

Stronger Futures?

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Acknowledgement of Country

I would like to pay my respects to the Burrumattagal people, of the Darug Nation...

The last week in June was an extraordinary week in our Parliament. It was the last week before the Politicians went on their winter break and, as is usual at this time, there was a raft of legislation to deal with before the break. Some of it was mundane and some of it was essential to pass as implementation dates were looming. One such item (or rather three associated Bills) on the agenda were the *Stronger Futures* Bills which had to be passed that week as several aspects were due to come into force on the 1st July.

There was no surprise here. We all knew that this was the week. It had been on the cards all year, and despite a very concerted effort and campaign to change the Government's mind, we knew that *Stronger Futures* would be in existence come July 1.

The Bills had quietly passed through the Lower House in February and it was no coincidence that they were passed on the same day of the leadership spill – between Rudd and Gillard. There is nothing like a leadership tussle to distract the media! There were only five people present to pass the Bills, one member representing the Government, one representing the Opposition and two independents and one Green who all voted against it.

So now we were in June with only a few days left of the sitting session. For us it was a question not of if, but of when. Suddenly though, things went a little differently than planned. On the Wednesday the Lower House suspended normal business to consider independent MP Rob Oakshot's Bill to address off shore processing of asylum seekers. The debate was several hours long and, despite some incredible posturing, was eventually passed by the Lower House. It then had to go to the Senate – with only one day to go before the break. As a consequence the Senate also suspended business on the Thursday so that they could address Oakshot's Bill.

What followed were about eight hours of debate which did nothing to enhance our human rights reputation before finally the Bill was defeated by the Opposition and the Greens. As we knew it would be. Of

course I am not here to talk about refugees, however, these events are important because the consequence of all these shenanigans was that debate on the *Stronger Futures* Bills did not start until after 6.00pm on the Thursday night and continued until just after 2.00 am on Friday morning. I know as I sat there and listened to every single word!

I should just take a step back and remind you what it was that was passed that morning. *Stronger Futures* refers to a set of Bills that were intended to replace the Intervention. If you recall the Northern Territory Emergency Response - or Intervention as most have called it- was introduced by John Howard in 2007. It was a raft of measures brought in ostensibly to increase child protection in response to the Little Children are Sacred Report. The Intervention was devised and implemented with no consultation, with no regard for communities needs, hopes or aspirations and was draconian in both its reach and its implementation. To bring in the Intervention the Government had to suspend the Racial Discrimination Act and several of its measures were overtly discriminatory.

The more controversial aspects of the Intervention included:

- Compulsory Income management for every person on welfare in “designated areas” ie all Aboriginal communities.

- Compulsory acquisition of leases over Aboriginal land – hard fought for years earlier.
- The prohibition of alcohol and pornography and the compulsory signs which were displayed at every entrance to communities announcing these laws.

There were many other measures that looked like they might promise great things – extra teachers and police, new housing and so on. But the way it was announced and implemented and several of its measures undermined self-governance and violated human rights.

Let's be clear about one thing. No one has ever suggested that the Government should walk away and do nothing. In fact quite the opposite. People have been trying to get the Government to act on the lack of services and the high levels of poverty in the Northern Territory for decades. No one listened. So to say that we were suddenly facing an emergency was a farce. This so called emergency had been in existence for two generations and nothing had been done.

Time does not permit me to go back over all the ins and outs of the Intervention, but it's important to note in the context of talking about *Stronger Futures* that despite a plethora of reports there is little substantial evidence that backs up the Government's claims about the

effectiveness of the Intervention. Benchmarks and proper measurements were not put in place in the beginning and although there have been some improvements in data collection the evidence remains woefully inadequate. This does not stop the Minister from claiming great success however.

The Intervention was brought in for five years, thus expiring in August this year. So the big question for Government was what comes next? Last year the Government produced a discussion paper on their plans which are called *Stronger Futures* and held some consultations. The Government claims that these consultations were comprehensive and that basically communities gave them the green light to go ahead. They claim that what is now in the *Stronger Futures* legislation were things that were asked for by Aboriginal communities. Before I comment on that, I'll just finish off outlining the process. Based on these consultations the Government then put up three Bills which were subject to a Senate inquiry over Christmas and then were put to the Lower House in February and the Senate in June. The Opposition and the Government both supported the Bills with only the Greens dissenting. The Bills were passed with only minor amendments by both Houses and are now Law.

So what's the problem with all of this? Shouldn't we be happy that the Government is trying to fix the problems in the NT? Well yes and no! It's fantastic that the Government recognizes there is a need to direct resources and commitment to the Northern Territory. But where they are failing woefully is how they are going about it.

There are a few areas that we are most concerned about.

One is the lack of proper and appropriate consultation. There has not been adequate consultation despite the Government's claims. The Government has been widely criticized for the conclusions they have drawn from these consultations. They have seemingly cherry picked what they want to hear and ignored the rest. A group called 'concerned Australians' recorded many of the consultations and have published the transcripts and it is evident that the consultations were not the overwhelming endorsement that the Government claims.

Aside from timing and translation issues and not providing discussion papers in local languages the Government went in with a predetermined agenda and framed the whole discussion to suit the outcomes they expected. For example, if you ask people if they want

their children to go to school they will say yes. That doesn't mean they want welfare payments taken away to get them there.

Additionally, despite the Government claims that these measures are what people want there are many statements made by Aboriginal Elders in the Northern Territory which reject the Stronger Futures Bills and state categorically that they do not want this legislation.

It was not only NT communities who expressed concerns about the legislation. There were over 450 submissions to the Senate inquiry. The vast majority of those submissions had issues with the *Stronger Futures* bills and either called for outright rejection or significant modification.

Many groups, including Churches, Human Rights groups, Unions, lawyers, doctors etc come together and strongly criticized the *Stronger Futures* regime.

The level of dissent is important to note because still there remain Special Measures. These are the parts of the legislation that are deemed to be exempt from the Racial Discrimination Act on the basis that they are special measures. To claim a special measure you have to have the consent of the people who will be affected by it. That consent is clearly not there.

This is also a problem as the Government now supports the Universal Declaration on the Rights of Indigenous Peoples (DRIP). One of its principles is free and prior informed consent. The government thinks that its consultations measure up but everybody else disagrees. How on earth can you have an Assembly of NT Aboriginal Nations putting out a statement categorically saying “We do not want this legislation” and then claim you have gained free and prior informed consent – consent from who?

Another area of concern is the lack of proper, independent and verifiable evidence of the Intervention’s impact. There is no consensus or proper evidence to prove that the measures implemented since the beginning of the Intervention have worked – which is especially worrying considering how expensive they are. The Government commissioned an independent report last year and even in that it was said that in pretty much all areas there was not enough evidence to clearly state the efficacy of those programs.

Stronger Futures also denies the right of Aboriginal people to manage their own affairs and characterises Aboriginal peoples as incapable. For example measures such as Alcohol Management Plans completely ignore the fact that communities across the NT have for

many years been working on solutions to address alcohol problems. In fact many were already dry communities long before the Intervention. Now it will be entirely up to the Minister whether she will accept their solutions or impose her own.

Stronger Futures has punitive aspects such as the School Enrolment and Attendance Measure (SEAM). This is a program which suspends welfare payments to parents whose children do not go to school. What logic is it that says we will punish already disadvantaged children by removing income from their family and causing more disadvantage? It should also be noted that the trials have not been overwhelming successes.

Stronger Futures is coercive and the move to long term leases over communities completely undermines hard won land rights. It is not necessary for the Government to impose leases to improve its delivery of services. This move is part of a bigger problem with *Stronger Futures* as it fails to recognise the importance of land, language and culture to Aboriginal peoples.

Perhaps most insidiously, *Stronger Futures* fails to recognise that Governments need to change the way they deliver services. The Government agenda and dialogue is all about changing Aboriginal peoples. The Government has failed to listen to Aboriginal peoples and

continues to treat them as a problem to be solved. Further, they seem to think that the only way to solve these ‘problems’ is by forcing people away from their own cultures towards the dominant White culture. This legislation is more than bad policy it is racist and assimilationist. It will hurry the demise of Aboriginal Cultures and will only succeed in debilitating and demoralising Aboriginal peoples.

So the big question is will this new legislation result in *Stronger Futures* as promised? Well I very much doubt it. Everybody knows that community development has to come from the community. You can’t empower people to create their own futures by imposing somebody else’s dream on them. There are significant problems in many communities and many are suffering from a lack of good health, education and employment. But characterizing all Aboriginal people in the NT as problems to be solved is not helping. Undermining people’s human rights does not help. Disempowering people leads to despair not development. It is only through empowering people to dream and create their own futures that we will see any change in the Northern Territory or elsewhere.

The thing that saddened me immensely as I sat there watching the debate unfold in the Senate was realizing that not only did Senators not care what they were doing; they didn’t even know what they were voting

for. The very few members of the Government or Opposition who bothered to speak were largely ignorant of what the bills contained and what the impact would be. Mind you at least they were there. Nigel Scullion, the shadow minister for Indigenous affairs didn't even bother to stay and debate it. All those politicians who blindly followed party policy and voted for this should be absolutely ashamed of themselves. This legislation will control Aboriginal people in the Northern Territory for ten years. Yet, despite Aboriginal people standing up and saying they don't want it. Despite over 450 submissions criticizing the legislation. Despite at least one petition gaining over 45,000 signatures. Despite rallies, letters, petitions and pleas, the Government decided that they know best and pushed through – using much the same language that they use to justify establishing the Protector of Aborigines. This was a failure of democracy and a failure of our Parliamentary process. Most of all it failed Aboriginal people.

Where do we go from here? Right now we wait and see. It's important that we keep on our politicians backs about what they did. But it's also important that we let those people who are affected by *stronger futures* absorb what has happened and decide what action they want to take. We have always been guided by those whose lives are most affected by these draconian laws and so we will continue to do so. We

definitely need to tell the International Community where Australia has failed to meet its obligations under International human rights conventions. I have no doubt that there will be legal challenges to some aspects of the legislation. We also need to question the successes that the Minister will claim for this continued Intervention. We need to make sure that the voices of dissent and those who are in a position to provide solid information telling a different story to the Government's are given a hearing.

One thing is for sure, the fight did not end the night this legislation was passed. We will continue to stand with Aboriginal people in the Northern Territory and challenge all these attempts to take away their rights, their cultures and their self-determination.