

Women's International League for Peace and Freedom
Ligue internationale des femmes pour la paix et la liberté
Liga Internacional de Mujeres por la Paz y la Libertad
Internationale Frauenliga für Frieden und Freiheit

Consultative Status with United Nations ECOSOC, UNCTAD and UNESCO

Special Consultative Relations with FAO, ILO and UNICEF

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14 July 2007

Hon Mal Brough
Minister for Families, Community Services and Indigenous Affairs
PO Box 6022, House of Representatives
Parliament House, Canberra ACT 2600

Dear Minister,

**Re: Federal Government's Intervention
in Indigenous Communities in the Northern Territory**

We write on behalf of the Australian Section of the Women's International League for Peace and Freedom (WILPF). Since our founding in 1915, WILPF has worked for social and racial justice, human rights, the environment and an end to war as a means of dealing with human conflicts.

We are in complete agreement with the Federal Government on the need for urgent action against child sexual abuse in indigenous communities in the Northern Territory (NT). It is indeed as the Anderson/Wild report concluded a "national emergency". WILPF therefore welcomes the Federal Government's willingness to grapple with these difficult issues.

We must also note however that a similar degree of child sexual abuse exists in other parts of the Australian community and, while addressing the problems in the NT, it is important to guard against further stereotyping of indigenous Australians as if to say that their communities are in some way unique in regard to child sex abuse or domestic violence. They are not. Anything that appears to suggest this is dangerous as it adds fuel to the fire of racism that is prevalent in our society and makes real progress in addressing indigenous disadvantage so difficult. Our collective horror of sexual abuse of young children is so strong that people have difficulty in not demonising people who act out such abuse even though it is overwhelmingly the case that most perpetrators were once innocent victims themselves.

We can also agree with the Federal Government that the protection of children is not in and of itself sufficient and that a more broad-based approach is necessary. There is a need to address the root causes of the broad range of difficulties that are facing indigenous

Australians in remote communities. For instance, there is a need to look at the root causes of addictions and ask why people are using addictive substances.

It is our sincere hope that the Federal Government's willingness to be fully engaged can finally begin to redress the last thirty years of policy failure in this area. However, the present policy and its implementation have all the hallmarks of policy-making on the run.

We remain deeply puzzled by the Federal Government's use of police and the military as a first step. While very dramatic, the insertion of the army is almost if not completely ineffective as a genuine measure against child sexual abuse. It appears as if Aboriginal people are themselves "the problem" in need of control and coercion rather than the patterns of violence and sexual abuse that are acted out by some people. It is even more troubling that the police and the military should have been sent into communities in the Northern Territory without the consent of the communities concerned. This is not to say that we think that there is not an important and proper role for the police in the maintenance of social order and stability in the communities. Indeed we hope that the Federal Government will see its way clear to making the necessary financial commitments to ensure that all Aboriginal communities have adequate staffing to provide police services including night patrols by authorised civilians where necessary. Unanswered questions remain however as to why such an overly dramatic gesture should have been launched without first consulting with local indigenous leaders and with the NT Government and without preparing accompanying legislation - indeed with little more than skeletal details of a plan having been finalised.

In light of the Howard Governments' history on indigenous issues, such as:

- The 10-point Plan that had the effect of undermining Native Title;
- Refusal to sign the United Nations Declaration on the Rights of Indigenous Peoples;
- Abolition of the Aboriginal and Torres Strait Islander Commission;
- Dismantling of indigenous self-management and communal ownership of Aboriginal Lands; and finally
- Refusal to say "Sorry" for the Stolen Generations;

it is hardly surprising that 58% of Australians have concluded that the Howard Government's move onto Aboriginal communities is an election ploy. (Galaxy Poll published 2 July 2007: "Do you think Prime Minister John Howard is addressing problems in Aboriginal communities because of the upcoming federal election or because he really cares about the problem?" Results: Federal election... 58% Really cares...25% Uncommitted...17%) In other words, only 25% of Australians believe that the Federal Government is acting out of genuine, good intentions, namely the intention of bringing safety and security to the children.

However, good intentions are not enough. Many if not most of the mistakes of the past have arisen out of good intentions. In fact, in view of the history of oppression of indigenous Australians and of white colonisation, it is not overstating it to say that many indigenous Australians have died and been made sick precisely because of good intentions on the part of the "white" community. Hence, the central importance of

genuine, thorough and respectful consultations with the indigenous leadership cannot be overstated. In this context, we are troubled that over the past decade the Howard Government has sought to marginalise indigenous leaders who have not supported the Howard Government's policies of assimilation. Numerous such leaders (who enjoy widespread support among the Aboriginal community) have all too often been sidelined by the Howard Government. It is disturbing also that the Federal Government's present Task Force has very little indigenous representation and absolutely no male indigenous representation.

Like the authors of the "Little Children Are Sacred" report, WILPF believes that it is necessary that all governments (Federal, State, Territory and Local) work together for any program/s to have any chance of success. Governments - in particular Federal and State/Territory Governments - need to end the "shifting-blame game". What is required is for all levels of government to act cooperatively and collaboratively.

Many unanswered questions remain for us in relation to the Federal Government's intervention and we note that the Federal Government's plans are changing all the time. Incidentally, we welcomed the change from compulsory health checks for children under 16 years of age. It was our view that the mandatory nature of those checks as originally envisaged would have left the health practitioners who might have implemented them open to charges of assault.

So the fact remains that the Federal Government's plans appear to be piecemeal, hasty and very light on detail. This lack of information has made it very hard for us to respond to your Government's announcement before now. In the first instance, we are therefore seeking clarity on the Government's intentions. We would also like to see the Federal Government's indication that these issues are going to be dealt with in a substantial way and, as there needs to be long-term planning, we would like to be assured that the Federal Government is indeed intending to continue to play a key leadership role for the long term.

One of the tests of whether the Government's intentions are genuine will be its attitude to its critics. If the Government is genuine in its intentions, persons and organisations such as ours that are critical of some aspects of the Government's plans should be welcomed. With a keen interest in ensuring the success of any action in this area, we offer the following points in the spirit of constructive input. We hope that our comments can be taken in a spirit of cooperation.

Centrally and above all, governments must work in collaboration with and with respect for Aboriginal leaders and Aboriginal communities. With respect Minister, your own comments on SBS TV's "Living Black" 8/7/07 betrayed an alarming lack of understanding of what is meant by "consultation". What is needed under this banner is more than a fly-in and fly-out visit accompanied by the police and the military, and more than some footpath meetings with random individuals. It is not enough to be flying in and telling people in indigenous communities what is going to happen. Centralised, imposed, top-down programs will not, indeed cannot, work. Because community engagement is fundamental, thorough consultations are necessary. Any action needs to be in respectful

partnership and consultations need to be genuine consultations. The necessary trust needs to be built. Consultation is needed in particular with staff in the Indigenous Coordination Centres (See Tom Calma, Indigenous Discrimination Commissioner for the Human Rights and Equal Opportunity Commission: *2006 Social Justice Report*). Government needs to get the views of the practitioners on the ground and to ask them what they believe should happen.

Like Anderson/ Wild in their “Little Children Are Sacred” report, WILPF believes that for any plan to succeed long-term the emphasis needs to be on education. Every Aboriginal child needs a quality education. We also believe that there is a need to provide real jobs in the townships and communities. Potential workers in those communities should not have to rely on part-time jobs provided under Community Development Employment Projects, or “work for the dole”. The Government needs to provide full-time government jobs that bring communal and public services just as everywhere else in Australia. WILPF also believes that the huge deficit in the provision of adequate housing in indigenous communities needs to be addressed as a matter of urgency.

On the question of the quarantining of portions of welfare payment to parents, we need to see more detail before making anything other than the most cursory of comments. We understand that the legislation is still being written. The lack of detail means that we do not as yet know how any quarantining of welfare money would be policed. In general we concur with Australian Catholic Bishops who have spoken out against the quarantining of parents’ money. In our view, the measure is in general misdirected. We understand that there is no evidence to suggest that it will work either as a measure to end child sex abuse or as a measure to encourage school attendance. Government needs to empower parents to manage their own money rather than usurping the right and proper role of parents by withholding portion of their welfare entitlements. Coercion does not work; full respect for people’s human rights does. Finally on this point, in terms of the drafting of the legislation, the Racial Discrimination Act (1975) is one of the human rights instruments that the Government needs to observe. Any new legislation should not be directed against any one particular racial group; the legislation must be non-discriminatory.

On the question of the Federal Government’s stated intention to abolish the permit system in some communities even where people residing in those communities may not wish to have it abolished, we observe that the permit system has been successful in indigenous people making the decision as to who can come onto their land. We also observe that there has been vigorous and widespread opposition among indigenous Australians to the Federal Government’s announcement that the permit system would be abolished. Tom Calma for instance has said that: “[i]t’s had more positive impacts than negative.” We concur with Fred Chaney, Director of Reconciliation Australia in his statement that “the onus is on the Federal Government to demonstrate that removal of the permit system is necessary.” In relation to various of your own public comments in the media so far, we wish to respond that there is a need to move beyond mere assertion that because child abuse has occurred in some communities where the permit system has been operating, its abolition would have no deleterious impacts. Indeed, it is our belief that abolition of the permit system may well make the situation much worse. This is a fear

held by many indigenous leaders. Abolition of the permit system would allow carpetbaggers and unscrupulous art dealers, for instance, to come in and take advantage of the people living in those communities. At worst, abolition may even allow greater numbers of potential child sex abusers into the communities, since increased numbers of child sex abusers from outside the communities could gain easier access to their potential prey.

Similarly, an outright ban on alcohol and pornography do not in themselves do anything to rid communities of sexual violence. If anything, sudden withdrawal of alcohol from addicts is likely to give rise to more violent behaviour. It is simplistic to use such heavy-handed approaches without long-term support measures such as counselling.

Finally on the most important question of the seizure of the land for five years, we believe that the Federal Government needs to establish why the land issue is relevant to the protection of children. We also wonder if taking back the leases for five years may adversely affect the Northern Territory Aboriginal Land Rights Act (ALRA). WILPF agrees with Patrick Dodson in his statements in *The Age* of July 14, 2007 that:

“the fundamental changes proposed for the land rights act that mandates Commonwealth Government control of the Northern Territory communities would be a devastating setback for Aboriginal rights”; and

“the Northern Territory ALRA is the iconic declaration of the Australian nation's intent to restore to Aboriginal people the dignity of their traditional lands”; and that

“these settlements have become the lifeblood of cultural regeneration as indigenous people, by their own determination, relocated in extended family groups to traditional country after the collapse of the feudal pastoral industry regime and closure of church missions in the 1960s and 1970s”.
<http://www.theage.com.au/articles/2007/07/13/1183833765256.html>

Patrick Dodson concludes that:

“the Government's agenda is to transform indigenous larger settlements into mainstream towns and extinguish by attrition the capacity of indigenous people to maintain small homeland communities.” This is a question that the members of WILPF also have in our minds.

In general, we would prefer to see a less punitive, less accusatory, less militarised approach from the Federal Government, an approach that is more conciliatory, consultative and rehabilitative, one where the emphasis is on:

- education of children;
- provision of real jobs;
- provision of adequate infrastructure including housing;
- provision of adequate services including health services, and rehabilitation services for alcoholics, users of pornography and sex abusers; and

- provision of support services for parenting.

Because of the huge deficits and history of neglect by governments at all levels, we would like to see greatly increased funds directed towards the needs of indigenous Australians in the NT communities. We concur with Fred Chaney in the joint address with Tom Calma to the National Press Club, 5 July 2007 in his view that: “Australians want no less than equality for Aboriginal people. Australians will tolerate the extra expenditure required if they are confident that it will yield results.”

Minister, we are seeking answers to the questions outlined above. We thank you for your kind attention and look forward to your response.

Yours sincerely,

Cathy Picone and Ruth Russell
Joint National Coordinators