

**INDIGENOUS LAW CENTRE**

**A Collection of  
Initial Responses  
to the  
Howard  
Government's**

**Intervention  
in the  
Northern  
Territory**

**June/July 2007**

Indigenous Law Centre  
The Law Building  
University of New South Wales  
Sydney NSW 2052 Australia

compiled by Bridget McDermott  
4 July 2007

## Foreword

The Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse was established on 8 August 2006 and was Co-Chaired by Ms Patricia Anderson and Rex Wild QC. The purpose of the Inquiry was to find better ways to protect Aboriginal children from sexual abuse. The Northern Territory Chief Minister, Clare Martin publicly released the report on 15 June 2007. The report, entitled *Little Children are Sacred: Final Report of the Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse*, runs to 350 pages and includes 97 recommendations.

The first recommendation in the report is:

### **Leadership**

1. That Aboriginal child sexual abuse in the Northern Territory be designated as an issue of urgent national significance by both the Australian and Northern Territory Governments, and both governments immediately establish a collaborative partnership with a Memorandum of Understanding to specifically address the protection of Aboriginal children from sexual abuse. **It is critical that both governments commit to genuine consultation with Aboriginal people in designing initiatives for Aboriginal communities.**

Less than one week after the report was publicly released, John Howard PM announced that the federal government would legislate to intervene in the Territory. The recommendation for genuine consultation was not acted upon by Howard. He announced a six month ban on alcohol across the Northern Territory, and a massive law and order campaign. The intervention operation began with sending in police and military personnel, and these forces are to be followed by medical workers. The decision to have compulsory medical checks on all Aboriginal children for signs of abuse created a uproar, with even the Australian Medical Association and the report's co-author Pat Anderson declaring that intrusive medical examination would constitute assault of children.

Major changes will be imposed on Aboriginal people in the Northern Territory. The rescission of leases for town camps and amendments to the Aboriginal land rights regime are to follow, as well as the proposed scrapping of the permit system which allows communities to have some control over who come onto their land. The lack of consultation and the Federal Government's apparent indifference to the recommendations in the report are of concern to many people who live and work with Aboriginal communities in the Northern Territory.

Child abuse is a serious problem which requires solutions and healing, yet many people have concerns over the method and approach of the current intervention. These concerns are based on decades of experience and knowledge in Indigenous issues. Yet those expressing concerns are dismissed as "naysayers" and as wanting children to suffer. This is an insidious response to genuine concerns about the implementation of the NT plan.

The Indigenous Law Centre has brought together the following short collection of pieces from community organisations and experts. The contributions have all been prepared hurriedly in response to the Federal Government's announcements and actions. The collection aims to express some of the concerns which Indigenous and non-Indigenous people have about the intervention plans, and to highlight positive elements of the plan and to propose some ways in which these organisations can contribute through the services they provide or the experience and expertise they have developed over many years. There are always many ways to approach an issue, and through consulting with these organisations, we have attempted to provide a range of useful information to inform the debate, so that the steps which are taken can be effective and help to build stronger Aboriginal communities.

*Megan Davis*  
Director

*Bridget McDermott*  
Online Indigenous Law Resources Project

## **Tangentyere Council Inc.**

PO Box 8070  
ALICE SPRINGS NT 0871  
Ph. (08) 8951 4222  
Fax (08) 8952 8521  
Email: tangentyere@tangentyere.org.au



### **MEDIA RELEASE**

**29 June 2007**

#### **WORK WITH US, NOT AGAINST US**

Tangentyere Council calls on the Australian Government to implement the first recommendation of the “Little Children are Sacred” report, and work in partnership with Indigenous people and organisations, not against them.

Executive Director of Tangentyere Council, William Tilmouth, commented,

“Without involving local indigenous people and organisations, current actions will be short lived and ineffective.

“If you take all control away from people, and you also eliminate all opportunities for them to take responsibility for their own lives, then you will create the worst welfare state yet.

“You have to empower people through proper consultation and make room for them at the table, with the governments,” he said.

“If you can’t have a say in your own life, it makes you feel like sitting down and doing nothing. I thought that this was what the government was trying to change”.

Tangentyere Council will continue to work closely with all levels of government to provide and expand critical services related to the welfare of children and families as recommended by the “Little Children are Sacred” report.

Tangentyere operates effective community based programs, such as

- Working with children at risk, including the best practice Safe Families program
- Youth activities, including access to sporting competitions and the high profile Drum Atweme and Circus programs
- Inhalant substance abuse programs, including the nationally recognised CAYLUS program
- Night , day and youth patrols,
- Support for remote area night patrols
- Family well being programs
- Community centre hubs on two town camps that facilitate delivery of health and education services to residents,

- A playgroup / early childhood development program for pre school aged children
- A food voucher system, currently used voluntarily by 800 people
- Financial management assistance, advocacy and counselling.

“These programs make a difference to the lives of children, young people and families, as do the health and education programs run by the government and other organisations. But we need to do more and to have long term planning and resourcing to ensure that these sorts of programs and services have the long lasting impact that is needed.

The current visits to five remote communities “to assess infrastructure” are not the way to undertake long term planning. There are already many reports identifying the comprehensive needs in health, education, social programs and housing, so why is the government sending in the army and bureaucrats from Canberra to assess the needs – in a day or two?

Why doesn't the government act to meet the long term needs of indigenous communities, as identified many times by Indigenous people themselves, including in the “Little Children and Sacred” report, the recommendations of which the government appears to be completely ignoring. Instead we have ideology compared with evidence based information.

Tangentyere Council will be very disappointed if this opportunity to seriously address the problems highlighted in the report is wasted through lack of long term planning and lack of involvement of Indigenous people themselves.

Further enquiries contact: Mr William Tilmouth, 8951 4212 or 0417 882 825



## MEDIA STATEMENT

---

22 June 2007

### **Indigenous doctors demand real and long term results in Aboriginal and Torres Strait Islander kids' health**

The Australian Indigenous Doctors' Association (AIDA) urges for a measured, far-reaching and sustainable approach in implementing the Australian Government's plan to tackle child abuse issues in the Northern Territory.

"Failure to take such an approach will most certainly undermine any real attempts to deal with these issues," said Dr Mark Wenitong, AIDA President.

Dr Wenitong cautioned against the rushed approach that has not included consultation with Indigenous people or the medical community.

"Protecting and nurturing our children is our first priority. We welcome any just initiative that promotes the safety, wellbeing, health and equality of opportunity for our children. However, these issues are by no means new and have been raised with governments for a very long time."

"Indigenous children are dying at three times the rate of non-Indigenous kids and have been for a long time. We have considered this to be a 'national emergency' for some time. We need action across the length and breadth of this country."

"While AIDA welcomes the bipartisan and bilateral commitment of all governments in overcoming child abuse in Aboriginal communities, the underlying factors are serious and complex and must not be treated in isolation from sustainable and far-reaching measures."

"As medical professionals, we question the notion that you can treat poverty, dispossession, marginalisation and despair (the root causes of substance misuse and sexual, physical and emotional abuse) with interventions that further contribute to poverty, dispossession, marginalisation and despair."

Associate Professor Helen Milroy, child and adolescent psychiatrist, warned that the government's approach to conduct compulsory health checks for Indigenous children under 16 was well-meaning but short-sighted. "Given the layers of trauma in communities, a healing approach must be taken otherwise we will just repeat the past under a different guise."

Associate Professor Milroy, who as a clinician working for five (5) years in a sexual abuse unit, conducted hundreds of medical examinations, said “often the results are inconclusive at best and normal examinations do not rule out abuse...forcing children to submit to an intrusive examination without good evidence or parental consent is akin to abuse. You really need the expertise to know what you are doing.”

Dr Wenitong said that “any meaningful response must be conducted within a holistic and intersectoral framework. For example, land and culture are central to Aboriginal and Torres Strait Islander peoples’ wellbeing and any real gains will need to take these on board. Comprehensive health infrastructure, including environmental health measures must also be part of the picture”.

“To really restore functioning in our families, and address long standing neglect, a culturally appropriate mental health response must be included in the package,” said Associate Professor Milroy.

AIDA strongly appeals to the Australian and NT governments to also recognise the education of our children as priority requiring the same level of commitment.

We fully support Ms Anderson’s and Mr Wild’s finding about the centrality of education. Education and health measures properly implemented will be an immediate, direct and major contribution toward closing the gap in life expectancy between Aboriginal and non-Aboriginal kids.

“However it is not enough for our kids to just attend school. Attendance at school does not necessarily equate to good education. We need quality schools, quality teachers, parental engagement and adequate resources.”

AIDA calls on governments, our colleagues in the Australian Medical Association and other health and medical organisations to work with Aboriginal and Torres Strait Islander health organisations, such the National Aboriginal Community Controlled Health Organisation and the Congress of Aboriginal and Torres Strait Islander Nurses, and practitioners to ensure that the government’s plan will result in long-term improvements to the health of our people, that last beyond the budget cycle.

“I am concerned about the implementation detail to support these initiatives. If the Australian government is genuine in its commitment to Aboriginal and Torres Strait Islander health, this initiative will need to be supported by carefully considered implementation in consultation with Indigenous people” said Dr Wenitong.

Media contact

Mary Guthrie 02 6273 5013 or 0400 970 656 or [mary@aida.org.au](mailto:mary@aida.org.au)



### **Permit changes to make problems worse**

The Central Land Council says it is disappointed with the Federal Government's decision to abolish some aspects of the permit system for Aboriginal lands because it may exacerbate existing problems rather than alleviate the enormous pressures communities find themselves under.

CLC Director David Ross said the move goes against the wishes of Aboriginal people.

"Removing permits from major communities could provide a free-for-all peddling of alcohol and marijuana and pornography or the inflicting of further sexual or physical abuse on children," Mr Ross said.

"At least with the permit system it was possible to ask somebody if they had a permit and what they were doing in the community," Mr Ross said. "If they suspected somebody of trafficking alcohol or whatever they could ask them to leave instead of waiting days for police to obtain evidence which is often extremely hard to do.

"In addition, the CLC's constituents told the Minister's advisers in no uncertain terms what their views were about the permit system: that they wanted to retain it in its entirety, but their views were dismissed once again. So I think that this sort of top-down approach just increases the gap between Aboriginal people and the wider community and ultimately leads to further dysfunction and alienation. That is not healthy for anybody," he said.

For 30 years the CLC has operated a permit system to allow visitors, travellers, workers, contractors, researchers and Government officials a system of regulated access to all Aboriginal land. Permits are rarely refused but access is often negotiated. The system is free.

"To imply that the permit system is responsible for disadvantage is simplistic and wrong," Mr Ross said.

"The only economies scrapping the permit system is likely to foster is the dealing of petrol, drugs and porn as well as to assist the carpetbaggers and unscrupulous art dealers that hope to operate in Aboriginal communities.

"There is just no evidence that 'open' communities are better off than communities on Aboriginal land whose access has been regulated by permits," he said.



## Central Land Council *The Land is Always Alive*

“We’re particularly concerned about the removal of the permit system from Mutitjulu at Uluru because the Uluru-Kata Tjuta National Park currently has half a million people visit it each year and that number of curious tourists is likely to lead to an extreme lack of privacy for people living in the community.”

Mr Ross said removing the permit system from remote communities like Kintore, Mount Liebig and Nyirripi, which are renowned for their fine art, will leave them vulnerable to unscrupulous operators.

He said neither the Northern Territory inquiry into the protection of Aboriginal children from sexual abuse nor the federal inquiry into the Aboriginal arts sector recommended the removal of the permit system.

It’s not clear how the Federal Government will legally define the “common areas” in major communities and many access roads to communities are already open to the public.

Where the permit system starts and stops will be confusing and unclear.

**Contact: Murray Silby, CLC media officer (08) 8951 6216; 0447 802 949**

26 June 2007

## **A human rights based approach is vital to address the challenges in Indigenous communities**

The Human Rights and Equal Opportunity Commission (HREOC) has welcomed the Australian Government's announcements to act to protect the rights of Indigenous women and children in the Northern Territory and urges it to adopt an approach that is consistent with Australia's international human rights obligations.

The complex issues being tackled and the proposed measures to be taken to overcome them raise a host of fundamental human rights principles. It is of the utmost importance to Australia's international reputation, and for community respect for our system of government, that solutions to all aspects of these matters respect the human rights and freedoms of everyone involved.

Every Australian woman, man and child has the right to live free from violence in a safe and supportive home and community. These rights are clearly spelt out in the Convention on the Rights of the Child (CRC) and the International Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), to which Australia is a party. While these Conventions require government action to protect women and children against immediate harm, they also require government to address the broader social factors (such as health, education and housing) and disadvantage experienced within Indigenous communities.

The design and implementation of measures to address violence and child abuse should also respect the human rights principles embodied in the Racial Discrimination Act 1975 (Cth) (the RDA), which gives effect to Australia's international obligations under the Convention on the Elimination of All Forms of Racial Discrimination (CERD). The RDA protects all Australians against discrimination on the grounds of race, colour, descent, or national or ethnic origin. Successive Australian governments for more than 30 years have proudly endorsed the objects of the RDA, and Australia has been a strong advocate for its principles on the international stage.

HREOC considers that the situation the government is confronting can and should be addressed consistently with the RDA. The RDA provides that its provisions are not contravened by special measures taken to ensure the enjoyment or exercise of the human rights of particular racial groups or individuals belonging to them. Special measures must be reasonable and proportionate to the risk of harm being addressed. These provisions give an avenue for laws to protect Indigenous women and children who are at risk.

For more than a decade HREOC has supported the introduction of alcohol restrictions in some Indigenous communities as a 'special measure' on the basis that social benefits are likely to result in reduced violence and abuse and improved public safety. However in giving this support, HREOC has indicated that the restrictions should be part of a broad range of measures to address the causes of alcoholism, rehabilitation and underlying social disadvantage.

Many Indigenous communities are crying out for support services to assist them in addressing the social conditions in their communities. HREOC has been advocating for some time that a proactive approach needs to be taken by governments to address Indigenous disadvantage. Successive Social Justice Reports to Parliament have recommended a human rights based approach to development in Indigenous communities and stressed the necessity of ensuring the effective participation of Indigenous peoples in decision making processes. This approach

is important to ensure that measures have more than a temporary impact on Indigenous people and their communities.

It is crucial that the government thoroughly analyses barriers that exist within Indigenous communities to the full enjoyment of basic human rights, such as the right to an adequate standard of living, and to the highest attainable standard of health, education and housing and identifies the steps necessary to address these.

HREOC will continue to work constructively with governments, Indigenous communities and the broader Australian community by putting forward suggestions to ensure that proposals in this area are consistent with Australia's human rights obligations.

The Hon. John von Doussa, QC, President and Acting Sex Discrimination Commissioner

Tom Calma, Aboriginal and Torres Strait Islander Social Justice Commissioner and Acting Race Discrimination Commissioner

Graeme Innes AM, Human Rights Commissioner and Acting Disability Discrimination Commissioner

**Media contact: Louise McDermott (02) 9284 9851 or 0419 258 597**



## MEDIA RELEASE

Friday 22 June 2007

### CHILD PROTECTION NEEDS PREVENTION AS WELL AS PROSECUTION

A coalition of child rights organisations today called on the Howard Government to build on its initiative for intervention to address child sexual abuse in Indigenous communities in the Northern Territory and incorporate more community based interventions into its plan.

The coalition draws on its broad experience and networks and includes child advocates from the Northern Territory and organisations such as Defence for Children International and the National Children's & Youth Law Centre.

James McDougall from the National Children & Youth Law Centre stated on behalf of the group:

"The Howard Government should be congratulated for recognising the significance of the issue and for being prepared to act. Children are essential to the lifeblood of a community and must be provided with a safe and supportive environment."

"It is likely that any comprehensive solution to the issue of child sexual abuse in Indigenous communities would require some combination of the measures that the Government has proposed."

"However the approach taken is too narrow. Its a "law and order" approach without the capacity building measures that are also required. "

"There needs to be measures that will support the development of safe environments within the community, to support those people in the community that can offer protection to children; who don't have a problem with alcohol or pornography."

The coalition supports the renewed calls by the Social Justice Commissioner Tom Calma from comprehensive action to support Indigenous communities ([http://www.hreoc.gov.au/media\\_releases/2007/44\\_07.html](http://www.hreoc.gov.au/media_releases/2007/44_07.html))

Judy Cashmore from Defence for Children International Australia echoed the Commissioner's call:

"We need to build a preventative strategy that is enforceable. Capable communities and community members need to be able to offer support with the backup of the police and authorities."

"Children need to be given the support to know and find safe places and people and to develop the ability to avoid and escape abuse at as early an age as possible."

Ariel Couchman the Director of Youth Law Victoria added her personal endorsement:

"Having worked in the Northern Territory for over 9 years, I was very disturbed by the level of child, youth and adult abuse that wasn't being addressed."

"There is no doubt that a lack of police in many remote communities and the distance to be traveled is a contributing factor."

"What is a concern is that what is being proposed is more of an invasion force rather than fully funded police stations in communities that would enable relationships and goodwill to develop."

"There is also a need for funding and infrastructure to build governance in communities to provide protection. Otherwise the police will simply end up mopping up the damage after it has occurred. "

Another worker from Central Australia but could not be named added:

"It is critical that there are responses which further grow and develop indigenous community leadership around taking individual and family responsibility for children, community justice and community policing initiatives, 'safe' and 'supported' housing, and the continuing development of men's programs, parenting programs, and family wellbeing initiatives.

The coalition calls on the Howard Government to incorporate into its response appropriate measures and resources to consult, build and prevent.

**Consult** with the Northern Territory Government and its communities.

**Build capacity** to offer safety and healthy places and people.

And **prevent** the child abuse.

It is unrealistic to expect a solution that focuses on policing to achieve this.

It is also time as we build local solutions, that we recognise that concern at the current situation has already extended to the international community. The United Nations Committee on the Rights of the Child raised the issue in its Observations in October 2005 on Australia's compliance with the Convention on the Rights of the Child. (see attached document)

The issues have been identified.

The political will has been found.

Let's get the right solutions.

For further information, please contact

Judy Cashmore, Defence for Children International Australia on 0403010949 or

James McDougall, National Children's & Youth Law Centre on 0419 243 179

Ariel Couchman, Youth Law Victoria on 03 9611 2412

**ENDS**

# Ruby Gaea House: Open letter to The Hon. Mal Brough MP

The Honorary Mal Brough MP

Dear Minister.

We the undersigned organizations write this joint and open letter to express our concerns regarding the Federal Government's actions tabled in response to the *Little Children are Sacred* report, as stated on June 21 2007 and to convey our views on what we feel could support change to stop child sexual abuse in remote communities. The Report is one of many delivered to federal and state governments.

In our view, there are a number of approaches and funding priorities which must be incorporated into the Government's action plan if the Government is to achieve its goal of eradication of the scourge of child sexual abuse in Australia's remote communities, both Indigenous and non-Indigenous. We assume the door is now opening rather than closing on informed community consultation as to the details of the most effective way forward, and provide below, for your information, insights from our expertise and experience in the field.

The *Little Children are Sacred* report is one of many delivered to federal and state governments on the issues of child abuse in communities. These reports reiterate concerns that have been voiced repeatedly by Indigenous communities throughout Australia. There has been consistency amongst the identified key issues. These have included the following:

- Safety and wellbeing of Indigenous children
- Long-term strategies that are appropriately resourced.
- Building trust and rapport with Indigenous communities
- Ongoing consultation and negotiation with Indigenous communities.
- Availability of services and adequate standards of healthy living.
- Acknowledgement of the ongoing effects of the non-Indigenous laws, policies and practices that have had detrimental consequences on Indigenous communities.

In tackling this difficult issue we highlight the following factors, crucial for success by Government, which do not, at this stage, appear to form part of the Government plan of action. Underlying any specific recommendations is the need to acknowledge the ongoing effects of policies which have caused trauma, loss and breakdown of communities and to avoid repeating the history that has brought us to this point.

## **A long term response**

The current response clearly addresses the short term only. Long term strategies are essential. As the Prime Minister himself stated, this situation is the result of the "cumulative neglect of many over a long period of time". Therefore, any effective solution must be, by definition, long term in its nature. There is no quick fix. The Report states "programs need to have enough funds and resources to provide long term commitments." In addition, any solution must be flexible enough to adapt to the changing needs of an evolving situation. Long term solutions include abundant funding of social services, both government and non-government and ongoing negotiations with communities. Such actions must be unrestricted by arbitrary timeframes. The action plan is currently silent on these things.

## **Law and order nature of response**

The Prime Minister stated that “Law and order will be a central focus of measures [he’s] announced”. There are many barriers to disclosure of child sexual abuse. The first step in working with any community is to develop trust and rapport. This is particularly the case with communities that have survived complex trauma. The silence surrounding child sexual abuse cannot be tackled in a community which is in fear and on the defensive. Indigenous communities have survived long-term hardship where trust and respect have been violated. While we fully support the provision of additional police services for the protection of the community in areas where such services have been inadequate or unavailable, the intense distrust of such services by Indigenous communities, and thus their approachability by Indigenous community members for disclosure of these sensitive issues, must be taken into consideration. A broader, more community based approach, with an emphasis on healing rather than punishment, is likely to be more effective in unearthing and addressing situations of child sexual abuse. When working with survivors of trauma, whether they be individual survivors or communities, it is vital to respect the impact that trauma has on trust. Consequentially, to create effective and longstanding positive change, establishing trust and rapport is essential. When this has been established we can commence working in partnership with individuals and communities to achieve mutual goals.

## **Negotiation with Indigenous communities**

All the reports on eliminating violence in Indigenous communities have emphasised the absolute importance of ongoing negotiation with those communities, as opposed to mere consultation. This most recent report, *Little Children are Sacred*, states that “most Aboriginal people are willing and committed to solving problems and helping their children”. To capitalize on that motivation will be the key to successfully achieving the mutual goal. Change is most successfully created when the communities involved not only feel, but actually are, empowered. Without consultation, any changes enforced are likely to revoke in the short-term future.

It is noted with concern that the “task force” has limited female Indigenous representation and no male Indigenous representation.

To effect long-term change and healthy futures for individuals and their communities, it is important to work with local people in a meaningful way to effect change. Indigenous peoples must be engaged in developing appropriate responses in the work towards wellbeing being achieved.

## **Availability of services and standards of healthy living**

The Report summary clearly states that “Improvements in health and social services are desperately needed”. Services many Australians take for granted are often not delivered to Indigenous and/or remote communities. Firmly linked to empowerment is the availability of appropriate resources. Without access to basic necessities like adequate living conditions, education and access to health services, the capacity to attend to other crucial issues in a community are insurmountable tasks. Thus, whilst working in consultation with Indigenous communities towards eliminating child sexual abuse, we must simultaneously address inadequate living standards.

Specifically, it must be noted that mere identification of instances of child sexual abuse, through medical examinations or police intervention, is the tip of the iceberg when it comes to addressing child sexual abuse in an effective and sustainable way. Criminal sanctions for the perpetrator are, of course, important, but are secondary to the first priority of the victim’s recovery – emphasizing that a number of perpetrators of child sexual abuse are victims themselves. Such recovery requires access to multiple social services, both government and non-government, often on a long term basis. Accordingly, it is

crucial that these services be generously funded in accordance with a timeframe based on need rather than political expediency.

The current situation can reasonably be attributed to the long term chronic under funding of these community resources and, if the Government is serious about addressing child sexual abuse, it needs to be realistic about the real cost of preventing future instances and healing the damage caused by current and past abuses. Culturally appropriate social services and, specifically, victim support services, must be the priority for whatever funds the Government plans to make available for its current drive to address this important issue.

In any case, if the Government's current proposed strategy is effective in unearthing numerous instances of abuse, increased funding of social services will be necessary purely to manage the increased work load. It would be the ultimate betrayal for the Government to allow children to come forward and leave them without the necessary support to fully recover from their trauma. Given the distrust of government services by the Indigenous population, abundant funding of non-government services working in the area of victim support is an appropriate priority.

We trust that you will find our submission in response to the Government attention now being paid to this issue, informative and helpful. Please contact us at any point for further information or clarification in relation to the issues we have raised. We would like to be practically involved in the formation of the long term Government strategy in addressing this important issue in any way that we can. We look forward to hearing from you regarding ways we can further contribute.

Yours sincerely

Ruby Gaea House: Darwin Centre Against Rape

Dawn House Women's Shelter

National Association of Services Against Sexual Violence

Council for Aboriginal Alcohol Program Services

YWCA of Darwin

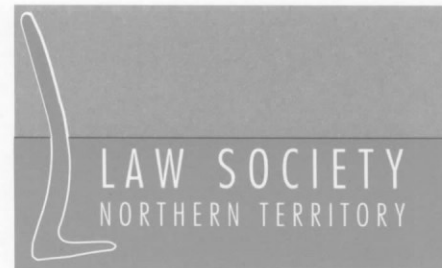
NT Shelter

Scarlet Alliance

NT Council of Social Services



GPO BOX 2388, DARWIN NORTHERN TERRITORY 0801  
1st Floor, Paspalis Centrepoint  
48-50 Smith St Mall  
Darwin NT 0800  
TELEPHONE: (08) 8981 5104  
FAX: (08) 8941 1623  
EMAIL: [lawsoc@lawsocnt.asn.au](mailto:lawsoc@lawsocnt.asn.au)  
WEB: [www.lawsocnt.asn.au](http://www.lawsocnt.asn.au)  
ABN 62 208 314 893



29 June 2007

The Hon John Howard MP  
Prime Minister  
Parliament House  
CANBERRA ACT 2600

Dear Prime Minister

**RE: AUSTRALIAN GOVERNMENT INTERVENTION IN NORTHERN  
TERRITORY INDIGENOUS COMMUNITIES**

In the week since your announcement of the Australian Government's intervention in Indigenous communities in the Northern Territory, the Council of the Law Society Northern Territory has been actively assessing the various proposals as far as has been possible, noting that to date, there has been a considerable lack of hard detail provided.

Members of the Law Society Northern Territory include a number of legal practitioners who work in areas affecting our Indigenous population, such as Crown prosecutors, defence lawyers, lawyers working for domestic violence legal services and lawyers working with community bodies providing assistance to governing associations, councils and the like.

Many practitioners have made a long-term commitment to improving the wellbeing of persons in the communities. Among this group of practitioners, there is a considerable degree of expertise, as well as a cultural understanding in these sensitive areas, which the Society believes would be of considerable value in the further development and implementation of any initiatives undertaken by either the Australian or the Territory Government.

The Society strongly requests to be included in consultations with both Governments as the proposals are further developed, particularly in the drafting of any legislation.

The Society has reached a preliminary position based on the information available to date, largely disclosed through the media.

The Society:

- welcomes any Australian Government commitment to improving the lives of Indigenous people in the Northern Territory;
- is pleased that action is proposed to be undertaken to address child sexual abuse;
- supports the recommendations of the "Little Children are Sacred" Report, including the importance of effective consultation with people in remote communities affected by the initiatives;
- is concerned that many of the recommendations of the "Little Children are Sacred" Report are being overlooked by the Australian Government;
- is concerned as to how the proposals relating to medical examination (compulsory or voluntary) of children (Indigenous or other) in communities will operate, and what follow up action will be taken where possible abuse is detected;
- is concerned that an affect of the proposed alcohol restrictions would be that people move from a "dry" to a "wet" area, and in fact believes this happens under current alcohol restrictions. The Society would not support any restrictions on movement between "dry" and "wet" areas.
- notes that alcohol abuse within the Indigenous population is a long-term issue and cannot be resolved in six months. There is a concern that some persons affected will move to alternative substances. An extended commitment is required. There is also a concern that the absence of rehabilitation facilities in the Northern Territory will undermine an effective prohibition on alcohol abuse;
- is concerned that the Northern Territory is being characterised as a "failed state" requiring outside intervention. The expertise of a number of committed individuals (Indigenous and non-Indigenous) including lawyers, medical practitioners, social workers and others, who have worked to alleviate the problems in communities in a number of areas, is being overlooked. Many of the people now intervening may not have the cultural and other understandings required to deal with these matters. The Northern Territory's situation is different from that of a "failed state" such as the Solomons, and like associations should not be made;
- notes and is aware of the powers the Australian Government has to pursue its initiatives in relation to the Northern Territory. However, the Australian Government also has the power to do this to the states. Why is the Territory being singled out?

- is concerned that many blameless people, both Indigenous and non-Indigenous, could have their rights significantly impaired by these proposals;
- notes the number of legal complexities, such as the position of hotels on Aboriginal land that will need to be addressed. Questions of tenure over Aboriginal land will be complex and confronting for Indigenous associations and other organisations;
- believes there is a significant need for more trained professionals in the area, such as child protection workers, nurses and doctors;
- believes upgrading of procedures is required if more offenders are to be successfully prosecuted. The implications of more police in communities, greater pressures on the justice system, and further overcrowding of prisons needs to be addressed. More effective rehabilitation services and half-way house arrangements for released prisoners need to be developed.

As indicated, the Society seeks further consultation as this matter develops.

I have written a similar letter to the Leader of the Opposition of the Australian Government, Mr Kevin Rudd MP, the Chief Minister of the Northern Territory, the Hon Clare Martin MLA and the Leader of the Opposition of the Northern Territory Government, Ms Jodeen Carney MLA. A copy of this letter has been sent to the Law Council of Australia and other community and legal bodies.

Please contact myself or the Chief Executive Officer of the Law Society, Ms Barbara Bradshaw on 8981 5104 if you or your office wishes to discuss any of our concerns further.

Yours sincerely



Allison Robertson  
**President**

# ACOSS Open letter to The Hon. Mal Brough MP

26 June 2007

Open letter to The Hon. Mal Brough MP  
Minister for Families, Community Services and Indigenous Affairs  
House of Representatives  
Parliament House  
Canberra  
ACT 2600

Dear Minister Brough

The undersigned organisations write this joint and open letter in order to convey our views on action required to stop the abuse of children in Indigenous communities in the Northern Territory, and our concerns about aspects of the Australian Government's response to this problem as outlined in your statement of 21 June 2007.

The safety and well-being of Indigenous children is paramount. We welcome your commitment to tackling violence and abuse in certain Indigenous communities. We are deeply concerned at the severity and widespread nature of the problems of child sexual abuse and community breakdown in Indigenous communities in the NT, catalogued in the *Little Children are Sacred* Report.

We wish to work collaboratively with Governments and the communities affected to ensure that children are protected. We would like to see greater investment in the services that support Indigenous families and communities, the active involvement of these communities in finding solutions to these problems and greater Federal Government engagement in delivering basic health, housing and education services to remote communities.

There is general agreement among the communities affected, Governments and service providers and in the wider Australian community that urgent action is required to address the abuse and neglect of children and to assist those affected by it.

We note that the services which most Australians take for granted are often not delivered to remote Indigenous communities, including adequately resourced schools, health services, child protection and family support services, as well as police who are trained to deal with domestic violence in the communities affected. We endorse the call in the *Little Children are Sacred* Report for the Australian and Territory Governments to work together urgently to fill these gaps in services.

There is also a need for a longer term plan to address the underlying causes of the problem, including community breakdown, joblessness, overcrowding and low levels of education.

Successfully tackling these problems requires sustainable solutions, which must be worked out with the communities, not prescribed from Canberra.

We are committed to working with the Government to ensure that in developing and introducing the proposed measure, support is provided to Indigenous communities' efforts to resolve these problems. The proposals go well beyond an 'emergency response', and will have profound effects on people's incomes, land ownership, and their ability to decide the kind of medical treatment they receive. Some of the measures will weaken communities and families by taking from them the ability to make basic decisions about their lives, thus removing responsibility instead of empowering them.

In their present form the proposals miss the mark and are unlikely to be effective in their present form. There is an over-reliance on top-down and punitive measures, and insufficient indication that additional resources will be mobilised where they are urgently needed; to improve housing, child protection and domestic violence supports, schools, health services, alcohol and drug rehab programs. These issues have been raised by many Indigenous leaders over many years.

We offer our support to Indigenous communities and the Government in:

- developing programs that will strengthen families and communities to empower them to confront the problems they face;
- consulting adequately with the communities and NT Government, and community service, health and education providers;
- developing a long term plan to address and resolve the causes of child abuse including joblessness, poor housing, education and commit the necessary resources to this.

Yours sincerely

Mick Dodson	Alice Springs Urban Housing	Program Unit (CAAAPU)	Regina Bennett Darwin Aboriginal and Islander Women's Shelter
Rt Hon Malcolm Fraser and Dr Lowitja O'Donoghue Co-Chairs, Stolen Generation Alliance	Jeff Warner & Barbara Shaw Anyinginyi Health Aboriginal Corporation	Central Australian Aboriginal Legal Aid Service	Caitlin Perry Darwin Community Legal Service Inc
Mary Buckskin Aboriginal Health Council of South Australia	Arrente Council	Central Australian Aboriginal Congress	Susan Crane Dawn House Inc
Darryl Kickett Aboriginal Health Council of Western Australia	Garry Highland Australians for Native Title and Reconciliation (ANTaR)	Central Australian Aboriginal Media Association	Lester Adams Darumbal Community Youth Service Inc
Bernie Dwyer Amity Community Services	Mark Wenitong Australian Indigenous Doctors Association	Central Australian Stolen Generations & Families Aboriginal Corporation	Anita O'Callaghan Foster Care NT
David Evans Amoonguna Health Service	Michael Green Bahtabah Local Aboriginal Land Council	Central Land Council	Footprints Forward
	Abdul Khan Central Australian Aboriginal Alcohol	Andrea Rabone Council for Aboriginal Alcohol Program Services	Ingkerreke Outstations Resource Services.
			Neville Perkins Institute for Aboriginal Development

Pat Brahim Julalikari Council Aboriginal Corporation	NSW Reconciliation Council	Licia Kokocinski Action on Disability within Ethnic Communities Inc	Coleen Clare Centre for Excellence in Child and Family Welfare
Larissa Behrendt Jumbunna Indigenous House of Learning	Caitlin Perry NT Association of Community Legal Centres Inc	Ray Cleary Anglicare Australia	Community Child Care Association Victoria
David Scholz Kakadu Health Service	Jeff Hulcombe Pintupi Homelands Health Service	Anglicare Central Queensland Ltd	Keith Lyons Congregational Federation of Australia and Aotearoa
Barbara Quirk Katherine Crisis Accommodation and Support Program	Queensland Aboriginal and Islander Health Council	Karine Sheelshear Association to Resource Cooperative Housing, Sydney	Angela Forbes Connections – an agency of UnitingCare
Sean Heffernan Katherine West Aboriginal Health Board	Muriel Bamblett SNAICC	Association of Childrens Welfare Agencies	Mary Bergin Council of Australian Humanist Societies
Barayuwa Mununggurr Laynhapuy Homelands Association	Walter Shaw Tangentyere Council	Don Baxter Australian Federation of AIDS Organisations	Sue Hendy Council of the Ageing Victoria
Lhere Artepe	<P>REVD Garlett Uniting Aboriginal & Islander Christian Congress	Gordon Melsom Australian Federation of Homelessness Organisations	Nicole Lawder Deafness Forum of Australia
Brooke Whitaker Local Community Services Association	Muriel Bamblett Victorian Aboriginal Child Care Agency (VACCA)	Deane Welsh Australian Institute of Welfare and Community Workers	Tim Woodruff Doctors Reform Society
Reggie Wundjal Malabam Health Board	Jill Gallagher Victorian Aboriginal Community Controlled Health Organisation (VACCHO)	Simeon Beckett Australian Lawyers for Human Rights	Fiona McCormack Domestic Violence Victoria
Laurencia Grant Mental Association of Central Australia	Frank E. Guivarra Victorian Aboriginal Legal Service	Gerardine (Ged) Kearney Australian Nursing Federation	Tony O'Hare Family Services Australia
Eddie Mulholland Miwatj Health Aboriginal Corporation	Sharijn King Waltja Tjutanku Palyapayi Aboriginal Association	Sandie de Wolf Berry Street Victoria	Helen Egan General Practice and Primary Health Care NT
Dea Thiele National Aboriginal Controlled Health Organisation (NACHO)	Andrew Johnson Australian Council of Social Service (ACOSS)	Canberra Rape Crisis Centre	Good Shepherd Australia and New Zealand
National Indigenous Youth Movement of Australia	Lin Hatfield Dodds ACOSS	Jack de Groot Caritas Australia	Good Shepherd Social Justice Network
National Indigenous Television Ltd	Olga Havnen ACOSS	Central Australian Remote Health Development Services (CARHDS)	Good Shepherd Youth and Family Service
Priscilla Collins North Australian Aboriginal Justice Agency	Ara Cresswell ACT Council of Social Service	Tony Pietropiccolo CentreCare Western Australia	Jeff McMullen Ian Thorpe's Fountain for Youth
Toni Vine Bromley Northern Territory Shelter		Rev Rod Benson Centre for Christian Ethics	Julie Edwards Jesuit Social Services

David Thompspon Jobs Australia	Dr John Wakerman National Rural Health Alliance	Jill Lang Queensland Council of Social Service	Robert Watson Uniting Church – WA Synod
Brett Collings Justice Action	Adrian Pisarski National Shelter	Mary Mertin-Ryan Relationships Australia	Anne Cross UnitingCare Queensland
Poul Bottern Kildonan UnitingCare	Kate Beamount National Welfare Rights Network	Lin Davidson St David's UnitingCare	Rev Raoul Spackman- Williams UnitingCare
Meredith Carter Kindergarten Parents Victoria	Geoff Scott New South Wales Aboriginal Land Council	David Pugh St Luke's Anglicare	Victorian Council of Churhces
Liberty Victoria		Alex Huntir St Michaels Association Inc	Carolyn Aitkins Victorian Council of Social Service
Paul Linossier MacKillop Family Services	Stephen Banks NSW Council of Civil Liberties	Barbara Hocking SANE Australia	Judy Leitch Wesley Mission
Micah Projects	NSW Council of Social Service	Mary Perkins Shelter NSW	Deb Bryant West Centre Against Sexual Assault
Barbara Romeril National Association of Community BasedChildren's Services (NACBCS)	Wendy Morton Northern Territory Council of Social Service	Karen Grogan South Australian Council of Social Service	Lisa Baker Western Australian Council of Social Service
Elizabeth O'Brien National Association of Community Legal Centres	Gregory Phillips Onemda VicHealth Koori Health Unit, University of Melbourne	Mary-Anne Johnson Tasmanian Catholic Justice and Peace Commission	Marilyn Beaumont Women's Health Victoria
The Revd John Henderson National Council of Churches in Australia	Andrew Hewett Oxfam Australia	Tom Muller Tasmanian Council of Social Service	Angela Hartwig Women's Council for Domestic & Family Violence Services (WA)
Richard Menteith AOM National Council of Churches of Christ in Australia	Alastair McEwin People with Disabilities Australia	Lyn Larkin Uniting Care Australia	Carolyn Frohmander Women With Disabilities Australia
Elsbeth McInnes National Council of Single Mothers and their Children	Quinn Pawson Prahran Mission	Rev. Gregor Henderson Uniting Church in Australia	Siyavash Doostkhah Youth Affairs Network of Queensland (YANQ)
	Michael Cassar Psychiatric Disability Services of Victoria (Vicserv)	Rev Allan Thompson Synod of Victoria and Tasmania, Uniting Church in Australia	Manja Visschedijk YWCA of Canberra
	Public Health Association of Australia		

**“Law and Order in the NT”  
A letter to the editor of the Age newspaper  
by Glen Dooley**

**25 June 2007**

So, Mr Howard, not much can be done to educate and attend to the health of the children “until law and order is established” in the NT? One thing that has been proven up here is that a sturdy dose of “law and order” fails to protect Aboriginal people. At the moment approximately one in every 25 Aboriginal males aged 15 to 50 is behind bars. A longstanding combination of the highest number of police in Australia (per-capita), stern mandatory sentencing laws (inclusive of 70% non-parole periods for rape), and judges and magistrates who have not shirked the task of handing out sentences designed to effect “general deterrence” has resulted in a per-capita imprisonment rate that forever hovers around 3 to 4 times the national average. The record shows that as the number of people in NT prisons rise (80% of whom are black) the violent and sex crime rates rise.

In my nearly 20 years as an Aboriginal legal aid lawyer up here, I can tell you most offenders are so often imprisoned that they are blasé about it. Prison in the NT is an alternative Aboriginal society. Plonking dozens more police officers up here and building more police stations and prison cells will not solve the problems (and might I say the most pressing problem at the moment up here is the shocking number of killings). The recent report shows the way - a mixture of reforms inclusive of properly supported Aboriginal- led community justice organizations – and damned if I will be silenced by Mr Howard’s “if you not with me you are jeopardizing the kids” message. I am not with you Mr Howard because you are wrong. Reforms are underway in the NT (major changes to liquor laws on Groote Eylandt for example). The NT Government commissioned this report. NT police, prosecutors, social workers, health workers and teachers have been vigilant out on the communities. We need more resources for the preventative programs that are under or never funded, not resources poured into the agencies that mop up after the crimes are committed.

Yours sincerely,

Glen Dooley  
Northern Australian Aboriginal Legal Aid, Darwin



# Concerns about the Howard Government's Northern Territory Intervention

David Wise,  
School of Indigenous Knowledge Systems, Charles Darwin University

## The problem of child abuse

The problems currently being recognised by the Federal Government are real problems, but the method is a ghastly precedent. Child abuse happens everywhere, in every suburb of Australia. Does the Federal Government's targeting of Indigenous communities reveal something more about how the Federal Government thinks about Aboriginal people and culture, and how the Government intends to interact with them? Specifically, would the Government even entertain the idea of doing this in mainstream towns and suburbs? The only reason they can get away with such a authoritarian idea is that it applies only to Indigenous people. I have two children under 16 yrs and I live in the NT. Will the Army and federal police cordon off my suburb and forcibly conduct medical inspections of my children? Confiscate any alcohol in my possession, and detain me under human rights-infringing terrorist legislation if I object?

## Previous research into child abuse

Numerous reports have identified in detail the problems which the Federal Government's knee jerk reaction is supposedly to address. The interesting thing is that one of these in 1999<sup>1</sup> included an action plan which the Federal Government (as well as the Queensland Government) failed to fund<sup>2</sup>. In combination with a real reduction of services to these communities resulting from the abolition of ATSIC, this has actually exacerbated the same problems which the Government is now so 'concerned' about. The depth of the political hypocrisy and opportunism is quite breathtaking.

## The lack of communication and consultation

The people who are most affected (out bush) have not been informed about it let alone consulted on how best to do tackle the child abuse problem. They are now beginning to find out from the radio, but still no explanation has been made and there is no understanding in the communities of why this is happening to them. People are asking, is the Federal Government doing this to everyone in Australia or just to us? Why are they doing it? People in communities are sceptical about the Government's sudden concern about child abuse because it has been a big issue for a long time and the Government didn't seem to care, and failed to spend money to fund the reports and plans which were developed. Because the governments talked about child welfare and abuse in the past, when it was stealing generations of Aboriginal children, people are naturally sceptical about that too.

---

1 Aboriginal and Torres Strait Islander Women's Task Force on Violence Report, available at <http://www.datsip.qld.gov.au/pdf/taskforce.pdf>

2 See also ATSIC Family Violence Action Plan 2003, available at [http://pandora.nla.gov.au/pan/41033/20060106-0000/ATSIC/Publications/Online\\_Publications\\_Alphabetical/Docs/family\\_violence\\_action\\_plan.pdf](http://pandora.nla.gov.au/pan/41033/20060106-0000/ATSIC/Publications/Online_Publications_Alphabetical/Docs/family_violence_action_plan.pdf)

## **What is the purpose of making Land Rights Act amendments?**

Mal Brough and the push for amendments to the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth). The amendments he wants to make now are the same as the liberal Federal Government has been pushing for all along. There is nothing specific to deal with child abuse in the proposed land rights amendments, and Brough is transparent about his main aim, which is opening up communities and land for mining companies and other non-consensual developments. Interestingly Brough's comments on 4 July 2007 about communities being 'awash with alcohol' are disingenuous in the extreme. The communities which suffer most from alcohol are those adjacent mining ventures (ie Nhulunbuy and Jabiru) and the alcohol outlets which have been and are continually opposed by tradition owners and community members. We can expect amendment to ALRA to be snuck through to make mining and other development easy without consulting or compensating traditional owners. There are other issues with proposed ALRA changes, some which show that such changes will be directly unhelpful in dealing with child abuse problems. The proposed amendments will allow anybody to get into aboriginal land on main roads, possibly even allowing outsider sexual predators, drug and grog runners into these communities. The current permit system excludes these persons, as they have to have a lawful valid reason to enter. Indeed anyone with a lawful valid reason to enter Aboriginal land may do so after successfully seeking a permit – a point which Mal(evolant) Brough does not mention.

## **Why rescind leases for town camps only?**

It appears suspicious that the town camps are being targeted, because the real estate values of such areas are very high, being in the environment of Alice Springs. Usually, before new parcels of land are released to the wider community, extensive consultation and compensation usually has to take place. If leases are rescinded it will be much easier to take over and capitalise on Aboriginal land without consultation.

## **Howard's comment on "constitutional niceties"**

"It is interventionist, it does push aside the role of the territory to some degree - I accept that. But what matters more, the constitutional niceties or the care and protection of young children?"

John Howard 22 June 2007

"Constitutional niceties" are what protects us from having a government which governs through an authoritarian arbitrary regime. Procedures and rules are what protect the powerless from the potentially corrupt and the powerful. Removing the rule of law (constitution is law as far as I know) means that the government may act without regard to the law, even though as we have seen recently, it is easy for a government, Federal or Territory, with a majority to amend laws it dislikes ( for example, NT MacArthur River mine – the Supreme Court ruling declared it to be invalid; but the next day saw the NT Government sitting to pass new law to legalise it.) Constitutional protections are there for good reason and should not be overruled by Howard declaring a self manufactured 'national emergency'.

## **Howard's new Tampa children overboard are our Aboriginal children**

Jennifer Martiniello

The Little Children are Sacred report does not advocate physically and psychologically invasive examinations of Aboriginal children, which could only be carried out anally and vaginally. It does not recommend scrapping the permit system to enter Aboriginal lands, nor does it recommend taking over Aboriginal 'towns' by enforced leases. These latter two points in the Howard scheme hide the true reason for the Federal Government's use of the latest report for blatant political opportunism.

It has been an openly stated agenda that Howard wants to move Aboriginal people off their lands, and has made recent attempts to buy off Aboriginal people by offering them millions for agreeing to lease their lands to the Federal Government, e.g. Tiwi Islands and Tangentyere in Alice Springs. There was also the statement by the Federal Government that it could not continue (?!) to provide essential services to remote communities, which raised an uproar of responses in the press. The focus on the sexual abuse of children is guaranteed to evoke the most emotive responses, and therefore command attention, just like the manipulation of the Tampa situation. But while the attention of the media and the public is being emotionally coerced, what is being sneaked in under the covers?

Two issues specifically - mining companies have applied for more exploration permits in the Northern Territory, the Jabiluka uranium mining operations at Kakadu have already hit the media because of the mining company's applications to the Government to significantly expand its operations, including establishing new mines at Coronation Government has already mooted that nuclear waste should be dumped in the Northern Territory, on Aboriginal lands. Aboriginal traditional owners are absolutely opposed to this. We have a long history of deaths and illness from radiation, from the atomic tests at Woomera in the 1950s to the current high incidences of carcinomas in the community at Kakadu near the Jabiluka site. The main obstacle to the Federal Government's desired expansion of mining operations in the Northern Territory and nuclear waste dumping is, of course, the Aboriginal people who have occupancy of, and rights under the common law to, their traditional lands.

Following the stages of the Howard Government's usual modus operandi (defund, blame, eliminate), defunding of critical programs for remote Aboriginal community projects began in July 2004, with coerced changes to funding contracts, and monies for critically needed youth and health programs in remote areas being the first dollars to go. Take Mutitjulu for example, which was notoriously profiled by the ABC's Nightline program. I say notorious because one of Senator Mal Brough's personal staffers was the so-called ex-youth worker interviewed on that program, and the content of that interview was laden with myths and mistruths. The staffer in question failed to appear when summoned before a Senate inquiry to explain and the Senator's office is yet to issue a statement. When the community lodged a formal protest to Government, it was raided and their computers seized. But the program did show the effects of the Howard Government defunding of essential programs on that

community, in particular the youth centre and health centre. The people at Mutitjulu also just happen to be the traditional owners of Uluru, one of this country's most lucrative tourist attractions. The Howard Government would not like us to ask who benefits by the people of Mutitjulu being forced off their community. Under the amendments to Native Title made by the Howard Government, once Aboriginal people have left their traditional lands, forcibly or otherwise, their rights under the common law that every other Australian enjoys over their land are significantly impaired.

Progressive defunding of Aboriginal art centres has also begun, with a range of community art centres not having their funding renewed by DCITA in July 2005 and 2006 in the Northern Territory, from communities in Arnhemland to mid and southern Territory communities. The art production facilitated by those Aboriginal art centres are the only means through which members of those communities can actually earn a living, as opposed to being on welfare. But then, dependent people are easier to control by means of that dependency. The Howard Government's failed Shared Responsibility Agreements (SRAs) have also been the catalyst for further blame shifting and progressive defunding, take Wadeye for example.

Our Aboriginal communities are being squeezed further into dysfunction and disenfranchisement by carefully targeted political engineering, the systemic and ruthless roll-out of a planned agenda. It is no accident that Howard's scheme to address what he calls the urgency of the Little Children are Sacred report's 97 recommendations was trotted out so very quickly, and addresses so very few of those recommendations. It is sheer political opportunism to advance an already in motion agenda, and to score points in an election year. After all, the *Little Children are Sacred* report is not the first of such reports, nor are its findings and recommendations new. The Federal Government has had the 1989, 1991, 1993, 1997 and 2002 reports gathering dust and deliberate inaction on its shelves. Perhaps Mr Howard has been saving them up for a rainy election year? And of course Mr Howard's scheme targets only Aboriginal communities, despite the fact that the findings specifically state that non-Aboriginal men, that is, white men, are a significant proportion of the offenders, who are black-marketeering in petrol and alcohol to gain access to Aboriginal children. What measures is the Howard Government going to take about non-Aboriginal sex offenders, pornographers, substance traffickers and the like? Nothing according to the measures announced, but then, they're not Aboriginal and they don't live on the Aboriginal communities where their victims live.

So who are the real victims here, the silenced victims of John Howard's scheme? Aboriginal children, of course, who will be subject to physically and psychologically invasive medical examinations, irrespective of their home and family circumstances, and who will deal with the mental and emotional fall-out from that? Aboriginal men, too, who become the silenced scapegoats, painted by default by John Howard as all being drunken, child-raping monsters. Perhaps the fact that almost every picture shown of Aboriginal men in the media these days shows them drunk, with a slab, cask or bottle under their arms leads Mr Howard to expect that one to pass unchallenged, irrespective of the fact that statistics show that only 15% of Aboriginal people drink alcohol, socially or otherwise, compared to around 87% of non-Aboriginal Australians. The greater majority of Aboriginal men are good, decent people. Perhaps the media would like to rethink its portrayals of Aboriginal men? How about some

photos of the other alcoholics, you know, the white ones. There's more of them. And what of our communities? The Howard Government also hasn't mentioned that the majority of Aboriginal communities in the Northern Territory are already dry communities, decided and enforced by those communities. But then that would spoil the picture Mr Howard wants to paint of our Aboriginal communities. Other large communities, such as Daly River, have controlled the situation by only having alcohol available from the community's club and enforce a strict four can limit. Also forgotten in the current politically opportunistic furore is the fact that Aboriginal communities around Tennant Creek and Katherine have been lobbying Governments and town councils for decades to restrict the sale of alcohol on Thursdays, when Aboriginal community people come to town for supplies. So far their pleas have been rejected. Nothing in Mr Howard's plan to facilitate that, either. Or about the control of alcohol when those people, once forced off the communities into the towns, bring their problems with them, child abuse or alcoholism and all the rest. Of course that would make access to Aboriginal children a lot easier for white offenders, they won't have to go so far to find a victim.

One last word on focus of attention. In the famous Redfern Address, the then Prime Minister, Paul Keating asked perhaps the most important question for all Australians to consider. He said 'We failed to ask the most basic of questions. We failed to ask - What if this were done to us?' What if this were done to us - to Mr and Mrs Average Australian, to our schools, youth centres, health centres, access to medical care, communities, homes, children, grandchildren? After all, current national health reports from a wide range of health organisations name sexual abuse of non-Indigenous Australian children as a crisis area in need of urgent attention. And the numbers of victims are higher. National reports into mainstream domestic violence, alcohol and substance abuse also call for urgent action, again the issues are at crisis level, and the numbers of victims and abusers are far higher than in the *Little Children are Sacred* report. None of the recommendations in all of those hundreds of national health reports recommend compulsory sexual health tests for every Australian child under sixteen. Not one of them recommends that a viable solution is closing down youth and health programs, in fact they all advocate that more are needed. None recommend that the victims' or the offenders' communities and homes should be surrendered to the Federal Government and put under compulsory lease agreements, and none advocate processes which would lead to either the victims or the abusers losing their rights under common law to their property as measure to control or remedy the occurrence of abuse. Would the Howard Government even dare to contemplate such as that? I think not. It would be un-Australian, and the Government it would expect immediate legal repercussions on the grounds of impairment of human rights, extinguishment of rights under common law, discrimination, and a raft of other constitutional issues. Besides, Mr and Mrs Average Australian don't, for the most part, live on top of uranium and mineral deposits or future nuclear waste dumps.

But seriously, the most critical question for all Australians to ask themselves in the lead up to this year's Federal Election is just that - What if it were done to us? With full acknowledgment of what has already been done to workers, trade unions, student unions, public primary, secondary and tertiary education, elderly care, palliative care, medicare, crisis health care, nurses, teachers, multicultural affairs, migrant groups, women, child care, small businesses and artswomen, among the many, through the exercise of policies of social engineering and fear, your answer at the polling booth

may just determine whether it will be done to you, or continue to be done to you. As reported in the *Sydney Morning Herald* 25th June, the Howard Government last week used the military to seize control of 60 Aboriginal communities in the Northern Territory, which are now under military occupation. This is not Israel and Palestine. The Northern Territory is not Gaza or the West Bank. This is Australia - but is it the Australia you thought you lived in? Walk in our shoes, Aboriginal Australia's, and ask yourselves, what would it be like to have this done to us? And then, walk with us.

*Jennifer Martiniello is a writer and academic of Arrernte, Chinese and Anglo descent. She is a former Deputy Chair of the Aboriginal and Torres Strait Islander Arts Board of the Australia Council for the Arts, and a current member of the Advisory Board of the Australian Centre for Indigenous History at the ANU.*

australian human rights and equal opportunity commission  
**2007 Media Releases**



**INDIGENOUS LAW CENTRE**



school of **Australian Indigenous Knowledge Systems**