

To the Senate Community Affairs Committee
Regarding the Stronger Futures in the Northern Territory Bill 2011

I wish to make a submission to the Committee to express my opposition to the proposed Stronger Futures legislation.

I would like to submit the strongest possible opposition to the continuation of the intervention. I do not believe the intervention has provided Indigenous Australian's with better conditions or improved their health and well being - especially the children in any way what's so ever. In fact I believe it has had the opposite effect. It has disenfranchised those Aboriginal people who had strong connections to their Homelands and who used their country as a place to rejuvenate and instil a sense of pride and community. As an early childhood Professor and technical and research adviser for UNICEF International on children's right and child protection I have had the opportunity to see first hand and talk to Aboriginal people about the intervention and I have not heard any positives outcomes from the experience of seeking to take away the communities role as decision makers and caretakers of their land and its people's. Based on the supposed child abuse cases that were suspected but never proven to actually be true, the intervention was intended to protect those most vulnerable in communities - children. Yet I see no changes in the living conditions of children - houses that were to be built to allow children and families proper sanitary conditions haven't been completed - in fact as far as my understanding goes it seems that government houses have been provided for those staff being employed to head up the intervention strategies and the very people who needed the housing still go without.

History reveals over and over again that to empower communities to make real social change it has to start with trust, human rights and sense of respect and partnership. Heavy handed tactics justified by reports that suspect but never justified that children were at risk only adds fuel to an already desperate situation. Children are in need of support and protection and the best people to do this are the community leaders, families and the children themselves. I support John Falzon sentiments when he stated: "It is deeply disappointing to see the Federal Government aligning itself with policies such as compulsory income management and SEAM. These are costly distractions from the real task of reducing inequality and exclusion. You don't build people and communities up by attacking their dignity and their right to self-determination," (John Falzon, CEO, St Vincent de Paul Society National Council of Australia.)

Rather than a punitive approach that seeks to undermine the historical, social and cultural power of a people's who have a right to be acknowledged and valued for their difference and diversity, a supportive and inclusive agenda should be approached where communities and especially children are accommodated in a system that values their right to engage in learning and activities in their homelands, a place that restores and allows them to connect to their cultural roots, while also providing a flexible and responsive health and education system. Not only does this legislation contravene human rights it does not support the role the Australian government must play as a signatory to the United Nations Convention on Children Rights that states it is the Governments responsibility to review all laws relating to children to ensure they do not contravene children's rights :

Article 3 (Best interests of the child): The best interests of children must be the primary concern in making decisions that may affect them. All adults should do what is best for children. When adults make decisions, they should think about how their decisions will affect children. This particularly applies to budget, policy and law makers.

Article 4 (Protection of rights): Governments have a responsibility to take all available measures to make sure children's rights are respected, protected and fulfilled. When countries ratify the Convention, they agree to review their laws relating to children. This involves assessing their social services, legal, health and educational systems, as well as levels of funding for these services. Governments are then obliged to take all necessary steps to ensure that the minimum standards set by the Convention in these areas are being met. They must help families protect children's rights and create an environment where they can grow and reach their potential. In some instances, this may involve changing existing laws or creating new ones. Such legislative changes are not imposed, but come about through the same process by which any law is created or reformed within a country.

I also believe that to be fulfil key articles of the convention the government also needs to take strategic steps before supporting this legislation to undertake participatory research with Aboriginal children and families:

Article 12 (Respect for the views of the child): When adults are making decisions that affect children, children have the right to say what they think should happen and have their opinions taken into account. This does not mean that children can now tell their parents what to do. This Convention encourages adults to listen to the opinions of children and involve them in decision-making -- not give children authority over adults.

It is also clearly identified in the convention on children rights that parents should be provided with the support to take responsibility for the care of their children and every assistance by the government should be focused on supporting parents not creating a punitive environment and take away their parental rights to make good decisions on behalf of their children

Article 18 (Parental responsibilities; state assistance): Both parents share responsibility for bringing up their children, and should always consider what is best for each child. Governments must respect the responsibility of parents for providing appropriate guidance to their children - the Convention does not take responsibility for children away from their parents and give more authority to governments. It places a responsibility on governments to provide support services to parents, especially if both parents work outside the home.

I believe myself and many others, view that these struggles have gone on too long, and we as nation have continually illustrated to the international community that we have not learned by the experience or other nations or grown as a nation in the way we care for and protect the rights of our Indigenous people and especially our Indigenous children. It is a disgrace.

I ask that the legislation be withdrawn and that an alternative policy is developed, based on genuine consultation, community empowerment and the respect of Aboriginal culture, lands and languages and the fundamental right of Aboriginal people and especially children to be able to control their own lives. Anything less will be seen by Australians and the international community as backward step in human and children's rights in this country.

Regards Professor Karen Malone