

Submission to Senate 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.

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Summary

The Northern Territory Intervention legislation amendments need to restore to Aboriginal families the respect due to them as Australian citizens. Suspension of provisions of the Anti-Discrimination Act dishonoured our country's reputation nationally and internationally.

The current Federal Government is well intentioned but not well served by its administrative system.

Money is being wasted. The 'one size fits all' policy of the previous Federal Government was hasty and not well planned. It has been hard for the current Government to roll it back. Some individuals and some communities have suffered greatly. It is good that the Government uses evidence-based data to point out what has improved. However, it is equally important, to admit failures and correct them before they get worse.

'Closing the Gap' for education outcomes, health and community well-being for Aboriginal families is essential. It will succeed only if Aboriginal leadership in communities is recognised and allowed to flourish. Compulsory quarantining of welfare payments is not an effective mechanism for empowerment.

We hope that policies for Aboriginal well-being could once again receive bi-partisan support from both Labor and Coalition in the Federal, State and Territory parliaments. All levels of the Northern Territory administration need to be held accountable for carrying out their responsibilities for health, education , justice and infrastructure development and maintenance.

There have been many Government inquiries into Aboriginal issues over the past 60 years. Most of their recommendations have not been put into practice. This goes against common sense and best practice in governance.

1.Re-instatement of the Racial Discrimination Act provisions.

The current Federal Government has recovered some of Australia's international reputation by the Apology to the Stolen Generation by the Prime Minister in 2008 and by its support for the United Nations Declaration on the Rights of Indigenous Peoples in 2009.

However, in his 2008 and 2009 Social Justice Reports, Commissioner Tom Calma outlined in great detail what still needs to be done.

The UN Special Rapporteur on Indigenous Rights, James Anaya visited Australia in August, 2009 at the invitation of the Australian Government. It would be important for this Inquiry to have access to his full report. We understand that he was concerned that the Racial Discrimination Act had been suspended by Government legislation. He noted the scale of disadvantage in rural and remote Aboriginal communities. He stated that,

Government initiatives to address the needs of indigenous peoples, should avoid imposing leasing or other arrangements that would undermine indigenous peoples' control over their land.

Irene Khan, the Secretary of Amnesty International was also concerned about the Intervention provisions.

The Government will not secure the long term protection of women and children unless there is an integrated human rights solution that empowers peoples and engages them to take responsibility for the solution. (reported *The Koori Mail*, 2/12/09 p 7)

It seems that some of the Intervention measures may be retained in the Northern Territory as 'special measures'. It is important that the Racial Discrimination Act is reinstated in full.

What criteria are going to be used for 'special provisions' that are not reversed by the proposed amendments? To qualify under the RDA, they have 'to benefit Aboriginal communities and families'. It is important that the communities decide what is of benefit and that unnecessary controls do not remain.

The Intervention measures have helped reduce some problems with alcohol. Restriction of supply is one of the strategies that Aboriginal communities have imposed themselves over many years. Many communities have been 'dry'. Many more Aboriginal people do not drink at all, compared with mainstream Australians. However, additional Intervention alcohol restrictions in some Aboriginal communities have made the situation worse. More people moved to towns to drink or to drink-drive and to bring alcohol back to the outskirts of dry settlements.

Alcohol is a serious problem for many non-Aboriginal people in the Northern territory. Binge drinking in cities, towns and communities is widespread. Care has to be taken that blanket condemnations about excess drinking are not taken to apply only to Aboriginal people. Legal efforts to control binge drinking will not work in the absence of other measures – counsellors, meaningful work, proper housing and nutrition. Further restrictions on alcohol sales in NT are opposed by those with vested interests. The important issue is that Aboriginal communities would be free to impose their own restrictions. In some communities the Business Manager or others provide alcohol against the wishes/ well-being of the families. The well-being of families should be supported by the authorities. Policing and punitive measures should be a last resort.

The take-over of Aboriginal town leases and land in the Intervention has been confusing. How five year leases can help house construction is puzzling. How 99 year leases can result in Aboriginal homeownership is not logical, when non-Aboriginal people can purchase such houses.

Northern Territory Housing authority does not have a good reputation. Good cross-checks and balances need to be in place, as the organisation has been given the responsibility for handling a very large building programme with difficult transport and climate logistics (\$5.5 billion over 10 years, Hon Jenny Macklin *The Koori Mail*, 23/09/09 p 21). Can a quarterly report be released on the number of houses built and their location? Some communities with poor housing are not on the list.

The irony is that the large amount of money allocated for Aboriginal housing in the Intervention had not resulted in one Aboriginal house being built up in 2008. Is it true that no houses for Aboriginal families had been completed by the end of 2009? The Government assures us that this will change but deadline after deadline has been missed! Unsuitable housing was provided initially for Managers, then the Managers and highly paid 'flown-in' people were provided with housing while the local families were left without any improvement at all. It is easy to imagine how the homeless and families in rundown housing feel when this happens.

We hope that communities have been consulted about the designs : the past is littered with unsuitable housing for Aboriginal people in hot dry areas. As the scheme is implemented, it will be important in improving the well-being of communities and an opportunity for Government and the communities to celebrate together.

The Tiwi people signed the 99 year housing leases early. We hope they will not be disappointed Already they have lost forest to unscrupulous developers. It is hard to get justice in remote areas. By the time the legal situation is clarified, damage is irreversible (*Sydney Morning Herald* 16/10/08 p 9).

2. Proposed extension of welfare quarantining to non-Aboriginal people in the Northern Territory and Australian states.

If income quarantining is voluntary again, this would satisfy the RDA Act. If income quarantining was imposed only on families – black or white- where there were problems for the children or elderly – then the RDA could still apply. (Darren Coyne , *The Koori Mail* 2/12/09 p 5-6).

No Government would ever consider compulsory quarantining of all on benefits – aged, child support, veteran, carer benefits – within the whole Australian community. That is why it is hard to understand why it is taking so long to reverse this situation for Aboriginal people in the Northern Territory.

3. Administration and Cost of the Intervention measures.

Granted the Federal Government's move to transparency on the standards of education and education funding throughout Australia, it is important that the monetary costs of the Intervention are made public to more than a Senates' Estimates Committee.

Figures are being quoted (in the press and emails) about the Intervention cost. If they are not true, they need to be refuted. If they are true, they look like a major misuse of taxpayer's money.

*for the financial year 2007-2008: \$88,000,000 to Centrelink for income management

*over 700 new public service positions

* The cost to businesses of installing the new complex accounting is not clear. It is not clear what income has been lost to those businesses not licensed to use the quarantining cards.

* Half of all of managed income can to be spent using cards at certain shops only.

*Financial year 2009-2010 estimates a cost of \$7000 to the government to manage each income of just over \$10,000.

*In order to access the rest of the income, some people in remote areas have had to travel over 100km one way spending over \$600 on transport to get a piece of paper from Centrelink that would enable them to get their own money for funeral travel, car expenses, registration, phone bills. Sometimes there is not enough money left to go home.

*Business managers are being paid up to \$150,000/year with up to 5 flights back to their homes/year; some are not even residential in the communities they are paid to 'manage'. What evaluation is being obtained of their performance? Taking account of their reports alone would not necessarily give a balanced picture of the community. They would have a vested interest in retaining such a well-paid job. Many have inadequate cultural understanding.

*When people can travel only once a fortnight to an approved store 100km distant, 'fresh food' lasts only a few days ,even in refrigerators, let alone in places without electricity .

*Different families have different expenses: sometimes they are told they have to spend money using the cards for things they don't want , using money which otherwise they would have saved.

* Previously, men could travel to hunt bush food to supplement family diets; seasonal food sources were not taken into account when quarantining has prevented people travelling.

*The Intervention was supposed to improve the health of families. Documented evidence from Sunrise Community near Katherine shows an increase in anaemia. The National Aboriginal Community Controlled Health Organisation (NACCHO) is concerned that the Government is not developing long term solutions in partnership with community controlled health services.(*the Koori Mail* 18/11/09 p 1,4). Money is being wasted. Local expertise is not being used.

**The little children are sacred* report made 97 recommendations. Not one was addressed by the NTER in 2007. The authors expected societal change would take 15 years but insisted action start at once : '*What is required is a determined, coordinated effort to break the cycle(of child abuse) and provide the necessary strength, power, and appropriate support to local communities so they can lead themselves out of the malaise : in a word, empowerment*'.

Why has the Intervention lost sight of the very reason used to impose it?

4. Parameters used for evaluation.

There is no shortage of information on what will work for aboriginal communities for housing, health, education, social cohesion , inclusion and development.

The various yearly Social Justice Reports of the Human Rights Commission since 1993 are available to Government. There are the recommendations of the major reports : *Royal Commission into Aboriginal Deaths in Custody*,1991 and subsequent *Deaths in Custody* reports; *Bringing them Home*, 1997 ; *The Little Children are sacred* , Rex Wilde and Pat Anderson,2007 ; *Northern Territory Emergency Response Review* Peter Yu, Maria Ella Duncan, Bill Grey,2008.

The problem seems to be the lack of co-ordination between departments and NGOs and communities. There is no 'institutional memory'. Each change of government seems to be followed by selective amnesia about the past. Noel Pearson sees this as a major barrier to Indigenous development. Noel Pearson has been quoted as supporting the Intervention but he does not support mandatory quarantining of payments. He has outlined a different vision in *Radical Hope, Education and Equality in Australia*; Quarterly Essay Issue 25,2009)

5. Empowering Partnerships between local communities , government agencies and ngos

Most successful development agencies work 'with people' rather than 'for them'.

The protection of children was used as the justification for the NTER – wrongly, as we can now see. It seems that the Government has been unable to dismantle those sections of the intervention that are wasting money and clogging communities.

Aboriginal communities want the best for families. There are needs which the Government and local communities want to meet more effectively. The main plea is for proper consultation. Initially, this was lacking. The Minister has tried to make up for the major lack of consultation in 2007-2008. How effective the 500 consultations were in 2009 remains to be seen.

Consultation needs to be followed by decisions that direct funding effectively. It is a long branching pipeline between Canberra and the various agencies responsible to channelling funds right down the line to various Homelands communities. Communication is difficult enough in the city –'Your call is important to us....' Centrelink is a 1300 number. Calls are not free. Callers are put on hold for long periods. How can people in a remote area, on a public phone, find out what has happened to their money, when no one speaks their language, and they are beyond the reach of interpreters, emails and basic services?

It seems to us that Australia as a nation has missed so much of value in the relations between Aboriginal people and 'others'. Those of us fortunate enough to have Aboriginal friends know how much we receive from them – their courage, sense of humour, care for family, outreach to all, sharing even when they have little, forgiveness. So much has been lost of knowledge of their environment, survival skills and healthy living. Those who live in NSW are concerned that the NT families are suffering, just as they did under the 'Mission Station' managers up to the 1960s. It has brought back unhappy memories and a fear that it could happen again.

We know that our Aboriginal friends and their families suffer from racism. It is time Australians admitted that we have not grappled with both the overt and covert racism throughout our society. Governments may deny it but the Intervention processes reveal it still. What happens to Aboriginal people in the Northern Territory affects Aboriginal families throughout Australia in a way most people do not realise.

One grandmother had to take her 10 year old grandson from school in Western Sydney because he was being verbally abused. The playground bullies heard enough on the TV about the Northern Territory Intervention to taunt this boy – in language not to be repeated here – that all Aboriginal men were abusers and so was he. The child had to change schools – and people wonder why going to school is such a problem for Aboriginal children. The RDA in itself will not prevent racist behaviour. However, suspension of the RDA can remove a protection and allow racist actions to be taken for granted.

We hope for a return to the bi-partisan support for Aboriginal people that marked Federal governments in the past eg the Whitlam/Fraser changeover that did not reverse progress in Aboriginal affairs. One way this co-operation could occur would be in passing the legislation needed to put Australian support of the UN Declaration on the Rights of Indigenous People into Australian law.

Another would be to consider the subject of this Inquiry with one aim: to improve the wellbeing of all Aboriginal families and not make the amendments a matter of political point scoring.

**Regarding the legislative amendments that are the subject of this inquiry:
we recommend:**

*** that these proposed amendments be changed in order to empower local Aboriginal communities more effectively**

***that the provisions of the Racial Discrimination Act be fully restored.**

Sr Rosemary Kinne , 31st January, 2010.