

Submission to the Senate Inquiry into the 'Stronger Futures in the NT' Legislation 2011

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I have a ten year association with the remote Aboriginal community of Ramingining, NE Arnhemland, and have lived and worked here for six of those years. I am currently a resident, involved in a project as an employee of Charles Darwin University, however this submission is made personally; I am not representing CDU.

I was living in Ramingining in 2007, when the NT Intervention was introduced. I was present at the community meeting held to inform people. I was also here when the consultation meeting was held in 2011. I have had many opportunities to observe the impact of these events and to talk with people in Ramingining whom I call friends and family. I would like, in this submission to raise some issues which now appear fundamental to the problems which these interventions were designed to meet, even though they do not follow the list of subheadings in the *Stronger Futures* documentation.

1. Consultation

The first issue I want to raise is that of consultation. The FaHCSIA representative who ran the consultation meeting here in August 2011, publicly acknowledged that the way in which the Intervention was rolled out - without consultation - was a mistake. 'We want to consult now', she said.

Obviously, this is commendable; genuine consultation is what Indigenous communities have been asking for, for a long time. But I want to draw attention to the complexity of the situation in which these gestures are now being made, and why there seem to be two messages criss-crossing between Government and many Indigenous people, without these messages being heard on either side. On the one hand, the Government is saying, 'Look we are consulting now and we think we are doing it thoroughly and appropriately'.¹ On the other hand, many Indigenous people and groups are saying, 'We don't feel consulted. You didn't consult with us.' This is a pretty serious disjunction. It needs to be understood. I submit that what is involved here is the aftermath of 'consultation abuse'.

- ♣ There is already a long history of attempts at consultation which Yolngu have observed; government representatives that fly in - fly out, visiting these rich, complex communities for half a day or so, and even then only meeting in orchestrated contexts. There is rarely any feedback from these events which people would recognise as the outcome of consultation.
- ♣ When government representatives came to Ramingining in 2007 to inform people about the intervention, many people thought it was a consultation. The meeting was held in a very similar way to other consultations. People were invited to speak. I recall how passionate, angry and articulate they were. But of course it wasn't a consultation; their involvement changed nothing.
- ♣ The Councils too - a tremendously important aspect of town governance - were taken away without consultation, only earnest promises .. that things would be better. Quite simply, things aren't better; not for Yolngu.

¹ See *Stronger Futures in the NT, Report on Consultations*, October 2011, p14-18

- ♣ The Kava license was owned by a local Indigenous Incorporation, another important institution here, which returned large sums of money to the community. It was taken away without any options for decision making by those involved.
- ♣ The work with local reference groups to develop *Local Implementation Plans* has been a positive activity, defying other trends, but what has happened to these plans?
- ♣ The recent *Stronger Futures in the NT, Report on Consultations, October 2011*, comes with a certificate from O'Brien Rich Research Group, considering 'it to be consistent with the quantitative analysis of the consultations undertaken by our company'. This might satisfy the statisticians, but if Indigenous people don't hear the strong stories they told at the meetings, being acknowledged here in this report, then it seems like a lie. What happened for instance to the very strong message about bilingual education, which remains in the recorded records of ten of these meetings² and yet only warranted the passing reference on page 29?
- ♣ When the Homeland Resource Centre, in receivership, was sold in 2011, a consultation process between Government representatives and the community was not going as the representatives hoped, so the decision was made and announced at a meeting that the community understood to be a consultation!

One only has to imagine oneself into each of these situations to understand something of the dismay and disengagement which people feel, and to be left wondering at the good will with which they continue to try and be involved in the governance of their community.

2. 'Balandas behaving badly'

During this five year period, the people here have seen both the Bula'bula Arts Aboriginal Incorporation and Ramingining Homeland Resource Centre decline from being highly successful active agents in the town, involving and employing people, with local boards, into organisations on the brink of bankruptcy .. due to the mismanagement of white ('balanda') managers.³

This problem, of 'Balandas behaving badly' seems to be endemic in remote Indigenous towns. The incompetence of inappropriate non-Indigenous employees in management positions has again and again undermined valuable institutions here, and even when the damage doesn't go this far it is still pervasive enough to be incredibly wasteful of resources. Fortunately this is not the whole story re white residents in the town as the majority of people who come here to work do so with integrity and good faith. However, Yolngu have had to watch too many highly paid balandas destroy a valuable part of the community, and then leave without any consequences. Yolngu are not inured to this, and the good grace with which they continue to work with balandas is quite remarkable under these circumstances.

All of these experiences, ostensibly unrelated to the Intervention, leave people confused about consultation with balandas. The Yolngu that I know want to understand the modern world. They want to participate in it. But again and again, in the ten years I have been here, I have watched them being disappointed in their attempts, because of circumstances which would be totally unacceptable in 'white' towns.

² See *Cuts to Welfare Payments for School Non-Attendance Requested or Imposed?*, Prepared by 'Concerned Australians' in October 2011, <http://www.concernedaustralians.com.au/>

³ These stories are quite accessible. Both Institutions have recovered somewhat but the loss of resources, time and trust involved are incalculable.

This is something of the context into which this last extensive program of consultation came. I do not doubt the good will of the people who undertook it, but I did understand the somewhat desultory and disappointing response which I observed at the Ramingining meeting, compared to the passion displayed in 2007. You can't treat people in the way Indigenous people have been treated in the course of these last five years, and then just say, 'Oops, but now we are doing it the right way.' People are people. The hurt has to be managed as well as the processes.

3. The issue of control

From my observations and conversations, I would say that the biggest change in this town over the last five years, has been the loss of community and personal control over significant aspects of life here. The contribution of the Intervention, to this loss, was of course spectacular, but it was deepened by the loss of the Community Council. It was further eroded and complicated by the loss of the locally owned kava license and more recently by the decline of the CDEP program and the Ramingining Resource Centre. The full list of *personae dramatis* involved in events such as these, in towns such as this, is complex and doesn't only include people,⁴ but current and proposed legislation is a major player.

It is not my area of research, but long term studies are finding links between a person's health and the benefits of 'being in control' of one's life.⁵ If we are serious about Indigenous health, we cannot ignore the trend of recent developments in Government relations with Indigenous people, which has increasingly taken control away from them. *Asking questions and then doing statistical analyses on the results is not helping people to be involved in the control of their lives.*

Conclusion

I submit that in reviewing the proposed *Stronger Futures in the NT* legislation, the following questions have to be asked:

1. In what way does this legislation acknowledge the 'consultation abuse' of the past?
2. Is this legislation the outcome of consultation or is the consultation a justification for legislation conceived elsewhere?
3. How does this legislation acknowledge that the problematic aspects of governance in remote Indigenous communities is historically a 'people in remote places' problem not a 'black problem'?
4. How does this legislation promote restoration of personal and community control over the lives of the people and the community?

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Ramingining, 24 January 2012

⁴ I have documented this kind of complexity at length in a recent thesis, in this case focusing on access to and use of computers in Ramingining. See Anthea Nicholls, 2009, *The Social Life of the computer in Ramingining*, <http://espace.cdu.edu.au/view/cdu:9267>

⁵ For an introduction to these studies, see http://en.wikipedia.org/wiki/Michael_Marmot