

**Attn:
Committee Secretary
Senate Standing Committee on Community Affairs**

RE: Stronger Futures in the Northern Territory Bill 2011

ABOUT YANQ

The Youth Affairs Network of Queensland Inc. (YANQ) is the peak community youth affairs organisation in Queensland. YANQ represents young people and youth organisations across the State of Queensland. YANQ advocates on behalf of young people in Queensland, especially disadvantaged young people, to government and the community. The interests and well being of young people across the state are promoted by YANQ in the following ways:

- disseminating information to members, the youth sector, and the broader community
- undertaking campaigns and lobbying
- making representations to government and other influential bodies
- resourcing regional and issues-based networks
- consulting and liaising with members and the field
- linking with key state and national bodies
- initiating projects
- hosting forums and conferences
- input into policy development
- enhancing the professional development of the youth sector

YANQ believes that the primary culture of Australia is Aboriginal.

We recognise that Aboriginal, Torres Strait Islander and South Sea Islander people are 3 separate cultures. We recognise Aboriginal people as the permanent custodians of mainland Australia and Torres Strait Islanders as permanent custodians of the Torres Strait Islands that are an integral part of Australia, including those areas of land and sea whose owners have been wiped out as a result of racist politics and acts. We use the term custodianship in the context of protection and care for the land. YANQ is committed to respecting individuals, Murri and Islander communities. We seek to understand their responses to policies and issues affecting them.

We are committed to learning about their understandings of the impact of decisions on them. YANQ apologises for the past and present social mistreatments of Murri and

Islander people created by colonisation, and is committed to supporting the healing process.

YANQ believes that the Northern Territory Intervention is an extension of historical practices aimed at assimilating and controlling Aboriginal and Torres Strait Islander populations. Even with good intentions, the risk remains when non-indigenous Australians attempt to control and ameliorate a culture that is not their own.

SELF-DETERMINATION & EMPOWERMENT

The right to self-determination is enshrined in various international instruments. Article 3 of the DRIP and Article 1 of both the ICCPR and ICESCR provide that “[a]ll peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.” Articles 4¹, 5², 18³, 19⁴, 20⁵, 21⁶ and 23⁷ of the DRIP expand upon this important right for Indigenous peoples, providing for autonomy and self-determination in regards to local affairs and developing their economic and social conditions, requiring consultation and cooperation as well as free and informed consent before measures are implemented which may affect them.

RACISM

There is widespread condemnation of racism and discrimination in the international community. Article 2 of the ICESCR, ICCPR, ICERD, CEDAW and the DRIP all enshrine the right to non-discrimination. The State has a duty under Article 15 of the *Declaration on the Rights of Indigenous Peoples* to “take effective measures, in consultation and cooperation with indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.” The Northern Territory and Australian Government are in breach of numerous international laws regarding the entrenched and continuing systemic and actual racism, which is disproportionately targeted towards Aboriginal and Torres Strait Islander peoples. UN High Commissioner for Human Rights, Navi Pillay, on her recent trip to Australia, noted the *strong undercurrent*

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- 1 **Article 4** states that “*Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.*”
 - 2 **Article 5** provides that “*Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.*”
 - 3 **Article 18** “*Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.*”
 - 4 **Article 19** requires the State to “*consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.*”
 - 5 **Article 20 (1)** Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
(2) Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.
 - 6 **Article 21** provides that “*Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.*”
 - 7 **Article 23** provides that “*Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.*”



of racism in the country⁸ and mistreatment of Aboriginal and Torres Strait Islander peoples.⁹

Many recent examples of racism in Australian society exist, few as shocking as the suspension of the *Racial Discrimination Act 1975* (RDA) in the Northern Territory which “left Indigenous people feeling hurt, betrayed and less worthy than other Australians.”¹⁰ The Northern Territory Emergency Response is currently being widely criticised in the international community. “New research has found changes made by the Federal Government to the intervention have not stopped it being racially discriminatory.”¹¹

RECOMMENDATION

YANQ is committed to building a strong and independent future with indigenous people in Australia, and we believe that the current martial intervention in indigenous communities is completely contrary to the outcomes we are all seeking. Top-down governance is at odds with the proven good practice outcomes of community control over decision-making.

We hope that you will use your unique opportunity to turn back the tide of dependence forming policies metred out by government since the Intervention began. We need positive, community led action to build strong communities in the future.

Thank you for the opportunity to make this submission,

Siyavash Doostkhah

**Director
Youth Affairs Network Qld**

8 Reuters “UN Rights Chief Slams ‘Racist Australia’” Brisbane Times at 26 May 2011.

9 Miles, Morgan “Call for Fundamental Rethink on Intervention” 25 May 2011
<http://www.abc.net.au/news/stories/2011/05/25/3226881.htm> at 3 June 2011

10 Hon. Jenny Macklin “Racial Discrimination Act to be restored in the Northern Territory” Media Release 22 June 2010
http://www.jennymacklin.fahcsia.gov.au/mediareleases/2010/pages/jm_m_rda_22june2010.aspx at 24 May 2011

11 Gibson, Jano and Ashleigh Raper “Aboriginal elder tells UN of ‘racist’ intervention”
<http://www.abc.net.au/news/stories/2011/05/13/3215973.htm> at 26 May 2011.