

# LISTEN Up!

## Protect Aboriginal and Islander Children – Don't Take Away Their Future

### What's been happening?

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For decades Aboriginal and Islander leaders have been calling for action to address issues of family violence and child abuse in a small minority of Aboriginal families. Aboriginal and Islander child and family services have repeatedly sought more resources to tackle child abuse and have identified that the critical causes of child abuse are poverty and despair over the breakdown of traditional roles in families. The Secretariat of National Aboriginal and Islander Child Care (SNAICC) in 1996 produced a *Proposed Plan of Action for the Prevention of Child Abuse and Neglect in Aboriginal Communities* and in 2003 produced the *State of Denial* report into the situation of child abuse in Northern Territory Aboriginal and Islander communities. Both reports and their recommendations were largely ignored.

***The 2007 Little Children are Sacred Report found that the sexual abuse of Aboriginal children is happening largely because of the breakdown of Aboriginal culture and society and the combined effects of poor health, alcohol and drug abuse, unemployment, gambling, pornography, as well as poor education and housing. The Inquiry made 97 comprehensive recommendations. These include action in the areas of education, health, family support services, child protection and community empowerment so that Aboriginal communities can make decisions about their future.***

On 21 June this year the Prime Minister, John Howard and Indigenous Affairs Minister, Mal Brough announced the Federal Government was responding to the report by taking emergency measures and seizing control of 60 remote Aboriginal communities in the Northern Territory. In August legislation was introduced into Federal Parliament and passed both houses giving the Federal Government extraordinary powers to take over townships, communities, Aboriginal-held assets and welfare payments.

### What's the problem with the Government's response?

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While the authors of the *Little Children are Sacred* Report assessed that the problem is the breakdown of culture and the disempowerment of Aboriginal communities, the Federal Government's response further destroys culture and the control communities have over their own lives. The Federal Government's actions destroys rather than builds communities. Worse, it threatens the future of Aboriginal children.

The Federal Government's response ignores the recommendations of the *Little Children are Sacred* Report, particularly the first recommendation which calls on the Federal and Northern Territory Governments to work with Aboriginal and Islander leaders and communities to create a coordinated plan to address child abuse.

Instead, the Federal Government has taken 'emergency' action without consultation or coordination with the effected communities. There is no evidence-base for their approach.

At the same time, the Federal Government has moved to abolish the Community Development Employment Program (CDEP) which is a source of employment for many Aboriginal and Islander people and has contributed to community infrastructure. The changes may force people to leave their communities or go on welfare. This will have a negative impact on families' capacity to provide for children.

The legislation and the strategies ignore the fact that the Little Children report found that perpetrators of child sexual abuse are just as likely to be non-Indigenous as Indigenous.

The Federal Government's legislation was rushed into Federal Parliament without time for careful consideration, thereby ignoring decent process despite the far-reaching implications of the 'emergency measures'.

The cluster of new Acts and amendments includes changes to the Land Rights Act which the Federal Government has been planning for a long time and waiting for an opportunity to pass. These changes amount to a land grab and have nothing to do with protecting children.

***The 'emergency' legislation is clearly an excuse for trampling on rights. The Acts expressly exempt these measures from the protection of the Racial Discrimination Act and give the Federal Minister for Indigenous Affairs extraordinary powers over the lives of Aboriginal and Islander people in the Northern Territory.***

The ability to sidestep the Racial Discrimination Act is inherently racist and has implications for Aboriginal and Islander people across the country.

The main Act does not even use the word 'children' but talks about acquisition of rights, titles and interests in the land, and the ability of the Commonwealth to take over business management in communities, none of which has anything to do with the protection of children.

***In particular the Acts take away land, property and community control by:***

- granting 5 year leases to the Federal Government over major Aboriginal communities. No negotiation is required. These unconditional 'leases' give the Federal Government rights to exclusive possession, to repair or demolish any existing buildings and infrastructure, and to terminate the lease at any time. No rights are noted in favour of residents or traditional landowners. Compensation is not guaranteed. The leases do not guarantee Aboriginal people right of residence in communities – it is not clear what rights Aboriginal people have and whether the Government could evict Aboriginal people from their own communities.
- making a key change to how permits apply in major communities. Permits will not apply to 'common areas', airstrips and access roads for communities. Permits will not be able to be used effectively as a policing tool in communities which may increase the risk to Aboriginal children.
- introducing a system of income management for welfare payments including income support, pensions and the baby bonus. Under the system a portion of welfare payments can be set aside and managed by Centrelink in certain situations. They

take effect in any declared area and cover everyone whether or not they are acting responsibly. There are no rights of appeal. The system clearly takes away responsibility from Aboriginal people. This is a clear cut example of racial discrimination in the 'emergency' response.

- giving the Federal Minister new powers over town camps (permanent Aboriginal camps in marginal areas of bigger towns). Under the Act the Federal Minister has the power to administer and compulsorily acquire town camp leases without any notice or process and vest a freehold title in itself. The new compulsory acquisition power does not follow the normal rules including giving notice to the leaseholders. The Minister can make new laws about town camps without taking them through the Parliament.
- Giving the commonwealth the power to take over business management and compulsorily acquire assets from Aboriginal communities, agencies and enterprises. These measures will potentially reduce the economic capacity and independence of Aboriginal communities.

The question must be asked – what would you do if this was happening to you? How can taking over land, freehold title, property and overriding the Racial Discrimination Act protect the future of Aboriginal children?

The authors of the *Little Children are Sacred Report* are on record in their opposition to this inappropriate response by the Federal Government. It is important to note the comments of Pat Anderson, one of the authors of that report:

*"There is no relationship between their emergency powers and what's in our report."*

*"We did want to bring it to the government's attention but not in the way it has been responded to by the Federal Government."*

**Is this the 'black Tampa'?"**

**Are Aboriginal children being used as an excuse to save a failing government?"**

## **What will work for the future of Aboriginal children?**

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SNAICC and the Combined Aboriginal Organisations of the Northern Territory represents Aboriginal and Islander expertise in child and family services. Both have clearly stated that both urgent action and coordinated long term planning and resources are necessary to address child abuse and family dysfunction. Both have clearly stated that the Federal Government's actions are inappropriate and could in fact exacerbate the causes of dysfunction – poverty, cultural disconnection and the lack of self-determination.

What will work for the future of Aboriginal children in the Northern Territory and the rest of Australia are policies, programs and services which are culturally attuned, strengths-based and holistic, developed and managed by Aboriginal communities.

What is needed is *self-determination*, which is appropriately resourced and involves building the capacity of communities. International evidence notes that Indigenous communities which are self-determining have better outcomes in health and wellbeing.

What is needed is *a recognition of the importance of Aboriginal and Islander connection to land*. We need to renew a process of addressing the unfinished business of reconciliation and redressing issues of Aboriginal and Islander custodianship and traditional ownership of their land.

What is needed are *investments in culturally-attuned, Aboriginal and Islander community controlled services*. They work overseas – they are working in Australia but are under-resourced and largely ignored.

Like in any community, it is when there is community control and respect that people can effect change in their communities.

## **What doesn't work?**

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***This intervention will fail because it relies on policies which we know have failed in the past.***

*Mainstreaming*: This intervention is part of the Federal Government's push for mainstreaming. Mainstreaming is another word for assimilation. Many of the problems which currently debilitate Aboriginal and Islander communities are the result of past attempts at assimilation.

*Creating dependency*: Dependency on Government has impacted negatively on Aboriginal and Islander communities. The 'emergency measures' take control away from people and give them to bureaucrats. This creates dependency.

*Undermining self-determination*: The Federal Government is fond of blaming past self-determination policies for the current problem. However, the self-determination experiment has never been fully implemented. In reality what the Government called 'self-determination' was merely abandoning Aboriginal communities. Economic and social capacity was diminished by the process of colonisation. What is required are processes of partnership which enable the capacity building of communities.

*High handedness*: The emergency intervention is not based on listening to communities. The voices of Aboriginal and Islander communities and experts in the field, not politicians, are best placed to work out solutions for Aboriginal communities.

## **What can you do?**

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This is a matter of public decency. Where is the 'fair-go' in the Federal Government's policy approach? Our nation's Aboriginal and Islander heritage and our journey towards reconciliation is all about who we are as a people. You wouldn't let them do it to your children, don't let them do it to theirs.

**Listen-up to Aboriginal people – join our campaign and visit our website for more information and guides to lobbying your local Federal parliamentary members and candidates ahead of the Federal election.**

**[www.listenupaustralia.org](http://www.listenupaustralia.org)**