

September 2014

Re: Stronger Futures legislation

SUBMISSION FROM THE STOP THE INTERVENTION COLLECTIVE SYDNEY (STICS)

We are a group of concerned citizens who have been in close contact with people in the Northern Territory, Top End to the Centre, who have been affected by and have been living under the laws of the NTER (Northern Territory Emergency Response) and the Stronger Futures legislation. We have watched with disbelief as the Government has continued with policies which fail to comply with our obligations under the United Nations Declaration of Human Rights (UNDHR) and the Declaration of the Rights of Indigenous Peoples (UNDRIP). Further it appears to have ignored report after report demonstrating the detrimental effects of these policies and their failure to achieve positive outcomes.

STICS welcomes the opportunity to provide a submission to the Parliamentary Standing Committee.

We have been completely opposed to the NT intervention which began in 2007 and believe that the *Stronger Futures in the Northern Territory* have only served to worsen the lives and living conditions of Aboriginal people. We join 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'.

We believe that the Stronger Futures legislation is punitive, draconian and discriminatory and reinforces negative stereotyping of Aboriginal people and welfare recipients as people who do not want to work, cannot handle their own money, who cannot or do not want to look after their children, who gamble, drink to excess, smoke and are hooked on watching pornographic material.

The Government seeks to justify the legislation by insisting its objective are to "*encourage socially responsible behaviour, including in relation to the care and education of children*". This includes an assumption that other members of society, who are not welfare recipients, always behave responsibly and morally and are above reproach in all the areas which signal eligibility for welfare recipients to be referred for income management.

Despite being described by the Government as "special measures", we believe that these so-called 'special measures' further degrade Aboriginal people and their culture. We are outraged to know that the worst parts of the NT intervention have been kept or strengthened when there are community-supported alternatives available to rebuild NT Aboriginal communities.

We strongly recommend that the Australian Government to implement the recommendations made in the statement '[Rebuilding from the Ground Up: An Alternative to the NT Intervention](http://stoptheintervention.org/alternatives-to-the-nt-intervention)' which can be found at <http://stoptheintervention.org/alternatives->

[to-the-intervention](#). These alternative recommendations are not draconian, punitive and disempowering. We urge the government to respect, listen to and work in genuine partnership and true equality with Aboriginal Peoples in Australia.

The Human Rights Commission and United Nation visiting representatives have repeatedly denied that the NTER and Stronger Futures legislation constitute 'special measures' for the advancement of a particular group of people under the Racial Discrimination Act. The 'special measures' do not stand up to scrutiny. People consulted were given no input to the content of the meetings. The failure to provide recordings of the consultations was reprehensible, especially when the Minister had been publicly requested to do so by leading Australians.ⁱ The facilitators at consultations did allow additional information to be aired but these items were then disregarded and remained unrecorded in the Stronger Futures Consultation Report.ⁱⁱ For this reason alone Stronger Futures legislation should be condemned and repealed.

Analysis of the consultations clearly shows that all measures of this bill were not requested by community members in the so-called consultation process. In fact the opposite were requested including the removal of Government Business Managers, reinstatement of bilingual programs, the close involvement of the community in schools and that respect of the Elders and culture is given precedence. The many flaws of the process may be viewed at <http://stoptheintervention.org/facts/consultations-mid-2011>. Clearly the true wishes of communities suffering under the Intervention have once again been denied causing a further deep distrust of government and its employees.

The implementation of the NTER laws followed by Stronger Futures legislation has not led to improvements in Aboriginal people's lives; indeed the situation is continuing to worsen. Since 2007 attempts at [self-harm/suicide](#)ⁱⁱⁱ have more than doubled, [incarceration rates](#)^{iv} 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](#)^v. 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 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 has continued and extended income management, eroded tenure rights on Aboriginal land, further dismantled community control, disallowed the acknowledgement of Customary law in courts, and added further punitive legislation targeting Aboriginal people. The legislation is in contravention of the United Nations Declaration of the Rights of Indigenous Peoples, which the government has pledged support for. All legislation should be consistent with the Racial Discrimination Act of 1975, and the UNDRIP, and support the principles of self-determination.

The legislation contravenes the following:

**Committee on the Elimination of Racial Discrimination General Recommendation No. 23:
Indigenous Peoples**

Articles 4 (a), (b), (c) (d), (e)

Article 5

International Covenant on Civil and Political Rights

Article 1(1)

International Covenant on Economic, Social and Cultural Rights:

Article 1(1).

United Nations Declaration on the Rights of Indigenous Peoples

Articles 1, 3 , 4, 8, 9, 14, 18, 19, 23, 26, 27 and 32

There can be no justification to impose Star Chamber police powers upon Aboriginal communities. These powers, generally reserved to investigate terrorists take away citizenship rights afforded to all other members of society and relegate Aboriginal people to the status of “second-class” citizens.

The blanket alcohol bans on Aboriginal land and increased and harsh penalties for the possession of alcohol, further stigmatise Aboriginal people and create yet another fast track to incarceration when incarceration rates of Australia’s Indigenous people are the worst in the world and Australia’s great shame. The Minister has final say over which alcohol management plans (AMPs) that a community develops are approved, and can change or cancel any AMP without consultation.

It is alarming to note the extended powers assigned to and by the Minister for Indigenous Affairs. The provisions enable the Minister to specify separately, by legislative instrument, any State, Territories or area across Australia for compulsory income management purposes and/or school attendance requirement purposes; different percentages to be deducted from a person’s income and employees of any government agency to be designated as referers. The Rev. Dr Djiniyini Gondarra has been quoted as saying that *“The Intervention policy has taken us back to the 1950s, to the assimilation era. We have lost everything. Aboriginal people must be free to determine our own futures. Any future initiative must support the right of Aboriginal People to maintain our languages, cultural practices and the capacity to live and work on country. Income Management takes away pride and dignity as a person. Now other communities around Australia are in line to become victims. We invite you brothers and sisters, walk with us, then fight a system that victimises people.*

Land reform measures undermine Aboriginal Land Rights and suggest there may be another agenda. The flawed philosophy of forcing Aboriginal people from their own homelands into hub towns is disempowering and callous and one that could lead to dysfunction in the hub towns as Aboriginal people from different tribal areas with diverse traditions, customs and culture try to co-exist. Aboriginal people will have to live on another’s country and be denied their connection to living and practicing culture nurtured by living on their own land (a right which should be inalienable and guaranteed under UNDRIP).

Aboriginal people living in Prescribed Areas report their despair and sense of disempowerment because of the swathe of measures being imposed upon them from the top down, including the continued suspension of the permit system in communities, the

complete Commonwealth control over regulations in Community Living Areas, prohibition of consideration of customary law and cultural practice in bail and sentencing and many more.

The deep hurt and great despair the NT Intervention is causing Aboriginal people is evident from comments like the one from George Gaymarani Pascoe from Milingimbi: “The Intervention has brought the history of welfare reform back today. We don’t want that. It hurts. Today a lot of our people are committing suicide; today a lot of our people can’t cope with the Intervention.” Rosalie Kunoth-Monks even calls the Intervention a ‘second invasion’ saying “It is the land that holds us together and following the second invasion of the 2007 Intervention, we are hurting, and we are suffering”.

The amendments to the Social Security Act mean the further degradation of the rights of Centrelink recipients and the stigmatisation of those who receive benefits. It fails to take into account community requests for positive measures to encourage reluctant school attendees, or a large body of research which demonstrates that punitive measures don’t work. What it will do is create further stress, starvation and disruption within families and communities.

The heartfelt statement by Aboriginal Elders on 7 February 2011 to the people of Australia is particularly striking. The threats to their culture, language and heritage as well as their loss of human rights are 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. The statement can be found at the ‘concerned Australians’ website. This quote as well as other important quotes by Aboriginal Elders and leading Australians can be found in the book “Walk With Us”, also published on the website.

How is it possible that after nearly four years after the famous Speech by former PM Kevin Rudd where he promised that injustices of the past were never to be repeated, that we saw these kinds of NT Intervention measures entrenched and extended for another TEN years? We urge the Australian government to immediately repeal the Stronger Futures legislation and instead work in true partnership with Aboriginal people, to genuinely listen to what they say and develop policies together with Aboriginal peoples based on respect for Aboriginal culture and identity, Aboriginal lore and fully implement the United Nations Declaration on the Rights of Indigenous Peoples which Australia declared its support for, on 3 April 2009.

ⁱ <http://www.concernedaustralians.com.au/media/Let-A-Nicholson-Stronger-Futures-27-6-11.pdf>

ⁱⁱ http://www.indigenous.gov.au/wp-content/uploads/2011/10/consult_1710111.pdf

ⁱⁱⁱ Closing the Gap in the Northern Territory monitoring report Jan – Jun 2011, Part 2, p66 (Table 6.4), accessed at http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/ctg_nt_monitoring_rpt_janjun_2011/Documents/ctg_nt_monitoring_rpt_pt2_janjun11.pdf

^{iv} ABS statistics,

www.abs.gov.au/ausstats/abs@.nsf/Products/AD702E3768342C4CCA25795F000DB4B0?opendocument

^v AIHW 2012. Child protection Australia 2010–11. Child welfare series no. 53. Cat. no. CWS 41. Canberra:

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