

PUBLIC STATEMENT NORTHERN TERRITORY INTERVENTION

We are issuing our Public Statement in support of the Aboriginal people affected by the NT Intervention. Newly announced “consultations” by the Federal Government are now taking place in great haste over a six week period. The 28 page Discussion Paper is inappropriate both in length and language. The “consultations” in some 98 Aboriginal communities are limited to a period of six weeks and commenced within the week of its release. The Government needs to ensure skilled interpreters are present, genuinely listen to the people’s concerns, and work in partnership with the people. Largely missing from the consultation agenda are the three concerns many Aboriginal people in communities hold as essential: “Land, Law and Language”. Lost in this process are the reasons for the consultation.

In 2007, an inquiry conducted by a Northern Territory Board of Inquiry released its report “Little Children are Sacred”. As with 5 previous reviews, by other State Governments since 2002, the Board concluded that socio-economic factors giving rise to child abuse particularly in Aboriginal communities, were a combination of factors including poor health, alcohol and drug abuse, unemployment, pornography, inadequate education, poor and overcrowded housing, general loss of identity and control. Many recommendations were made which included that **any response required proper consultation** with Aboriginal communities.

Some six days after the release of that report, the Federal Government announced (June 21 2007) that there would be an emergency response accompanied by legislation and they immediately sent in police and army to certain communities without consultation with Aboriginal people – “the Intervention”. Two months later, complex and voluminous legislation (over 500 pages) was rushed through Federal Parliament. The Northern Territory Emergency Response Act 2007, was publicly stated to be justified in order to protect Aboriginal children from abuse, yet the word “child” does not appear anywhere in the Act. In summary, the direct effects of the Act included:

- **compulsory acquisition of Aboriginal Land;**
- **removal of the Aboriginal-controlled land permit systems;**
- **requiring Aboriginal people to lease land to the government in return for basic services;**
- **suspending the Racial Discrimination Act (RDA) which had previously protected Aboriginal people from adverse discrimination;**
- **quarantining 50% of their welfare payments for compulsory income management, regardless of age or family circumstances by the BasicsCard system.**
- **Abolishing the Community Development Employment Projects which had previously provided some employment in the Aboriginal communities.**
- **Substituting Government Business Managers for the Aboriginal Community Councils.**

Promises were made by the Government to Aboriginal communities to make significant improvements to housing, health, education and services.

In 2010, the failure to restore the rights of Aboriginal people was criticised by both the UN Special Rapporteur on Indigenous People’s Rights and the UN Committee on the Elimination of Racial Discrimination.

Subsequently in December 2010 there was a partial lifting of the suspension of the RDA which was delayed and incomplete. In order to try and overcome the *direct* discriminatory effect of the compulsory income management, the Federal Government not only retained but also widened the BasicsCard system to other communities in Australia. This is likely to result in a disproportionate number of Aboriginal people in other communities in other States and Territories around Australia, also being subjected to inappropriate and unnecessary income-management.

While there are *some* aspects of the Intervention which could be viewed positively in *some* Aboriginal communities, it is the **compulsory broad scale nature of the intervention** which has been inflicted on Aboriginal people **without genuine engagement at the local level** which is fundamentally disturbing.

Concerns about Aboriginal child abuse and inequality of Aboriginal people cannot be addressed by removal of control from affected peoples over their lives and their land. Positive change requires respect and genuine engagement with Aboriginal people at the local level.

As the 2010 Board of Inquiry into the NT Child Protection concluded:

“..Aboriginal people’s self determination is a prerequisite for change... Government agencies must engage more effectively with Aboriginal people, involve Aboriginal people in all aspects of decision-making ..”

In addition to this grave overarching concern, the Government has failed to provide promised improvements.

- Failure to provide steady, proper or timely **housing**, exemplified by the slow pace of new houses (other than for bureaucrats) with a failure to alleviate overcrowding or take account of the size or requirements of housing for Aboriginal people.
- Failure to provide full time **education** to Aboriginal children, which is a basic right of all Australian children eg reliance on teachers who fly-in and fly-out often for only one or two days per week and the failure of the Intervention measures to arrest the fall in school attendance in very remote areas, which has increased.
- Failure of the Intervention to appropriately address the **health** issues in Aboriginal communities, eg the Health Impact Assessment launched in March 2010 found that the Intervention could potentially lead to profound long-term damage to overall health and cultural integrity.
- Further, retaining the Intervention when the 2010 Board of Inquiry into the NT Child Protection linked the continuing health problems in the Aboriginal communities to the continuing disadvantage and poverty associated with overcrowding, unsafe and stressful environments and poor community infrastructure, which were supposed to be addressed by the Intervention.

In May 2011, UN Human Rights Commissioner, Navi Pillay made her own strong criticisms of the Intervention.

We call upon the Government to **comply with its international obligations** by bringing the Intervention to an end, including;

- **ensuring that promised services are automatically delivered without requiring Aboriginal people to lease land to the government in return for basic services;**
- **terminating involuntary income management under the BasicsCard;**
- **securing Aboriginal rights in accordance with the Declaration on the Rights of Indigenous Peoples;**
- **reinstating the full application of the Racial Discrimination Act; and**
- **appropriately engaging with local Aboriginal people to involve them in all aspects of decision-making about services and their delivery.**

Signed

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