



**Ngaanyatjarra Pitjantjatjara Yankunytjatjara
Women's Council (Aboriginal Corporation)**

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

Submission to the Senate Standing Committee on Community Affairs

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 [introduced by Senator Siewert]

Dear Committee Secretary,

Please find following NPY Women's Council response to your request for submissions to the Committee. We hope this is of assistance.

Please do not hesitate to contact me if you require further information.

Yours sincerely,

Andrea Mason
Acting Co-ordinator
NPY Women's Council

1. Introduction

1.1 Ngaanyatjarra Pitjantjatjara Yankunytjatjara (NPY) Women's Council supports the continuation and expansion of income management (IM) because of the beneficial effect it has had to date. The elected Directors believe that, along with other NTER measures such as an increased policing and child health checks, IM has increased the funds available to welfare recipient for the necessities of life, and served to reduce the amount of money available for grog, illicit drugs and gambling, and thus the level of demand sharing by those who spend their funds largely on substance abuse.

1.2 It has not solved all the problems of excessive substance abuse and violence in communities; however IM has had a settling effect and also increased the focus on issues such as the need for people to send their children to school regularly and spend their social security has had a settling effect in communities.

1.3 NPY Women's Council has no objection to IM being applied to other Australian welfare recipients, and would particularly like to see compulsory IM extended across the Central Australian region, including to its WA and SA member communities. The organisation supports increased alcohol restrictions in regional centres such as Alice Springs as well as in restrictions prohibiting the supply and consumption of alcohol in communities.

1.4 NPY is greatly concerned that the proposed changes will leave the most vulnerable, the recipients of aged and disability benefits, once more vulnerable to demand sharing ('humberging.'). The relief that these people have enjoyed since the introduction of IM may well dissipate, with them once again becoming targets, this time by those who will still be subjected to the IM regime. NPY is of course concerned that Aboriginal people generally should be protected from discrimination. Its long experience in service delivery and advocacy in the remote Central region over thirty years, however, has taught it that the substantive and often ignored rights of the most vulnerable: women, children, the frail aged and those with disabilities, should not be ignored at the expense of a narrow or merely formalistic rights approach, or rights rhetoric that ignores provides no concrete solutions to the many and serious problems of Aboriginal people in that region.

1.5 Those who frame their arguments against the intervention and in particular, IM, in vague slogans about 'human rights' seem to be strangely silent about the various UN declarations and instruments designed to protect the vulnerable, and the continued abuse and erosion of the rights and well-being of many Aboriginal people in the region over many years, through: child neglect, foetal alcohol syndrome, alcoholism, preventable chronic illness, loss of income through excessive demand sharing, violence against and oppression of the vulnerable, and very short of ideas on how to counter what has truly become a national disgrace. From where does this apparently entrenched 'right' to accept monetary social support with no accompanying responsibility emanate?

Note: information on the formation and aims of the organisation is included below (5. **Organisational background and aims.**

2. Context: NPY Women's Council philosophy.

2.1 Underpinning the development of NPY's service delivery and advocacy over the past thirty years has been 'Malparara way.' Simply put, Malparara way (malpa means friend or companion) explains the dynamic of Anangu and non-Aboriginal people working together, side by side, each bringing their own skills and ability, often challenging each other to bring about the best result for clients and for NPY Women's Council. NPY services utilise, where practicable, an action research framework. Through this way of working Ngaanyatjarra, Pitjantjatjara and Yankunytjatjara women are exposed to a range of intellectual debates. Often it has tested them because from time to time cultural 'rights' or traditional practices have been in conflict with contemporary, democratic interpretations of human rights, for example in relation to the oppression of or violence against women or the neglect or abuse of children because of a cultural or 'traditional' practice, or even just something that men do at times as their 'right' because they are more powerful and important than others.

2.2 NPY has taken the position that the interests of children, women, or other vulnerable persons such as the frail aged or disabled, should not be subjected to the violent or otherwise oppressive behaviour of others. Their interests, for example, take precedence over the 'rights' of men, for example: to abuse, assault or kill women, often when affected by grog or drugs, and sometimes in the alleged pursuit of 'cultural' or 'traditional' practices or 'law' ('she swore at me wrong way'; 'she didn't cook my dinner'; 'she make me jealous'; 'she wouldn't give me money for grog/smoke/marijuana'.)

NPY Women's Council has taken its position on intra-community violence and intra-community abuse because it is wrong at a legal level and at a human level, and a national and international level (*UN Declaration on the Elimination of Violence Against Women and Convention on the Rights of the Child*). **Also see attached* document 'NPY women killed since May 2007.'**

2.3 **NT communities:** Current client contacts for 2009 in the communities of Alice Springs, Imanpa, Finke, Docker River and Mutitjulu indicate 110 different clients. Overall population for these communities is around 912¹.

APY Lands SA: In 2009 there were 184 current female victims of domestic violence identified by SAPOL and the NPY Domestic and Family Violence (DV) Service on the APY Lands. Of those, 78 had current DV restraining orders. During 2009 this Service had contact on average with about 90 of those clients in every three-month period. In 2008, 83 male perpetrators of violence against their female partners appeared before the APY Lands Magistrates court. The 2006 Australian Bureau of Statistics Census put the population of the APY Lands at 2230.

Ngaanyatjarra Lands WA: on the Ngaanyatjarra Lands there were 126 different female DV clients with whom the DV Service had contact in 2009. The number of family violence incidents reported in the Warburton Police sub-district alone in 2008 was 75 (16% of which involved alcohol- note the comparison with

¹ See: www.caac.org.au/profiles_remote_communities (Mutitjulu)
www.ntgpe.org/communityprofiles/remotecentres/finke.html (Finke/Aputula)
www.ntgpe.org/communityprofiles/remotecentres/kaltukajara.html (Docker River)
www.waru.org/communities/imanpa/ (Imanpa)

Alice Springs' statistic of 70% alcohol-related violence) (Source: Menzies School of Health Research *Evaluation of the Alice Springs Alcohol Management Plan* p99)

2.4 Like other Australians, every Aboriginal person, whether man, woman or child, is entitled to safety in their own home and community. When that home or community is beset by continuing and high levels of violence, the most vulnerable should reasonably expect the same response and protection as do other Australian citizens.

3. NT Emergency Response (Intervention)

3.1 NPY Women's Council's position on the Intervention is largely one of support, in particular for income management, additional policing in remote communities, and alcohol restrictions in isolated NT communities where NPY members reside. NPY support alcohol restrictions in Alice Springs, but wants to see further changes that include pricing alteration to discourage the purchase of liquor with very high alcohol content, and shorter trading hours. Measures of this kind have been shown by the World Health Organisation to be the most effective².

3.2 **Income Management:** as with violence in its region, NPY Women's Council has applied a critical analysis to the income management aspect of the emergency response. A quarter of NPY's elected Directors reside in its NT member communities and the rest live in remote communities in Western Australia and South Australia. WA and SA Directors have also been involved in extensive discussion on the impact of the Intervention, including Income Management, since it began.

3.3 Many Australians have come to see their right to social security payments as a right to use the benefit however they wish. These benefits, whether a disability pension, student allowance, unemployment benefit or aged pension are funded through taxes and provided by government as a safety net to meet essential needs such as food, rent and other necessities.

3.4 It is arguably both culturally inappropriate in the extreme as well as poor public policy, to simply hand over what Aboriginal people commonly refer to here as 'sit down money' then let people destroy their health, family life, culture and communities through spending these funds on alcohol, drugs and gambling. Should government continue simply to observe the violence, child neglect, foetal alcohol syndrome, acquired brain injury, as well as early death due to various chronic conditions such as heart disease, liver failure, diabetes and pancreatitis? Because of the **distorted view** of benefits, and their own preferences and addictions, a significant proportion of community members, in particular men, have for decades been 'blowing' their benefits on non-essential items such as alcohol, illicit drugs and gambling. These people then use the traditional practice of 'demand sharing' in a contemporary setting, to 'humbug' (harass), browbeat and physically assault members of their family to obtain money, food, blankets or other assistance. The bad behaviour is not curbed because those who are approached almost always feel unable to resist, and under great obligation or pressure, even fear, although they may well complain privately about people who continually 'bludge' off them.

² 'Evidence for the effectiveness and cost-effectiveness of interventions to reduce alcohol-related harm,' World Health Organization 2009: www.euro.who.int/document/e92823.pdf

3.5 The issues concerning substance abuse and pressure on families to cope with demands by addicts or the simply badly behaved arise in NPY member communities across the region. As recently as September and October 2009, two former NPY Women's Council Co-ordinators and others conducted, in APY communities, individual attitudinal surveys compiled by NPY. This was done as part of the Langford Consulting contract for the compilation of Baseline Community Data for the Australian Government's *Closing the Gap* exercise. Respondents could speak freely, individually, without being pressured by others, about various matters including child safety, drug and alcohol issues, violence, and demand sharing. Several respondents stated that male users commonly threaten or assault their wives in order to get money for cannabis, and at least one respondent stated that some women 'sell themselves' (under pressure) for money for this purpose. (**See attached* NPY brief re Mintabie Bill to amend the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act.***) This attitudinal survey also highlighted the need for more work with parents to persuade them to send their children to school, and also to understand the part they need to play in supporting their children. For example, no respondent had ever assisted their children with homework.

3.6 The Australian Government, through OASTIH, is currently funding the trial of a *voluntary* stores card in communities on the APY Lands. At the same time, considerable Commonwealth resources are going into the area: funding for police stations, public housing, police housing, and government hubs, or centres, at Mimili and Amata. There is, however, no compulsory income management and large amounts of cannabis and continues to be taken in to the APY communities. NPY believes the stores card will have little if any beneficial effect. Those who need IM: the drinkers, the dope smokers and gamblers - those who humbug - will not volunteer. All the money in the world can be poured into renovations or new housing, whether on the APY Lands, remote NT communities or in Alice Springs town camps, but without ways to effect behavioural change, including but not only through compulsory IM, there will be little beneficial result.

3.7 NPY Women's Council Directors are gravely concerned about the proposed exemption of aged and disabled benefit recipients from compulsory IM. NPY views aged and frail and disabled residents of its region as the most vulnerable members of the community. This includes those with acquired brain injury and foetal alcohol syndrome. They unfortunately are often targeted by other family members for cash and goods, leaving them neglected and vulnerable, without food or money to purchase essential items. Considerable resources would need to be expended to ensure that the situations of these people are ascertained under the new regime, and NPY believes it is unlikely that all cases of neglect, exploitation or neglect will be found. Can such recipients in some way be included under a *special measure*? (see further on *special measures* below at: 4. The RDA at 4. 2)

3.8 In addition to income management, additional policing, an emphasis on the need for children to attend school and general increased awareness of the need for life in remote communities to improve, has meant that many have become calmer, safer places to live.

3.9 Income Management effectively re-sets the **distorted image**. It will not address all behaviour because for some people their addictions require a serious health intervention. But for the average community member it provides a forced respite from the humbug and brow beating, and is an effective first step in a 'settling down'

communities that have been beset by disruptive and damaging behaviour for many years. (See attached* **extract of income management discussion by Directors 16.6.09**)

3.10 In addition to income management, additional policing, an emphasis on the need for children to attend school, has meant that many have become calmer, safer places to live in the past two years. There is also possibly an increased awareness by those who behave badly that this will not be tolerated ad infinitum; however this is not something that has been, or could easily be, assessed. Income management effectively re-sets the **government assistance** to something approaching its proper purpose. It is not going to address all behaviour because for some people their addictions require a serious health intervention. Nevertheless for the average community member it provides a forced but welcome respite from the humbug and brow beating because it creates a community where members are able to say, truthfully: “No, because I’m on income management” therefore through a third party individuals gain more control of their own financial affairs, as women gain more control over their lives with assistance from the NPY DV Service, or the police, where there are issues of violence.

3.11 More broadly, income management is giving government and communities benchmarks of spending on essential items. In future government should be better placed to identify inefficiencies in the system and therefore find ways to improve government support to individuals and communities.

4. The Racial Discrimination Act 1975 (Cth.) (RDA)

4.1 Whilst the suspension of the *RDA* is touted by opponents of the NTER as something akin to a national disaster, it is very clear that the true disaster is in the previously ignored rights of many, in particular women and children, which have been greatly improved by the Intervention. Presumably if the *Act* had not been suspended, this attempt to improve people’s lives would have become entangled in court applications arguing breaches of the *Act*.

4.2 The Committee members would also be aware of the definitions and Australian case law in relation to *special measures*. NPY suggests that an argument can be made for such measures to apply to vulnerable people such as aged and disability benefit recipients, and that it is perhaps time to test the potential for the development of the definition of *special measures* with reference to international conventions.

4.3 It is hoped that the *RDA* can be re-instated, but the substantive issues relating to the health, safety and well-being of Aboriginal people are of far greater concern to NPY’s members than the suspension of that *Act*. Those who so vigorously oppose the suspension interestingly seem to have little to say on the issues of or sensible solution to: welfare dependency, addiction and related early death from chronic disease, violence, child neglect, acquired brain injury from substance abuse, or foetal alcohol syndrome. Drastic measures are sometimes needed to deal with entrenched and extremely difficult problems.

5. Organisational background and aims.

5.1 NPY Women's Council was formed in 1980. The push for a separate women's forum came about during the South Australian Pitjantjatjara Land Rights struggle of the late 1970s. During consultations over land rights, many women felt that their views were ignored, so they established their own organisation. Its region covers 350,000 square kilometres of the remote tri-State cross-border area of Western Australia, South Australia and the Northern Territory. Anangu and Yarnangu (Aboriginal people) living on the Ngaanyatjarra, Pitjantjatjara and Yankunytjatjara lands (Western Desert language region) share strong cultural and family affiliations. What began as an advocacy organisation is now also a major provider of human services in the region, in essence working to address the needs that clinical health services cannot, and that government agencies do not directly provide in this remote area. NPY has taken this direction because of the glaring needs that exist in member communities

5.2 NPY represents women in the region, which has an over-all population of around 6000. The members' determination to improve the quality of life for families in the region drives the organisation. Its existence gives members an avenue for participation in the decision-making processes that affect them and their families. It is a permanent forum where they are able to raise issues and make their opinions and decisions known. It also provides opportunities for Anangu to learn, share knowledge and keep informed about relevant issues. NPY's success is largely due to its ability to provide a decision-making process steered by the members. One of the major advantages of its existence is the development over time of members' ability to consider and analyse policy issues, deal with government agencies and advocate on their own behalf.

5.3 NPY Women's Council's Constitutional objectives:

1. Provide a forum for Ngaanyatjarra, Pitjantjatjara and Yankunytjatjara women to discuss their concerns;
2. assist and encourage the representation and participation of women from the Ngaanyatjarra, Pitjantjatjara and Yankunytjatjara region on local, regional and other relevant bodies;
3. help individual women and girls to achieve further training, education and employment;
4. establish, provide and or promote services to improve the health and safety, education and general well-being of people in the Ngaanyatjarra, Pitjantjatjara and Yankunytjatjara region;
5. establish, provide and promote the artistic and cultural interests of Ngaanyatjarra, Pitjantjatjara and Yankunytjatjara women;
6. promote and support the achievements and authority of Ngaanyatjarra, Pitjantjatjara and Yankunytjatjara women;
7. gather and provide information about issues of importance to Ngaanyatjarra, Pitjantjatjara and Yankunytjatjara women and to the broader community;
8. promote and encourage the law and culture of Ngaanyatjarra, Pitjantjatjara and Yankunytjatjara women;
9. support and encourage other women and organisations who work towards similar aims.

5.4 The organisation's work is based on the following philosophy:

- The unique history, heritage, contributions, knowledge, strength and diversity of Anangu women.
- The empowerment of all women.
- Support and promotion of Anangu Law and Culture.
- Improving the quality of life for women and their families.
- Cross-cultural collaboration.
- The active participation of Anangu in the development of policy and the delivery of services that affect them.
- Consultation and development of services with Anangu and other relevant bodies for the provision of culturally relevant, effective programs.
- An approach based on social justice, interdisciplinary and community development principles.
- Ethical, collaborative partnerships.

6. Additional material

Committee members may also be aware that the outgoing Co-ordinator of NPY Women's Council, Vicki Gillick, was a member of the expert panel to the Board which reviewed the NT Emergency Response in 2008. As a member of the panel she represented her own personal views, not those of NPY Women's Council. I am forwarding a document (**see attached* *'Intervening in the Intervention'***) which she provided at that time because, whilst a little dated now, it provides a broader analysis of the emergency response and options for future improvement.

**Andrea Mason
Alice Springs
1st March 2010**