

Women's International League for Peace and Freedom
Ligue internationale des femmes pour la paix et la liberté
Liga Internacional de Mujeres por la Paz y la Libertad
Internationale Frauenliga für Frieden und Freiheit

Consultative Status with United Nations ECOSOC, UNCTAD and UNESCO

Special Consultative Relations with FAO, ILO and UNICEF

International Headquarters, Geneva, Switzerland
Australian Section Office, Adelaide
PO Box 345 Rundle Mall, 5000
(08) 8296 4357 Email: wilpfaustralia@wilpf.org.au



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

**SUBMISSION TO THE SENATE INQUIRY
INTO THE FOLLOWING BILLS:**

**Social Security and Other Legislation Amendment (Welfare Reform
and Reinstatement of Racial Discrimination Act) Bill 2009**

**Families, Housing, Community Services and Indigenous Affairs and
Other Legislation Amendment (2009 Measures) Bill 2009**

**Families, Housing, Community Services and Indigenous Affairs and
Other Legislation Amendment (Restoration of Racial Discrimination
Act) Bill 2009**

Introduction

Women's International League for Peace and Freedom is an international non-government organisation in consultative status with United Nations ECOSOC and UNESCO. We also have special consultative relations with the FAO, ILO and UNICEF. This submission is made on behalf of the Australian Section of our organisation henceforth referred to as WILPF. As we wish to inform the Standing Committee on Community Affairs of our concerns in regard to the existing NT Intervention as well as the three Bills listed above, WILPF welcomes the opportunity to make this submission to the Senate's Inquiry into the three proposed Bills.

Current Situation

Following a damning report with many practical recommendations to address the situation¹, three years ago the Australian Government introduced a Northern Territory Intervention strategy² by way of government response to the need to protect Aboriginal children from abuse. Despite these measures, the health of Aboriginal children has not improved in the last three-year period. For example, the anaemia rate of Aboriginal children in the Katherine Sunrise Health Service has risen from 20% in 2007 (before the NT Intervention) to 55% currently³.

Instead of addressing health and protection issues, the NT Intervention has a much broader focus which includes restrictions and government control of Aboriginal people relating to their income, land, employment, self governance, places in which they can live and travel, and what they can purchase with their Social Security benefit payment.

In order to implement such wide-ranging controls on Aboriginal people, the Australian Government suspended their NT Intervention legislation from complying with the Racial Discrimination Act (RDA) and the NT Racial Discrimination Act. The suspension of these two Acts effectively blocked any Aboriginal right of appeal. This suspension of the RDA has been very widely criticised both domestically and internationally as it contravenes the UN Convention on the Elimination of All Forms of Racial Discrimination.

WILPF is pleased that the Australian Government last year signed the United Nations Declaration on the Rights of Indigenous Peoples, but we note that the NT Intervention contravenes 26 of its 45 articles.

We understand that the NT Intervention includes Income Management for approximately 16,000 Aborigines living in the Northern Territory and has been in place for three years. We are aware that some Aboriginal people have welcomed income management as a way of addressing their particular situation while most object to the control that government now exerts over their lives leaving them with fewer personal choices, less dignity and diminished self respect. These people regard income management as a totalitarian measure.

The result of welfare quarantining is that Social Security recipients now receive only half of their entitlement with the remainder being accessed through a Basics Card at Centrelink to allow purchase from a restricted list of essential food and

¹ We note in passing that many of the report's recommendations have yet to be put into practice.

² The strategy comprised a number of Bills: *Families, Community Services and Indigenous Affairs and Other Legislation Amendment (Northern Territory National Emergency Response and Other Measures) Act 2007*, *Northern Territory National Emergency Response Act 2007* and *Social Security and Other Legislation Amendment (Welfare Payment Reform) Act 2007*.

³ Report by Irene Fisher, CEO of Katherine Sunrise Health Service.

other items obtainable from a small range of selected stores. This has proved difficult for recipients to access; in some cases having to travel long distances to access their Basics Card goods. The measure has also reduced recipients' overall pension and ability to fund other essential items such as funeral costs.

Reports that have come to our organisation from various sources⁴ regularly document the concerns of Aboriginal people about the effect on them of Income Management.

WILPF understands that this welfare quarantining system currently costs government approximately \$7,000 per person to administer pensions sometimes just above \$10,000⁵. On the face of it, this disparate financial burden tends to suggest that the present welfare quarantining system is not sustainable into the long term.

WILPF understands that the three proposed Bills will expand Income Management to include welfare quarantining for all NT people receiving Social Security - pensioners, veterans, unemployed persons – whether or not their children are well cared for, whether their children are regular school attendees or not, and whether they are managing their money well or not.

Because we believe that the Australian Government's national social welfare system was introduced as an inalienable right, we are opposed in principle to both the original NT Intervention and the three proposed Bills now coming before the Senate. We regard it as a responsibility of government to financially support those most vulnerable in our society, those who due to ill health, age, disability or unemployment have been assessed as requiring a financial "safety net" providing them with the assurance of a basic living.

WILPF RESPONSE TO THE STATEMENT OF REASONS FOR THE REFERRAL OF THE THREE BILLS:

We have read the "Statement of Reasons" for the referral of the three Bills and believe that there are far more effective and less paternalistic ways to achieve better health and welfare outcomes for both Aboriginal and non-Aboriginal Australians.

- 1. These are significant reforms to welfare policy which will affect a large number of disadvantaged Australians around which there has been significant community interest.**

⁴ Sources such as NT Aboriginal communities and spokespeople, especially women through the *Women for Wik* network, Amnesty International, and Red Cross etc.

⁵ Federal Budget 2009-10.

We see the expansion of these government welfare strategies to cover NT Social Welfare beneficiaries in addition to Aboriginal Australians as being inappropriate, unwarranted and unwelcome. Such punitive requirements will make the welfare “safety net” conditional upon compliance with whatever conditions the government of the day may decide to put forward. The Social Welfare payment exists to cover basic living costs without which recipients would fall into debt, homelessness, and quite possibly into despair. The proposed changes are punitive in nature., and we regard them as a totally unacceptable form of societal control imposed on vulnerable people. WILPF would prefer to see the Government adopt a compassionate response to an individual’s life situation.

WILPF believes that such sweeping changes to the Social Security system need much wider community debate. The proposed changes need to be given greater public airing and to be better explained; so that the full implications of the proposed restrictions are well understood by everyone in the community. The rationale for placing restrictions and conditions upon what has always been understood as an inalienable right to a basic “safety net” of financial support to those deemed eligible through ill health, age, disability, mental health or unemployment needs to be explained. We are dismayed that this proposed legislation is being introduced so quietly and without the essential debate it requires. It should not proceed until a lively national debate on its merits has occurred. For this reason, the proposed Bills should not proceed.

- 2. Assess the effectiveness of the amendments proposed in the Bills to:**
 - * improve the social and economic conditions, social inclusion and life outcomes of all the disadvantaged individuals and communities affected by the measures, including but not limited to the Northern Territory;**
 - * deliver measurable improvements in protecting women and children, reducing alcohol-related harm, improving nutrition and food security, promoting community engagement and strengthening personal and cultural sense of value in all affected communities, including but not limited to Indigenous communities in the Northern Territory;**

The proposed expansion of the Income Management and continuation of the current NT Intervention strategies will not achieve the stated legislative outcomes as they diminish the central tenet of success ie *“promoting community engagement and strengthening personal and cultural sense of value in all affected communities”* which it is supposed will lead to *“improv[ing] the social and economic conditions, social inclusion and life outcomes of all the disadvantaged individuals and communities affected by the measures”* and *“deliver measurable improvements in protecting women and children, reducing alcohol-related harm, improving nutrition and food security”*. Without the consent, motivation and commitment of Aboriginal community members to ‘own’ these goals, they will never be achieved. Engagement of a strategy can never be achieved through compulsion; it requires dialogue, consent and genuine partnership. This

proposed legislation does not adopt such an approach and will therefore fail. For this reason, the proposed Bills should not proceed.

3. * reinstate the Racial Discrimination Act 1975 and deliver on our international commitments under the UN Convention on the Elimination of All Forms of Racial Discrimination in the operation of relevant legislation, particularly the Northern Territory National Emergency Response Act 2007;

We call for the existing NT Intervention legislation to be rescinded so that there is no longer any non-compliant RDA and NT Discrimination legislation, and Australia will be in compliance with our UN obligations.

4. Assess the evidence that the proposed measures will deliver their stated policy objectives in an appropriate and cost effective manner.

WILPF has stated above our belief that the reason for the proposed Bills has not been adequately met as there are flaws in government's assumptions that the proposed strategies are appropriate and cost-effective. We have suggested an alternative approach which we believe is likely to produce better outcomes and to build better relationships between Aboriginal and non-Aboriginal people.

The huge administrative costs of the existing NT Intervention could be better allocated by following an approach as outlined here, an approach of individualised Community Plans that have been negotiated with local communities to meet their specific needs.

5. Consider the relative merits of alternative measures in achieving these outcomes.

A total rethinking of the way in which entrenched Aboriginal disadvantage, poverty, poor health and educational outcomes is called for. This changed approach needs to be drawn up through genuine consultation, with every Aboriginal community being involved in their own Community Plan establishing an agreed prioritised list of their unmet needs and a means of addressing them. This could be detailed with full costings, and a staged timetable to achieve the results outlined in the "Statement of Reasons" for these Bills.

We believe that such a genuinely collaborative, inclusive approach alongside better educational, health and housing infrastructure, as well as personnel support will achieve far better long-term results; far better than adopting a punitive, controlling approach that takes away the dignity, self-respect and sense of self-worth of those falling under the powers of the current and proposed legislation.

6. Assess the likely direct and incidental costs of the proposed measures including:

- * the cost of administration and delivery of the measures;**
- * additional costs incurred by those subject to the measures;**
- * the costs incurred by businesses complying with the Basics Card and potential losses of businesses excluded from the scheme.**

The huge administrative costs of the Income Management and other components of the current and proposed NT Intervention would be far better allocated to an approach along the lines sketched here. We are suggesting provision of better targeted and agreed outcomes that will benefit each particular community.

WILPF is aware of many stories of additional hardship for those forced to use the Basics Card: having to travel huge distances to access food at the specified stores; no choice for other significant costs; the humiliation of standing in queues identifiable as "Basics Card" users. This is actually a form of apartheid abhorrent to all Australians.

Mindful that there are some named businesses which presently profit from this process (a process which gives them an unfair competitive edge over other providers of similar goods), we believe that the additional onerous burdens on businesses relating to compliance with the Basics Card procedures should be eliminated.

For many reasons, this process is unjust, immoral, racist and unwieldy. It should not be compulsory. Imposed upon those citizens who are able to manage their own financial affairs satisfactorily, the process is disrespectful and demeaning; for a person to be forced to use the Basics Card is to often perceived as a public statement of their incompetence.

For the above reasons, the proposed Bills should not proceed and the existing NT Intervention legislation should be rescinded.

In addition to the above in relation to the three Bills referred, the following issues for consideration were also provided in relation to the Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2009 -

7. Assess the effectiveness of the amendments proposed in the Bill in meeting the Government's policy objectives 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;**
- * improve the engagement, participation and responsibility of certain welfare recipients;**
- * continue and strengthen the measures to protect women and children,**

including reduce alcohol-related harm, improve food security, ensure appropriately secure tenure for the delivery of government services, promote personal responsibility and rebuild community norms in Northern Territory Indigenous communities; and

*** reinstate the Racial Discrimination Act 1975 (RDA) in the operation of relevant legislation, particularly the Northern Territory National Emergency Response Act 2007.**

WILPF believes that the proposed Bills will not effectively address the stated aims in 7 above. It is our hope that due consideration will be given to alternative proposals to address systemic disadvantage as outlined in our submission.

Over-crowding in dilapidated houses exacerbates many problems, where women and children have no safe place of their own. Despite innumerable government promises, many communities still have not seen improvements to their desperate housing situation. This should be a priority.

The rural and remote communities solar lighting program should be reinstated and training leading to employment in sanitary/garbage collection/waste disposal should be considered in addition to improved health, educational infrastructure and staffing provided where required.

As many of the recommendations of the *Little Children Are Sacred Report* yet remain to be adopted, we respectfully ask that all the Report's recommendations to protect women and children from abuse be implemented.

Much remains to be achieved but government action always requires respectful dialogue and negotiation with individual communities along with allocation of adequate funding and undertakings of responsibility to deliver by a set date.

Summary

We consider the NT Intervention has put unwarranted pressure on already disadvantaged Aboriginal communities and has produced very few benefits. We consider that the Government's approach is punitive and paternalistic.

In addition, this approach has damaged Australia's reputation as a society of the "fair go". Many Australians abhor this approach, regarding it as racist. We look for a compassionate, fair and principled solution to the ongoing disadvantage faced by our Aboriginal citizens. We look forward to genuine reconciliation that enhances Aboriginal people's status and position in our society. We believe that urgent action and more resources should be put toward addressing the appalling standards of health, education and community infrastructure existing in so many Aboriginal communities in rural and remote Australia. The current and proposed Bills only entrench racism, disadvantage and separateness.

WILPF therefore recommends that the proposed Bills not proceed and that the existing legislation covering the NT Intervention be rescinded so that Australia again complies with all our domestic race discrimination legislation, and our international undertakings. We believe that there are more appropriate and effective ways of addressing the situation covered in these Bills.

*Submission prepared by Ruth Russell and Cathy Picone
For WILPF (Australian Section)
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