

COMMITTEE ON RACIAL EQUALITY

STRONGER FUTURES AND RELATED LEGISLATION

Submission to Senate Community Affairs Committee

1. Background.

The Committee on Racial Equality (CORE) is a Canberra-based group of citizens committed to support racial justice in Australia. Formed in 2007, its particular focus has been the Northern Territory Intervention and its impact on Aboriginal communities. It has met with Members of Parliament, public officials and Indigenous people involved in and affected by the Intervention. It supported the visit of the UN Special Rapporteur James Anaya to Australia in 2009. It seeks to raise public awareness of the issues that led to the Intervention and the consequences of that policy on Indigenous communities.

2. The Inquiry.

The legislation that is the subject of this Inquiry is the latest in a series of responses by the present Government to the events that have followed the Northern Territory Emergency Response (NTER) – commonly called the Intervention – put in place by the Howard Government in 2007 as a result of reports of child abuse and violence in Aboriginal communities. In this submission CORE wishes to make some general points about the legislation in the context of government policy as it has developed since the Intervention began, and to offer some specific proposals for consideration.

3. The Legislation.

The overall impression created by the new legislation – the Stronger Futures in Northern Territory Bill 2011, the Consequential Transitional Provisions Bill 2011, and the Social Security Legislation Amendment Bill 2011– is of a tightening of controls and sanctions on Aboriginal communities, following reviews and consultations during 2011. This is disappointing and it appears to reflect a tendency within government that the use of punishment needs to become more frequent. Going further along a track that has not been demonstrably successful is hardly a recipe for good outcomes.

4. Aboriginal Opinion.

On numerous occasions since 2007, Aboriginal representatives in the Northern Territory and elsewhere have expressed increasing frustration that governments are not listening to their voices. This is despite an ongoing series of consultation processes initiated by the Federal Government and Northern Territory Government. For example, the *concerned Australians* group has recorded 10 consultations held in NT communities during 2011, and the transcripts of these consultations (which come from north to south – Bagot, Darwin, Maningrida, Yirrkala, Galiwin'ku, Alice Springs, Kintore, Yuendumu, Mutijulu and the Alice Springs Town Camps) have shown that a number of the significant comments have been either

ignored or given low priority in official reports of those meetings. Specific examples are:

- (a) Strong support was expressed for the resumption of bilingual education;
- (b) There was a clear desire for more Aboriginal and full time teachers in remote communities;
- (c) There were no requests for welfare cuts or fines to 'achieve' school attendance.

5. Self-Determination.

Despite all the stated commitments to this principle, including in the UN Declaration on the Rights of Indigenous Peoples, there seems to be a move away from self-determination in government policies in Australia. The latest legislation puts more pressure on Aboriginal parents and communities to observe strict conditions for ensuring school attendance, preventing alcohol access, achieving food security as defined by governments, and negotiating on land rights. It seems to give less attention to supporting Aboriginal initiatives, of which there are many, in communities.

6. Practical Support.

Among the practical steps that have been proposed by Aboriginal leaders and communities are

- (a) Better transport for communities;
- (b) More involvement of parents;
- (c) Funding for night patrols;
- (d) Greater funding support for remote communities;
- (e) More relevant curriculum content that recognises Aboriginal culture
- (f) Restoration of bilingual education;
- (g) Longer-term placements of teachers and support staff.

7. Respect.

Perhaps the most discouraging aspect of the way the Federal and NT Governments have approached the situation is their unwillingness or inability to come to grips with the cultural imperatives of Australian Indigenous peoples. Time and again it seems that policies are built upon 'expert' advice from people who have limited grasp of Indigenous perspectives or who see mainstream values as the overwhelming priority. It is little wonder that Indigenous responses are wary and that the issue of sovereignty and a treaty keeps emerging.

We are reminded of the words of James Anaya, the UN Special Rapporteur, in his 2009 report:

I am concerned that there is a need to incorporate into government programmes a more holistic approach to addressing indigenous disadvantage across the country, one that is compatible with the objective of the United Nations Declaration of securing for indigenous peoples, not just social and economic wellbeing, but also the integrity of indigenous communities and cultures, and their self-determination.

This approach must involve a real partnership between the Government and the indigenous peoples of Australia, to move towards a future, as described by Prime Minister Rudd in his apology to indigenous peoples last year, that is “based on mutual respect, mutual resolve and mutual responsibility,” and that is also fully respectful of the rights of Aboriginal and Torres Strait Islander peoples to maintain their distinct cultural identities, languages, and connections with traditional lands, and to be in control of their own destinies under conditions of equality.

Given what I have learned thus far, it would seem to me that the objectives of the closing the gap campaign, the Emergency Response, and other current initiatives and proposed efforts of the Government will be best achieved in partnership with indigenous peoples’ own institutions and decision-making bodies, which are those that are most familiar with the local situations. It is worth stressing that during my visit, I have observed numerous successful indigenous programmes already in place to address issues of alcoholism, domestic violence, health, education, and other areas of concern, in ways that are culturally appropriate and adapted to local needs, and these efforts need to be included in and supported by the Government response, both logistically and financially. In particular, it is essential to provide continued funding to programmes that have already demonstrated achievements.

8. Conclusion/Recommendation.

The current legislation continues the pattern of Government failure to live up to the hopes created through the National Apology. It is likely to exacerbate the frustration of many Aboriginal people in the Northern Territory about the way their views have been ignored. It is doubtful that it will achieve the aims of increasing school attendance, preventing violence and increasing security for Aboriginal communities. We consider that more fundamental questions will need to be addressed about how best to listen to Indigenous insights about needs and services and how to provide an effective basis for self-determination.

We recommend that the legislation be withdrawn pending further examination of how the current policies are affecting Aboriginal people. We support the proposal by Digby Habel (one of our members) in a separate submission that the Government should initiate a plebiscite to determine whether Aboriginal people in the Northern Territory agree to live under special measures that discriminate against them.

Signed by members of the CORE group 25 January 2012

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References:

- *concerned Australians website – www.concernedaustralians.com.au*
- *Statement of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, James Anaya, as he concluded his visit to Australia. Canberra/Geneva, 27 August 2009*