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Submission to the Senate Committee on Community Affairs

Draft Stronger Futures in the Northern Territory Bill 2011 and two related bills

Julalikari Council Aboriginal Corporation (JCAC) is a non-profit Indigenous organization based in Tennant Creek and servicing a widespread constituency throughout the Barkly region of the Northern Territory. JCAC provides a range of services to the community with the primary goal of improving the well-being of the Indigenous people of the Barkly region.

As such, JCAC has a strong interest in the draft Stronger Futures in the Northern Territory Bill 2011.

In relation to the proposed Bill, JCAC notes the following:

The timing of the consultation has been most unfortunate noting that although there was an extension, the consultation period and time to prepare our submission to the Senate Committee on Community Affairs has run over the traditional Christmas/holiday breaks and Aboriginal ceremony time. Consequently the absence of key Aboriginal leaders and staff has made this complex package of legislation very difficult to respond to with the level of detail we would have preferred.

Whilst it may not be the intention with this draft legislation, some reflection on the structuring of these policy initiatives through legislation is needed to ensure that government is not attempting to 'mainstream' responses to the complex and diverse issues facing Aboriginal people in the Northern Territory or returning to the paternalistic approaches of earlier times.

It is unclear whether this draft legislation provides the Commonwealth Minister or indeed their Territory counterpart with the power to amend regulations without the input of the Parliament of the day. For instance, whilst parts of the draft legislation notes that the Minister must consult with the owner of the land about making regulations, a failure to comply with this section of the proposed legislation does not affect the validity of the regulations. Without Parliamentary oversight, the outcomes on the ground for Aboriginal people could be counter productive.

The proposed legislation in relation to alcohol abuse is punitive. A cost benefit analysis needs to be undertaken that balances the cost of enforcement against the benefits of increased investment in prevention, early intervention and treatment of alcohol and other substance abuse.

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Our country, us mob, hold it strongly*

This cost benefit analysis needs to incorporate building the capacity and capability of Aboriginal organizations and their staff to work with those who are impacted by alcohol abuse; whether it be the people that abuse alcohol or their families and other community members that are impacted by this insidious addiction.

Alcohol abuse by those Aboriginal people who do drink is not going to go away without significant investment at the 'front end'; i.e. prevention and early intervention and teaching people to drink responsibly. This approach will have a far more positive and longer term impact than the punitive measures proposed, which may result in more Aboriginal people in the prison system where they are already disproportionately over represented.

The security of land tenure for Aboriginal people in the Tennant Creek and surrounding Barkly Region is of enormous significance and essential for future development. To adequately assess the impact of this draft Bill and provide informed and meaningful commentary through any consultation process, JCAC needs to be properly funded to access sound legal and economic development advice. This funding must be made available prior to the legislation being further pursued by the Commonwealth and Northern Territory Governments.

There are complex and multi faceted property agreements in place between the Northern Territory Government and Aboriginal NGOs in this jurisdiction. Consequently the potential impact on individual communities with the diversity of legal arrangements in place is varied. It would be preferable if the Commonwealth Government provided funding to JCAC and other Aboriginal NGOs to undertake feasibility studies prior to proceeding with the implementation of the proposed policies outlined in the package of bills.

Whilst the need to pass this legislation may be based on political expediency, this draft legislation is seeking to address complex and long standing issues. Given the proposed duration of these bills – 10 years; the rush to have this in place is unwarranted.

For instance whilst there are exemptions to cover non school attendance for medical emergencies it is unclear whether the exemptions accommodate relocation of families to major centres for the birth of siblings. This is a particular issue that affects families in Tennant Creek and other remote communities. Whilst this anomaly may be addressed in operational policy manuals, it does reflect ongoing concerns with legislation that is drafted with an urban focus and with scant attention to the realities of remote towns and communities.

JCAC is willing to work in partnership with the Commonwealth Government to secure improvements for Aboriginal people in the Barkly Region. To achieve this outcome, it is fundamental that holistic and well coordinated services are funded and delivered to fully develop realistic pathways for Aboriginal people to engage in positive and meaningful activities. This will contribute to redressing the current and unavoidable over reliance on welfare payments as the only source of income for many Aboriginal families.

Bi-cultural numeracy and literacy programs are essential to begin the pathway to positive and constructive engagement with Aboriginal people. Many working age Aboriginal people are being denied greater participation in a range of economic, social and political activities as English is not their first language.

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Aboriginal people have been and continue to be failed by the education system in this country.

JCAC strongly recommends the use of a strengths based approach rather than a punitive one in responding to the complexity of issues as this will deliver better outcomes on the ground for the Aboriginal people in this jurisdiction.

JCAC is keen to participate in any future consultations on this draft legislation noting that sufficient time is required for each community to consider the legal and economic ramifications on their own particular circumstances if this legislation is passed.

Mary Marshall

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Approved for release:

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Dated: 1 February 2012

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