

Submission to the Joint Parliamentary Committee on Human Rights concerning Review of Stronger Futures Legislation

Article 3 of the UN Declaration on the Rights of Indigenous Peoples states:

Indigenous peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Australia gave public endorsement to the Declaration in 2009.

This submission is based on my recent experience in the Amoonguna community near Alice Springs.

Three months ago I visited the Amoonguna community at the invitation of community leader Marie Elena Ellis. Again and again I was told that Amoonguna had been a thriving community until the Intervention/Stronger Futures had 'ripped the heart out the community' because control had been taken away from the community, and the community is further away from self-determination than ever. New policies had been imposed on the community without assessing whether existing community programs had been working. For example a particularly devastating effect on community had been the removal of CDEP under the Intervention, which has not been reinstated under the Stronger Futures Legislation. I was told that people had been proud to participate in the CDEP program. The program had given their lives structure and meaning, and since the abolition of CDEP there has been a growing level of despair, and alcohol has become an ever increasing problem. There is a sign about alcohol prohibition at the entrance of the community, however there is no policing of the policy and there is no restriction on suppliers of alcohol in town .

I asked Marie Elena Ellis if the community had been consulted about the Stronger Futures Legislation, and she just laughed at the suggestion. Apparently there weren't any meaningful consultations about the full implications of the proposed Special Measures, and the community was not in a position to give their informed consent. This means the Stronger Futures Legislation is in breach of the Declaration on the Rights of Indigenous Peoples as the consultation process was flawed and Special Measures were not based on informed consent.

When I asked Marie Elena Ellis what changes she would like to see in government policy, she replied:

- 1) The Stronger Futures Legislation should be scrapped because the Stronger Futures Legislation has disempowered communities and led to great despair.
- 2) First Nations people want the government to respect the human rights and freedoms under the UN Declaration on the Rights of Indigenous People and international human rights law.
- 3) First Nations people want to be given control over their own lives, and they want to sit down with Government and write policies which affect their lives together with the Government.

On the basis of Marie Elena's comments I would like to make the following

Recommendations:

The Committee should

- 1) advise the Government to repeal the Stronger Futures Legislation.
- 2) advise the Government to honour Australia's commitments to the UN Declaration on the Rights of Indigenous Peoples and international human rights law.
- 3) advise the Government to involve community leaders in future decision making processes affecting the lives of First Nation people, and set out clear guidelines for meaningful consultations with First Nations People.

Gedda Fortey / 9/10/2014