

**International Conference on Child Labour and Child Exploitation**

**Cairns Convention Centre, Queensland, Australia**

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***The Lucky Country & the NT Emergency Response***

**Presentation by Mick Dodson**

Ladies and gentlemen,

My first duty is to acknowledge the Gimuy Yidinji people whose traditional lands we are on. My warm greetings

I want to talk about two things today – the Stolen Generations and the NY Intervention.

Australia is by international standards a very lucky country. Most Australian children can expect to live long full lives free of the diseases, free of poverty and neglect and discrimination most Australian children can expect to be given world class medical attention. Most Australian children can expect to live in sound houses with more than adequate essential services. Most Australian children will be sent to school from preschool on, and many will go on to university or TAFE. Most Australian children can expect the full protection of the law. Most Australian children are taught that their identity is something to be proud of.

These are the rights this nation believes our children can expect to enjoy it is also the life that meets the criteria set out in the key international instrument concerning children: The United Nations Convention on the Rights of the Child.

But are these rights enjoyed by all Australian children? What of those who can expect, at birth, to live on average seventeen years less than other Australian children?

Those who still suffer third world diseases and have no access to medical care. Those who are brought up in houses without running water or decent sewerage. Those who are denied a basic education. Those who are harassed by police because of their Indigenous identity. Those who are routinely made to feel ashamed of who they are.

These are Australian children whose lives do not conform to the expectations Australians have for their children. Nor do they meet the minimum criteria set out in the children's Convention. These are this country's indigenous children. But I am getting ahead of myself. We have just had almost 12 years of attacks on history and rights by conservative elites. To talk about rights was to get Mau Mau-ed by the extreme right media commentariat. So, it good to once again be able to speak publicly about rights of peoples without getting abused.

Ladies and gentlemen,

A little over 12 months ago a Report was released concerning the situation of Aboriginal kids in the Northern Territory. Among other things the Report revealed a grim picture of abuse including sexual abuse for Aboriginal kids in the NT in 45 communities. The reaction of the Federal government was to send the troops in along with the police an army of doctors and bureaucrats and to pass draconian laws which stripped Aboriginal Territorians of some of their most fundamental and basic human rights.

It useful to have a look at the general picture of Indigenous kids in this country. A brief portrait is that indigenous children in a moment but first Australia's infant mortality rate is amongst the lowest in the world on a par with the UK and Norway and lower than NZ and the USA. For aboriginal children it is 3 to 4 times higher. The perinatal mortality rate is 4.2 times higher

Rates of TB, leprosy and hepatitis are all 10 times higher than those of other Australians

Aboriginal children in the NT suffer the world highest documented rate of rheumatic fever ever recorded.

Indigenous families are 20 times more likely to be homeless than non-indigenous families.

About a quarter of indigenous children complete secondary education compared to nearly 80% of non-indigenous children.

Aboriginal children are about 7 times more likely than non-indigenous children to be put under care orders and 11 times more likely to be put into out of home placements. Aboriginal children are incarcerated in juvenile institutions at a rate over 21 times that of other Australian children.

When an aboriginal child is born in this country they can expect to live 17 years less than other Australian children born at the same time. Kids born in Bangladesh do better than this.

Australia has the worst record in the world in improving the health rates of its indigenous people.

In fairness to the new federal government they have committed to closing the gaps in outcomes and achievement for Indigenous Australians across the board.

But back to the NT Intervention as it has become to be known (or the invasion as my friend David McCallum calls it)

There was not much respect shown by the federal government in its approach to the intervention. There was absolutely no consultation with anyone. They just went ahead and did it. The Little Children are Sacred Report in its recommendation Number 1. Said:

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.*

Well that simply did not happen.

The Report also pointed out that:

1. *There is nothing new or extraordinary in the allegations of sexual abuse of Aboriginal children in the Northern Territory. What is new, perhaps, is the publicity given to them and the raising of awareness of the wider community of the issue.*
2. *Sexual abuse of children is not restricted to those of Aboriginal descent, nor committed only by those of Aboriginal descent, nor to just the Northern Territory. The phenomenon knows no racial, age or gender borders. It is a national and international problem.*

Let's be clear about the problem:

*The national rates of sexual assault in Australia are<sup>1</sup> 1 in 4 girls before 18, 1 in 6 boys before they are adults and 1 in 3 adult women in their life time. Almost everyone is affected by this scourge within our society, yet the message we are being given is that it is more of a problem in black communities and this black problem needs to be fixed up.*

I am told that there is only one sexual assault worker in the whole of central Australia – to service Alice Springs (pop. 29,000) and the 250 surrounding communities.

Let us look at the situation in the NT.

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<sup>1</sup> ABS Women's Safety Survey, 1996 ; ABS People Safety Survey, 2006

Over the past decade the NT Aboriginal population has grown by approximately 40%.

It is now 30% of the overall NT population.

The NT Aboriginal population is 12.5 % of the national Indigenous population.

38% of the NT Aboriginal population is under 15 years of age.

72 % of the NT Aboriginal population live on Aboriginal land outside major towns and the majority do not have access to mainstream services.

There are 641 discrete Aboriginal communities in the NT – most are small communities with fewer than 200 residents.

The characteristics of these discrete Aboriginal communities include the following:

- They are geographically dispersed, isolated and subject to seasonal conditions.
- They are lacking in basic infrastructure and services.
- They have high comparative levels of socio-economic disadvantage.
- They have limited opportunities to engage in social and economic development opportunities.

Childcare and family safety facilities in these communities are sparse. In communities with 50 or more people at the time of the intervention there were:

- 39 child care centres this represents 12 % of such communities. If you include all 641 it drops to 6%.
- There were 15 women's refuges which is 5% if you include all communities it drops to 2%.
- 10 houses for single men which is 3% and 2% respectively, and;
- There were 23 houses for single women which was 7% and if you include all communities it drops to 4%.

54% of all discrete communities in the NT do not have a local health clinic.

99% do not have a substance abuse service.

End stage renal disease in some NT regions is up to 30 times the national average. The cost of treating this disease over the next 5 years is estimated to be \$50M.

The underlying causes of chronic disease is linked to poverty and disadvantage, poor living conditions, poor nutrition, low birth weight and infectious diseases.

94% of remote Aboriginal communities in the NT do not have a pre-school.

43% of Aboriginal secondary school enrolments in the NT are registered as 'ungraded' students. An ungraded student is a student that has not achieved year 7 primary school education.

The NT has the lowest retention and participation rates of all Australian jurisdictions.

So far as housing is concerned the NT has the worst overcrowding in Aboriginal houses in Australia. It is said that 5000 houses are needed in the next 2-5 years to meet current unmet housing needs at a cost of \$2.3 B.

What I can say post intervention is this:

There are no new pre-schools.

There are no new health clinics.

There are no new community houses although we are told they are coming.

There are no new women's refuges.

There are no new safe houses.

There are no new houses for single men and women. (There are no new houses for anyone except the new government workers.)

There are no new child care centres.

There are no new child protection workers – although I'm told the NT government is now recruiting from Ireland and the UK. But those workers have not yet arrived.

There are no new substance abuse workers.

There have been 7500 Aboriginal children have undergone medical examinations of this number 39 have been referred as neglected – yes 39. I don't know how many of that number have been referred for sexual abuse. It is not known if anyone will be prosecuted.

Ladies & Gentlemen

This is the sorry state of affairs in the NT since the intervention. This is an imposition by government without consultation, consent or a great deal of thought. Above all it is an action without respect.

Respect means recognising that indigenous peoples are whole and competent peoples. Peoples with complex laws. Peoples with our own thoughts and feelings. Peoples who managed to get by in this country for a very long time on our own. I believe that many non-indigenous Australians are committed to the creation of a society underpinned by such principles. This is not to say there are not massive problems in the NT and elsewhere - there surely are but those problems will not be addressed without respect, empathy and care.

I began by saying that this is called a lucky country. If it is also to be to a just and decent country protection of the rights of all young people is the very least we can

expect. And if this is to apply to all Australian children vigorous action to promote the rights of indigenous children is the highest priority.

Thank You

## **Attachment.**

### **SUMMARY: NT NATIONAL EMERGENCY RESPONSE ACT 2007\***

This Act overrides any pre-existing law. (Where they are inconsistent)

#### **ALCOHOL**

No one can bring alcohol into or drink alcohol in a prescribed area. No one can supply alcohol to someone in a prescribed area. There are prison terms of between 9 & 18 months for breach

#### **COMPUTERS**

Computers must have filters that pick up illegal material. The person responsible for the computer must keep records of its use; tell consumers the policy, report twice a year to Australian Crime Commission.

#### **ACQUISITION OF RIGHTS, TITLES AND INTERESTS IN LANDS**

Any land without a registered lease is now leased to the Commonwealth. Commonwealth has exclusive possession and they have all the rights (e.g. they don't pay rent or damages). Commonwealth can override or change any leases or conditions with 60 days notice (instead of 6 months). There is no obligation for compensation if you lose your rights, titles or interests. If this is not "on just terms" the Commonwealth must pay. If both don't agree on a "reasonable amount", you can go to court.

#### **BUSINESS MANAGEMENT AREAS**

Commonwealth has control of funding agreements and can change them as they want. If the Minister believes a service is inadequate, Minister can change the way it is provided and can give the asset to someone else. The Minister can send observers into any meeting



or deliberation; the observer cannot vote. The Minister can suspend a community council and appoint a manager to run it. You can be made to pay fines for non-compliance.

### **BAIL AND SENTENCING (No end date)**

Courts must not consider customary law or cultural practice in any way.

### **LICENSING OF COMMUNITY STORES**

The owner can be “assessed” for anything to do with the store, or for not complying with social security requirements. An authorized officer can change any conditions or remove licenses, even if you do well in the assessment. You can refuse to let the officer into the store and you can ask them to leave the store; but you can lose your license. If your license is taken, you can write a submission. If the license is granted, the officer can impose any conditions. The Minister can take the community store with no due process, and become the owner. There are penalty units for non compliance (10-60 units). If you have no license, you are unlikely to get any compensation.

### **SUMMARY: SOCIAL SECURITY AND OTHER LEGISLATION (WELFARE PAYMENT REFORM ACT 2007**

*These provisions are “special measures” & override the Racial Discrimination Act (1975) ++*

Either you or your partner can be subject to the Income Management Regime if you live in a prescribed area OR a child protection officer requires it OR a child has unsatisfactory school enrolment/attendance OR the Queensland Commission requires it OR Minister determines it.

The Minister’s decision is valid. Court cannot override.

Anything related to a declared primary or secondary school now applies to a whole state or territory. Child protection and school officers can give any information (“intelligence”) about anyone in IM Regime to the Secretary if relevant, despite any other law.

### **SUMMARY: FAMILIES, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS AND OTHER LEGISLATION AMENDMENT ACT 1007**

*These provisions are “special measures” & override the Racial Discrimination Act (1975) ++*

**Prohibited material:**

Police can seize materials; they can be returned on request unless they are illegal in which case they are destroyed. No compensation unless Constitution 51 (xxxii) applies.

**Law enforcement:** The new provisions have been expanded from “serious and organized crime(s)” to include “relevant crime(s)”. The Minister can obtain any information or documents or things by a person or persons

**Aboriginal Land Rights:** This section applies if works are proposed on an area of Aboriginal land *and* the Land Council consents *and* the initial area is not covered by a lease *and* the works are wholly or partly funded by Commonwealth authority.

The funding body has statutory rights and can occupy, use, maintain, repair or replace buildings or infrastructure and provide services to the area. Rights may be transferred. The one with statutory rights “owns” the buildings and infrastructure (water, gas, sewerage, extension, restoration) and can negotiate a lease with the Land Council for the construction area.

**Access to Aboriginal Land:** Persons may not enter or remain on aboriginal land without permission, unless you are the GG, NT Administration, and MP, LG or enacting this Act. The Minister may authorize other specified people. This provision ceases after 5 years.

**People may enter or remain on a road if the *purpose* is to travel to or from community land and to the extent that the area is on vested Aboriginal land and is not a sacred site.** The Minister may specify the roads and may specify the persons (max 5 years). Notices must be erected; provision applies anyway. The Land Trust does not have to maintain the road and cannot be sued for loss or injury.

There is no compensation for acquisition of property unless it is other than “on just terms” (Constitution 51 (xxxii)). You can institute court proceedings if the amount is not reasonable.

\* Courtesy the Central Land Council