

Senate Committee – Reintroduction of the Racial Discrimination Act in the Northern Territory.

Submitted by Joe Annetts

While the Government's legislation to reintroduce the RDA in the NT is applauded and supported, the attachment of special measures and the continuation of the income management policy (albeit under a different guise) are not supported in their proposed forms as it is understood that these are not supported by very many Aboriginal communities in the Northern Territory. Because of this it is likely that if the special measures, as part of the legislation, and income management, as separate legislation, are passed, the opportunity to provide a just and equitable future for the Aboriginal peoples of the Northern Territory will be made very difficult.

It is therefore urged that the special measures and the income management policy be modified in a way that properly empowers the Aboriginal communities in the NT and provides the basis for future just and equitable development within these communities.

Following is detail that supports the above statements:

- **Consultations were necessary to “enable” the introduction of special measures.**

For the special measures to be included this legislation consultations with the affected Aboriginal communities had to take place to meet the requirements of the RDA and to comply with the relevant treaties that Australia is a signatory to. Consultations were carried out in the middle of 2009. However it is contended that 1) they were not done in a properly consultative way (for example in many communities adequate interpreter services were not provided and they presented the special measures almost as a “fait accompli” and 2) the final scope of the special measures do not take into account the views expressed by many or most Aboriginal communities.

The report “*Will they be heard?*” (accessible via www.socialpolicyconnections.com.au) presented the full transcripts of three Tier 2 (community level) consultations. These detail the issues and concerns that have not been properly represented in the new legislation. The introduction by Alastair Nicholson AO RFD QC, summarises and articulates these concerns. This report was criticised by Minister Macklin as representing only a small fraction of the communities and therefore not being representative. As the Hon. Malcolm Fraser commented when he launched this report “*I am told there were 500 interventions (consultations), and these were only 3, but it would be extraordinary if these 3 were the only ones that gave the sort of impression you got from that amalgam of videos you have seen this evening.*” Furthermore these were the only three transcripts that were made publicly available. (“*Will they be heard?*” additionally references several of the Tier 3 (regional) consultation meetings and the content of these supported the content of the three Tier 2 consultations used.

Furthermore requests for release of further transcripts were denied and a request in Parliament by Senator Siewert for all the transcripts to be released was rejected by the government. This leaves very open the question of whether or not these three consultations were representative of the total number.

The key issue here is that, given the poor way in which the consultations were carried out, plus if the views expressed by the Aboriginal communities are not taken properly into account (that is they were done because they had to be done in order to “tick the right boxes” rather than be truly consultative), then the whole stated aim of empowering and working with the aboriginal communities will be gravely undermined. As the Rt Hon. Malcolm Fraser stated *“To envisage another Government failure in this arena, after the high hopes of the Apology to the Aboriginal People, would make people more gloomy, more despairing.....”*

- **Income Management**

Income Management was one of the key issues of concern raised by the Aboriginal communities in the transcripts of consultations that were available. It might be argued that this was in fact taken into account in that income management has been excised from the RDA legislation and re worked into a different form. The new legislation has a degree of “voluntariness” written into it and does now apply to the whole population rather than just Aboriginal people. However it will be introduced firstly into the NT where more than 80% of welfare recipients are Aboriginal people. It is hard then not to reach the conclusion that it is still clearly targeted at Aboriginal people because the likelihood of it being introduced widely outside the NT is a moot point.

Irene Fisher (CEO, Sunrise Health Services, Katherine) stated on 23rd March 2009 *“Income Management shames those who live under it and takes us back to the days of the mission. It sets Aboriginal people apart from their fellow Australians.”* Therefore continuation of income management in its modified form will undermine future efforts to empower and develop Aboriginal communities.

- **5 Year Land Leases**

From the transcripts referenced above and other sources this is clearly still a major problem for Aboriginal people in the NT. While the government states that this is necessary in order to build and improve housing it is unclear why this needs to be the case. Two comments made at the Bagot community consultation eloquently sum up the feeling *“‘We give you money, you give us land!’ What a silly idea!”* and *“.....You try to go and talk to people, getting a five years lease, you know, a land grabbing thing. That is what you people are doing – land grabbing.”*

David Ross, Director, Central Land Council summed up the situation well on 25 November 2009 in the statement *“The Government has used the five year leases to further its own and the Northern Territory Government’s interests without any benefit to the residents of these communities.”*

- **Housing**

As shown in various reports and in the media in 2009, the Intervention has clearly failed to start addressing the chronic housing issues within the Aboriginal communities in the NT even though money was set aside for this purpose. It is understood that between the beginning of the Intervention and late 2009 no new houses had actually been built within the communities. This in itself is difficult to understand, but even this does not necessarily address the major problem areas of 1) the amount budgeted means that many communities will not receive any new housing and 2) that much of the problem with housing built in the past is that the design and construction was completely inadequate such that they now require major renovation. So, many communities will receive no new housing and it is unclear what if anything they will receive in terms of upgrading or maintenance of existing houses that are sometimes in an unliveable condition.

Another feature of house building is that, while it offers an outstanding opportunity to train and utilise the skills of community people, it is not clear that this will happen within the current program, when it does get underway. In the past house building has been done by outside contractors, thus losing this opportunity of providing skills and empowerment to community people. In contrast, and by way of example, the Jack Thompson Foundation in Arnhem Land provides a model where this type of community involvement has been successful and with creative thinking could be applied elsewhere and quite possibly considerably reduce construction costs.

- **Alcohol & Pornography Restrictions**

These remain as special measures in the new legislation. Above all other issues, these strike at the heart of the frustration and despair felt by many Aboriginal communities under the Intervention. Many communities had their own restrictions on alcohol and pornography before the Intervention. No one is denying that these are major issues that must be addressed, but if communities have been dealing successfully with them in the past, surely the government should identify these cases and work directly with them to support and empower the community initiatives, rather than impose a blanket system from Canberra. They should individualise programs that will augment what each community is already doing to combat these problems.

As an elder at Arlparra/Utopia stated at the consultation *"We, on this place here have always controlled alcohol coming in to this place. If there are any of our young people coming back here we, we discipline them. We say: You do not drink, where there's children, women and older people like, like myself."*

And a person at the Bagot community consultation prescribes what they need *"I mean, the government hasn't instigated any programs for alcohol you know, against alcohol and other drugs in this community and surely that kind of funding would make more sense, and that*

would be, it'd be more long standing than the Intervention would be, you know, because people would know that go see that person, at the office or wherever and you know for help in the community, you know it's everywhere."

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