

The background of the cover is composed of several vertical panels of traditional Aboriginal art. On the left, there is a dense, textured pattern in shades of orange and red. To its right, a panel features a winding, light-colored path or river against a darker, textured background. Further right, there are panels with various circular and concentric patterns in green, yellow, and blue. The overall style is characteristic of Indigenous Australian dot painting and symbolic art.

This Is What We Said

Australian Aboriginal people give their views on the Northern Territory Intervention

Warning: This book may contain images of people who have passed into the spirit world.

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PO Box 281
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This Is What We Said:
Australian Aboriginal People Give Their Views on the Northern Territory Intervention

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This Is What We Said

**Australian Aboriginal People Give Their Views
on the Northern Territory Intervention**

Introduction

This Is What We Said follows a recent report entitled *Will They Be Heard?* released in November 2009, examined footage from three consultations undertaken by the Federal Government in three Aboriginal communities in the Northern Territory. It also looked at other community reports and five government regional reports from the same consultative process, which sought the views of representatives from all Northern Territory prescribed communities.

The views expressed during the three community consultations are strongly reflected in the reports of the five subsequent regional meetings, indicating that these are views commonly held across the Territory.

The consultations held in the Northern Territory Aboriginal communities between June and August 2009 were but a brief moment in the long history of Aboriginal people seeking to have their voices heard and respected.

This book focuses on the particular episode that began with the NT Government Inquiry into the Protection of Aboriginal Children from Sexual Abuse. The co-authors, Pat Anderson and Rex Wild QC, released *Ampe Akelyernemane Meke Mekarle: Little Children Are Sacred* report on 15 June 2007. The report brought attention to alleged serious problems of sexual abuse, and other abuse, of Aboriginal children and highlighted the failure of governments over decades to provide basic services

to address the growing problems in the areas of health, rehabilitation, education and housing. The Anderson and Wild report offered 97 recommendations focused on the areas of education, alcohol reduction and rehabilitation, family support services, empowerment of Aboriginal communities and the appointment of a commissioner for children and young people.

In the light of what was to follow, the recommendation to empower communities was significant. In the summary of the report it states, 'Communities can take more control and make decisions about the future. The Inquiry's report suggests ways in which this can happen including the role in which men and women can play, the introduction of community justice groups and better dialogue between mainstream society and Aboriginal communities.'

Before due consideration could be given to the report, the Federal Government announced its plan to introduce the Northern Territory Emergency Response (NTER), or the Intervention as it is more commonly called. This happened on the 21 June 2007, just six days after the release of the *Little Children are Sacred* report and during the lead up to the 2007 Federal election.

The Intervention required the suspension of the Racial Discrimination Act in the Northern Territory and the imposition of 'special measures' on 73 prescribed Aboriginal communities. The Intervention was rolled out by the Australian Defence Force under the leadership of Major General Chalmers.

The 'special measures' introduced were:

- income management whereby 50% of welfare monies are quarantined and controlled through the use of a 'basics' card
- five-year leases whereby the government compulsorily takes over peoples land on leases
- alcohol Restrictions imposing large fines for possessing alcohol in restricted areas
- licensing of community stores
- establishment of Government Business Managers in each community
- pornography restrictions
- control over publicly funded computers
- law Enforcement measures

In October 2008 a review of the Intervention was conducted by a panel of experts chosen by the Federal Government and chaired by Peter Yu, Executive Director, Kimberley Land Council. Many of the recommendations from this review were supported by Aboriginal people, such as the recommendations to reinstate the Racial Discrimination Act and a change from compulsory income management to voluntary income management.

The response by Government was, however, to undertake its own extensive programme of consultations across all 73 prescribed communities. Government stated its preparedness to listen and wanted to hear the views of those directly affected by these measures. The consultations were conducted between June and August 2009.

Many Aboriginal people did share their views during the lengthy consultations but legislation now before the Parliament shows they have not been heard nor respected. *This Is What We Said* is one way of ensuring that some of the views that were provided during the consultation process are put on record. The full transcripts can be found at: www.socialpolicyconnections.com.au

The Little Children Are Sacred report appeared to be leading towards community empowerment, which is a long way from current government thinking. Prominent Australians have spoken out against the Intervention in their call for genuine engagement with Aboriginal people.

Aboriginal people are asking to be listened to and to genuinely participate in future planning. Here is an opportunity to hear what has been said by some for whom English is often a second, third or in some cases, a fourth language.

‘concerned Australians’ February 2010



Information about the Communities

Arlparra/Utopia is a number of small homeland settlements classified as 'Family Outstations', which are located between 240 kms and 280 kms northeast of Alice Springs via Sandover Highway on the eastern perimeter of the Western Desert 'block' next to the traditional land of the Eastern Anmatyarre and Alyawarre people. Utopia school has around 140 students.

Ampilatwatja (*um-bludder-watch*) is the largest of three communities under the Aherrenge Aboriginal Association. Located about 60 kms NE of Utopia, this community is home to more than 500 people. In the 1990s the traditional owners of the Ampilatwatja area of this land sought and established their own distinct council and land boundaries, but this is now controlled by the Barkly Shire Council. The school has around 110 students.

Bagot Community is a town camp in suburban Darwin. Its population can be upward of 1000 people. In the late 1970s it was vested in Aboriginal custodians and it is now a community area for permanent residents, as well as many visitors, many from remote communities coming to Darwin for specialised medical treatment. It has its own small health clinic servicing the community. Children attend Ludmilla Primary School.

Yirrkala is located 18kms south east of Nhulunbuy on Cape Arnhem and is accessed via the Central Arnhem Road. The community is home to more than 500 people. The primary school adopted an innovative bilingual program and produced its own literacy materials.



Courtesy of Bagot Community Resident

This Is What We Said

The Intervention

“And now you set up this Intervention in Australia, amongst Australian Indigenous people. And we Indigenous people say that we should be living together, one country, one Prime Minister, and seeing each other and treating each other equal. But nothing happens like that. You are dividing the nation into two, and you said that intervention policy is two different policy, one for black and one for white. See. And that is very wrong. You should be shame for yourself for that, you know.”

Bagot Community resident



Courtesy of Bagot Community Resident

“We feel, here, that the intervention offers us absolutely nothing, except to compound the feeling of being second-class citizens ... we are still reeling from the way the Federal Government wheeled out, or dealt out, the intervention, in a military fashion when Major Chalmers sent out the army, in uniform”

Arlparra/Utopia

“If this Intervention was so good for us, why did you remove the Racial Discrimination Act?”

Arlparra/Utopia

“Because it is wrong in what they are doing because... I mean, this goes back to, I am sorry, but back in the time when you had Native Affairs where the government was overruling people and then you’ve got it, it is now 40 years down the track now, 50 years down the track. I was there in Native Affairs times and if anybody remembers Native Affairs time, and this is exactly what they are doing to us now.”

Bagot Community resident



Courtesy of Ampilatwatja Community

“But all this was based on abuse, children being abused, and yet nobody has come back and told us or gave us any results or anything like that.”


Bagot Community resident

“Where are the arrests and evidence of abuse? We want the report. ...They have not given us any numbers. They have not given us anything.”

Bagot Community resident

“ ... sexual abuse and pedophile rings and all that’s happening across the Territory as stated by Howard’s intervention party, which was supported by the Labor Party for the Bill to be passed, so it can be introduced into the Territory. You tell us now. I am going to ask you. You give us proof, some evidence on how many people have been locked up since the Intervention started.”

Ampilatwatja



“... look into your own backyards before you condemn us, you know. We are just a people without no name, and, of course, the government is going to still target us, regardless, unless we get our rights back as Aboriginal people of this land, and the First Nation. And, unless we get that back, there is no hope for Aboriginal people, because the government will still condemn us every way they can.”

Bagot Community resident

“That is where the government is not doing ... they don’t come and sit down with us. That is where it is wrong. They should have come and sat down and set up a program, set up a big plan how of what the problem is, they sit down with us and then we can work it out together, because your policy is not working at all in remote communities.”

Bagot Community resident

“Well, is it because that we have no status, no name to our ... our being Aboriginal, where is the rights for us? Is it because of that? So that they could do what they wanted to do with Aboriginal people only. Is that the reason why they done it?”

Bagot Community resident



Courtesy of Bagot Community Resident



Courtesy of Alparra/Utopia Community

“We’ve met you more than half way. It is time you came and had a relationship of meaning and significance with us.”

Arlparra/Utopia

“So, as far as we’re concerned, it’s too much exertion brought to bear on naughty children. We’re not naughty children. We are very deep thinking people and we utilize our law of the land to assist us to where we want to get. The biggest thing that we have an argument with the government is, we’re not white people. We have our own language. We have our own ceremonies. We have our own land. What we want from government is *real* help and *real* funding rather than putting law on top of our Law.”

Arlparra/Utopia

“We will obey the white man’s law because it runs parallel with how we feel anyway. But our rituals and so forth, that’s our business, nobody else’s. Not any white man has the right to tell us how we live or how we speak.”

Arlparra/Utopia




Courtesy of Arlparra/Utopia Community

“... our law does not change and we hope in future there will be dialogue before changes are implemented or introduced onto our country. We hope that any journey that the government proposes will also include us in conversation, right at the beginning.”

Arlparra/Utopia

“These are the men with the wisdom of Solomon. There they are. And nobody has taken time off from this crazy cash cow, which is the intervention, to come and listen to us. Listen to old women like me and listen to these wise men. You look at them and they are rubbish. They are not rubbish! They are not rubbish! But that is what the Intervention is imparting to us.”

Arlparra/Utopia



“We want our pride. I can’t give me pride. I would be looking for you give me pride. This one here (*he goes over to an intricate painting of Utopia lands*). We’re looking for price for this one ... This is my land. Utopia. I’m not gammon, looking my land.”

Arlparra/Utopia

“I think almost on that note – we’re not interested for anyone dictating to us how we are going to live on this land, on Utopia. You heard it loud and clear. ... Future directions of the Australian Aboriginal persons will come at our pace. We’ll own that journey.”

Arlparra/Utopia

“So that’s the message, very strong. We will not stop being Aboriginal people, with our language, with our rituals, through our rituals our responsibilities to the land, and furthermore, holding that land as the *underpinning of everything we are*.”

Arlparra/Utopia



Courtesy of Arlparra/Utopia Community



Courtesy of Arlparra/Utopia

“We’ll not be dictated to from edicts coming down like bullets from Canberra. This land is much older than white settlement. Your values are entirely different to ours. *Entirely different!* If you are going to have generosity of heart and good will, you take into consideration, one of the oldest living cultures of the world, the whole wide world. We are not second-class citizens!”

Arlparra/Utopia

“We’re the first Australians! And we will not lie down and take orders when we are not committing a crime. What the Northern Territory Intervention is doing, as far as we are concerned, is dividing us from our white brothers and sisters.”

Arlparra/Utopia

“What they’re doing little bit wrong. Government doing little bit wrong, but, we mob, we’re doing alright. We listen to them ... and government got to listen to us too.”

Arlparra/Utopia



Courtesy of Arlparra/Utopia

“... the governments have already made their decision as to the way forward and this is just formality, to say that we have consulted with Aboriginal people on the – under the Future Directions [government planning document, Ed.]”

Ampilatwatja

“We are going to make a commitment - some sort of solution ... and there needs to be a two-way approach.”

Ampilatwatja

“Look we want a full say in our community, on everything that happens about the way forward with the intervention and so on. Because what is happening ... it is the enforcement of someone’s visions and goals onto people and that is what we are up against. And this blanket cover and accusations and categorizing and all that, you know. It’s wrong.”

Ampilatwatja



Courtesy of Bagot Community Resident

Income Management

“The income management, it’s very extreme, everything about the Intervention is just full-on extreme. ... The only reason we can have income management is because Bagot and other communities are welfare based. But then to have such extreme actions like income management where, it’s a simple thing, like I said its not rocket science, all you need is to have, is to instigate a program that within communities for all, that can help people budget their money. That’s all you need, you don’t need people to be, you know, to have income management forced upon them, to make them do the right thing.”

Bagot Community resident



Courtesy of Bagot Community Resident

“I am a qualified teacher myself. I am a retired qualified teacher.”

“Today, my father would be proud of me today, because I became a qualified teacher. Why? Because the white man been teach me that one. And yet, today, what happens? He been taken it back (*pointing to the display board*). He been turn the clock back, right around. Like she said, welfare time. And today I am a qualified teacher and you are telling me how to run my life, how to look after my wife, how to look after my children, that is what the ... intervention means to me.”

Bagot Community resident

“My wife and my kids are my responsibility, I know how to do my duty, towards my children, my family, they’re going to come and tell us how to run our life. They might come and tell me how to wear my clothes too!”

Bagot Community resident



Courtesy Ampilatwatja Community

“A lot of these women don’t like speak English and they don’t like talking on the phone. They are not happy about talking on the phone even though there is an interpreter. So what they are asking is, they want to go back to the way it was before.”

Ampilatwatja

“They don’t know how to speak English you know, they don’t even know, you know, how to give their reference number to Centrelink, and also, yeah, their pin number.”


Ampilatwatja

“It’s hard for them with the Basics Card. When they get asked for their date of birth. Old people doesn’t know, you know.”

Amplatwatja

“Sometimes when they get, receive, a new Basics Card but it doesn’t work.”

Ampilatwatja



“What they didn’t do is ask the people what they really wanted to be on, on basic card or stay on the money. But it was wrong to make everyone go on income management, and that was wrong what they done.”

Bagot Community resident

“But no-one should be on the card anyway. ... But they shouldn’t tell us how to run our lives. It should be abolished, this thing should be abolished. Really that’s the story.”

Bagot Community resident

“Let the families have their full money to look after the kids and children, but penalise the troublemakers, the ones who are making trouble.”

Ampilatwatja



Courtesy of Bagot Community Resident



Courtesy of Bagot Community Residents


Alcohol and Pornography Restrictions

“It’s a very hard problem to tackle, you know, alcohol restrictions and to have ten thousand dollar fines for the first offence and any other offence \$74,000. How can people afford to pay things like that because they’re, they’re afflicted with alcoholism and because they come to drink and the only place they feel safe is in their home and they’re going to get a \$74,000 because they’re just sitting there having a drink, you know. Surely it would make more sense for somebody to be available here in the community, and to go out to each house and say, look you know, you’ve gone to bits and you might need help, you know.”

Bagot Community resident

“I mean, the government hasn’t instigated any programs for alcohol you know, against alcohol and other drugs in this community and surely that kind of funding would make more sense, and that would be, it’d be more long standing than the Intervention would be, you know, because people would know that go see that person, at the office or wherever and you know for help in the community, you know it’s everywhere.”

Bagot Community resident



“We, on this place here have always controlled alcohol coming into this place. If there are any of our young people coming back here we, we discipline them. We say: You do not drink, where there’s children, women and older people like, like myself.”

Arlparra/Utopia

“One or two drunks might come back. Next morning the whole community bring them into a circle and family, we tell them off, we bring police in. So that is already happening, so why are these special laws and special new laws.”


Ampilatwatja

“No permits. Complete ban on homelands. We never had it and we never want it. They said a flat No! We see a need and make a decision on that need.”

Arlparra/Utopia



Courtesy Ampilatwatja Community



“Plan, plan but ... what for? If this is a dry community, it is a dry community. No permits for white or black, nothing. (*it’s always been a dry community*). So why should we look at putting a plan in? You know, just getting confused.”

Ampilatwatja

(*Elder consults with the men*) “Not on our land. Men feel strongly that is to be endorsed. We don’t want anybody drinking out here, making a nuisance of themselves, in that way. Maybe at a later stage we might look at forming a club, but that will be our decision, in the future, not now.”

Arlparra/Utopia

“Existing laws should be enforced, and *must* be enforced.”

Ampilatwatja

“So how do you stop your own people from taking the alcohol to these communities and outstations?”

Bagot Community resident



Courtesy Ampilatwatja Community



Courtesy Ampilatwatja Community

“You keep banning it, but why don’t you focus on the culprits? ... the law is not working. It’s just a joke. It’s not getting enforced. You want to penalise the whole of the Territory, both black and white, which is, - I don’t know - to you guys it’s easy way, but to us it’s really not focusing on your trouble makers.”

Ampilatwatja

“We are not happy with the blue signs there ... all that pornography sign, all that alcohol sign. We not happy with that one.”

Ampilatwatja

“... blue sign ... take ‘em away! You pointing the finger at us! Whitefella they see that sign and they think ‘they must be really bad with that pornography’ ... Yet you can still go into a newsagent in Tennant Creek, adult bookshops and so on and buy all the materials there, but not here.”

Ampilatwatja

“I think you can go to Canberra and you can buy even worse books [pornography, Ed.]...”

Ampilatwatja

“Do they have blue signs there as well?”

Ampilatwatja



Courtesy Ampilatwatja Community

“How many people on Aboriginal communities have been charged by the Act – for bringing pornography onto communities? Realistically, are the signs worthwhile having?”

Ampilatwatja

“You tell us now. I am going to ask you. You give us proof, some evidence on how many people have been locked up since the Intervention started.”

Amplatwatja

“We are part of that community that are categorised, all us blokes now, as racists, as sexual abusers and got this so called pedophile ring across the Territory. ... I mean that’s how we feel. We’re put down. We’re pushed down.”

Ampilatwatja

“We’re not, we’re not [pedophiles, Ed.] and we are saying it loud and clear. Now I want you to answer and tell these men, and these women, and myself, why are we being punished by the Federal government and by the Northern Territory government?”

Arlparra/Utopia



Courtesy Ampilatwatja Community

Five Year Leases

“Then you are coming in, another consultation, another consultation, carry on and carry on and carry on. You are dealing with only black people in Australia, okay. You try to go and talk to people, getting a five years lease, you know, a land grabbing thing. That is what you people are doing – land grabbing.”...“ ‘We give you money, you give us land!’ What a silly idea!”

Bagot Community resident

“Aboriginal land. ‘Im (*government*) can’t take it away! You know we can’t go. It is Aboriginal land! We got grown up here. We sit down here. Aboriginal land! That’s right. ‘Im can’t take ‘im away! We stay here – Arlparra, Aboriginal land.”

Arlparra/Utopia

“And the worst thing about communities is that they are all welfare based. Why can’t governments allow people to have property value within communities to make communities more economically viable? Because the only communities in the Northern Territory that are not going to suffer under the intervention very much are the ones that are naturally ... that have natural resources and are getting royalties from those resources. You know the government chooses to fund these places where they are economically viable, but all the communities that aren’t economically viable, we miss out on everything, everything.”

Bagot Community resident



Courtesy Ampilatwatja Community

“Can we just go back to the five year leases? You have said we have gone into two years. What plan has the federal government got for the next three years? ... So what infrastructure or building has the federal government ear-marked for Ampilatwatja?”

Ampilatwatja

“So government wants to lease this Aboriginal land for five years and they have no idea what to build out here and what they want the five years for?”

Ampilatwatja

“... and the houses for the school teachers, so we have got accommodation for the government people to come out here and do the work. But there is not going to be any more houses for the Aboriginal people that live here?”

Ampilatwatja

“Upgrade the houses, but they are still overcrowded. Just write that down, the houses will be upgraded but they will still be overcrowded.”

Ampilatwatja

“In another three years can they ask for houses? She is still living in a tin house.”

Ampilatwatja



Courtesy Ampilatwatja Community

“If you are talking under the Emergency Response thing, it’s just not happening on the ground, you know. Yesterday when I turned up there was still sewage about one foot deep on the ground. ...Yet the sewage was thick and rotten, flowing down the lawn and so on.”

Ampilatwatja

“Upgrades [to houses, Ed.] are going to be done by government, by contractors coming out from town. Then all that money is gone back again. That *our* mob don’t get that opportunity to train and work with contractors. So that’s another issue. ... They go straight back again, yeh? All these contractors, you know, but *our* mob not getting involved. We are not getting trained, our young people.”

Ampilatwatja

“... we wanted to play a role with the governments and the courts and the justice system, so we can bring a lot of those young people back ... and through family. Our next leaders, all the young people ... All the young ones are getting locked up in jail but we can fix that ... about training and creating employment and work opportunities.”

Ampilatwatja

“This is not a time for questions and it is not a time for you to talk, you need to listen ... we demand that the Racial Discrimination Act be fully reinstated.

The problems our people face can be addressed through programs and funding targeted on a needs basis alone, under the Closing the Gap policy.

We should not be subjected to special measures that separate us out or impose things on us without agreement.

Our responses to your questions in this consultation must not be used by the Australian Government to argue for the continuation of the NTER, Intervention or justify what has been done to date.

We want this statement to be recorded in full and given to the Australian Government.”

Laynhapuy Homeland Mala Leaders at Yirrkala

This Is What Some Others in Australia Said

“Why is the Government playing with us? Any move like this should have come after the traditional leaders from all 40 clans across Arnhem Land discussed whether they wanted to make the way for it to happen ...”

Dr. Gawirrin Gumana AO, Yolngu Elder

“It [the Intervention, Ed.] was based on old-fashioned paternalism, an arbitrary process that of course implied no respect for the people that one was trying to help, no partnership and that somebody in Canberra knew best.”

November 2009

Malcolm Fraser AC CH former Prime Minister

“The profound flaw in the intervention package is that the whole approach is predicated on dealing with the symptoms rather than the causes of dysfunctional Aboriginal communities.”

December 2007

**Professor Larissa Behrendt, Director Jumbunna House
of Indigenous Learning
University of Technology Sydney**

“... why is it that after all of the reports ... it's now necessary to move in a patronising, paternalistic way, which is the very same thing which has caused all the difficulties in the last 200 years ...”

October 2009

**Rex Wild QC, co-author of the ‘Little Children
Are Sacred’ report.**

“Indeed, in seeking to advance true Indigenous Reconciliation or to address the awful disadvantage which still afflicts our country, adequate and informed dialogue with full Indigenous participation is not only desirable at every state, it is absolutely essential. ... let me digress to express the hope that that unfortunate word, “intervention”, will disappear from our language at least in so far as government policies affecting Indigenous Australians are concerned.”

2009

Sir William Deane AC KBE
former Governor General of Australia

“Income Management shames those who live under it and takes us back to the days of the mission. It sets Aboriginal people apart from their fellow Australians.”

March 2009

Irene Fisher, CEO Sunrise Health Service, Katherine

“The breadth of the legislation is frightening and it significantly overrides the rights of many Indigenous people in ways that would not be tolerated by the ordinary Australian community. It is discriminatory and racist and bundles all Indigenous people together as potential pornographers, child molesters and persons habitually addicted to the excessive consumption of alcohol.”

2007

Alastair Nicholson AO RFD QC,
former Chief Justice of the Family Court

“One of the great risks of the Intervention is that it may make things worse. The greatest dangers appear to be the changes that affect the human spirit”

February 2009

Greg Thompson, Anglican Bishop of the NT

“In the end, these sort of interventions will fail because they don’t belong to the people; they have no ownership of them because they are imposed from above.”

November 2009

“The Intervention is a bully boy approach, heavy handed, has no respect for Aboriginal people.”

June 2009

**Professor Mick Dodson AM,
Australian of the Year 2009**

“Once again, the Commonwealth government has ignored the basic right of indigenous people to self-determination. Without consultation, it has adopted drastic measures which undermine indigenous rights. Indigenous people should play a major role in deciding the most effective way to protect their children. The impact of these measures needs careful monitoring.”

Justice Elizabeth A Evatt AC

“The gap [between Aboriginal & Non-Aboriginal, Ed.] can only start to close when all Aboriginal people have their rights protected and when they are genuinely engaged in partnership with government to identify the challenges and work cooperatively to develop policies that will directly reduce their disadvantage.”

July 2009

Julian Burnside AO QC, Human Rights Advocate

“The Government has used the five year leases to further its own and the Northern Territory Government’s interests without any benefit to the residents of these communities.”

November 2009

David Ross, Director, Central Land Council

“There is certainly nothing dignified about losing your human rights as a human being, based on being an Aboriginal citizen.”

“We are asking you to stop the intervention, protect our human rights and dignity and lead us to unity.”

March 2009

**Yananyemul Mununggurr, elected councillor,
East Arnhem Shire**

“Australia is a colonial country that has mastered the art of deceiving the eye. The words and actions of government appear on the surface to be honorable but scratch the surface and you will see institutional racism personified.”

September, 2009.

Michael Anderson, Leader of the Euahlayi Peoples

“It seems clear that, under the camouflage of child abuse, the agenda of the Intervention is a land grab. The NT Intervention is compulsorily acquiring Aboriginal land under five year leases, effectively controlling whole Aboriginal communities in the prescribed areas.”

March 2009

Barbara Shaw, Aboriginal Rights Advocate

“We feel shame. This policy is continuing to put us down. There is no consultation. People need to have ownership over decisions that affect their community.”

June 2009

Prescribed Areas Peoples Alliance

“In the absence of any consultation with affected communities or any real debate in the Australian Parliament, the Government took control of communities, compulsorily acquired land and imposed administrative and statutory management over people’s lives that no other Australians, free from prison, endure.”

August 2009

Professor Patrick Dodson

“We resist any attempts to return to a paternalistic mind set where Governments, or Churches, tell us what to do. Aboriginal Peoples have fought against such injustices in the past, and we believe that blanket responses and policies, such as the Intervention, are as disempowering as were those protectionist days.”

June 2009.

**NATSIEC - National Aboriginal and Torres Strait
Islander Ecumenical Commission, National Council
of Churches**

“Comparative crisis research suggests that the more radical the reform (income quarantining, abolition of permits, abolition of CDEP [Community Development Employment Program, Ed.], compulsory acquisition of land, grog bans, linking income support to school attendance) the more likely that implementation will be problem ridden and fail.”

2008

**Professor Jon Altman, Centre for Aboriginal Economic
Policy Research, Australian National University**

This Is What the United Nations Said

Professor James Anaya, Special Rapporteur on the situation of human rights and fundamental freedoms of Indigenous people – 27 August 2009

Aspects of the Government's initiatives to remedy situations of indigenous disadvantage, however, raise concerns. Of particular concern is the Northern Territory Emergency Response, which by the Government's own account is an extraordinary measure, especially in its income management regime, imposition of compulsory leases, and community-wide bans on alcohol consumption and pornography. These measures overtly discriminate against aboriginal peoples, infringe their right of self-determination and stigmatize already stigmatized communities.

I would like to stress that affirmative measures by the Government to address the extreme disadvantage faced by indigenous peoples and issues of safety for children and women are not only justified, but they are in fact required under Australia's international human rights obligations. However, any such measure must be devised and carried out with due regard of the rights of indigenous peoples to self-determination and to be free from racial discrimination and indignity.

In this connection, any special measure that infringes on the basic rights of indigenous peoples must be narrowly tailored, proportional, and necessary to achieve the legitimate objectives being pursued. In my view, the Northern Territory Emergency Response is not. In my opinion, as currently configured and carried out, the Emergency Response is incompatible with Australia's obligations under the Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Civil and Political Rights, treaties to which Australia is a party, as well as incompatible with the Declaration on the Rights of Indigenous Peoples, to which Australia has affirmed its support.

I note with satisfaction that a process to reform the Emergency Response is currently underway and that the Government has initiated consultations with indigenous groups in the Northern Territory in this connection. I hope that amendments to the Emergency Response will diminish or remove its discriminatory aspects and adequately take into account the rights of aboriginal peoples to self determination and culture integrity, in order to bring this Government initiative in line with Australia's international obligations. Furthermore, I urge the Government to act swiftly to reinstate the protections of the Racial Discrimination Act in regard to the indigenous peoples of the Northern Territory.

Beyond the matter of the Northern Territory Emergency Response, I am concerned that there is a need to incorporate into government programmes a more holistic

approach to addressing indigenous disadvantage across the country, one that is compatible with the objective of the United Nations Declaration of securing for indigenous peoples, not just social and economic wellbeing, but also the integrity of indigenous communities and cultures, and their self-determination.

This approach must involve a real partnership between the Government and the indigenous peoples of Australia, to move towards a future, as described by Prime Minister Rudd in his apology to indigenous peoples last year, that is 'based on mutual respect, mutual resolve and mutual responsibility,' and that is also fully respectful of the rights of Aboriginal and Torres Strait Islander peoples to maintain their distinct cultural identities, languages, and connections with traditional lands, and to be in control of their own destinies under conditions of equality.

Given what I have learned thus far, it would seem to me that the objectives of the closing the gap campaign, the Emergency Response, and other current initiatives and proposed efforts of the Government will be best achieved in partnership with indigenous peoples' own institutions and decision-making bodies, which are those that are most familiar with the local situations. It is worth stressing that during my visit, I have observed numerous successful indigenous programmes already in place to address issues of alcoholism, domestic violence, health, education, and other areas of concern, in ways that are culturally appropriate and adapted to local needs, and these efforts need to be included in and supported by the Government response, both logistically and financially. In particular, it

is essential to provide continued funding to programmes that have already demonstrated achievements.

Full statement can be found at:

<http://www.un.org.au/files/files/Press%20Release%20-%20Australia%20JA%20final.pdf>

Mr Anand Grover, Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health –
4 December 2009

Knowing Australia to be a developed, prosperous country, I was moved by the stories told to me by indigenous communities, the living conditions I saw, and the extent of preventable disease and health-related disability I witnessed among those of Aboriginal and Torres Strait Islander descent. The right of a significant proportion of Australia's indigenous populations to the highest attainable standard of physical and mental health is being violated. Basic needs, such as adequate housing, safe drinking water and sanitation and access to education are not being met. Unresolved issue surrounding native titles and land rights continue to have a detrimental impact. Communities are not benefitting from the equal access to primary healthcare facilities which are at times inaccessible or inappropriate. This is sometimes due to lack of transportation and communication infrastructure, but more often due to direct discrimination and culturally inappropriate services being provided. Institutions and processes, particularly those linked to tertiary care, and staff are not adequately supported to address the specific needs and vulnerabilities of the indigenous communities they serve. Such inequities are incompatible with basic principles of the right to health including equality and non-discrimination.

Decades of neglect, racism and discrimination have stigmatized and disempowered these populations, impeding equal access to basic services, leaving them on

the margins of the Australian society. Since the official recognition of Aboriginals as citizens in 1967 there have been improvements made, but more remains to be done. Certainly, Australia's support of the United Nations Declaration on the Rights of Indigenous Peoples and the apology to the Stolen Generations were commendable, but there is much more to be done. Progress cannot be made on this important issue without respectful and open dialogue and cooperation among all parties. I would like to strongly encourage this dialogue in the quest for truth and reconciliation about difficult issues concerning colonization and consequent disempowerment of the Aboriginal and Torres Strait Islander populations.

Including the indigenous population in policy and decision-making processes is necessary to build relationships which would ensure genuine protection of their interests, while securing their respective cultural identities and self-determination, and restoring respect and dignity. I note that the Government has signaled an intention to establish the National Congress of Australia's First Peoples, which represents one mechanism by which this engagement could occur. However, I would stress the importance of legislative guarantees, or other such mechanisms, to ensure that the opinions of any such body must be taken into account.

Initiatives such as this are a welcome development, and represent major progress – but other initiatives in recent times have proved not as successful. The Northern Territory Emergency Response has unfortunately undermined some of this progress in efforts towards

reconciliation, as communities describe the NTER as paternalistic, disempowering and racially motivated. It exposed the weaknesses in protection of the Aboriginal and Torres Strait Islander populations, and highlights the need for entrenched Constitutional protection for them.

Furthermore, the NTER failed to meet basic standards of a rights-based approach to health, such as the development of a transparent plan with clear benchmarks and indicators, participation, the meaningful engagement of communities and the establishment of mechanisms for monitoring and accountability. Some aspects of the NTER have been considered beneficial; notably, that it sent a message of unprecedented political and financial commitment to address the rights and needs of indigenous communities. Income management aspects of the intervention were described favourably by some, but as disempowering by most – and my attention was drawn to similar initiatives in other States that have been implemented on a voluntary basis with success. The specific approach regrettably undermined existing health structures and the ongoing efforts of service providers in the Northern Territory, rather than strengthening their role in providing the solution. Overall, the NTER has undermined Aboriginals' and Torres Strait Islanders' self-determination and progress made to date by the communities themselves in addressing their own health needs and therefore has presented an obstacle to continuing further significant improvements in the health outcomes of these communities.

As the intervention initially stood, it was inherently flawed, and some of the measures imposed were in direct breach

of Australia's international human rights obligations. I welcome the Government's decision to reinstate the Racial Discrimination Act in the Northern Territory, but it is of utmost importance that such changes are accompanied by the immediate implementation of appropriate measures. This would bring future programmes and policies in line with the change. In this context, I welcome the current government's recognition of some of the NTER's limitations, and its efforts to address these through an extensive consultation and review process.

Full report can be found at:

<http://www.un.org.au/files/files/Sp%20Rapp%20for%20Health%20Press%20statement%20Australia%20-%20FINAL%20Dec%204.pdf>

Note

On 25 November 2009, three months after the end of the consultations, Minister Macklin advised that all 'special measures' would continue in the Northern Territory, claiming that the consultations justified this approach. However, five of the 'special measures' would be re-designed in a manner that government believes will satisfy UN requirements, under international law, to allow for the suspension of the Racial Discrimination Act to be lifted by December 2010.

Income Management would no longer be a 'special measure' but, with changes, would be extended to all welfare recipients across the Territory. The Minister did not mention that the vast majority of welfare recipients in the NT are Aboriginal. The new scheme would be expected to be implemented by 31 December 2010.

It is understood the large blue signs providing details of penalties for the use of pornography and alcohol, are expected to remain at the entrances to communities, despite the strong objections.

The legislation for these changes is currently before Parliament.

'concerned Australians' January 2010

Full details of the proposed changes can be found at:
http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/strengthening_nter_25nov2009.htm

