

# Help stop the new Intervention:

## A guide to writing a submission opposing the Stronger Futures legislation

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The federal government has introduced the Stronger Futures Bill 2011 and related legislation to parliament.

This legislation 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.

You have until 1 February 2012 to make your voice heard.

### Points to make in your submission

1. General
2. If you want to support communities having control over their own communities
3. If you support Land Rights
4. If you support Aboriginal culture
5. If you disagree with compulsory income management
6. If you disagree with people having their social security entitlements suspended if their children miss school.
7. If you don't like punitive policy
8. How to lodge your submission

#### 1. General

1. a. The Stronger Futures set of legislation is a continuation of the intervention (NTER 2007). The Intervention has received local, national and international condemnation for its racism and lack of evidence base.  
b. Despite almost 5 years of the NTER, there have not been improvements in Aboriginal people's lives; indeed the situation is worsening. Since 2007 attempts at [self-harm/suicide](#)<sup>1</sup> have more than doubled, [incarceration rates](#)<sup>2</sup> are skyrocketing, overcrowded living conditions and ill health continue, and there has been a huge increase in the number of [children removed from their families](#)<sup>3</sup>. School attendance has not improved and in many instances has worsened. Employment numbers have fallen and more people are now on Centrelink payments than before the NTER.  
c. These appalling outcomes are a result of a failure to understand the strong links between individual and community autonomy and self-pride; and health and economic improvements. They result from a failure to understand the context of poverty and colonialism, and how punitive coercive policies will only worsen conditions.
2. The Stronger Futures legislation continues and extends income management, makes more attacks on Aboriginal land, further dismantles community control, refuses to acknowledge customary law, and adds further punitive legislation targeting Aboriginal people.
3. The legislation is in contravention of the United Nations Declaration of the Rights of Indigenous Peoples, which the government has pledged support for.
4. All legislation should be consistent with the Racial Discrimination Act of 1975, and the UN DRIP, and support the principles of self determination.

#### 2. If you want to support communities having control over their own communities

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<sup>1</sup> Closing the Gap in the Northern Territory monitoring report Jan – Jun 2011, Part 2, p66 (Table 6.4), accessed at [http://www.fahcsia.gov.au/sa/indigenous/pubs/nter\\_reports/ctg\\_nt\\_monitoring\\_rpt\\_janjun\\_2011/Documents/ctg\\_nt\\_monitoring\\_rpt\\_pt2\\_janjun11.pdf](http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/ctg_nt_monitoring_rpt_janjun_2011/Documents/ctg_nt_monitoring_rpt_pt2_janjun11.pdf)

<sup>2</sup> ABS statistics, [www.abs.gov.au/ausstats/abs@.nsf/Products/AD702E3768342C4CCA25795F000DB4B0?opendocument](http://www.abs.gov.au/ausstats/abs@.nsf/Products/AD702E3768342C4CCA25795F000DB4B0?opendocument)

<sup>3</sup> AIHW 2012. Child protection Australia 2010–11. Child welfare series no. 53. Cat. no. CWS 41. Canberra: AIHW. accessed at <http://www.aihw.gov.au/publication-detail/?id=10737421016&tab=2>

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1. The NTER and now the Stronger Futures legislation continue to dismantle community control.
  2. NT government also has been dismantling community control, with the dismantling of the community councils, replaced by mega-Shires.
  3. Stronger Futures legislation takes further control away from communities around alcohol management plans, management of community owned stores, Aboriginal land, and schooling.
  4. There is good evidence that when individuals or communities have more control over their lives, people's health improves.
  5. Communities having control over their lives is also a requirement of the United Nations Declaration of the Rights of Indigenous Peoples.
  6. The government should withdraw all parts of the legislation that centralises control in the hands of government, away from communities.

### **3. If you support Land Rights**

1. The government is trying to override laws that safeguard community and town camp land for Aboriginal people, for Aboriginal purposes, forever.
2. This is a step backwards for Land Rights, and opens up community living areas and town camps for unrestrained private ownership and development by non-Aboriginal people.
3. Aboriginal land must stay Aboriginal land.
4. In the UN Declaration of the Rights of Indigenous Peoples;
  - a. Article 25 states Indigenous peoples have the right to keep and strengthen their distinctive relationship with their lands, waters, and other resources.
  - b. Article 26 states that Indigenous peoples have the right to own, use and control their lands, waters and other resources. Governments shall recognise and protect these lands, waters, and resources.
  - c. Article 28 states: Indigenous peoples have the right to the return of their land and resources when taken without their free, prior and informed consent. Where this is not possible, they shall receive fair compensation in the form of lands and resources, or money.

### **4. If you support Aboriginal culture**

1. This Stronger Futures legislation continues the assimilationist and discriminatory ideology of the intervention.
2. In the legislation, it states that it will remain illegal to take customary law into consideration around bail or sentencing, except if it relates to sacred objects or landscapes. This is inadequate. This denies people the acknowledgement of their culture in their daily lives. It stigmatises customary law as inherently abusive and violent, which is not true.
3. Customary law, as in the United Declaration of the Rights of Indigenous Peoples must be respected at the federal level.

The UN DRIP states

  - a. Article 8: Indigenous people shall be free from forced assimilation. Governments shall prevent – actions that take away their distinct cultures and identities
    - the taking of their land and resources
    - their removal from their land
    - any form of assimilation
    - propaganda against them
  - b. Article 34: Indigenous peoples have the right to their own legal systems and customs, as long as they accord with international human rights law.
4. All Australian legislation should be consistent with the UN DRIP.

### **5. If you disagree with compulsory income management.**

1. Compulsory income management (IM) is continuing, and being extended to areas outside the Northern Territory.
2. There is no evidence that compulsory income management improves people's lives or leads to the purchase of more healthy food. REF
3. There are many people who feel humiliated by IM, and who have increased difficulties managing their finances because of IM.
4. If IM is to be an option it must be a voluntary, opt-in model, with intensive case management and financial counseling on an individual basis. REF

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5. Compulsory IM must stop, and there must be no expansion of IM.

**6. If you disagree with people having their social security entitlements suspended if their children miss school.**

1. The Stronger Futures legislation links social security payments with school attendance. If children miss more than 5 days of school a term, parents can be issued with a 'compliance notice', which if not followed, can lead to suspension of the carers' social security payments.
2. Truancy officers (appointed by government) will be able to suspend payments, and exchange information about pupils and carers with other government employees.
3. This legislation seeks to bypass school and community governance process.
4. This is despite NO evidence that such measures actually work, with the latest report from the SEAM (School Enrollment and Attendance Measure) trial in the NT failing to make any improvement in school attendance.
5. There has been broad based opposition to this measure from Aboriginal organisations, social service providers, education experts, and NGOs. It is unclear why the government continues to pursue a policy which is expensive, punitive, humiliating, and does not work.
6. At the Stronger Futures consultations that were recorded, suggestions by community members for improving school attendance included elders picking up children to take them to school, local residents employed by the school, bilingual education where wanted, and a curriculum more relevant for the locality. Where raised, linking school attendance to welfare suspension was disagreed with vehemently. These are the solutions that the government should be pursuing.

**7. If you don't like punitive policy.**

1. The Stronger Futures legislation has the following punitive policies:
  - a. People found with one bottle of beer can be imprisoned for 6 months, or up to 18 months for being in possession of a 6 pack of beer. This must be withdrawn. No jail sentences for possession of alcohol. Jail rates for Indigenous people in the NT are soaring, for trivial offences such as this. Jail is not a safe place to be.
  - b. People's social security entitlements can be suspended if their children miss 5 days of school in a term (see above). This is punitive, and will increase the suffering in people's lives.
  - c. The government wants to have more power to shut down, heavily fine and control stores owned and managed by a community, while owning and managing competing stores in the same community.
2. Punitive 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. Instead government funds should be redirected into programs which are designed, owned and directed by Aboriginal people.

**8. How to lodge your submission**

Written submissions must be signed, and include your name, phone number and postal address. You can ask for your name not to be made public if you wish.

Post your submission to arrive by 01 February 2012 to:

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

Submit by email: [community.affairs.sen@aph.gov.au](mailto:community.affairs.sen@aph.gov.au)

Or submit online at [http://www.aph.gov.au/Senate/committee/wit\\_sub/bro\\_one.htm](http://www.aph.gov.au/Senate/committee/wit_sub/bro_one.htm)

For more information on this legislation, and to find out more about the Intervention Rollback Action Group, see: [www.rollbacktheintervention.wordpress.com](http://www.rollbacktheintervention.wordpress.com)