

Committee Secretary  
Senate Standing Committee on Community Affairs  
PO Box 6100  
Parliament House  
Canberra ACT 2600  
Australia

**Submission Re:**

***Inquiry into Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2009 and the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (2009 Measures) Bill 2009 along with the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Restoration of Racial Discrimination Act) Bill 2009***

I am making this submission as an individual Australian citizen. I lived in Ramingining, in NE Arnhem Land, for six years during the period 2001 to 2007. I was a teacher for four and half years and a PhD researcher for 18 months. I was there in 2006 when the NTER was implemented and I have visited a number of times in 2008 and 2009. I have worked closely with many Yolngu in Ramingining and talked at length about issues to do with the Intervention.

From its beginning, the NTER had a strangely discriminating and yet indiscriminate nature. It distinguished between Indigenous and non-Indigenous towns but not between Indigenous towns and peoples. Dry towns, functional families, highly responsible individuals were all treated the same within the net which was thrown over the 'prescribed communities' .. the 'black communities'.

If and when the management of income is extended to include all Centrelink recipients (with an opt-out clause) it will become even more obvious that the measures were racially based and not 'behaviour based', as it will be a blatant statement that white people would not have tolerated such an indiscriminate law. Why should functional, responsible Indigenous families and individuals have been denied this respect when it is obvious it cannot be denied to Non-Indigenous people?

If and when such an amended law is implemented it should be with an apology to Indigenous peoples that this fundamental respect was denied to them.

There are also other disjunctions in the legislation and the rhetoric which goes with it, between white and black within the communities it targets. Alcohol is presented as a 'black' problem without reference to the huge 'white' alcohol problem which exists in many of these towns. Even within the so called dry towns, alcohol is used, but as much by Non-Indigenous people as Indigenous people. This is a well understood fact within these towns, even by the police. While white people (often 'respected' people working in the clinics, schools and other white institutions) continue to drink, and police turn a blind eye, the issue can hardly be addressed. It is a blatant statement that there is one law for 'whites' and another for 'blacks'.

During the lead up to the intervention many community meetings were held in an attempt to help people to understand what was about to happen. Many Indigenous leaders used these forums to express their dismay and anger and their determination to vote out the Government which had implemented it. When the Government changed and most obvious aspects of the Intervention stayed, I believe Yolngu people slipped into the state in which they deal with most white behavior in their town. They found a way to live with it - around it, through it - accepting the humiliations with the same grace they have always used. They are not used to protest, they are used to finding ways to go on. Even the indignity of a public screen in the store, which reads the amount of credit on a Centelink card - openly for all who are in the vicinity - was accepted without protest.

But quietly the dismay remains. On a visit in 2009 I asked one of the elders (a highly responsible, literate, articulate man who does not drink) what he thought of the Intervention, and he replied that to him, having been to school in the mission days, intervention means war.

I believe that as the Senate considers the issue of the use of the Racial Discrimination Act in the NT it should take into consideration the impact its negation has been having over the last two years, and the fact that quietly restoring it and including an opt-out clause in income management (because white people are now going to be included!) will not mitigate the damage done. The restoration needs to be done with acknowledgement of the mistake it has been. If we are serious about a shared future in Australia, with both Indigenous and Non-Indigenous cultures contributing to, challenging and inspiring each other, then we can't allow disrespect to be left simmering in the foundations of what we have to build on.

A handwritten signature in cursive script that reads "A.V. Nicholls".

Anthea Nicholls  
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