

Committee Secretary
Senate Standing Committee on Community Affairs
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Submission on the Stronger Futures in the Northern Territory Bill 2011 and two related bills

Dear Senate Community Affairs Committee,

We are writing to express our objection to the Stronger Futures in the Northern Territory Bill 2011 and two related bills as this will extend punitive and discriminatory provisions which were first introduced through the Northern Territory Emergency Response (NTER) for a further ten years in NT Aboriginal communities. Aboriginal communities affected have not given their consent to this extension and there have been widespread complaints of disempowerment and hardship.

This set of legislation will further entrench Income Management as part of the national welfare system despite widespread opposition from affected people and people, groups and organizations around the country. It is racist, humiliating and punitive. It will only further dismantle community control and worsen the conditions which people living under the NTER are already suffering.

The proposed laws are not in line with what people were saying during the Stronger Futures consultations. The meaning of consultation is that communities and its people are part of the discussion and decision-making. Aboriginal people want proper consultation and to be able to determine their own futures. They have not given their consent to these new laws.

Community control is being further weakened, local Aboriginal organizations are being undermined and government funded enterprise are set up in direct competition with struggling Aboriginal businesses. Community owned stores should be managed by the community, and the government should not have increased powers to shut them down. We are concerned that these laws will unfairly prejudice stores owned by communities. The Minister has the final say over which alcohol management plans (AMPs) that a community develops are approved and can change or cancel any AMP without consultation. Instead the community should have ownership of these AMPs. Community councils need to be reinstated and all government policies need to empower local governance structures rather than overriding and dismantling them.

The government is trying to override laws that safeguard community and town camp land for Aboriginal people, for Aboriginal purposes, forever. This is reversing the Land Rights successes, and opens up this land for unrestrained private ownership and development by non-Aboriginal people. Rather the government must not diminish Aboriginal control of Aboriginal land and instead community living areas and town camp land must remain Aboriginal land.

The Stronger Futures in the Northern Territory (Consequential And Transitional Provisions) Bill 2011 states that customary law is not to be taken into consideration in bail or sentencing matters, except for where sacred objects or landscapes are involved. This is inadequate and customary law must be respected in the legal

system as well as more generally by the governments. Customary law, as defined in the United Nations Declaration on the Rights of Indigenous Peoples must be respected at the federal level.

We disagree with people having their social security entitlements suspended if their children miss school. The Stronger Futures legislation links social security payments with school attendance. If children miss more than five days of school a term, parents can be issued with a 'compliance notice' which if not followed, can lead to suspension of the carers' social payments. This is wrong and will place more strain on families already struggling. There are much better ways of getting children to school, which were suggested by community members in the consultations. During the consultations that were recorded, suggestions by community members for improving school attendance included Elders picking up children to take them to school, local residents employed by the school, bilingual education where wanted, and a curriculum more relevant for the locality. Where raised, linking school attendance to welfare suspension was disagreed with vehemently. These are the solutions that the government should be pursuing.

The government is threatening people with six months jail for having possession of one bottle of beer. This is unheard of anywhere else in Australia and targets Aboriginal people. It plans to gain more control over community stores by threatening staff with heavy fines and jail terms for operating stores that do not agree to government terms such as income management regimes and private payment arrangements.

Punitive and discriminatory measures only increase suffering. They are targeted at Aboriginal people, many of whom are already living below the poverty line in under-resourced communities. Such punitive measures do not work and are expensive to implement. Instead government funds should be redirected into programmes which are designed, owned and directed by Aboriginal people.

We call on the government to immediately withdraw the Stronger Futures set of legislation and ensure that all future legislation is in line with both the Racial Discrimination Act and the United Nations Declaration on the Rights of Indigenous Peoples. Please do not force Aboriginal peoples off their homelands and into those designated 21 hub towns. Establish genuine consultation that restores decision-making powers to the communities.

Thank you very much for your kind attention and consideration of our submission.

Sincerely,

Bennelong and Surrounds Residents for Reconciliation