

STICS – Stop the Intervention Collective Sydney (STICS)

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Senate Standing Committees on Community Affairs
Parliament House
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Re: Stronger Futures in the Northern Territory Bill 2011 and two related bills

SUBMISSION FROM THE STOP THE INTERVENTION COLLECTIVE SYDNEY (STICS)

We are a group of concerned citizens who have been in close contact with people in the Northern Territory, Top End to the Centre, who have been affected by and are living under the laws of the NTER (Northern Territory Emergency Response). We have watched with disbelief as the Government has continued with policies which fail to comply with our obligations under the United Nations Declaration of Human Rights (UNDHR) and the Declaration of the Rights of Indigenous Peoples (UNDRIP). Further it appears to have ignored report after report demonstrating the detrimental effects of these policies and their failure to achieve positive outcomes.

STICS welcomes the opportunity to provide a submission to the Senate Standing Committee on the following three bills referred by the Senate for inquiry and report:

1. Stronger Futures in the Northern Territory Bill 2011
2. Social Security Legislation Amendment Bill 2011
3. Stronger Futures in the Northern Territory (Consequential and Transitional Provisions) Bill 2011

Firstly, we note our concern that the bills were referred to this Committee on the 25 November with the due date for submissions being 01 February 2012 and the reporting date being 29 February 2012. STICS is alarmed that this package of proposed legislation, which will deeply affect the lives of Aboriginal people and communities in the Northern Territory has been introduced with haste into parliament late last year and there is such a short turn-around time for lodging submissions to this Committee. The timing of the announcement of the new measures and legislation just prior to the holiday period and the early closing date for submissions means Aboriginal communities and other stakeholders have had little over one month to provide comments. Furthermore, if hearings are to be held in the Northern Territory, they will take place in the wet season when it is difficult for people to attend the hearings. These actions in themselves demonstrate that the government continues to ignore or be disinterested in hearing the voices and pleas of Aboriginal people in the Northern Territory and other communities around Australia, despite its claims to the contrary.

We are completely opposed to the NT intervention which began in 2007 and believe that the *Stronger Futures in the Northern Territory* and related bills only serve to worsen the lives and living conditions of Aboriginal people for a further 10 years. We join the call by Aboriginal peak bodies, community welfare and public health groups from around the country who are calling for a new direction in policies affecting Aboriginal Australians based on cooperation, not 'intervention'. Also, we agree with the Australian Council of Social Service's Media Statement of 23 November condemning the measures in the Stronger Futures bill.

We believe that the proposed legislative amendments are punitive, draconian and discriminatory and reinforce negative stereotyping of Aboriginal people and welfare recipients as people who do not want to work, cannot handle their own money, who cannot or do not want to look after their children, who gamble, drink to excess, smoke and are hooked on watching pornographic material.

The Government seeks to justify the amendments by insisting its objective are to "*encourage socially responsible behaviour, including in relation to the care and education of children*". This includes an assumption that other members of society, who are not welfare recipients, always behave responsibly and morally and are above reproach in all the areas which signal eligibility for welfare recipients to be referred for income management.

Despite being described by the Government as "special measures", we believe that these so-called 'special measures' further degrade Aboriginal people and their culture. We are outraged to know that the worst parts of the NT intervention are being kept or strengthened when there are community-supported alternatives available to rebuild NT Aboriginal communities from the ground up. The Government is yet to hear these alternatives or enter into a genuine consultation or discussion

We strongly recommend that the Australian Government to implement the points made in the statement '[Rebuilding from the Ground Up: An Alternative to the NT Intervention](#)' which can be found at **Appendix 1**. We urge the government to respect, listen to and work in genuine partnership and true equality with Aboriginal Peoples in Australia.

The Human Rights Commission and United Nations visiting representatives have repeatedly denied that the NTER constitutes 'special measures' for the advancement of a particular group of people under the Racial Discrimination Act.

There can be no justification to impose Star Chamber police powers upon Aboriginal communities. These powers, generally reserved to investigate terrorists take away citizenship rights afforded to all other members of society and relegate Aboriginal people to the status of "second-class" citizens.

The blanket alcohol bans on Aboriginal land and increased and harsh penalties for the possession of alcohol, further stigmatise Aboriginal people and create yet another fast track to incarceration when incarceration rates of Australia's Indigenous people are the worst in the world and Australia's great shame. The Minister has final say over which alcohol management plans (AMPs) that a community develops are approved, and can change or cancel any AMP without consultation, rather the community should have ownership over these AMPs).

It is alarming to note the extended powers assigned to and by the Minister for Indigenous Affairs. The provisions will enable the Minister to specify separately, by legislative instrument, any State, Territories or areas across Australia for compulsory income management purposes and/or school attendance requirement purposes; different percentages to be deducted from a person's income and employees of any government agency to be designated as referrers. The Rev. Dr Djiniyini

Gondarra has been quoted as saying that *“The Intervention policy has taken us back to the 1950s, to the assimilation era. We have lost everything. Aboriginal people must be free to determine our own futures. Any future initiative must support the right of Aboriginal People to maintain our languages, cultural practices and the capacity to live and work on country. Income Management takes away pride and dignity as a person. Now other communities around Australia are in line to become victims. We invite you brothers and sisters, walk with us, then fight a system that victimises people.*

Land reform measures undermine Aboriginal Land Rights and suggest there may be another agenda. The flawed philosophy of forcing Aboriginal people from their own homelands into hub towns is disempowering and callous and one that could lead to dysfunction in the hub towns as Aboriginal people from different tribal areas with diverse traditions, customs and culture try to co-exist. Aboriginal people will have to live on another’s country and be denied their connection to living and practicing culture on their own land (a right which should be unalienable and guaranteed under UNDRIP).

The government’s own statistics show that the rates of attempted Aboriginal suicide and self-harm have doubled since the introduction of the first Intervention. Aboriginal people living in Prescribed Areas report their despair and sense of disempowerment because of the swathe of measures being imposed upon them from the top down including, the continued suspension of the permit system in communities, the complete Commonwealth control over regulations in Community Living Areas, prohibition of consideration of customary law and cultural practice in bail and sentencing and many more.

The deep hurt and great despair the NT Intervention is causing Aboriginal people is evident from comments like the one from George Gaymarani Pascoe from Milingimbi: “The Intervention has brought the history of welfare reform back today. We don’t want that. It hurts. Today a lot of our people are committing suicide; today a lot of our people can’t cope with the Intervention.” Rosalie Kunoth-Monks even calls the Intervention a ‘second invasion’ saying “It is the land that holds us together and following the second invasion of the 2007 Intervention, we are hurting, and we are suffering”.

Analysis of the consultations clearly shows that all measures of this bill **were not requested** by community members in the so-called consultation process. In fact the opposite were requested including the removal of Government Business Managers, reinstatement of bi-lingual programs and the close involvement of the community in schools and that respect of the Elders and culture is given precedence. The many flaws of the process may be viewed at stoptheintervention.org/facts/consultations-mid-2011. Clearly the true wishes of communities suffering under the Intervention have once again been denied causing a further deep distrust of government and its employees.

The proposed amendments to the Social Security Act mean further degradation of the rights of Centrelink recipients and the stigmatisation of those who receive benefits. It fails to take into account community requests for positive measures to encourage reluctant school attendees, or a large body of research which demonstrates that punitive measures don’t work. What it will do is create further stress, starvation and disruption within families and communities. The amendments may also lead to increased crime and children and young people participating in “risky behaviour” as a solution to the imposition of a range of income management measures.

The heartfelt statement by Aboriginal Elders on 7 February 2011 to the people of Australia is particularly striking. The threats to their culture, language and heritage as well as their loss of human rights are clearly expressed in this moving statement. The statement ends with an emotional appeal

to all people of Australia to “walk with us in true equality. Speak out and help to put an end to the nightmare that Northern Territory Aboriginal people are experiencing on a daily basis.” The message these Elders are sending to the people of Australia is clear: we need to resist these policies that are causing Aboriginal people so much hurt and harm; instead we need to walk with them. The statement can be found at the ‘concerned Australians’ website. Furthermore it as well as other important quotes by Aboriginal Elders and leading Australians can be found in the book “Walk With Us”.

How is it possible that after nearly four years after the famous Speech by former PM Kevin Rudd where he promised that injustices of the past were never to be repeated, that we see these kind of NT Intervention measures entrenched and extended for another TEN years? We urge the Australian government to immediately withdraw the Stronger Futures legislation and instead work in true partnership with Aboriginal people, genuinely listen to what they say and develop policies together with Aboriginal peoples based on respect for Aboriginal culture and identity, Aboriginal lore and fully implement the United Nations Declaration on the Rights of Indigenous Peoples which Australia has declared its support for on 3 April 2009.

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Appendix 1:

REBUILDING FROM THE GROUND UP –

AN ALTERNATIVE TO THE NORTHERN TERRITORY INTERVENTION

The NT Intervention has been a disaster for Aboriginal communities.

Rather than 'closing the gap', government statistics show Indigenous incarceration rates have risen by almost 30 per cent,ⁱ school attendance is down in many places,ⁱⁱ suicide and self harm have increased ⁱⁱⁱ and thousands of workers are being put onto Centrelink as CDEP closes down. There are growing crises in urban centres such as Alice Springs as large numbers of people move in from the bush.^{iv}

The suspension of the Racial Discrimination Act to seize land, assets and authority has destroyed trust in government and many well run programs. Much of the unprecedented investment of more \$1.5 billion has been wasted on government bureaucrats and contractors.

Alongside the Intervention, the NT government has introduced policies guided by the same approach of paternalism and assimilation including dissolving Aboriginal community councils, effective cuts to homelands and smaller communities, and bans on bilingual education.

There must be an urgent shift from punitive controls to measures which restore community control, rebuild Aboriginal initiative and capacity, and improve shocking living conditions. This must start with repeal of NTER legislation and the clear application of the Racial Discrimination Act to all laws affecting Aboriginal communities.^v

The government must apologise for the pain and damage caused by the Intervention.

Development must be based on commitment to land rights, self-determination and recognition of the unique strengths and circumstances of each community.

All policies relating to Aboriginal and Torres Strait Islander peoples must comply with the 46 Articles of the United Nations Declaration on the Rights of Indigenous Peoples which Australia now officially supports.^{vi}

1. Restore Community Governance:

Urgently rebuild Aboriginal community government councils. Restore decision making power and administration of municipal services to these councils. Transfer all assets seized by the shires to the Aboriginal councils and pay compensation for all other assets sold off by the shires.

Remove Government Business Managers installed by the Intervention.

Repeal Business Management Area Powers which grant the Minister the capacity for total control over the budgets and direction of organisations receiving Commonwealth funding.

2. Increase government investment in ALL communities:

Abandon the 'hub towns' model. Rapid improvements in education, housing, health and community services are required wherever Aboriginal people choose to live - in urban areas, remote communities and on homelands.

3. Jobs with Justice:

Create a new Aboriginal employment program to replace Community Development Employment Projects (CDEP) that have been gutted through recent reforms and are exploiting Aboriginal workers. Jobs created must pay at least award wages, with rights to join unions and collectively bargain. The program must be administered by community based organisations, with development needs and priorities set through broad community consultation. All willing workers should be employed.

4. No to Township Leases:

End compulsory 5-year leases over Aboriginal township land taken through the Intervention. Stop pressuring communities to sign extensions on these leases. Lift the requirement that 40-year leases are signed with the government before housing can be built. Rescind all township leases signed since the Intervention began in 2007.

5. Housing for All:

Return administration of housing stock from the NT Department of Housing to local Indigenous housing committees attached to the community councils. Funds for housing construction and renovation currently going to the Strategic Indigenous Housing and Infrastructure Program (SIHIP) run by government and major construction firms must be redirected to the local committees.

Funds for new housing must be available to all communities and substandard SIHIP renovations reassessed for further needs. Employment on housing programs should involve 80 per cent Aboriginal workers.^{vii} Train and employ a permanent housing maintenance team in every community.

6. Empowerment through Education:

Lift the ban on bilingual education and allow the expansion of bilingual programs in NT schools where requested. Invest in training and employment of Aboriginal teachers and Aboriginal teachers' aides and ensure they play a central role in curriculum development. Provide resources and employment opportunities to enable schools to become important

centres of culture and community life. Invest in staff, infrastructure and equipment to ensure all remote Aboriginal schools have full time qualified teachers and enjoy the same resources per enrolled student as schools across Australia. Stop punitive programs linking welfare payments to school attendance.

7. Abolish Compulsory Income Management:

Redirect funding from punitive welfare controls to community based programs. Lift incomes above the poverty line.[viii](#)

8. Community Controlled Social Services:

Fund early childhood programs, youth services, men's programs and women's centres, with specific needs determined through the local councils.

9. Health:

Implement the recommendations of the Health Impact Assessment by the Australian Indigenous Doctors' Association (2010), which recognises the importance of self-governance, housing, education and cultural respect in determining health outcomes.[ix](#)

Adequately fund health services in all communities. Consult with communities and health service providers to ensure programmes are appropriate and not duplicated. Support Aboriginal-managed health services. Fund and train Aboriginal health workers and Aboriginal liaison officers.

10. Non-Discriminatory Alcohol Management:

Repeal blanket alcohol bans in Aboriginal communities. Provide resources to allow communities to develop local solutions to alcohol misuse that are driven by and appropriate to the needs of the community. Resource culturally appropriate and accessible alcohol treatment programs in all communities. Broader measures to empower communities, employ Aboriginal people in rewarding work and ensure delivery of basic services are crucial for dealing with problems associated with alcohol.

11. Justice not Jail:

End all discriminatory laws that have led to increased police harassment and incarceration of Aboriginal people. This includes race-based alcohol restrictions, the capacity to suspend the need for a warrant to enter premises on Aboriginal land, blanket pornography bans, stigmatising signage in Aboriginal communities, and local council by-laws in Alice Springs which target the homeless. Repeal 'star chamber' powers that suspend the right to silence for Australian Crime Commission investigations in Aboriginal communities.

Remove NTER prohibitions on the consideration of Aboriginal customary law in bail and sentencing. Recognise customary law as an important vehicle to empower communities to take responsibility for offending and improve community safety.

Organisations and supporters including:

Intervention Rollback Action Group (Alice Springs), Stop the Intervention Collective Sydney, 'concerned Australians', the North Australian Aboriginal Justice Agency (NAAJA), Tangentyere Council, Larrakia Nations, Lajamanu Progress Association, Australians for Native Title and Reconciliation (ANTaR national), National Aboriginal and Torres Strait Islander Ecumenical Commission, Jumbunna Indigenous House of Learning UTS (Research), Women's Community Aid Association (Qld), Working Group for Aboriginal Rights (WGAR Canberra), Civil Liberties Australia, Walytja Indigenous community projects, Solidarity, Green Left Weekly, NT Greens, Hornsby Area Residents for Reconciliation, Lane Cove Residents for Reconciliation, Reconciliation Network: Northern Sydney, Indigenous Social Justice Association, Women's House domestic violence service (Brisbane), Jeff McMullen, Ian Thorpe, Cr Irene Doutney (Sydney City Council), Bob and Helen White, Kerry McKenzie, Andrew Havas OAM, Frennie Beytagh

References:

i From 699 Indigenous inmates in Sept 2007 to 908 in June 2010, *Northern Territory Quarterly Crime and Justice Statistics*, Issue 21: Sept Quarter 2007 and Issue 32: June Quarter 2010

ii Attendance rates in NTER communities down from 62.3 per cent in June 2007 to 60.7 per cent in June 2010, [*Closing the Gap in the Northern Territory Monitoring Report*](#) June 2009 and June 2010. NT government figures from December 2010 show some significant drops in school attendance, including 23 per cent at Lajamanu
<http://www.smh.com.au/national/education/northern-territory-schools-stick-to-english-despite-attendance-falls-20110117-19u5d.html>

iii Confirmed instances of suicide and self harm up from 105 in 2006-7 to 162 in 2009-10
[*Closing the Gap in the Northern Territory Monitoring Report*](#) June 2010

iv Walter Shaw, CEO of Tangentyere Council detailed the crisis and its impact on town camp residents in a press release published at
<http://caama.com.au/take-a-leadership-role>

v Despite amendments made by the Labor government in 2009, the RDA still does not apply in full to Intervention laws. See Human Rights Law Resource Centre fact sheet
<http://www.hrlrc.org.au/files/Fact-Sheet-2-NT-Intervention.pdf>

vi The full text of the UNDRIP can be found at
<http://www.un.org/esa/socdev/unpfii/en/drip.html>

vii Health Habitat, an NGO with extensive experience on housing projects in Aboriginal communities, have maintained a successful commitment to 80 per cent local Indigenous workers for the past decade. See

www.healthhabitat.com or an interview with director Paul Pholeros at <http://www.radioaustralia.net.au/pacbeat/stories/200907/s2635068.htm>

viii A report *Impact of Income Management on store sales in the Northern Territory* by the Menzies School of Health found that Income Management did not lead to increase in sales of fruit and vegetables. However, these sales did increase, along with sales of all other items, through the three month period following the government's stimulus package. The report is available at <http://www.menzies.edu.au/research/research-news/welfare-quarantining-may-not-lead-healthier-purchases-indigenous-community-st>

ix The full AIDA report is available at <http://www.aida.org.au/viewpublications.aspx?id=3>