

Stronger Futures referred to committee; closing date after Christmas

By Amy McQuire

NORTHERN TERRITORY

THE controversial Stronger Futures legislation has been referred to parliamentary committee, with the submissions due after Christmas, and before the next Parliamentary sitting. The bill was introduced by the Gillard government in November and is designed to takeover from the NT Emergency Response (NTER) when those laws expire next year.

If passed it will have a sunset clause of 10 years, with a review after the first seven years.

The Senate has now referred Stronger Futures to the Community Affairs committee. Submissions close by 12th January, 2012. The reporting date is 29th January.

But there has been some concerns that opening the consultation process over the Christmas holidays, and closing the submission date before Parliament sits could hurt the ability of Aboriginal organisations and other concerned groups to make submissions.

Stronger Futures has already attracted strong criticism from many who see it as a continuation of the NTER. The package of legislation upholds many of the controversial aspects of the intervention, but it will also roll out the School Enrolment and Attendance Measure (SEAM) which links welfare payments to school attendance. Compulsory income management will continue.

The alcohol bans will also stay in place under the new legislation and the bill cracks down on grog runners by includ-

ing six months imprisonment in penalties for liquor offences under 1350 millilitres, while strengthening provisions surrounding alcohol management plans.

Restrictions on porn will also stay in place in "prohibited material areas", and the legislation will continue to prevent customary law and cultural practice from being considered in sentencing and bail decisions.

It is proposed that customary law and cultural practice be included in sentencing and bail decisions when relating to cultural heritage offences. The legislation does not extend the five-year compulsory leases over townships but voluntary long-term leases will still be negotiated with communities.

The package will also commit \$19.1 million to fund new ranger positions over

the next four years. The Australian Crime Commission (ACC) will keep its powers under the existing legislation, allowing the Australian Federal Police (AFP) to perform the functions of NT police in relation to violence and child protection.

The Gillard government still claims that all the measures in the Stronger Futures will be consistent with the Racial Discrimination Act (RDA), although there is concern the NT intervention's "special measures", upheld under the new legislation, are still discriminatory.

The original NT intervention laws by-passed the RDA, and were passed in 2007 with virtually no consultation with Aboriginal people affected. Four years on, it is still the subject of heated debate.

Peak bodies call on government to move on from intervention

By Amy McQuire

NORTHERN TERRITORY

A COALITION of Aboriginal peak bodies in the Northern Territory has hit out at the federal government's Stronger Futures legislation, calling for a departure from the trend of "interventions".

The Gillard government introduced the controversial legislation into Parliament earlier this month. The legislation follows a six-week period of consultation with

The submission was not made publicly available on the FaCH-SIA website, but is available for download on *Tracker's* website. NAAJA's Principal Legal Officer Jonathon Hunyor says the government should reject the concept of intervention.

"The whole approach to intervention is wrong, the whole approach to intervention should be rejected," Mr Hunyor told *Tracker*. "The government should acknowledge that it's the wrong way to go.



A protest against the Northern Territory intervention. Labor has introduced Stronger Futures into Parliament, which is intended to replace the NT Emergency Response when it expires next year. (AAP IMAGE)

Mr Hunyor says that it's

deployed to their communities,"

School Enrolment and Attendance

Peak bodies call on government to move on from intervention

By Amy McQuire

NORTHERN TERRITORY

A COALITION of Aboriginal peak bodies in the Northern Territory has hit out at the federal government's Stronger Futures legislation, calling for a departure from the trend of "interventions".

The Gillard government introduced the controversial legislation into Parliament earlier this month. The legislation follows a six-week period of consultation with Aboriginal communities in the Northern Territory, which has been used as the government as proof it is moving on from the mistakes of the NT intervention.

But there has already been criticism that the consultations were not adequate.

The Aboriginal Peak Bodies of the NT, which takes in the Central Land Council, Northern Land Council, Northern Australian Aboriginal Justice Agency (NAAJA) as well as other peak bodies, has made its concerns clear in its submission to the Stronger Futures report.

It calls on the Gillard government to re-instate the permit system; allow custom and culture to be considered in sentencing and bail decisions; ensure Aboriginal legal services are funded; repeal the "prohibited material" restrictions; remove the Prescribed Areas signs; and remove the "extraordinary" law enforcement powers of the ACC.

The submission was not made publicly available on the FaCH-SIA website, but is available for download on *Tracker's* website. NAAJA's Principal Legal Officer Jonathon Hunyor says the government should reject the concept of intervention.

"The whole approach to intervention is wrong, the whole approach to intervention should be rejected," Mr Hunyor told *Tracker*. "The government should acknowledge that it's the wrong way to go. This big one-size-fits all approach doesn't reflect what the evidence is showing us will work.

"One of our concerns with Mark II, what's been described as a continuation of the intervention, is it seems to reflect a failure to recognise that the intervention as a strategy is never going to work.

"...It's challenging for government to work within the limitations of what government can do and an intervention approach has an appeal for government because it suggests that one big bold move that might fix what is obviously a very complex and challenging problem.

NAAJA has been a strong advocate for overturning the provision that stops judges and courts from taking customary law into sentencing and bail decisions. The Stronger Futures legislation will allow customary law to be taken into consideration for cultural heritage offences, but not other offences.



A protest against the Northern Territory intervention. Labor has introduced Stronger Futures into Parliament, which is intended to replace the NT Emergency Response when it expires next year. (AAP IMAGE)

Mr Hunyor says that it's "disappointing" and that excluding customary law from bail and sentencing decisions is discriminatory.

"When anyone is challenged to identify the sorts of cases they saw would support excluding customary law, that support this discriminatory provision, not one can come up with any answers. It's all anecdotal.

"Our view is that it is wrong, it should not feature in our law and it shouldn't be a feature of modern Australian law, to discriminate."

Amnesty International has also joined the chorus of voices against the Stronger Futures legislation, stating that the government hasn't done enough to remove the discriminatory aspects of the intervention in the new legislation.

"The 2007 intervention was rolled out without any consultation and left many Aboriginal people traumatised when heavily armed army and police personnel were

deployed to their communities," Amnesty International's Campaign Co-ordinator on Indigenous Rights Sarah Marland said.

"The Australian government has an opportunity to re-set the relationship with Aboriginal Territorians and engage in free, prior and informed consent as international human rights law dictates."

Ms Marland is doubtful that restricting welfare payments will do anything to eliminate truancy.

"There is no evidence to suggest that threatening to withdraw income support creates behavioural change in children's attendance at school," Ms Marland said. "Nor is there evidence to suggest that school attendance correlates with increased performance or improved levels of numeracy and literacy."

The Australian Council of Social Services (ACOSS) has also slammed the expansion of the

School Enrolment and Attendance Measure (SEAM) as a "punitive, top-down approach to social problems". In a joint press release with community organisations, NGOs and Aboriginal peak bodies, it calls on a more community-driven approach to boosting education.

"In the 'Stronger Futures' consultations, community members suggested introducing Aboriginal culture into the curriculum, involving elders and parents more in school activities, developing mentoring programs for parents, and doing more to attract and retain good teachers," the statement says. "This fits with what the research shows works. Aboriginal communities and peak organisations have also been calling for the reinstatement of bilingual learning for the same reason, because it works."

• **SEE ALSO:** *The cunning of consultation by Prof Jon Altman, page 36.*