

To the Committee Secretary
Senate Standing Committee on Community Affairs
PO Box 6100
Parliament House
Canberra ACT 2600
Email:

Dear Sir

Submission on the Stronger Futures Legislation Package:

The Social Security Legislation Bill 2011,
The Stronger Futures in the Northern Territory (Consequential and Transitional Provisions) Bill 2011 and
The Stronger Futures in the Northern Territory Bill 2011.

I wish to state my objection to the Stronger Futures set of legislation because it will extend punitive and discriminatory provisions first introduced through the Northern Territory Emergency Response for a further ten years in NT Aboriginal communities, without the consent of these communities and despite widespread complaints of disempowerment and hardship.

It will further entrench Income Management as part of the national welfare system despite widespread opposition from affected people and the wider community. The legislation is racist, humiliating and punitive and will further dismantle community control and worsen the conditions that people already living under the intervention are suffering.

The legislation does not reflect what people said in the Stronger Futures Consultations. Consultation means that communities are part of the discussion, and part of the decision making. Communities want proper consultation, and to determine their futures. They have not consented to these new laws.

Community control is being further dismantled

- Communities and individuals will not have final say over what alcohol management plans will look like, and the Minister can shut them down at will. This is not community control, and communities should have ownership of these plans.
- Community owned stores should be managed by the community, and the government should not have increased powers to shut them down. I worry that because the government also runs competing stores in these communities, that these laws will unfairly prejudice stores owned by communities.
- Community councils need to be reinstated and all government policies need to empower local governance structures rather than overriding and dismantling them.

Land must remain Aboriginal land

- The government must not diminish Aboriginal control of Aboriginal land or override laws that safeguard community and town camp land for Aboriginal people, for Aboriginal purposes, forever.
- The land reform section of the Stronger Futures Bill seeks to do this in the clauses 34(4) which treats town camp land as crown land, and 34(6,7) whereby the purposes of leases can be modified, which has the potential for people to lose access, control, and ownership of their land.
- This is a step backwards for Land Rights, and could open up community living areas and town camps for unrestrained private ownership and development by non-Aboriginal people.

-
- Community Living Areas and town camp land must remain Aboriginal land.

Culture must be respected

- 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 Declaration of the Rights of Indigenous Peoples must be respected at the federal level.

No more punishments

- The government plans to extend compulsory income management and wants to punish carers of children who miss 5 or more days of school a term, by having the power to suspend their social security entitlements. 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 and the government should pursue those.
- 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.
- The government 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 programs which are designed, owned and directed by Aboriginal people.

I call on the government to withdraw this legislation immediately.

Yours sincerely
Anita Davis