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Good morning Senators and welcome to Darwin.

The Uniting Church, Northern Synod, appreciates the opportunity to appear today and make further submission to the Senate Community Affairs Committee.

The Committee has already received a submission from UnitingJustice, the justice unit of the National Assembly of the Uniting Church in Australia. My colleague Siobhan Marren is here and able to provide further comment in relation to that submission as requested.

The reason why we are here today is that our organisation believes it is crucial that the church addresses the *Stronger Futures* legislative package in relation to its impact on the rights of Indigenous Australians and advocates for improvements that better meet the Australia's international human rights commitments. We will also make some suggestions to as how the legislative package may be amended to be more supportive of the Aboriginal communities where many of our members live.

In our earlier submission, the issue of racial inequality and non-discrimination is addressed. We note that in order for the amendments proposed in the *Stronger Futures* legislation package to be deemed 'special measures', it must be demonstrated that the proposals meet certain criteria. We continue to have concerns that while the Australian Government may claim that it is now complying with the *Racial Discrimination Act 1975*, it has done so by extending its discrimination to other vulnerable groups in our community.

This is an approach of compliance with the letter, not the spirit of the *Racial Discrimination Act*. We do not see this as a sound basis on which to build understanding and partnerships as punitive measures are not likely to gain a positive response from Aboriginal people.

In relation to partnerships, I wish to refer to the *Stronger Futures in the Northern Territory Policy Statement*, November 2011, page 1, paragraph 4, which says:

A partnership approach between the Australian Government, the Northern Territory Government and Aboriginal Territorians is driving reform and improving service delivery.

While this may be true of the relationship between the Australian and Northern Territory Governments, it is not true in relation to a partnership between Aboriginal Territorians and the Australian Government. This is because, and has been clearly stated to us by our Aboriginal members, there is no partnership approach being enacted between Aboriginal people and the Australian Government. What is taking place, as it has been since day one of the Intervention, is a Government announcement, followed by feedback through so called 'consultations', the information from which is then cycled into the next Government announcement. There is no partnership.

This does not mean that there are no positive outcomes arising from the Intervention. Some of our members have commented positively on income management, many are hopeful of improved housing provision and the stationing of police in many communities has been

welcomed. However, it is not true to say that this has occurred through a partnership approach. This is the consistent message our Aboriginal members have been sharing at our annual Synod gatherings since the Intervention commenced in 2007.

Our Uniting Church Northern Synod website contains yearly additions which contain the statements made at each of our annual Synod meetings since 2007 as to the unsatisfactory and inappropriate way in which the Commonwealth has gone about its Intervention.

So today as we respond to the current legislative package, we wish to flag the context for our response is not one of partnership, but one where again, Aboriginal people are being told what to do. It is therefore not surprising that so much negative comment and divided opinion surrounds what should be a point of celebration as the Government seeks to implement a major program addressing Indigenous disadvantage.

In making this opening statement, we note the Commonwealth Government has partly acted in response to previously expressed concerns from our organisation about; compulsory income management, suspension of the *Racial Discrimination Act*, the offensive Prescribed Areas signs which may now be removed, housing provision and alcohol abuse.

However, our major concern about a working relationship in partnership with Aboriginal people continues to be ignored and continues to cause pain and shame in Northern Territory Aboriginal communities – it certainly does for many Aboriginal Uniting Church members.

We now wish to make some specific comments in response to the *Stronger Futures in the Northern Territory Policy Statement*, November 2011 and will use the framework of the policy statement as the template for our response.

Supporting legislation:

Page 3, para 3: The claim that the legislation continues the Australian Government's approach ... building mutual respect with Aboriginal people ... does not stack when compared with government actions on the ground. For example, as our earlier submission states on page 4, the blanket application of income management means that individuals who are not responsible for the care of children, do not gamble and do not abuse alcohol or other substances, may still have their income managed. These are punitive measures that do not speak of respect, mutual or otherwise.

Jobs:

Page 3: While many Aboriginal people do want full-time jobs, many others only want to work on a part-time, more flexible basis – and CDEP affords this flexibility. The Uniting Church welcomes the creation of full-time jobs in Aboriginal communities. However, we can walk and chew gum. Having CDEP operate in an Aboriginal community is not inconsistent with other job creation measures. If the government wishes to see Aboriginal people actively participating in the paid workforce, the legislative approach needs to include provision for both full-time and part-time employment.

If Government wants an employment model that has been embraced by many Aboriginal people, then CDEP needs to be part of the employment mix.

School attendance:

Page 4: The first and second paragraphs on this page establish the premise that regular school attendance is needed if educational outcomes are to be achieved. The next paragraph and those following explain how the School Enrollment and Attendance Measure (SEAM), will be

enacted. The second last dot point on page 4 covers the suspension of income-support payments of parents who do not meet their part of an agreed attendance plan.

While this may be just one dot point of seven, it is the one that people in the bush are talking about. Our members have said, 'why is the government punishing Aboriginal people?', why isn't the government encouraging us and helping parents to get our kids to school?

It is our view that the punitive suspension of income –support payments of parents who do not meet their part of attendance plans will not receive a positive response from parents. Punishing the most disadvantaged people in the land for not participating in a system that has not delivered the outcomes they desire is heaping punishment on punishment. It may be noted that school attendance rates in the NT have continued to decline overall and the SEAM trial schools evaluation also reported failure of the SEAM measure. This negative step will only further alienate parents and decrease the levels of support within communities. We request this aspect is deleted from the SEAM legislation.

In November 2011, the President of the Uniting Church in Australia and myself met with the Minister for School Education to discuss this punitive measure. We had hoped the Minister would listen, that he would understand. However the Minister advised he wished the package to proceed and to see if it might become an effective measure.

Our earlier submission, see pages 4 to 7, offers a detailed analysis of why measures of this type are a both unjust and a waste of time and effort. Instead we call for a focus on positive approaches, such as the highly successful Clontarf Foundation, which is already being used in some Northern Territory schools. Another measure would be a return of ASSPA, the Aboriginal Student Support and Parent Awareness scheme which the Commonwealth funded in the 1980s. ASSPA is raised because it enabled Aboriginal parents to be directly engaged in things happening in their local school and provided a further basis for conversation and activity between Aboriginal parents and schools.

Today Committee members have also asked about community cultural calendars. May I add that in 1977 I went to Maningrida as a school teacher. The school year commenced on 4 January and ran until mid July. This change was made following extensive discussions within the community. In summary parents said, we will hold off ceremonies until the dry so that children may more consistently attend school. My recollection was that this arrangement did improve enrollment and attendance, but I cannot advise of the percentages. It may be noted a similar arrangement is currently being trialed at Gunbalanya School. We wish them well.

Alcohol abuse:

Page 6: Many Northern Synod Aboriginal members of the Uniting Church come from 'dry' communities that were declared as Restricted Areas under the *NT Liquor Act* in the 1980s. These measures were brought in as a response to community concerns where the community actively engaged with the Northern Territory Licensing Commission to develop a set of workable measures that were appropriate to each community – a simple but real forerunner of the current Alcohol Management Plans.

It should be noted there were 103 declared 'dry' or Alcohol Restricted Areas before the Intervention commenced in 2007. What this says is that Aboriginal want to be directly engaged in development of alcohol approaches impacting their communities.

As most Aboriginal members of the Uniting Church live in Aboriginal communities, we call for the further development of local community, and as applicable regional, alcohol management plans. Funding for development of these plans should be increased and made more widely available so Aboriginal people on a community by community basis may develop their own solutions in partnership with other relevant stakeholders.

It may be noted that development of an alcohol management plan, by the very nature of the activity, has to be undertaken in partnership.

This raises the concern we have that the proposed legislation will contain the requirement that alcohol management plans will need to meet minimum standards and presumably, the Commonwealth Indigenous Affairs Minister will not approve plans that do not meet these minimum standards.

At this point I wish to share a perspective from my former life as the Director – Licensing and Regulation Policy in the Northern Territory Department of Justice. It was in this role that I was the principal development officer and writer of the Tiwi Islands, Groote Eylandt and Gove Peninsula alcohol management plans. I can clearly state to the Committee that if I had have turned up with a set of minimum standards from government, as opposed to an open conversation through which a sustainable and practical plan would emerge, we would not have gotten past first base.

The requirement for minimum standards, especially when imposed at the start of the process by government, is unnecessary as they cut across the community development concept of 'we are all in this together and we are working to find the best way to address alcohol issues on a community needs basis, without being told by someone else what to do.

If there is a sound reason as to why minimum standards need to be included in the legislation package, we would like to know the reason for this inclusion and what the standards will be.

Some members of the Community Affairs Committee may have had first hand experience with alcohol requirements designed in Canberra and implemented in the Northern Territory. The classic buy more than \$100 of take away liquor and you have to show ID, write your name, address and where you intended to consume your liquor in a register on the liquor store counter has not surprisingly been discontinued. It would be a tragedy if alcohol management plans also fell over due to inappropriate regulation by the Commonwealth.

Our submission today also wishes to address the *Enough is Enough* alcohol reforms enacted by the Northern Territory Government. While the reforms are important, they are of minimal impact in relation to the Intervention because most Aboriginal communities are not close to take away liquor outlets, from where the banned drinker/purchaser provisions operate. It would be interesting to know how many persons currently on the banned drinker register are from Prescribed Areas.

Of far greater significance to the Uniting Church is the lack in the *Stronger Futures* legislation package of any provision to establish a floor price for alcohol. Our earlier submission, see pages 7 and 8, strongly argues for introduction of a floor price as recommended by the Peoples Alcohol Coalition in Alice Springs. We are sure the Committee is familiar with the work of Dr John Boffa and the Coalition and this submission fully supports the introduction of a floor price for alcohol as called for by Dr Boffa, who has been recognised by the Northern Territory Government as Territorian of the Year.

Finally in regard to alcohol, we note that the Commonwealth's legislative package will continue to have the power to over-ride the *Northern Territory Liquor Act*. We strongly request this mechanism be retained as the NT Liquor Act has some inherent weaknesses which have yet to be addressed by the Northern Territory Government.

The most obvious example of how this impacts in the community is the operation of so called 'animal bars' in Alice Springs, and I think there is now sufficient documentation to be able to say these premises are having a very harmful impact on Aboriginal people and the town of Alice Springs.

While the Uniting Church does not wish to give rise to the *Northern Territory News* headline “Church supports animal bars”, it needs to be pointed out that these licensees are operating their premises within the conditions of their liquor licence. While there has been considerable community out-cry in relation to the harm caused by these premises, it may be noted that the

Northern Territory Government, the body with legislative control over liquor licensed premises, continues to allow their operation.

It is therefore hoped that the *Stronger Futures* legislation, through the power it has in relation to the *NT Liquor Act*, will enable addressing the operation of these bars, which are clearly not operating in the public interest.

Community Safety and Child Protection

Page 8: The glaring omission in this section of the policy document relates to the inadequate numbers of child protection officers in the Northern Territory. Just as this key recommendation from the *Little Children are Sacred* report has been under-funded in the past, so it continues to be ignored in this policy statement. We are aware the Community Affairs Committee is inquiring into the legislation, not the funding package of the Intervention. However, we wish to make the point that child protection is in our view still, despite an increase of funds from the Northern Territory Government, considerably underfunded.

The *Stronger Futures* legislative package does contain changes concerning customary law. However these changes are minor and only relate to considerations in relation to bail and sentencing decisions for offences against Commonwealth and Northern Territory laws that protect cultural heritage. Page 8 and 9 of our earlier submission calls for the reinstatement of customary law consideration.

Food Security

Page 9: Although a minor point to some, we wish to request reconsideration of the language used in relation to food security. Recently on a visit to the Gapuwiyak community in eastern Arnhemland, I had the following conversation with an old man. We had been talking about the punitive SEAM measures when he changed and said:

OM: so do you think we should be worried?

PJ: I'm not sure, what are you worried about?

OM: this food security business.

PJ: what is the food security business that worries you?

OM: this food security. Is al qaeda coming to steal our food?

I advised him that in my view, al qaeda was not coming to Gapuwiyak and perhaps instead we should be talking about healthy food and how government laws can ensure Aboriginal people have this access through their local store.

The issue of language is raised because if government wants Aboriginal people to engage and be part of a partnership approach to develop and implement the Intervention, the use of plain English, which will also assist translation into Aboriginal languages, is needed.

Housing and Land Reform

Page 9: The provision of additional housing stock in Aboriginal communities is most welcome. Our area of concern in relation to housing and infrastructure provision relates to homeland centres. We understand the focus of the Commonwealth and Northern Territory Governments in the Intervention is on the designated growth towns. While the growth towns concept is supported, especially as a means of catching up on service provision denied for many years,

provision for homeland centres also needs to be part of the picture if the Commonwealth is serious about addressing Aboriginal disadvantage.

Not all Aboriginal people want to live in homelands, but those who do should be assisted to live in these locations. Homeland centre life requires a very active participation in day-to-day community life, one cannot survive in a homeland living off Centrelink payments alone. Hence in pursuit of the goal of active engagement, funding for homeland infrastructure, in addition to growth towns, is needed.

In relation to the compulsory five year leases, these were always unnecessary as other consultative process could and should have been used. This submission welcomes their demise.

Summary

The Northern Synod of the Uniting Church wishes to restate part of the unanimous resolution passed at our 2011 Synod which contained:

as it has been every year since 2007; stop telling us and doing things to us and start to work alongside us in partnership. This will involve a resetting of the government – Indigenous relationship and for government to start to use different approaches.

We wish the Committee well and await your deliberations with interest.

Thank you.

PETER JONES
General Secretary

23 February 2012