

## **Submission to Senate Community Affairs Committee: Stronger Futures Bills and related Social Security Legislation Amendment Bill 2011**

**We urge the Committee to recommend the immediate repeal of legislation for the Northern Territory Emergency Response (NTER ACT 2007) and the withdrawal of the three Stronger Futures related bills.**

We believe that the Parliament should take the advice of Aboriginal Elders who speak for those most directly affected by the Intervention, when they say 'No More! Enough is enough!' (NT Elders and Community Representatives, 2011)

The Committee should note the evidence that the living conditions and morale of Aboriginal people has been damaged by the emergency measures – levels of drug and alcohol addiction, suicide, incarceration, and school avoidance have all risen during this period and this behaviour is indicative of a people who have lost hope for their future and trust in government to listen to them. These damning statistics can be found in the daily press and also in the Australian Government's own evaluation (Australian Government, 2011).

Extending measures for a further 10 years under these circumstances should not be contemplated. Any continuation of the NTER through these bills undermines Australia's commitment to United Nations Declaration on the Rights of Indigenous Peoples. All evidence points to the need for this government to abandon the interventionist approach taken by the Howard Government and invest in their own new approach supporting investment in community development and confirming Indigenous governance structures. This approach is supported by synthesis of the research and in case studies on service delivery in Indigenous communities (Stewart, 2011) and the wishes of Aboriginal people.

The blanket measures in these bills provide the Minister and her delegates with unprecedented administrative powers over the daily lives of Aboriginal people, disempowering Aboriginal communities from managing their own personal and community affairs which will lead to greater levels of welfare dependence; the administrative management of people's income is just another form of welfare dependence. The scope of this legislation could well be applied to any group identified by government in the future. We appose it being applied to any Australian without scrutiny on a case by case basis by the Parliament.

We believe that this legislation is unnecessary. The Australian and the Northern Territory governments have sufficient legislative powers to continue to support community development and invest in health, education and employment without resorting to the measures in these Bills. There are already laws that address social issues of domestic violence, drunkenness, truancy that should be applied equally to all citizens. Taxpayers' money and the funds held for the benefit of Aborigines through Aboriginal Benefits Account should not be used in administering punitive

measures through the Social Security amendments but in facilitating productive initiatives in communities.

The Bills are not based on evidence nor do they fully utilise the government's own reports. The measures are contrary to the advice on effective practices for service delivery coordination in Indigenous Communities (Stewart, 2011). This is particularly relevant to the enabling of the SEAM trial extension through this legislation.

**On the evidence available, the Committee should recommend abandoning the implementation of the School Enrolment and Attendance Measure (SEAM) completely.**

Although the government has not seen fit to release two evaluations of the SEAM trial, it is clear that the attendance in the trial schools has not improved (Australian Government, 2011, p 292; Horin, 2011).

Education research both internationally (Cooney, 2008) and in Australia (Australian Government, 1997, p4; What Works, Core issue 5) do not support such measures. Education experts (Stanley & Coffin, 2011; Sarra, 2011) and significant welfare, professional bodies and Indigenous spokespeople (ACOSS, 2011) have also expressed their opposition to this measure being extended.

The research in fact shows that school attendance is a complex issue and that punitive measures are likely to be counterproductive.

*Truancy is the result of multiple negative and cumulative influences originating from the individual, the family, the school and the community and is therefore a broad social issue, which needs to be addressed by comprehensive social policies.*

(Australian Government, 1997. Section 10)

These factors are further complicated by social and spatial mobility among Indigenous populations in the Northern Territory (Prout, 2010) which need to be considered in any measure.

Finally on the matter of SEAM, school enrolment and attendance is a matter for state and territory jurisdictions and not the Australian Government. The Northern Territory has recently legislated higher fines and put in place a range of measures with both carrots and sticks to improve attendance and have started to issue infringement notices. The Australian Government role should be to support the existing measures and, through COAG education reforms, make the Northern Territory accountable for making curriculum in NT more accommodating to Indigenous students and to meet the wishes of Indigenous people expressed during the Stronger Futures consultation (Harris, 2011). This would include the withdrawal of the NT Compulsory First Four Hours of Instruction in English Policy (Department of Education and Training, 2009) and implementation of the ACARA national curriculum resources recognising bilingual education and the learning needs and stages for students who are learning English as an Additional Language (Australian Curriculum, Assessment and Reporting Authority, 2011).

*Bilingual programs in Aboriginal languages and Torres Strait Islander languages have been successful in maintaining the use of these languages in schools and in creating generations of Aboriginal and Torres Strait Islander students who are literate in their languages. Strengthening the bilingual*

*literacy of Aboriginal and Torres Strait Islander students is essential to improving their overall academic achievement and success.* (Australian Curriculum, Assessment and Reporting Authority, 2011, p17)

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