

## **The Government's Stronger Futures Legislation.**

In late 2011 the Government introduced three Bills as part of its Stronger Futures Program. These Bills have been referred to a Senate Committee that is currently considering them.

### **What the Bills Propose**

- To further extend compulsory income management to selected areas of States and Territories and empowering State and Territory officials to select people to be placed under income protection. It seems highly likely that the vast majority will be Aboriginal people although the Bill purports to be applicable to the entire population in places where it is designated to operate.
- To extend its interference with Aboriginal peoples' entitlements to social security benefits relating to the support of children, by setting up a scheme enabling such payments to be withdrawn from parents based upon unsatisfactory school attendance by their children. Again the racially discriminatory nature of this measure is cloaked by its possible extension to the wider community. However, there can be no doubt about the principal target of this legislation.
- To continue the controls on alcohol imposed by the 2007 Intervention in designated areas, subject to minor concessions to local views if they meet with the Minister's approval.
- To continue controls on pornography in the same areas.
- To introduce a so-called land reform which, in the event of the NT Government failing to legislate to the satisfaction of the Minister, enables the Minister to make regulations relating to the future use of town camps and community living areas. The Minister's powers are expressed in extremely wide terms. This is little more than a land grab from the land's Aboriginal owners and although the Bill provides for some consultations, the regulations made by the Minister are not invalidated by a failure to consult.
- To continue and expand the process of licensing community stores to most of the NT except Darwin and Alice Springs.
- With a minor exception relating to sacred sites etc, to continue the policy of discrimination against Aboriginal people subject to court sentencing

and bail decisions by preventing the courts from taking into account Aboriginal cultural law and practice. This restriction does not apply to any other ethnic or religious group in Australia.

In order to support this legislation the Government conducted a re-run of the previous process of 'consultations' as part of the 'Closing the Gap' project. On this occasion they were rushed, no doubt because of the Government's political imperatives there in. Again we have the spectacle of the Government going through the motions of 'consulting' without really doing so in order to pursue its pre-determined and Canberra driven policies. The Government simply sounded Aboriginal opinion over a wide range of issues and used such expressions of opinion that favoured its purposes to justify the introduction of special measures.

There was no attempt to invite Aboriginal people and their Elders to share in the planning of these consultations that will affect their lives for years to come. Similarly they had no involvement in the preparation of the report and recommendations made as a result of them. The so called independent experts who reported favourably about their fairness did not include any Aboriginal people. No consideration was given to the special position of Aboriginal elders, who were effectively ignored.

The Government cannot hope to succeed in its argument that these measures are special measures because the consultation was not only flawed and incomplete but because the so called special measures do not have the informed consent of the Aboriginal people affected.

There are many things that can be said about this legislation. These include:

- The iniquitous and demeaning nature of income management.
- The obvious injustice to children in depriving their parents of the means of support for them in order to coerce them to in turn coerce the children to go to school.
- The fact that most if not all of it is in breach of both the UN Convention on the Rights of the Child which Australia has ratified and the UN Declaration on the Rights of Indigenous people which Australia supports.
- The fact that its coercive nature represents a reversion to past failed policies directed at Aboriginal people.

- The fact that it breaches the Racial Discrimination Act which the Rudd/ Gillard Government purported to reintroduce.
- The fact that it is a development of the clearly racist approach of the Howard Government's NTER.
- The fact that it is a further development of an already failed policy.
- The fact that it does nothing to address the underlying problems of Aboriginal education health and wellbeing.

We therefore call on the Government to abandon this legislation and set up an appropriate and agreed mechanism to enable the Elders and Aboriginal Leaders of the Northern Territory to participate on equal terms in decision making relating to their future. The precise nature of such a mechanism should be decided in discussion with Elders and Aboriginal Leaders and would require their agreement before being implemented.

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