

## Statement on Aboriginal Rights by leading Australians.

Australia has faced questioning at the United Nations by member states and independent experts regarding its Indigenous policies. The failure to restore the rights of Aboriginal people is currently being scrutinised under the Universal Periodic Review process of the UN Human Rights Council and was criticised in 2010 by both the UN Special Rapporteur on Indigenous Peoples' Rights and the UN Committee on the Elimination of Racial Discrimination. Such scrutiny can only reveal just how far Australia is lagging behind international standards on human rights policies. Changes are urgently needed.

In such a context, we have become increasingly concerned by the failure of the Federal Government, with the tacit support of the Opposition, to properly address problems facing Aboriginal people in the Northern Territory. In particular, the Northern Territory Emergency Response (the Intervention) has been progressed without credible consultation with, or the approval of, Aboriginal people.

While there are some limited aspects of the Intervention that have been viewed positively in some Aboriginal communities, it is the compulsory nature of the policies which are of concern.

It is our belief that inequality cannot be addressed by the removal of control from affected peoples over their lives and land, as is current Government policy. Positive change requires respect and genuine engagement with the people themselves at the local level, rather than an isolated policy development in Canberra.

Examples of the failure of policies include:

- The delayed, incomplete and flawed reinstatement of the *Racial Discrimination Act*.
- The entrenchment of discrimination against Aborigines in the criminal law of the NT by failing to repeal s. 91 of the *NTER Act* which ensures that no customary law or cultural practice, excuses, justifies, authorises, requires or lessens the seriousness of any criminal behaviour with which the *Crimes Act* is concerned.
- The retention and widening of involuntary income management in order to give it a veneer of non discrimination.
- The failure to provide proper housing exemplified by the slow pace of doing so and the fact that of new houses built by Government under the SIHIP<sup>1</sup> programme to alleviate overcrowding, there is a failure to take into account the size or requirements of the average Aboriginal family

- The failure to provide full time education to Aboriginal children, which is a right of all Australian children. Examples include:

The fact that the 46 Aboriginal Homeland Learning Centres for which the NT Department of Education and Training<sup>2</sup> is responsible have never been allocated full-time qualified teachers and are reliant on fly-in fly-out teachers, often for only one or two days per week.

The failure of NTER measures such as the policy of removal of welfare entitlements where there is unsatisfactory school attendance, in that recent figures from the NT Department of Education<sup>2</sup> show a steady fall in attendance at schools in very remote areas between 2006-7 and 2009-10.

- Maintaining the intervention despite evidence such as:

The Health Impact Assessment<sup>3</sup> launched in March 2010, which found that the Intervention could potentially lead to profound long-term damage to overall health and cultural integrity.

The 2010 Enquiry into NT Child Protection<sup>4</sup> which links health problems to community disadvantage and poverty associated with overcrowding, unsafe and stressful environments, poor community infrastructure, poor nutrition and limited health care, all of which were supposed to have been addressed by the intervention.

The Government's policy approach must move from one of bureaucratic control by Canberra to one of recognition of Aboriginal leadership, negotiation, capacity building and direct input by Aboriginal people to local government decision-making. Without the direct engagement with Aboriginal people, policy changes will fail. With Aboriginal leaders, Government must commit to a policy of support by developing economies, encouraging investment and creating jobs by improving transport and communication systems, and where appropriate, the use of taxation incentives.

Aboriginal people in the Northern Territory must have choice and must not be forced to abandon their lands and heritage in order to obtain services that are automatically provided to other Australians. The vision that is created must be one that is shared by both black and white.

We accordingly call upon the Government to start afresh, to comply with our international obligations by bringing the Northern Territory Intervention to an end, including the termination of involuntary income management and securing Aboriginal rights in accordance with the Declaration on the Rights of Indigenous Peoples. Present flawed legislation including that purporting to re-instate the Racial Discrimination Act and s 91 of the NTER Act should be repealed and the Racial Discrimination Act reintroduced in an unqualified form.

**Signed:**

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Reference Notes:

<sup>1</sup>Information provided by FaHCSIA

<sup>2</sup>NT Department of Education and Training Annual Report 2008-09 Page 27

<http://www.det.nt.gov.au/about-us/publications/annual-report-200809><sup>3</sup>Medical Journal of Australia August 2010 [http://www.mja.com.au/public/issues/192\\_10\\_170510/oma10307\\_fm.html](http://www.mja.com.au/public/issues/192_10_170510/oma10307_fm.html)

<sup>4</sup>Growing Them Strong, Together Report page 17

[http://www.childprotectioninquiry.nt.gov.au/\\_data/assets/pdf\\_file/0007/49786/Executive\\_Summary.pdf](http://www.childprotectioninquiry.nt.gov.au/_data/assets/pdf_file/0007/49786/Executive_Summary.pdf)