

Submission

to

Senate Community Affairs Committee

Inquiry into provisions of Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Emergency Response consolidation) Bill 2008.

Submitters: Laynhapuy Homelands Association Inc. on behalf of our members
Traditional Owners of the Laynhapuy, Djalkarripuyngu and
Miyarkapuyngu regions of North East Arnhem Land

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Date: 27 April 2008

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Introduction

Thank you for this opportunity put the views of our members regarding this latest aspect of the Intervention.

Our members are the Traditional Owners of the Laynhapuy, Djalkarripuyngu and Miyarkapuyngu regions of North East Arnhem Land. Our membership consists of some 700 persons from the traditional land owning clans, who live in the 19 homelands our Association services.

When our members last had the opportunity to make a submission to the Senate regarding the Intervention, it was not yet a reality – no one knew exactly how it would unfold. At that time we had the opportunity to comment on many aspects of the legislation.

It is unfortunate and constraining that this time our comments must be substantially limited to the four specific areas of amendment:

- Pay television broadcasts of R18+ programs
- Transport of prohibited category materials through Aboriginal land
- Reversal of changes to the permit system
- Community Store licensing as it affects roadhouses.

From our Yolngu perspective there are many things wrong with the Intervention and accompanying legislation. Reversal of the changes to the permit system are of great importance to our people, and we support this. However, the other amendments are really just tinkering at the edges of a failed approach - at least with respect to our needs and issues.

We accept that some communities may have been in need of a strong centralised approach to get things back on track – especially where they have been exposed to the ravages of alcohol and petrol sniffing, but that is certainly NOT what many communities needed, and certainly not our homelands.

We must ask what more could be achieved if the same level of resources available to the Intervention were directed differently without the wasteful layers of new bureaucracy, and if Government was willing to listen to those organisations and agencies with experience on the ground and knowledge of local issues.

Do people in Canberra and the Task Force members really think they understand local issues and needs better than organisations such as Laynhapuy and Bawinanga who have been grappling with these development issues for many years but without the resources to ever do the job properly? Appropriately targeted additional resources and expert support to plan, implement and monitor development strategies and projects is what is required - not external control and paternalism.

Ten months after the announcement of the Intervention, the positive impacts of the Intervention itself on our homelands are negligible. The only positive direct impact of the Intervention is the contribution of additional funding to enhance our existing child health screening program.

On the down side, the Intervention has resulted in:

- removal \$1.2 m of funding for services and infrastructure to our homelands as a result of the ban on kava. This occurred without one cent of compensation or anything equivalent to 'structural adjustment' assistance.
- the failed Commonwealth approach to alcohol restrictions. Combined with the kava ban, this temporarily but significantly increased the amount of alcohol abuse in Yirrkala and homelands, and has resulted in some homeland members who had not drunk alcohol from any years returning to the long grass. Fortunately the locally devised NT alcohol permit system has now replaced the Intervention measure.
- the Memorandum of Understanding on Indigenous Housing pushed through by the Commonwealth last October which has excluded homelands from receiving any benefit whatsoever from the Intervention investment in housing. Our backlog and emerging housing needs are being ignored.
- the different treatment of major communities relative to homeland communities in terms of access to Intervention resources. For example, our school children aren't deemed eligible for the school lunch initiative available in the major community.

The few signs of hope for the homelands are primarily the result of the change of Government, and initiatives by the Territory Government, including:

- The moratorium on the closure of our CDEP

- The NT Government's Closing the Gap initiative which has brought forward delivery of a new school and teacher housing in one homeland.
- consideration by Power and Water Authority to assume responsibility for power services to one or two of our major homelands.
- the NT Government's commitment to continue municipal services funding for at least another 12 months.

The expansion of un-subsidised employment (so called 'real jobs' in Government funded service provision) is welcomed, but these programs were already in progress before the Intervention. The Dept. Environment and Water Resources must be commended for its Working on Country initiative.

Other than the failed alcohol ban, none of the above are a consequence of the Emergency Response legislation. Any inquiry focused around the legislation will therefore only give a very partial picture of the Intervention and its effects.

Fortunately our organization and our members have not been subjected to the full range of controls available under the legislation. But has any other person or organization? Hopefully over the course of time, it will become obvious that many of the assumptions about the causes and extent of problems in communities, and therefore the required responses as enshrined in the legislation, will be seen as unfounded and that many aspects of the legislation are extreme and unnecessary.

The major concern for our people now is the forthcoming imposition of 'Income Management' and associated 'food security' measures in homelands. In our homelands alcohol has never been permitted or a problem, and it is now legally banned. Gambling and other substance abuse is minimal or non-existent. Crime and reported/known domestic violence and child abuse instances are extremely low. In homelands where there is a school a school and teachers are available, attendance is relatively good. Where is the evidence to justify the imposition of Income Management? But the Intervention never was based on evidence or knowledge of local circumstances!

We are also concerned that in the rush to create 'food security' Government may undermine our attempts to establish a homeland stores and food distribution business – which will create jobs, provide training opportunities and build capacity.

Our other major concern is the inflexibility and inappropriateness of government policy and programs which prioritise conformity with programs frameworks above effectiveness and the achievement of outcomes on the ground. Our much needed and very effective Training Section, which negotiates access to training for our 294 CDEP participants and 40+ Yolngu staff, is about to be wound up because it doesn't 'fit' in any current funding programs. Nor can we access funding for in-house trainers or literacy and numeracy work. All we need is funding support for one Yolngu and one non-Yolngu administration coordination positions, and one Yolngu and one non-Yolngu literacy and numeracy tutor positions. Surely the creation of this local employment and capacity is a better investment than the costs of air fares, vehicle hire, travel allowance and accommodation for the fly in fly out trainers from external providers. What is the point of creating jobs and

accumulating the experience and capacity Darwin rather than in the community where it is needed?

Government needs to fund what is effective, adds value and builds local capacity and employment – not blindly adhere to program frameworks of dubious effectiveness or value for money. Again, the Intervention Task Force and other agencies need to be responsive to what local communities identify as the most effective ways to redress problems.

Hopefully you have heard our voice and our general concerns about the Intervention and how Government policies and programs continue to fail us, because those responsible don't really listen.

We want economic development, jobs and training in our homelands. We want our children to be literate and numerate, and to be well educated. We want our people to be even healthier. We want our homelands to remain free of alcohol and substance abuse, and for our women, children and young people to continue to be safe and away from violence. We want our people to move with ease between the Yolngu world and the Ngapaki world.

We may need Government assistance to develop and implement our plans, but we know what is required to address the needs of our homelands, and we ask Government to engage with us to support these measures. Not to just impose the Intervention and other programs on us.

But now I would like to address the specific amendments to the Emergency Response Consolidation Bill.

Schedule 1 - R18+ programs.

Very few of our homeland residents have access to pay TV. In fact, until November last year, only one homeland had a reliable supply of 240v electricity to sustain the regular watching of television. Some individuals may use private generators to run TV and satellite services, but this is an expensive and inconvenient alternative.

As such, we are not aware that the regular viewing of R18+ programs is occurring, much less causing problems in the homelands.

Consequently we are not in a position to comment on this matter other than to support the principle that there must be adequate community consultation before such restrictions on access are imposed on a community.

We have no particular view on this amendment.

Schedule 2 – Transport of prohibited material

While our members may have general concerns about the availability of such prohibited material in our region, it would be a nonsense to object to this amendment unless the sale and distribution at end destinations such as Nhulunbuy was also prohibited.

As it seems extremely unlikely that the Australian Government would impose such restrictions on the activities of non-indigenous business owners

or consumers, there would seem little point in objecting to the transport of this material through our land.

We have no particular view on this amendment.

Schedule 3 – Land Rights

Our members strongly support the proposed repeal of the amendments to the Land Rights Act which gave public access to certain Aboriginal land without the requirement for permits.

Our members have previously petitioned the Parliament on this matter and argued strongly in our last submission against the changes to the Permit System.

The Permit System was and remains an important expression of our right to control access to our land and resources. It serves a useful purpose in assisting us to manage our own affairs and maintain our culture.

We believe the approach of the previous Government was both misguided and mischievous. If anything, the permit system assists in protecting our homelands from carpet baggers, undesirable visitors, and the easy movement of illicit substances into our homelands. But these benefits are secondary and never were the purpose of the Permit System, which is really about allowing us exercising basic rights over who can and cannot enter our land.

We support this amendment.

Schedule 4 – Community Stores

For our homeland residents, their main concern is the absence on any stores or food distribution service. They are forced to spend very significant proportions of their household and community income on return travel to the supermarkets in Nhulunbuy.

It is an issue of very significant frustration to our members that the Intervention has complicated and further delayed attempts by our Association to establish a stores and food distribution service. In addition to making essential and nutritional food items and other household items available without the need for expensive transport, our proposal would provide training, employment and income generation opportunities in the homelands.

This project is potentially at risk because of the imminent roll out of Income management, and the necessity to put in at least interim ‘food security’ arrangements, and the uncertainty about what if any support might be available to establish such an operation.

Concerning this specific amendment relating to ‘roadhouses’, we note that this was an issue raised in our previous submission. It seemed inappropriate and discriminatory then for ‘roadhouses’ and ‘takeaway’ outlets to be exempted from the store licensing provisions.

The view of our Association is that if community stores are going to be licensed then the same provision must apply to all stores selling similar or competing products if they are operating on Aboriginal land.

Consequently we support the amendment to the extent that it incorporates 'roadhouses' within the licensing regime.

We do not, however, support the amendment to the extent that 'roadhouses' are subject to different requirements than other community stores.

Concluding Comment

Thank you for this opportunity to speak to the Committee.

As indicated above we have many concerns about the Intervention, and the extent to which special legislation and implementation structures such as the Task Force and in particular Government Business Managers, were required.

We believe local organizations with demonstrated experience and capacity should have been trusted and engaged in delivering the additional resources and programs.

We look forward to the forthcoming review of the Intervention announced by Minister Macklin, so the real issues concerning effectiveness and efficiency of the Intervention, and future directions for the development of Aboriginal communities and homelands can be more fully considered. We

hope this will provide a more adequate opportunity to respond with the real concerns of community members.

Finally, we commend the Government for substantially reinstating the permit system through inclusion of the Schedule 3 amendment. Control of our land is all important to us.