

Darwin Aboriginal Rights Coalition

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Re: Senate Inquiry into Stronger Futures in the Northern Territory Bill 2011 and two related bills

The Darwin Aboriginal Rights Coalition (Darwin ARC) welcomes the opportunity to make a submission to this inquiry. However, based on evidence we have seen so far, discussion with Aboriginal people living under the Northern Territory Emergency Response Legislation, and our observations at 2011 *Stronger Futures* consultation meetings, we feel compelled to call on the committee to recommend the complete withdrawal of the *Stronger Futures in the Northern Territory Bill* and the related bills.

Numerous reports, such as the government's Closing the Gap Monitoring Report, have documented a lack of progress in improving the lives of Aboriginal communities and disturbing indications of worsening outcomes, such as increased rates of suicide and self-harm since the introduction of the NTER. Indigenous incarceration rates have increased 40%.

Darwin ARC notes that many of the more punitive measures included in the original NTER will now be continued under the *Stronger Futures* bill, despite damning reports and, more alarmingly, contrary to the wishes of the people who are to be affected by these laws.

For example:

*The prohibition of consideration of customary law and cultural practises in bail and sentencing hearing – this has been described by an NT chief justice as meaning “Aboriginal offenders do not enjoy the same rights as offenders from other sections of the community;

*The continued “Star Chamber” powers for Australian Crime Commission investigations in Aboriginal communities. These powers remove the right to silence, yet such a drastic measure has not been justified: The ACC has dismissed all allegations of “pedophile rings” in Aboriginal communities, used as alarmist rhetoric to justify the original NTER laws;

*The expansion of the School Enrolment and Attendance Measure (SEAM) scheme will further entrench the use of coercive measures against welfare recipients and their families despite a lack of evidence that such measures are effective in improving school attendance. Rather, evidence shows that successful programs are those that are supported by the local community, positively engage parents, recognise Aboriginal culture and provide a high degree of Aboriginal involvement and control. This is supported by independent transcriptions of numerous *Stronger Futures* consultations which showed that Aboriginal communities have many constructive ideas for improving school attendance, principally the re-instatement of bilingual education and the reinvolvement of community members in curriculum development and delivery. Darwin ARC members witnessed these issues being dismissed as “Territory government questions” by consultation facilitators – but surely punitive measures such as SEAM shall further isolate and alienate parents and elders from valuing and feeling a part of their children’s learning?

Schools should be a focus of communities, but by removing a principal's power of discretion over absences, and putting teachers in the role of policing attendance, the capacity for schools to act as a hub for healthy community engagement is jeopardised.

Common themes raised at the consultation meetings included a demand for adequate housing, real jobs, community control over decisions that will affect them, an end to the controlling nature of many of the NTER measures, and respect for Aboriginal law, culture and land rights.

Darwin ARC is concerned by a stark disconnect between the passionate voices at the consultation meetings, and the Bill now before us. As well as strong statements against many aspects of the NTER and the *Stronger Futures* discussion paper, we heard participants offering practical, sensible steps forward. Yet the government’s proposed legislation seeks to entrench many of the more punitive aspects of the NTER for a further 10 years.

Such an approach flies in the face of the government's commitment to "building a relationship with Aboriginal people that is based on mutual respect, cooperation and responsibility".

Darwin ARC calls on the committee to consider the fact that, under this new legislation, Aboriginal children in the NT who turn 15 in 2022 will have lived their entire lives under laws not applied to any other Australian citizens. And yet we are left with little

confidence that this policy regime will make any progress towards the stated objective of improving the lives of Aboriginal people in the NT.

We call on the government to withdraw the bills in their entirety, revisit the many suggestions put forward by Aboriginal people, and open a genuine dialogue with communities – a dialogue that starts from the principles that Aboriginal people have a right to make the fundamental decisions that affect their lives, that solutions must be tailored to individual communities on the basis of their particular circumstances, and that Aboriginal law and culture will be respected and protected.