



National Council of
Churches in Australia
NATSIEC

February 1st 2010

Committee Secretary
Senate Standing Committee on Community Affairs
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Secretary,

Thank you for the opportunity to make a submission to the Inquiry into Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2009 and the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (2009 Measures) Bill 2009 along with the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Restoration of Racial Discrimination Act) Bill 2009.

General comments about the Intervention

The proposed legislation builds on the Northern Territory Intervention as it has been enacted and rolled out since 2007. Despite consistent concerns being raised by Aboriginal people from the NT and elsewhere, the Intervention has continued unabated.

NATSIEC's position has never been to reject the Intervention outright. Long before the Intervention began NATSIEC had called for urgent action to address issues of Indigenous poverty and exclusion across Australia and has welcomed the attention and resources that have been brought to bear on these issues, at least in the Northern Territory. NATSIEC does have concerns with the Intervention however, particularly with its implementation. From the very beginning the Intervention was a policy decision made without consultation or negotiation with Aboriginal and Torres Strait Islander peoples and from its inception has alienated and excluded the very people it was supposed to help. In our own conversations with affected people we hear how they have felt humiliated and embarrassed by several of the provisions, such as income management. Aboriginal people across the country have also reported feeling that this is another case of a Government running roughshod over the views, experiences and aspirations of Aboriginal people.

Having read the Government's report on the consultations¹ as well as an alternative report *Will They Be Heard?*² NATSIEC is concerned that the consultations the Government undertook do not support or provide adequate evidence to justify the continuation of some measures of the Intervention. The consultations were faulty in

¹ *Report on the Northern Territory Redesign Consultations*, FACHSIA, 2009.

² *Will They Be Heard? A response to the NTER Consultations June to August 2009*, Nicholson, A, Behrendt, L; Vivian, A; Watson, V and Harris, M. (2009).

Anglican Church

Antiochian
Orthodox Church

Armenian
Apostolic Church

Assyrian Church
of the East

Chinese Methodist
Church

Churches of Christ

Congregational
Federation

Coptic
Orthodox Church

Greek
Orthodox Church

Lutheran Church

Mar Thoma Church

Religious Society
of Friends (Quakers)

Roman Catholic Church

Romanian
Orthodox Church

Salvation Army

Syrian
Orthodox Church

Uniting Church

379 Kent Street Sydney

✉ Locked Bag 199
Sydney NSW 1230

☎ (+61 2) 9299 2215

☎ (+61 2) 9262 4514

🌐 www.ncca.org.au

ABN 64 493 941 795

that they were discussions based on the Government's "Future Directions Discussion Paper". This Discussion paper set out some limited options which formed the basis of discussion at the consultations. The consultations did not therefore allow the Aboriginal participants to discuss or suggest other options. They were therefore not true consultations designed to elicit community opinions on issues and solutions to those issues.

There are also issues with the consultations in that it appears there were not sufficient translators provided. The Government commissioned report on the consultation process confirms this³ and reading the transcript of the "Will They Be Heard" report also confirms that this was the case. NATSIEC reiterates that Aboriginal and Torres Strait Islander people have the right to negotiate and consult in their own languages and the Government must ensure that this is achieved.

Comments in relation to the Inquiry's objectives

Improve the social and economic conditions, social inclusion and life outcomes of all the disadvantaged individuals and communities affected by the measures, including but not limited to the Northern Territory.

NATSIEC has concerns about changes in the legislation which ostensibly bring it into line with the RDA by extending it to all welfare recipients in "disadvantaged regions". We are concerned that this will have a disproportionate impact on Indigenous people in the Northern Territory, and elsewhere when the program is extended. Aboriginal and Torres Strait Islander Peoples are over represented in all aspects of disadvantage across Australia. Therefore designing a program based on these criteria will almost certainly have a disproportionate affect on Indigenous people and will end up having the same outcome as the current system.

Improve the engagement, participation, and responsibility of certain welfare recipients.

While NATSIEC welcomes the exemptions that will exist under the new system, we are concerned that the transitional arrangements will be confusing and cause further issues for people who have only just got used to the current system. Continuous changes are confusing and with the proposed extensions to the wider community it seems as if Aboriginal people have been the subject of policy experimentation.

NATSIEC is not a welfare agency and does not have expertise in welfare issues, we do note that other agencies such as Catholic Social Services Australia⁴ question whether there is research evidence to support such measures as a way to lift people out of poverty. Further we question whether these types of punitive measures do result in better engagement and participation.

³ *Report on the NTER Redesign Engagement Strategy and Implementation*, CIRCA, 2009

⁴ Catholic Social Services Australia Cautions Against New Quarantining Arrangements, Media Release, 25/11/2009

Deliver measurable improvements in protecting women and children, reducing alcohol-related harm, improving nutrition and food security, promoting community engagement and strengthening personal and cultural sense of value in all affected communities, including but not limited to Indigenous communities in the Northern Territory.

Continue and strengthen the measures to protect women and children, including reduce alcohol-related harm, improve food security, ensure appropriately secure tenure for the delivery of government services, promote personal responsibility and rebuild community norms in Northern Territory Indigenous communities.

NATSIEC would like to make a comment general in nature about these two objectives. NATSIEC is concerned about the rhetoric employed by the Government about protecting women and children. It is our observation that often the Government makes statements about “protecting women and children” that is not based in fact or proper researched evidence, but is emotive and appears to be intended to stifle criticism of the Government’s operations. While there is no doubt that many women have found benefits arising from the income quarantine regime, for example, there are also many women who have not benefited. Their views are also important.

Further, while there is absolutely no doubt that protection of women and children is vital, consistently using this as a rationale for all Government action has a detrimental effect on many Aboriginal people. By focusing so completely on women and children the Government is casting all Aboriginal men as the problem. Aboriginal men are not all alcoholics, violent towards women, incapable of caring for children, sexual predators and so on. Aboriginal men must be part of the solution and not excluded and cast as the perpetrators of all that is wrong within Aboriginal communities.

The issues facing Aboriginal communities must be addressed at the community level by all members of that community. Casting one section of the community as at fault, and one section as the victim does not enhance or assist the community’s ability to address what are more often issues of poverty, disadvantage and exclusion. Aboriginal men are suffering at every level as well and this must be acknowledged and alleviated. Most importantly, the issues Aboriginal and Torres Strait Islander people are grappling with today have arisen from more than 200 years of neglect by Governments at all levels and a failure to deliver well thought out, well researched and properly delivered policy solutions. Acknowledging this neglect and changing Government behaviour must be seen as crucial to the success of any policy implementation.

Yours sincerely,

Graeme Mundine
Executive Secretary