opposed to just Time For Doing. Marry the two approaches together by introducing and supporting alternatives to prison; have those arrested sent to a physical and mental health check-up to hear from professionals which of the three stages of Prevention is needed- this will prove to truly address the mental health aspects and will reduce the rate of suicides and possibly Deaths In Custody (of the Cairns watch-group I am a member of). Implement centres, services, workers (with incentive scheme pay levels) and facilities, designed to aid in rehabilitation of addiction, support networks (social workers, counselling services etc.) for families and communities affected by addicts' actions, also, services to address the behavioural patterns entrenched in the children's minds, when raised in addiction and abuse riddled house-holds with a focus on holistic healing as a family unit as opposed to removal and intervention. Lastly the need for Cultural Awareness Programmes and training for all Government employees living and/or working in Remote Aboriginal Communities is a necessity. Simply, the approach, policing and continuation of the Alcohol Management Laws must adopt a focus on *teaching* people to not engage in substance abuse and misuse as opposed to *telling* them.

This *Telling* and Punitive approach taken by Government(s) in regard to all policy directed at A&TSI people are trends worringly visible. Another prime example is the Traditional Hunting Bans; which is another initiative I do not disagree with totally. On top of those bans there needs to be funding and facilities built and supported (unlike but also similar to the Turtle conservation farm near Mapoon), extend the education within the community and employ marine, conservation and ranger staff to teach people the appropriate way to hunt. Simply creating a ban, as a knee-jerk reaction by the Greens and Conservation Society, will not stop the animals being hunted (like the current Alcohol Management Laws won't stop the drinking of alcohol) it will simply create criminal records. There are two ways to do something, so why not do it the holistic way.

As suggested in the Cairns Regional Council's Reconciliation Action Plan, as per the contribution made by my Grandmother Jean Little OAM, in the section Respect; her suggestion of the Cultural Awareness training should be the very first aspect of the RAP implemented as this will ensure that all else is done with the correct protocols. This ensures a certain level of working with the community members and will open the doors to healing, empowerment and for us to learn the growing pains as an equal people.

Below are eight questions to consider by all in regards to all policy relating to A&TSI peoples and are questions being asked by the A&TSI population, obviously there is a communication break-down on someone's part:

1. Why, in regards to intervention policies & alcohol restriction laws, in remote Aboriginal communities- communities with serious, deep seated problems as identified by governments and media; why are there no specialty services in place on a full time basis in the communities themselves, designed to eradicate and address such problems at a grass-roots level as opposed to merely in-placing punitive measures? And do you think such an approach would be too expensive, hard or possible?

2. Is the word "apartheid" would be too strong a word to describe some policies that affect Aboriginal and Torres Strait Islander peoples living in remote communities; due to the fact that certain such policies only inhibit the lifestyles of those citizens living in said communities?

3. In regards to other Closing The Gap initiatives, what is being done in terms of strategies and their implementation and how extensive is the input by Elders and Traditional Owners to truly ensure the implantation is affecting and culturally correct?

4. In regards to Closing The Gap strategies in general, what do you make of the recommendation that:

   "…consultation groups/committees being a body of respected and peer (not politically) nominated A&TSI people with specific cultural & community knowledge and skills within the respected field which a particular strategy/initiative/policy is in direct association of- that such a group ought to over-see, perhaps to even sign off on, the compiling and implementation of such policy"

5. Should government, prison personnel etc. be/be seen to be, more actively encouraging and opening doors to educational avenues in prisons for A&TSI inmates that can best equip them to be found placements in the workplace upon their release, that are best appropriate to the individual's interests and skills? This would ensure a lower percentage of released offenders ending up back in prisons as they would feel more valued and would have the tools to build for themselves a quality of life.

   (I ask this as there are many prisons in QLD which do not offer any education/training for their prisoners. I also ask this as upon their release most, often are placed in the fields of manual labour).

6. What is your position on my suggesting a Forgiveness Day, an initiative of the First people? Many feel this is the only ingredient missing from the reconciliation

path seeing as the government has apologised, this symbolic gesture on our part may well lead the way for a change of attitudes on all fronts and see a future with a more harmonistic union between A&TSI people and the Governments

7. Is it entirely fair that we, as the first people, still have to fight to even be included in our country's constitution- furthermore why do we have to fight without the support and advocacy of the respective Government departments and Ministers employed to do just that?

8. as Mick Gooda implies, and which is a position on many issues facing our people, that seeking solutions from our Governments for these concerns is getting us no-where; these are now issues for the United Nations to consider…

Observations of the Northern Territory and the Intervention Policy

The way I see the situation in the Northern Territory are either are or dramatised by media to believe they are more dire there than other locations. I also see the Government paying an extra intent focus on matters there as evident of the years of media hype and earlier intervention policy.

What concerns me in regard to the Northern Territory are:

- The divide there is between people and advocates, the divide between the people and certain other advocates (often labelled House Blacks meaning Government pets) and the divide between some advocates and Government
- There is a huge breakdown of communication within the community as well as with the breakdown of traditional and European customs and traditions, there is a conflict of Respect Figures
- In European tradition, authorities such as Police personnel are the Primary Respect Figure, but are now seen as the enemy
- In Aboriginal tradition, it is the Elders however the community is being told that those Elders are not authority figures as spoken by the Intervention Policy
- There is a great deal of anger on both sides
- One of or both parties do not wish to participate and actively listen to the strengths of one another
- The Government(s) are taking special advantage of the fact that the Northern Territory is a Territory rather than a State
- That there are still reports (even here in Cairns, QLD) of health and mental health/department of Child Services are issuing the removal of Aboriginal Children from their homes and families without the intent on rehabilitating the causes
- That alcohol and sexual abuse is rumoured widely to be an excuse for a land grab; while this may not be so it still causes much speculation and anger
- And also that, like in regard to all intervention policy around Australia, that the same problems of alcoholism and sexual perversion in the Cities are ignored and unaddressed to such extremes and that the Governments are playing on the remote location of the communities to engage in special practice. That's the reason they were moved to outstations in the first place: out of sight, out of mind.
- The fact that while the Police are there to monitor the people, who is monitoring the Police?

Recommendations

So now turning away from the politics of the intervention, I'm going to focus on the other main element and reasoning for the policy; the subject of child abuse, addiction, mental illness and suicide. Please find my recommendations below that are in both direct and indirect relevance to those issues.

Below are some recommendations of import:

Recommendation 1: The Government(s) need to decide how to re-empower the people there and how to build a cohesive respect for both traditional and European customs

Recommendation 2: The Government(s) need to establish the community's wants, needs and concerns and any intervention must adhere to these as well

Recommendation 3: The Government(s) need to work with the communities to identify concerns, problems and their solutions and for the community to propose how it would be best addressed and the Government(s) facilitate the process

Recommendation 4: The Government(s) must provide Cultural Awareness training (as presented by a respected Elder or someone with tribal knowledge) for all Government, Police and Court workers involved and working in those communities, this will ease cultural and racial tensions and be able to harness respect for custom and be able to continue with dialogue and progression

Recommendation 5: The Government(s) must, in all communities where intervention and Alcohol Management policy is in place, provide rehabilitation centres, detoxification clinics, learning facilities, health & mental health services and counselling services for all members of those communities both Indigenous and non-Indigenous, for these laws/policies/legislations to reach its intended outcome whilst on the way healing the communities instead of scarring them

Recommendation 6: The Government(s) and the Courts must stress more emphasis on the importance of Rehabilitation sentencing rather than incarceration (this both fix the problem of the causes why a person commits and also fix further deaths in Custody)

Recommendation 7: When hearing from those members of the communities either in day to day implementation of the Intervention or in a court room, one must be appreciative of the different levels of and state and depth the individual is in regard to their problems.

This can be done by first identifying which level of prevention is needed for the individual- hence determining what actions to take in passing of their sentence.

The Three Levels of Prevention are:

- Primary, which is the recognising of and addressing of particular behaviours and symptoms (this could be counselling by a friend, trusted and respected Elder or Psychologist);
- Secondary, which is intervention after problems are causes are identified and if symptoms and behaviours continue (this could mean mediation or community service)
- and then there's Tertiary, which is that the horse has bolted and the person has committed such a crime to self or others that renders the need for imprisonment or institutionalising in a mental home or rehabilitation clinic.

Remember this can also be a process for victims and witnesses of alcoholism and/or abuse; it is not relevant to only identified perpetrators.

Recommendation 8: When counselling or dealing with victims one must keep in mind some points that may give answers and familiarity to their plight and situations whilst investigating:

- what triggers anger in the household?
- Who are the positive and negative group leaders and how extensive are their influences?
- The three levels of prevention and which stage are we at in ridding negative influence and thought?
- Who are the correct people to be involved in this process i.e. Police, trusted family friend, counsellor or Elder or all of them?

The asking of these points will aid in understanding with empathy rather than sympathy, as only with empathy can one go about healing and re-empowering another in a respectful, distanced and helpful relationship.

Recommendation 9: Where should the healing process occur i.e. is it best for the removal of victims (perhaps to funded and staffed Women's Shelters/Refuges) or is it best for the removal of the perpetrator (to half-way house or jail cell) or is the problem not that extreme yet and is there chance for healing of the family unit together? This is taking the holistic approach. If this is done it must be done properly. One example of this not working is in Napranum of the Western Cape, Weipa area, where a Women's Shelter was built but due to lack of staff and funding it closed down in spite of the community's strong pushing to the local, state and federal Governments.

Police & Health Servicing

When it comes to the A&TSI population there are two major issues that spring to mind: crime and health. Diabetes and a lower life expectancy is much more prevalent amongst A&TSI people and alcoholism is no-more prevalent, but more obvious, in A&TSI peoples. Many of the Park People in Cairns are hospital patients flown down by health from their remote communities to larger cities and towns to seek health services. But many find being alone in a foreign hospital environment and town too much to bear and so often wind up in parks drinking and sometimes missing their flights home hence becoming stranded and homeless. So one can see how the same problem can then branch out to different departments, mainly Health and Police. It makes sense for the two to work together.

An example of how this isn't happening is as follows. I was sitting in City Plaza Mall in Cairns, after I had been there some minutes an Indigenous man walked in and sat down. To the eye he may have appeared drunk but certainly not disorderly. A few minutes passed and a paddy wagon drove into the mall and two police officers proceeded to take the man into the back of the wagon. I went up to them and asked what their business was with my Uncle. They said he had been loitering which is an offense. I said that I had been sitting there for much longer than him and that I should then be arrested likewise. They didn't pay me much heed until I asked what was around his wrist. The man was wearing a hospital patient band. I asked if he is an outpatient or if he should still be in hospital. They thought for some time and then I suggested calling an ambulance. Which they did and when the medics arrived they noted to the police officers that this man was indeed meant to still be in a ward and that he had all the signs of being under the influence of morphine. As it turned out he had just left hospital from a knee operation, hence his staggering and was under the influence of morphine, hence his drunken appearance. This is a prime example of communication breakdown and should be the reason the Police ought to work with all health and other human issues professionals. I hate to think what that poor man would have gone through in a watch house holding cell.

Just a few **RECOMMENDATIONS** would be:

- Before being taken to a jail cell or watch house, each arrestee must be taken to a medical practitioner or hospital for a check-up. This will also prevent from unnecessary deaths in custody.
- The police, health and mental health officers must be able to differentiate between public drunkenness and a serious alcohol abuse situation and then if unsure take the person to a hospital social worker for them to be provided with other avenues of help aside from prison or criminal charging.
- That cultural awareness programmes be a central part of education training for all Police personnel

Quality of Life for Youth

Petrol sniffing, alcoholism, substance abuse and misuse are all rife in remote Aboriginal communities. Many mental health workers and drug specialists see this behaviour as "escapism". This is true for some people but for the most part I don't think applies. In high school teenagers try and test drugs all the time. The ones I knew did but not because they were depressed and wanted to escape a particular problem, they did it to experience that aspect of what life can offer and to enjoy a party more thoroughly. Some people take drugs to an obscene amount but not always to escape. There are more cases where the depression and dependence comes after months, years and sometimes decades of drug use, rather than the depression being the cause of drug use. Then there are some people who do it for "why not?". The latter are people who don't already have a pre-existing quality of life.

The drugs are just one symptom of this, crime is another and spousal abuse another, the list can go on. These aren't necessarily people who have lost something in their lives or have given up, often these are people who have never known any better and it is seen as the norm for their lifestyle. Because of the vast differences between the "whys" that young people take drugs and commit offences it is crucial that the treatment be different per individual. We need health workers, psychologists and social workers with the tools and the capacity to be able to alter their methods and techniques per client and not just have a standard, across the board, textbook practice. The same can be said with sentencing. Not all crimes are committed for the purpose of the outcome and as such the sentence handed out needs to fully be centred on this fact. That's why charged criminals need to talk to psychologists instead of just lawyers as a part of standard trial process. Legal Aid offices need to not only employ social workers and lawyers but also a team of psychologists in order to front up with evidence on the person's psyche. Not every person can benefit and change their life around after a jail term. Many need preliminary help which is why all factors need to be considered by the judiciary and other sentencing alternatives need to be considered. This is part of the preventative approach to crime and if done properly can result in that person never appearing before a judge again.

As for the solutions needed to go about fixing home lives, erasing negative tapes and sorting out the social issues involved in a person's life prior to them becoming a "criminal" and then to instil a quality of life, I cannot speak on. This is a process which is out of any one person's hands and certainly the governments, judiciary and police. This is where a holistic, facilitative and mediated approach and process is needed per "criminal", per family and per community.

Men's business, Women's business

In a household where the family structure has broken down due to abuse and violence caused by drugs and other illicit substances the children suffer most. They do not see a "normal" family unit. They may see mum crying, dad drunk and angry and their siblings in fear. The expectations of what the role of a father and a mother become warped and so the children do not understand, due to these negative tapes, what the role of self is within a home environment and then usually grow older to be offenders themselves. In traditional culture the roles of men and women were very clear, they weren't rules they were just understood. But how these roles fit in a modern and equal society also begs more questions.

In modern day and mainstream society the roles of Men and Women have come to a place of peace and understanding. The roles of each gender are now freely adopted, by most, by the other gender. But in traditional Aboriginal culture there was a clear divide as to what Men's and Women's business was.

Men's business was as always, the hunter, the provided and the protector. Women's role was the gatherer and the nurturer. There were also stipulations regarding cultural activities, for instance only certain tools, dances and instruments were to be used/performed/played by men and not women and vice versa.

However in the 21s century, we need to ask the question, as do all people, as to what role men and women play in the home and in society and if we still to some extent rely on the traditional boundaries or do we conform to the generally accepted ideas surrounding Women's Liberation?

The roles and protocols that family members operate in within their own unit and when guests in another are all part of a person's identity and it is crucial for people to understand and decide what roles they play, when and where in order to establish for themselves what their identity is. This is also very important to decide where "I" fit in with the wider world and as such in which areas and in which capacity can I best be seen as an Aborigine.

Of course then too does the subject of sexuality come up. In some traditional cultures people with ambiguous sexuality or trans-gender appearance were treated as demi gods. Sexuality however is not a big aspect of Aboriginal culture and the subject rarely comes up in our history and religion. I think the further struggle of sexual identity is a more modern day affliction and it plays a vital role in how a person will view Men's or Women's business and furthermore the role one would play in society and the home.

RECOMMENDATION: Work with A&TSI professionals and the children of the community to identify problems and strategies to rehabilitate bad parents to become good role models.

Aboriginality and what it may mean to today's Young Aboriginals

The question of identity is so important nowadays, with the protests in Canberra and the burning of the Australian flag by children at the behest of their old people has caused a divide in opinion throughout the A&TSI community. In remote communities where there are interventions and alcoholism, there is a lack of traditional knowledge and a lack of freedoms (regardless of the cause) and so there is Spiritual Poverty present. This combined with alcoholism, violence, abuse and discrimination and public shame and blame the people of the communities have given up hope and it is now that society and the Government(s) must build their capacity, to work with them to feel the growing pains of their actions and to empower.

I graduated from Trinity Bay State High School a little over two years. I have always lived in rural areas of North Queensland, also having done stints in Sydney, Melbourne and Newcastle, as well as having travelled over-seas. Through my childhood I had always had a strong sense of, not only what it means to be Aboriginal, but also what it means to be an Australian. I also learnt a lot of lessons on what it means to grow into a man in today's modern and ambiguous culture. The remarkable similarities in requirements if you like, are not that surprising. I'm not going to go into those, as it is a personal journey and one I wish not to assume would have been the same for another person.

What I will say is that in learning these lessons, and I continue to learn, and in building for myself my own identity I became very aware of the fact that I am expected to be one of many, many things. If I was to say I am Aboriginal, I was expected to lap up what the likes of various Indigenous Leaders and the Indigenous Affairs Ministers tell me, I was also expected by many of my own people to dislike white people. If I was to identify as a White, seeing as my Father is British and is milky white through and through. If I did this then I was seen by white folks as a coconut and therefore they felt comfortable making remarks on black people in, not always but sometimes, an unsavoury fashion because "…this one's alright, he's one of us". To identify as an Australian seemed much easier, I just had to enjoy BBQs and football. It wasn't that hard a decision for me to make, I just tick Australian due to the fact that is where I was born. I've since grown to identify as an Aboriginal Australian for whatever that means.

I do note that the choice can't be either that easy or even that important to many young Indigenous people today. Basically nowadays people with dark skin feel as much an affinity with African American, gangsta culture. Which I am not saying is wrong; I'm a Biggie Smalls fan like the best of them. I'm just asking the question, why is this becoming the case? Many people are quick to say it's the mindless and greedy influence that US pop culture has over the world. Yes and no; it's got to be something else I think. Think of it this way, what is it they're seeing that they like? When I look at American Pop culture and Gangsta culture I see: money/bling, sex, drugs etc. all the makings of a happy teenager. I also see friends who would die for each other in a gang war, a respect for their Mamma's and a strong sense of family. The first set of things I described appeal to any young person, that's why there are upper-middle class Caucasian kids wearing their caps back-to-front. The latter however are pretty much the same sort of elements that can be found in traditional

Aboriginal culture; a sense of belonging and unity amongst friends and family, with a bond so strong each would die for the other. When the flavours of youth wear off I'm sure those are the values that will stick around for life.

Be that as it may it is not as though Aboriginal and Torres Strait Islander youths are not exposed to what our old customs and culture was. Traditional dances, painting and songs are still taught everywhere and are known all around the world. So then why are they opting for a more Americanised youth culture? I wouldn't worry too much, and I resign myself to the fact that Gangstas are the Hippies of this day and age as much the Hippies in their time were the Mods.

RECOMMENDATION: Still this cultural change needs to be acknowledged by mainstream education and politics, because the world needs to change the way we talk to young people and we have to pay respect to the new age of Aboriginality that is becoming more apparent in each generation. Where it may lead us we don't know but we can't keep thinking of A&TSI people as the same as we were 200 years ago