

Josephite SA Reconciliation Circle

Submission to the Senate Community Affairs Committee
'Stronger Futures in the Northern Territory Bill 2011' and two related Bills

'Without control over their lives people get tired and sick.' (Elders and other Community members of Ramingining, NE Arnhem Land.)

The Josephite SA Reconciliation Circle is committed in the spirit of Mary MacKillop *'in the struggle for justice among the First Peoples'* for the *'need for genuine consultation and an active response with them in supporting their initiatives in their communities.'*¹ In partnership with our Aboriginal mentors, we are implacably opposed to the extension for a further 10 years of the Northern Territory Intervention, now renamed by the Federal Government as 'Stronger Futures.'

We have difficulty in comprehending how the Minister's promise: *'Our partnership with Indigenous peoples will be respectful and collaborative'*,² squares off with the completely 'top down' approach which has continued to characterize the Intervention, whatever its current title.

Elders of the NT in their February 2011 Statement decried: *'As people in our own land, we are shocked by the failure of democratic processes, of the failure to consult with us and of the total disregard for us as human beings.'*³ Sadly, twelve months after this historic statement, it is only too apparent that the Aboriginal Elders' demands *'for the return of our rights'* again go unheeded with this proposed legislation that actually expands controls. Contrary to the promises of the Minister it seems that this present extremely complex legislation of government decision-making, was well in progress even before the results of the 2011 consultations concerning the Intervention were released.

In the years since July 2007 when the Intervention (NTER) was promulgated by the former Coalition Government, our members have been appalled, not only at its continuation, but also by its widespread extension under the Labor Government. Aboriginal people of the NT voted Labor overwhelmingly, in the belief that Labor would bring this oppressive legislation and practice to an end. In fact this current legislation proposes that Income Management is now to be extended to 5 other regions outside the NT, including Playford in our own state of SA.

We call upon present day Senators to refuse to extend the original 5 years to an extraordinary total of 15 years of oppressive control.

Membership of our Circle includes an Aboriginal woman Elder whose family is under the Intervention, other Aboriginal Elders and Sisters of St Joseph and Associates who have been closely involved with Aboriginal people on communities. Since the Intervention began, we have had face to face meetings with several MPs and Senators, including Ministers, as well as some relevant public servants to express our concern and to lobby for serious positive change. We have found that there is little knowledge of the wide-ranging nature of the complex legislation/practice with its control of so many aspects of people's lives, seriously affecting their daily morale and well-being.

Misery, powerlessness, and hopelessness are the consequence of the loss of control in peoples' lives – including in the areas of:

- community governance,
- land,
- income
- employment.

We also acknowledge occasional concern by government members whom we've met, when the true situation is realised, but a seeming powerlessness by particular politicians to affect change within Government.

The most frequent defence by Government is the unprecedented amount of money that is being spent. This we acknowledge. However we must express our deep sadness and echo the frustration of the NT Aboriginal people that so much of these long required funds are being spent on punitive measures, on process and on payment to non-Aboriginal public servants to promulgate and implement these measures. ACOSS has noted that the average cost per person to operate Income Management is over \$4000 while the cost to set up a new region such as Playford will be an extraordinary \$6000 per person – one half the maximum single rate of a person on Newstart. Our members urge that instead of this, the funds be used to implement positive programmes in health, housing, employment, family support and so on in the NT and the new 'areas of disadvantage' targeted by the proposed legislation.

The present proposed legislation:

SEAM (Improving School Enrolment and Attendance through Welfare Reform Measure)⁵

This legislation, we understand, if passed, will apply now throughout the nation for all those Australian families on social security payments.

Our members, many of whom were, or are teachers, all want children to attend school.

However we have been shocked by this legislation ever since it was first mooted in 2008. At the time, previous to the original trials, individual members of our Circle wrote to Government expressing concerns. As in the past, now in 2012, we continue to advocate against such extreme punitive measures which will radically affect many families who are severely at risk of losing the major part of family income if a child has more than 5 days of unexplained absences.

We were not then, nor are we now convinced, by the 2008 assurances of Mr Carters of the Department concerned (DEEWR) (who) assured the then Senate Standing Committee (Report #1.51-p13) ⁴ that there '*will be very, very few people*' suspended. We have noted in previous correspondence (2008) that there are reportedly 20,000 child truants currently in Australia and those of us who live in neighbourhoods among the poor, know that many families will be unable to turn their lives around to ensure that all of their often many children, regularly attend school. Some will make a supreme effort for a few days or weeks but will be unable to keep it up and so be in breach for the following reasons:

- Funds needed for every day breakfast, lunches, recess, travel, clothes and other school expenses on top of the payment of escalating household bills of rent, electricity, car and other regular expenses, simply run out.

- Overcrowded housing makes 'school readiness' very difficult.
- Over the past decade or so, positive programmes including Primary school Abstudy grants, the ASSPA programme, bilingual programmes for Aboriginal students who figure high in the truancy data, have been cut.
- The Australian Education Union and other bodies make clear that there are simply not enough resources including teachers, for all children in the Northern Territory, especially outside the major towns, to be able to attend.
- Many families through poverty, ill health, alcohol, drugs and other related causes are in regular trauma.
- Many are single parent families and currently throughout the nation there are 31,500 children being raised by grandparents (not necessarily all on pensions).
- Racism in schools.
- Inappropriate curriculum for a multicultural society.

In conjunction with other, notably Aboriginal groups, we add that the stringent conditions of attendance seem to give no acknowledgement at all for cultural requirements such as the need for Aboriginal families including children to attend and travel to funeral and other ceremonies.

We also note that the forced closure by Governments of bilingual education has had the obvious effect of less attendance.

One of our Circle, the first Aboriginal Area School Principal in Australia, now retired, brings to the attention of the Senate Committee the significant problem of *'Teachers who aren't trained properly to deal with diversity of cultures in schools, so the parents feel powerless and vote with their feet, opting to take their kids out of school.'*

The average cost of SEAM is an extraordinary \$200,000 per school – this on a punitive programme which the Minister herself has admitted: ***'The evaluation report shows that there has been no overall improvement in school attendance.'*** J.Macklin 2nd reading speech 23/11/2011

Where, we ask, is the evidence-based approach?

Surely this enormous expenditure of public funds could be used more effectively and less punitively on programmes which NT communities at the 2011 Stronger Futures Consultations suggested to improve school attendance.

The Consultations Report included the following suggestions from NT Aboriginal Communities:

- more language and culture in schools
- the development of programmes to get Elders to help parents get kids to school
- the return of bilingual education
- recruiting local teachers
- using local Elders to teach culture in schools.
- specialized teacher training to work in (Aboriginal) communities.

- get teachers to do specific training about community and local culture.
- have the communities involved in the process of hiring teachers and many other suggestions.

Our members question why these positive suggestions do not seem to have been given any credence and why Government has ignored these to concentrate seemingly on just the punitive model.

Schedule 2—Amendment of the Aboriginal Land Rights (Northern Territory) Act 1976.

With Land being central to Aboriginal peoples' identity, culture, health and well-being, our members are concerned about this schedule amending the 1976 the Aboriginal Land Rights (Northern Territory) Act. The passage of this iconic Act within our members' living memory was one of the landmark occasions for Australia as a nation. We acknowledge the hope, inspiration and well-being the passage of this long awaited Bill gave to Aboriginal people in the NT. We recognise many Traditional Owners with their families spent as long as 15 years simply camping on small pockets of their land while awaiting 'handback'.

As the current legislation simply refers to and proposes deletions of certain sections of the original Bill without explanation, we are unable to give wellinformed comment. For example:

23(1)(fb), (fc) and (fd)

Repeal the paragraphs.

6 Subsection 33B(1)

Repeal the subsection.

7 Subsection 33B(3)

Omit "subsection (1) or (2)", substitute "subsection (2)".

What we do know is that a forced return to the formerly discredited 1950s 'hub town' approach, (to give it its current name), will wreak the same disasters as occurred at that time, with Aboriginal people forced from their homelands into large settlements. There is strong evidence that children and adults are healthier and happier in the homelands/outstations with greater opportunities for hunting and other cultural activities and away from the troubles of larger communities. (*Campbell and Davies Research address to the Garma Festival NT 11/8/08.*)

See also the report on the Intervention by the Australian Indigenous Doctors Association – (*Health Impact Assessment of the NTER 2010*).

Sadly we acknowledge that the conditions on Income Management and the Basics Card and other NTER conditions have already meant that many Aboriginal people been forced to leave their homelands for the major towns of the NT with detrimental consequences already outlined in previous correspondence/submissions.

STORE LICENSING

We understand that a sizable section of the proposed legislation is devoted to the licensing of stores. While it is not possible for us to comment on this in detail we note that reports indicate that a basket of food in remote community stores was on average 69% more expensive than at the nearest regional centre.

Over the years of the Intervention ministerial comments and media reports have given great emphasis to the question of food. We make the obvious suggestion that food in remote communities be subsidised – funds be found if necessary from the lessening of the enormous expense of administering the Basics Card or of the frequent stream of public servants to communities. We recommend that Community Stores be supported in the practical matters of combined buying power and mentored in practice rather than the emphasis and expense being constantly on compliance.

CONCLUSION

'Overcoming increasing levels of social violence and alienation is a matter of addressing the parity of the rich and the poor.' (*The Spirit Level: why equality is better for everyone* 2009) 6

Australia has the 5th largest gap between rich and poor of the developed nations of the world. 7

Elders in Arnhem Land report that there is an attempted youth suicide every week. Our Aboriginal members add, *'It's the same thing all over the country – young people taking their own lives'*. 8

Our members ask - Is this the kind of Australia we want where youth find no other outlet but despair?

In a recent documentary aired on national television, the work of a NSW State Senate Committee in helping transform seemingly insuperable problems of a Sydney suburb was highlighted. Finally working **with** (not over the top of) community leaders to understand and achieve genuine resolution and community empowerment, relevant resources were put in place effectively with life-giving results.

We encourage and challenge this Senate Committee and all Federal Senators to seize this same opportunity – to refuse to pass this further repressive legislation of the *'Stronger Futures NT 2011 Bill'*.

We reiterate our call for an end to the Intervention. Instead lead us into a new era – in the words of NT Elder Rev Dr Djiniyini Gondarra- *'a new approach that will bring real law and justice, and make Australia a leader among Nations ... by recognising us as the First Australian people... Let's start with real dialogue...'* 9

We thank the Senate Standing Committee members for the opportunity to respond to the Government's proposed legislation. We note however, that in the four and a half years since the Intervention, our members have responded, along with many other Australians to the Government's various calls for submissions, reviews or evaluations of the NTER /Close the Gap NT/NT Stronger

Futures. Many of these responses were of extraordinary quality and expertise. Even more significantly there have been two major Consultations with Aboriginal communities. Yet the adverse consequences of the NTER (cited very clearly in so many responses) are largely ignored by the proposed legislation.

We believe that the proposed legislation which seeks to further control and for a decade longer, most aspects of the lives of Northern Territory Aboriginal people and at the same time plans to micro-manage and/or cut the income of many more thousands of Australians, Aboriginal and non-Aboriginal, can only lead to further alienation, disempowerment and social exclusion.

Yours sincerely,

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South Australia, January 31, 2012.

Notes

1 25th General Chapter Oct 2007.

2 J Macklin 2009/10 Budget Ministerial Statement on Resetting the Relationship.

3 *Statement by Elders to the People of Australia* 7 February 2011.

4 DEEWR Report to the Senate Standing Committee 2008.

5 *Improving School Enrolment and Attendance through Welfare Reform Measure (SEAM) Evaluation Report for the NT in 2009*, (Jan 2011).

6 *The Spirit Level* 2009, Wilkinson and Pickett.

7 cf OECD (2011), *Divided We Stand: Why Inequality Keeps Rising* www.oecd.org/els/social/inequality
(Under embargo: Monday 5th December 2011, 11am Paris time)

COUNTRY NOTE: AUSTRALIA

'Income inequality among working-age people has been rising since 2000 and is today above the OECD average. In 2008, the average income of the top 10% of Australians was 131 300 AUD (88 800 USD), nearly 10 times higher than that of the bottom 10%, who had an average income of 13 700 AUD (9 300 USD). This is up from a ratio of 8 to 1 in the mid 1990s.'

8 refer also to '*The 13th Day*' Tauto Sansbury. Adelaide SA January 2012.

'The 13th Day (extract)

Yesterday was Day 13 of the New Year, 2012.

And on this day, I attended the funeral of the eighth South Australian Aboriginal person to die – the eighth death in our small community this year. And it was only Day 13... On Friday the thirteenth it was the funeral of a young Aboriginal man, in his prime, who should have had so much to live for. Born 1990, died 2012. Death by suicide. I've been to too many funerals of similar circumstances... Three young Aboriginal people have already committed suicide in this state in the first week and a half of 2012, and it's not raised a ripple that they felt so hopeless that it was easier to end their lives than live in this 'lucky country'. But lucky for who?...The government says it's committed to Closing the Gap. This isn't occurring. In some areas things are getting worse. ..'

9 At Galiwin'ku NT Consultations on the NTER 2009.