

A Destiny Together

Justice for First Peoples

Stronger Futures legislation

The Stronger Futures legislation is a series of Bills passed in the Federal Parliament that determine what programs the Government implements for Aboriginal communities. The Bills are an extension of the Northern Territory Emergency Response Act 2007 (the Intervention), which expired in mid-2012. The new Bills saw many of the discriminatory measures of the Intervention extended by up to a decade.

A key criticism of the Stronger Futures legislation is the lack of genuine consultation with Aboriginal communities. The Government points out that over a three month period they conducted 100 meetings in Aboriginal communities. This is not an indication of successful consultation in genuine partnership with First Peoples. Interpreters were only booked for 91 of these meetings, and not all materials were printed in the relevant Indigenous language for each community. There were also no official recordings or transcripts of these meetings, which makes it difficult to verify the Government's claim that they are acting according to the wishes of First Peoples.

The Government visits to communities were generally 'fly in – fly out' meetings, which means that Parliamentarians would spend less than a day in remote communities. This is not enough time for those living on homelands, which may be a great distance from the growth centres that were the location of most meetings, to travel to attend the hearings. Genuine consultation with Aboriginal communities must be the cornerstone of any legitimate policy to address violence and disadvantage.

What are the key aspects of Stronger Futures?

Some of the discriminatory measures that exist under the Stronger Futures legislation include:

- suspension of social security payments for parents whose children do not attend school regularly;
- up to six months imprisonment for breaching alcohol bans in communities;
- a continued ban on the use of Aboriginal customary law in bail and sentencing decisions; and
- income management programs to be extended to five new regions.

Suspension of social security payments

Under the Stronger Futures legislation, if children do not attend school on a regular basis, their parents will have their social security benefits suspended for up to 13 weeks.

“Under the Intervention we lost our rights as human beings, as Australian citizens, as the First Peoples of the land. We feel very deeply the threat to our languages, our culture and our heritage.”

**Rosalie Kunoth-Monks,
Rev. Dr. Djiniyini Gondarra,
Harry Nelson, Miriam Rose
Ungunmerr-Baumann, Djapirri
Mununggirritj, Dhanggal
Gurruwiwi.**



“There is a reason that children don’t go to school and it is not because parents are lazy or selfish. These schools are foreign places set up for the repeated failure and teasing of students.”

Rev. Dr. Djiniyini Gondarra OAM

We know that students who do not attend school on a regular basis are more likely to leave school early and are less likely to undertake alternative education and training pathways. We also know that there is a strong correlation between truancy and crime, as well as between failure to complete high school and engaging in criminal activity of a serious nature. Poor school attendance rates are also the most important feature in accounting for the disparity between Indigenous and non-Indigenous literacy and numeracy outcomes.

We do not believe that punishing parents will fix the problem. In fact, there is no proof that withholding social security payments will have a positive impact on students attending school. The Combined Aboriginal Organisations of the Northern Territory have reported a severe lack of educational services in many parts of the region. Just under 95 per cent of Aboriginal communities in the Territory have no preschool, 56 per cent have no secondary school and 27 per cent have a local primary school located more than 50kms away. There is also a lack of adequately trained, culturally-aware teachers, and a high turnover of staff in remote community schools.

Imprisonment for breaching alcohol bans

We recognise that alcohol abuse is a serious problem in some Aboriginal communities, as well as many non-Aboriginal communities. Many Aboriginal communities in the Northern Territory are ‘dry’ – in fact, there were 103 such areas before the Intervention was implemented in 2007. The key to success is not to impose restrictions on communities, but rather to empower them to make and enforce their own alcohol management plans.

Purely punitive measures of up to six months incarceration will fail to reduce the impact of alcohol abuse on Aboriginal families and community members, and will serve only to increase the disproportionate rate of incarcerated Aboriginal peoples.

Over the last ten years, imprisonment rates for Aboriginal and Torres Strait Islander peoples have jumped by more than 50 per cent, with a report showing they now account for a quarter of the prison population. We need to do more to support communities than the introduction of heavy penalties that do not apply to all Australians.

Customary law

Customary law – the social rules and customs of Aboriginal communities that have evolved over centuries – sets down a system of law and order for a community, governing the roles and responsibilities of its members. It provides for rights and respect for others and consequences for those who breach community standards of behaviour.

Customary law can help Aboriginal communities exercise greater self-governance and take greater control over problems facing their communities. It should be seen by the Government as integral to attempts to develop and maintain functional, self-determining Aboriginal communities.

The Intervention prohibited the consideration of customary law in the Northern Territory. This ban is continued under the Stronger Futures legislation. This blanket exclusion removes an important mechanism by which traditional Indigenous practices intersect with the Australian legal system, and deprives First Peoples of the right to determine their own social and political development.



Income management

Under the income management clauses of the Stronger Futures legislation, a percentage of an individual's welfare payment is quarantined for use in purchasing particular goods and services (defined as 'priority needs') such as food and housing.

In order to access money that has been placed into income management accounts, people may be issued with vouchers, or receive other payments or credits for use in purchasing goods and services. Excluded goods and services (such as alcohol, cigarettes, pornographic material and gambling services) cannot be purchased with the funds. Income management has found limited support amongst Aboriginal communities. The Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council (NPYWC) have publicly supported voluntary income management as a tool to empower women in Aboriginal communities and reduce the levels of domestic violence. However the Equality Rights Alliance, who surveyed Aboriginal women living in the Northern Territory, found that 79 per cent wanted to leave the income management program, 85 per cent had not changed what they buy, and 74 per cent felt discriminated against when they used the BasicsCard. The reports of individuals feeling discriminated against or stigmatised has been a consistent finding in consultations by community organisations with individuals whose income is being managed.

What does work?

We know that if programs are to succeed in overcoming the disadvantage that many Aboriginal and Torres Strait Islander communities face, then they must be driven by Aboriginal and Torres Strait Islander peoples themselves. Consultation on what programs would be most suitable must take into account that each community is different.

Decision-making needs to allow for local knowledge and the aspirations of each community. Consultation also needs to be a collaborative, two-way process, with ongoing dialogue that fosters partnerships instead of a 'top down' approach.

Justice for First Peoples will depend on policies which ensure appropriate resourcing in the areas of health, housing, education, employment and welfare support. Yet more than that, there is a need for policies which respect self-determination and the ability and desire of Aboriginal and Torres Strait Islander people to themselves address disadvantage (without the imposition of solutions by outside welfare and government bodies). Such approaches, accompanied by a reconciliation process which develops non-Indigenous capacity to be respectful of Aboriginal and Torres Strait Islander culture and peoples, will lead to better outcomes for all.

Where can I find out more information?

You can access the latest resources on the A Destiny Together website
<http://assembly.uca.org.au/adeitytogether>

The UnitingJustice website also contains resources that will be helpful as you learn more about issues faced by many Aboriginal and Torres Strait Islander people

<http://www.unitingjustice.org.au/justice-for-indigenous-australians>

“Implementation of a system that divests Aboriginal people of any power to make choices to govern their own financial affairs is severely out of step with principles of both self-determination, and self-responsibility.”

**Tom Calma, Former
Aboriginal and
Torres Strait Islander
Commissioner.**

