

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

January 29<sup>th</sup> 2010

**Submission by the Yearly Meeting Indigenous Concerns Committee (YMICC) of The Religious Society of Friends (Quakers) in Australia regarding the Senate's**

***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***

The YMICC welcomes this Senates inquiry and acknowledges the commitment and genuine desire by all Parliamentarians to address the on-going pain and suffering experienced by Aboriginal People within the Northern Territory resulting from past Governmental policies.

It welcomes the Government's commitment to closing the gap on Indigenous health, its signing of the United Nations Declaration on the Rights of Indigenous Peoples and its commitment to increase consultation with affected Aboriginal communities. It also welcomes the Minister's commitment to use an evidence based approach when assessing the success of government policies designed to assist the most marginalised people in Australia.

We note that the Government's stated policy objectives in introducing this legislation are:

- to address the social and economic disengagement arising from long term welfare dependence in disadvantaged regions, and in particular across the whole of the Northern Territory;
- to improve the engagement, participation and responsibility of certain welfare recipients;
- to continue and strengthen the measures to protect women and children, including reducing alcohol-related harm, improving food security, ensuring appropriately secure tenure for the delivery of government services, promoting personal responsibility and rebuilding community norms in Northern Territory Indigenous communities; and
- to reinstate the Racial Discrimination Act 1975 (RDA) in the operation of relevant legislation, particularly the Northern Territory National Emergency Response Act 2007.

The YMICC does not believe the proposed legislation in its current form will meet these admirable objectives.

We state this, because this Government, like its predecessors, has failed to implement the recommendations provided to it by numerous enquiries over many decades on the type of policies and programs that will work not only with Indigenous people but all people.

Reconciliation Australia has identified ten ingredients for successful Indigenous policies and programs:

1. Genuine engagement with communities in talking about, developing and implementing policies.
2. Active and well-supported Indigenous led decision-making in program-design.
3. Grass-roots, bottom-up approaches that knit together local knowledge within a national framework.
4. Local and region specific programs that are tailored to the needs of particular communities rather than 'one size fits all' approaches.
5. Investment in and support for local Indigenous leadership.
6. Long-term investment in strengthening communities at a local level to decide and manage their own lives.
7. Programs and policy approaches that are geared towards long-term achievements.
8. Real investment of dollars and people based on need and ongoing support for programs that work.
9. Regular and independent public evaluation of programs and policies to make sure we learn from mistakes and successes.
10. Co-operative, cross sector approaches which reduce the burden of duplication and red-tape on community organisations.

These points are a summary of recommendations and findings from the following sources:

- The Productivity Commission Overcoming Indigenous Disadvantage: Key Indicators 2007
- Aboriginal and Torres Strait Islander Social Justice Commissioner Social Justice Report 2006, 2005 & 2004
- The Telethon Institute for Child Health Research, Western Australian Aboriginal Child Health Survey 2006
- Anderson, P. & Wild, R. Ampe Akelyernemane Meke Mekarle 'Little Children are Sacred' Report, 2007
- Reconciliation Australia & CAEPR, Hunt, J. & Smith, D. Indigenous Community Governance Project: Year Two Research Findings 2006 and Building Indigenous Community Governance in Australia; Preliminary Research Findings 2005
- Dr Ken Henry, Treasury Secretary 'Creating the right incentives for Indigenous Development' Address to the Cape York Institute Conference, 2007

The YMICC supports and applauds the Federal Government and its predecessor for attempting to address the immense social problems in many Aboriginal communities resulting from passed discrimination and cultural genocide that Aboriginal people and their bodies have been raising and seeking assistance in resolving for many years.

The Government has used comments by some individual people and communities as evidence that the intervention in its current form has been of assistance to aboriginal people and their communities within the NT; though the YMICC believes such assistance need not have been implemented in the non-consultative way they were or with the suspension of the Racial Discrimination Act.

It believes like many others, that many of the “ identified benefits’ directly attributed to the NTER are programs, infrastructure and funding that the wider Australian population have taken for granted for decades and should have already been provided to Aboriginal communities as a right .. not as a conditional privilege.

The YMICC and the government have also heard of the pain and suffering of others who have had different experiences of the intervention: communities and individuals left baffled, frustrated and angered; of successful community initiated programs stopped or defunded; responsible families treated as though their efforts had never been appreciated.

A great deal of heart ache and despair could have been saved if the previous government had enacted the recommendations of the Ampe Akelyernemane Meke Mekarle ‘Little Children are Sacred’ Report.

The report’s recommendations provided a way forward to build upon the successful programs already achieving results within the NT and provided a mechanism to involve communities in dealing with the issues affecting their communities. By ignoring these recommendations the previous government’s actions lead to unnecessary pain, division and conflict where harmony was possible.

The YMICC despairs that this government seems to be following previous governments in ignoring the recommendations of their own and others inquiries, as listed above, which contradict the one size fits all approach. It also believes that due to cultural relativism and / or prejudice it is continuing the long held and failed program of **forced** assimilation of Aboriginal peoples into mainstream Anglo Australian culture.

Self determination is a universal human right. How Aboriginal people and communities choose to interact with broader Australian ‘values’ should be left to them and negotiated between respected equals .. not between coloniser and the colonised.

Recognition of Aboriginal and Torres Strait Island Culture as having equal worth and status to mainstream Anglo Australian culture is an integral part of implementing in practice what the Government agreed to in signing the United Nations Declaration on the Rights of Indigenous Peoples.

Contrary to the recommendations in the above Reports, on how best to tackle the continuing dysfunctionality of some Aboriginal Communities and families and a history of failures of the one size fits all approach of paternal government control of Aboriginal Lives, the current Government is attempting to use a questionable consultation approach and poor evidentiary research to justify the continuation of many of the discriminatory elements of the intervention under the current Bills before the Senate.

Phone polling of the owners of the new ‘recognised’ community stores to determine their positive affect on community purchasing habits is poor research at best.

Poor information, loaded questions and a lack of interpreters were identified in the Report by Alastair Nicholson, Larissa Behrendt, Alison Vivian, Nicole Watson and Michele Harris of the Research Unit, Jumbunna Indigenous House of Learning November 2009 entitled **Will they be heard? A response to the NTER Consultations June to August 2009 Report**. The report outlines some of the major issues they and others have about the ‘consultation process’ and findings the Minister is using to justify the continuation of many of the discriminatory aspects of the intervention under the special measures clause of the UN Convention against Racial Discrimination.

These practices do not conform to evidentiary best practice, a practice the Minister has stated would be the basis against which government policy regarding Indigenous peoples would be assessed.

Extending 'income control' to other vulnerable Territorians on social welfare benefits and impeding their human rights does not make income protection any less discriminatory. Blaming the victim and not seeking to identify the cause of dysfunctionality has not worked in the past and probably won't work into the future either. Moreover 'rewarding' responsible Indigenous families with the same income controls imposed on less responsible households has sent a powerful message that the measures are racially based, not 'behaviour based'.

The YMICC believes that, rather than enact the current Bills (which will not address the underlying causes of the chronic dysfunctionality of some Aboriginal and non Aboriginal families and communities), the government should enact the recommendations of the Ampe Akelyernemane Meke Mekarle 'Little Children are Sacred' Report.

Move away from a Prohibition approach to dealing with alcohol abuse, which has failed everywhere it has been tried and adopt a best practice approach that sees alcohol abuse as often resulting from despair - and alcoholism as an illness - and replace prohibition with well funded community involvement healing programs that have been proven to work and *were working* in some communities prior to the imposition of Prohibition and the removal of funding.

Dr Howard Goldenberg, who has been working throughout the NT, continues to see patients presenting with alcohol related problems in so called 'dry areas' simply because there are always ways to get alcohol (from Howard Goldenberg's book "Raft" pub 2009).

Moreover the continuing use of alcohol by non Aboriginal people in prescribed areas once more lends many Aboriginals to see it as a race issue.

We would encourage the Government to read and take into account the Secretariat of National Aboriginal and Islander Child Care (SNAICC) reports such as "Their Future Our Responsibility: Making a commitment to Aboriginal and Torres Strait Islander children", the "8 priorities for Aboriginal and Torres Strait Islander Children & Families" Nov 2009 policy paper and "Children and Young People Living in Safe and Strong Communities" Discussion paper Nov 2009 that can be sourced from their website: <http://www.snaicc.asn.au>

#### **Questions the Senate committee should be asking of the government are:**

- Q. Why won't it implement the recommendations of the Ampe Akelyernemane Meke Mekarle 'Little Children are Sacred' Report? A report based upon immense and detailed consultation with affected Aboriginal communities and recommendations that met with the approval of those communities.
- Q. Why is it proceeding with a Prohibition approach to alcohol when prohibition has not worked anywhere in the world?
- Q. How is the removal of the human rights of other Territorians on social welfare an appropriate way of re-instating the Racial Discrimination Act?

#### **Suggested amendments to the Bills**

Should the Government still wish to proceed with this faulted legislation, then the Bills should be amended to allow the ability of individuals and communities to **opt into** income management / control and the other aspects of the Bill, such as leasing arrangements, rather than its current approach requiring people and communities to prove they should **not** be subjected to government control.

This would uphold the rights of individuals and communities to self determination and ensure voluntarism, which has a more successful record than mandatory impositions on people and communities.

We acknowledge the deep commitment of all parliamentarians to seek a way forward in the face of often heart breaking issues. We also acknowledge the significant progress made by the Government and Parliament in particular

- ~ The Apology to the Stolen Generations,
- ~ The signing of the UN Declaration on the Rights of Indigenous Peoples, and
- ~ The commitment to re-instate the Racial Discrimination Act in relation to Indigenous People within the NT.

However, the committee also believes it should challenge the Government and Parliament when its actions are not congruent with their stated objectives and the Quaker Testimony of the equality of all people.

We thank the Senate Standing Committee on Community Affairs for the opportunity to make this submission, and appreciate the time it devotes to bettering the lives of all Australians.

Yours Sincerely,

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Yearly Meeting Indigenous Concerns Committee  
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