



CHILDREN OF THE INTERVENTION

**Aboriginal Children
Living in the Northern
Territory of Australia**

**A Submission to
the UN Committee on
the Rights of the Child**

June 2011

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Introduction

Aboriginal children living in the prescribed areas of the Northern Territory live under legislation that does not affect Aboriginal children in any other parts of Australia, or any other children who live in Australia whatever their ethnic grouping.

It is for this reason that we are providing a complementary report to the Australian NGO Report *Listen to Children* in order to draw specific attention to the situation of children living in the Northern Territory.

This legislation, known as *Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of the Racial Discrimination Act) 2009*, with small changes, has dominated the lives of all Northern Territory Aboriginal people since 21 June 2007. It is referred to as the 'Intervention' or officially known as the 'Northern Territory Emergency Response'.

In the main, the Intervention has been seen by Aboriginal people as punitive and referred to in a statement by Aboriginal elders as a 'dispossession'.

*Now, after so many years of dispossession, we find once again we are being thrust towards a new dispossession. Our pain and our fear are real. Our people are again being shamed.*¹

The stated intention of Government was to address the issues of child abuse referenced in the report *Little Children Are Sacred*. Child Protection services, like many other services to Aboriginal people in the NT, have been limited by their lack of funds and governmental support. General infrastructure had been poorly maintained and basic housing needs unaddressed. Inadequate access to education and health care simply highlight the level of gross disadvantage in which Northern Territory Aboriginal children have been living and continue to live.

Children of the Northern Territory are living in communities where leaders have been disempowered, where control over land has been coercively transferred to Government, and where the levels of despair and disillusionment are mounting.

It should be noted that the many changes enforced through the new legislation have been imposed without negotiation or consent of community representatives.

Perhaps the most disillusioning aspect of Government intrusions is the total failure to acknowledge the instances of success and advances within communities which have occurred despite the lack of adequate community funding in areas of business, rehabilitation, bi-lingual learning and others. Prior to 2007, community elders were responsible for 80% of homelands being 'dry communities'. The failure of Government to recognise these achievements has affected the relationship with communities and undermined the authority of the elders.

¹ See Appendix 1. Statement by Aboriginal Elders of the Northern Territory, *To The People Of Australia* Melbourne University Law School, (7th February 2011).

When James Anaya, UN Rapporteur visited in 2009, he said,

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.²

Executive Summary

BASIC HEALTH AND WELFARE

Article 27

1. *States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.*
3. *States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.*

The majority of children growing up in the Northern Territory are most likely to live in unacceptably poor accommodation. There are no guarantees that they will have access to a safe water supply or to a functioning sanitation system. In the majority of cases, despite a recent Government building programme, children will live in overcrowded conditions, and some in situations where the overcrowding and allied problems are extreme.

While many children in the Northern Territory might have the right to adequate housing, this is not a reality for most. Access to adequate nutrition and consequently achieving optimum health standards are gravely problematic.

Article 24

2(a) To diminish infant and child mortality;

2(b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;

2(c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;

² James Anaya, *Statement* as he concludes his visit to Australia, 27 August 2009.
<http://www.un.org.au/files/files/Press%20Release%20-%20Australia%20JA%20final.pdf>

Children's physical health is compromised by the conditions in which they live and their exposure to diseases associated with these poor conditions. They are also exposed to the stresses placed on parents and their demoralisation created by the impact of the new legislation. Many parents have been re-traumatised by the events of the Intervention and live with increased levels of fear related to their further loss of trust in Government.

Some parents are able to supplement their food supply by hunting. However, for those in remote areas unable to do this, welfare benefits are inadequate to raise children on healthy and nutritious diets.

SPECIAL PROTECTION MEASURES

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Of further concern to many parents whose children were engaged in bilingual learning programmes, government has withdrawn its support for this form of education. Most parents see this as impinging on the cultural rights of their children.

EDUCATION, LEISURE AND CULTURAL ACTIVITIES

Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

(a) Make primary education compulsory and available free to all;

To deny children full-time education is totally unacceptable and most particularly so for a country like Australia that could well have afforded to comply with this requirement many years ago. Instead there are some forty-five Homeland Learning Centres across the Northern Territory, which do not offer full-time qualified teachers to their students. As a result the Northern Territory Government denies these children a full-time education.

This brief report draws attention to areas of concern that directly impact upon the well-being of Aboriginal children in the Northern Territory of Australia. It highlights the discrimination experienced by children in ways that are not common to children in other parts of Australia, and a series of recommendations have been made which, if introduced, would be welcome steps to improving the current situation.

BASIC HEALTH AND WELFARE

In order to understand the world of children growing up in the Northern Territory it is helpful to know something about the environment in which they live.

Overcrowding, Poor Housing and Health

According to the Australian Bureau of Statistics:

*Some Indigenous households, especially those in remote areas, live in conditions that do not support good health. In 2006, 14% of Indigenous households were overcrowded, which puts stress on basic facilities and contributes to the spread of infectious diseases. The highest rate of overcrowding was among renters of Indigenous or mainstream community housing in the Northern Territory, where 61% of Indigenous households were overcrowded.*³

According to a more recent 2009 Government mapping report on Galiwin'ku and surrounding areas the incidence of overcrowding is even greater. Galiwin'ku is a homeland in East Arnhem Land with a mainly Aboriginal population of over two thousand people. We are told,

*Seventy eight per cent of Galiwin'ku households are considered to be overcrowded.*⁴

In June 2011, the principal of Shepherdson College, Bryan Hughes, made the following statement,

One of the biggest issues hindering school attendance is overcrowding on the island. An average of 15 people live in each house, and one house has 54 occupants.

The houses have only three or four bedrooms, so families sleep in shifts and older students and adults walk the streets at night.

*At 2am, there can be 40 to 50 or even 100 people walking around the community, and we're expecting these kids to be at school in the morning.*⁵

The Australian Indigenous Health Info-Line tells us,

The effect of the physical environment on the health status of a population is well recognised – the absence of functional health hardware can have a negative impact on health, particularly with regard to infectious and parasitic diseases (such as diarrhoeal diseases and

³ The Health and Welfare of Australia's Aboriginal and Torres Strait Islander Peoples, 2008
<http://www.abs.gov.au/ausstats/abs@.nsf/39433889d406eeb9ca2570610019e9a5/974521916A03EAF3CA2574390014A91A?opendocument>

⁴ Galiwin'ku mapping report- Schedule B. See
<http://www.workingfuture.nt.gov.au/Territory%20Growth%20Towns/Galiwin'ku/docs/Schedule%20B%20Baseline%20Mapping.pdf>

⁵ Justine Ferrari reporter, The Australian, "Yolngu elders take truants to new horizon", (11th June 2011).
<http://www.theaustralian.com.au/national-affairs/yolngu-elders-take-truants-to-new-horizon/story-fn59niix-1226073296852>

*rheumatic fever), eye and ear infections, skin conditions, and infections of the respiratory tract.*⁶

In 2009 the decision was made by Government to hold an Inquiry into the issues of child protection in the Northern Territory. This was conducted during 2010 and the report, *Growing Them Strong, Together* was released later that year. Due regard was paid to the broader needs of children and to the context of the communities and families in which children were being reared, including that of their physical environment.

*Poor housing and overcrowding were found to be a major contributing factor to poor child wellbeing outcomes and disturbed family functioning. They can discourage stable relationships, add significant stress to all concerned, and place pressure on food and financial security. The Inquiry heard that even where there is significant investment in refurbishment of houses plus the building of new dwellings on some remote communities, in the medium term this will reduce the average home occupancy from the high to the early-teens.*⁷

This is far from acceptable.

In the Northern Territory children can still be found living in appalling conditions in humpy camps. The conditions are third-world at its worst. Bev Manton, Chairperson of the NSW Land Council, took a personal journey to Irrultja and saw for herself the disgraceful conditions in which children were being reared.⁸

View, *A Personal Journey* <http://www.alc.org.au/newsroom/videos/a-personal-journey.aspx>

In 2010, the Australian Indigenous Doctors' Association and Centre for Health Equity Training, Research and Evaluation, UNSW conducted a health impact assessment (HIA) of the Northern Territory Emergency Response. The link between poor housing and poor health was clear,

*... there is a strong relationship between the quality of housing and health. Overcrowding and lack of access to the basic 'health hardware' of safe water, electricity, adequate areas for food preparation and storage, washing facilities, adequate waste disposal have contributed to the poor health of Aboriginal children and communities. Overcrowding and poor quality housing increase the likelihood of infectious disease, family and sexual violence and substance abuse. This has 'knock-on' effects including limits to children's educational attainments, tiredness and inadequate cleanliness that have devastating impact on employment prospects, and reinforces social disruption and marginalisation from mainstream society.*⁹

⁶ Review of the impact of housing and health-related infrastructure on Indigenous health (2008). See <http://www.healthinfonet.ecu.edu.au/determinants/physical-environment/reviews/our-review>

⁷ *Growing Them Strong, Together: Promoting the Safety and Wellbeing of the Northern Territory's Children, 2010*, p 21 www.childprotectioninquiry.nt.gov.au/.../CPSR_Summary.pdf

Overcrowded environments and low incomes work against supporting healthy childhood development <http://www.nit.com.au/news/story.aspx?id=19094>

⁸ Bev Manton. *A Personal Journey*, December 2010(Trailer).m4v, <http://www.alc.org.au/newsroom/videos/a-personal-journey.aspx>

⁹ Australian Indigenous Doctors' Association Health Impact Assessment (March 2010), p 28 at http://www.hiaconnect.edu.au/reports/AIDA_HIA.pdf

The HIA looked at all aspects of the Intervention and its effect on the people. One of the worst aspects of the NTER (Northern Territory Emergency Response) was the compulsory acquisition of 5 -year leases over the 'prescribed areas'. This was followed very quickly by Government's refusal to provide new housing to communities unless they were prepared to lease their land back to Government for between 40 and 99 years. These acts were deeply undermining of a people who see themselves as spiritually related to their land, and whose responsibility it is to protect the land, to perform cultural ceremonies on the land and to care for the sacred sites. The increase in depression, self-harm and suicide has been documented both in Government as well as non-government reports.

The HIA looks carefully at these links,

Ownership and control over land and housing have a positive influence on psychological and physical health. Aboriginal identity is tied to land, cultural practices, systems of authority and social control, intellectual traditions, concepts of spirituality, system of resource ownership and exchange. Loss of control over land, a lack of engagement with non-Aboriginal Australia and resulting powerlessness has had ongoing, serious negative impacts on health.¹⁰

One elder described her relationship with the land as follows,

...take away from me my responsibility for the land, take away from me my land and I am nothing. I will become a carbon copy of another culture.¹¹

Any discussion on Aboriginal health in the Northern Territory needs to be placed in the context of inter-generational trauma, and with it the despair and accompanying dependencies on alcohol and other drugs that prevail in many of the Northern Territory towns. Since colonisation the treatment of Aboriginal people has been deplorable. The forced removal of children from their mothers was simply an Australian policy that flourished for more than a hundred years and went on into the 1970's. There are still mothers living today, who at an early age, had their babies wrenched from them for no other reason than their own Aboriginality.

A.O. Neville, a public servant and state Protector of Aborigines in 1930, wrote in the *West Australian*,

Eliminate the full-blood and permit the white admixture to half-castes and eventually the race will become white.¹²

There are concerns in the Northern Territory today that there is an increase in the removal of children from their families. Certainly the conditions in which the parents are attempting to provide for their children are becoming more difficult. The levels of despair amongst parents in the Northern Territory, who have experienced increasing disempowerment in all aspects of their lives due to the policies of the last four years, is far from conducive to healthy child rearing.

¹⁰ *ibid*, p28. http://www.hiaconnect.edu.au/reports/AIDA_HIA.pdf

¹¹ *A Conversation with Elders*, Melbourne University Law School, (19th May 2010), Transcript 01:34:04. Available at www.concernedaustralians.com.au

¹² Quoted from AO Neville: cited in Van den Berg, Rosemary, (2002) *Nyoongar People of Australia: Perspectives on Racism and Multiculturalism*, Brill, 2002 ISBN 90-04-12478-0, p. 75.

The latest Government *Close the Gap Monitoring Report* indicates that the number of children in out-of-home care has risen from 10.8 per 1000 children in 2007 to 14.9 per 1000 children in 2010.¹³

Recommendation 1:

Housing stock must be increased at a faster rate than is currently planned to ensure children have the opportunity of growing up in a safe and healthy environment.

Recommendation 2 :

Refurbishments should not be considered as part of the current housing programme as they have no impact on conditions of gross overcrowding.

Recommendation 3 :

The coercive practice of linking the basic provision of housing to the transfer of land leases to Government should be terminated

Recommendation 4 :

Government should engage with community leaders to negotiate ways forward where community elders and parents can have the leading role in planning the future of their children.

Recommendation 5 :

The Northern Territory Emergency Response should be brought to a close

Child Nutrition

In 1995, using World Health Organisation criteria, it was found that children of the Northern Territory were showing signs of malnourishment in large numbers. It was reported that,

*The 20% prevalence of malnutrition is many times higher than would be expected statistically, and higher than in many underdeveloped countries. International relief agencies regard a prevalence of wasting in children of more than 8% as a nutritional emergency.*¹⁴

In late 2002, the Royal Darwin Hospital released figures that showed a 25% increase in the number of children diagnosed with malnutrition and diarrhoea over the previous three years.¹⁵

¹³ *Closing the Gap in the Northern Territory Monitoring Report*, Part 2 (July – December 2010),p 65 available at www.fahcsia.gov.au/...reports/closing_gap...dec_2010/.../Part2_NTER_dec10.rtf

¹⁴ Ruben AR, Walker AC. "Malnutrition among rural aboriginal children in the Top End of the Northern Territory", (1995) *Medical Journal Australia*, 1995, Apr 17; 162 (8) 400-3. See <http://www.ncbi.nlm.nih.gov/pubmed/7746170>

¹⁵ The Fred Hollows Foundation, *Indigenous Health in Australia: 8. Nutrition and health*. Available at , [www.goforyourlife.vic.gov.au/hav/admin.nsf/Images/fred_hollows_foundation_indigenous_program.pdf/\\$File/fred_hollows_foundation_indigenous_program.pdf](http://www.goforyourlife.vic.gov.au/hav/admin.nsf/Images/fred_hollows_foundation_indigenous_program.pdf/$File/fred_hollows_foundation_indigenous_program.pdf)

In October last year Olga Havnen from the Red Cross expressed her feelings regarding the level of malnutrition in Northern Territory children as a scandal. She said,

We have rates (of malnutrition) here in the Northern Territory that have been documented back over the last 20 years that are significantly worse than many of the least developed countries in the world.

We also know that we've got amongst the highest rates of low birth weight babies. It's just immoral to allow children to continue to suffer the kinds of deprivation that they are. To say that it's okay for kids to be hungry and to be malnourished I think is just a scandal.¹⁶

Some aspects of raising healthy children rely simply on the ability to be able to afford to access and purchase healthy food. Sunrise Health Service in Katherine, in their submission to the Inquiry on Child Protection late last year, produced a chart showing a comparison of prices for various basic items of food purchased at Woolworths.¹⁷ Their comparison was between Darwin, the Capital city of the Northern Territory, Katherine town and a homeland located some 118 kilometres from the town. We have removed Darwin, included the city of Melbourne in the chart below and removed any reasonable items of food.

This means when it comes to feeding children, parents on welfare benefits in the remote community of Beswick are having to pay almost 70% more than parents in similar circumstances in Melbourne. Sunrise Health Service, when conducting the survey, made the point that the prices at the Bulman licensed remote community store are even higher than those at the Beswick store.

If the cost of living is so high in remote areas there would be grounds to apply a regional subsidy to welfare beneficiaries as a first step in addressing the problem. However, since remote community stores are already registered and supervised by Government it would seem that freight subsidies and other forms of subsidies could be applied more directly to address the massive differences in food prices.

Even so, the distance between Katherine and Beswick is only 118kms and it seems unlikely that a price hike of such proportion could be justified.

As part of the Intervention in 2007 local stores were required to be registered by government. One improvement in some of these stores is the access to fresh food. In a survey undertaken in June 2010 community residents acknowledged the availability of fresh food but, were unable to afford to buy it because of the high prices. Again the issue of subsidies could well be addressed.

¹⁶ Michael Coggan. Report presented by Eleanor Hall, ABC, The World Today, *Red Cross wants war on malnutrition*, 21st October 2010. See <http://www.abc.net.au/worldtoday/content/2010/s3044445.htm>

Note also, '... babies born to Indigenous mothers were twice as likely to be of low birth weight as babies born to other Australian mothers. And nearly half of all Indigenous children were living in jobless families in 2006—three times the proportion of all children in Australia,' Dr Al-Yaman said. The Indigenous observatory, at: www.aihw.gov.au/indigenousobservatory/

¹⁷ Sunrise Health Service, *Submission to The Northern Territory's Child Protection System Inquiry*,(2010). p15 <http://www.sunrise.org.au/sunrise/documents/SubmissiontotheNorthernTerritoryChildProtectionSystemInquiry.pdf>

Recommendation 6:

Consideration should be given to providing remote area food allowances for welfare beneficiaries. It is usual for public servants to be paid remote area allowances to cover the higher cost of rent and other essentials in remote areas. Alternatively subsidies negotiated with remote area stores should be applied to ensure food is available at the same prices as in town supermarkets.

Recommendation 7 :

Arrangements with Outback Stores and other licensed stores should be negotiated with Government whereby the prices of fresh vegetables and fruit are set at affordable prices, even if this would require the payment of subsidies.

	MELBOURNE WOOLWORTHS	KATHERINE, NT WOOLWORTHS	BESWICK/WUGULARR REMOTE COMMUNITY LICENSED STORE
Powdered Milk	\$ 6.44	\$ 9.50	\$ 14.95
Loaf of Multigrain Bread	\$ 1.79	\$ 2.28	\$ 3.00
Weetbix Cereal 1kg	\$ 4.60	\$ 5.04	\$ 7.21
Frozen Vegetables 1kg	\$ 1.71	\$ 3.99	\$ 7.01
Vaalia Double- Pack Yoghurt	\$3.20	\$2.55	\$ 3.54
Tin Tuna – 425 gms	\$2.35	\$ 3.65	\$ 6.90
12 Eggs	\$ 3.30	\$3.99	\$5.69
Packet of Vita Wheat Biscuits	\$ 3.00	\$ 3.05	\$ 5.60
1 kg Lean Beef (diced rump)	\$14.92	\$5.63	\$ 10.84
Bottled Water 1.5 ltr.	\$0.77	\$ 1.32	\$ 4.04

The total cost of food is:

Melbourne \$ 42.08

Katherine \$ 41.00

Beswick \$ 68.78

Other Pressures on Family Life

There are many pressures on children and their families in the Northern Territory and since the introduction of policies related to the NTER (Northern Territory Emergency Response), pressures have increased.

One of the greatest pressures comes from the decision by Government to bring the Community Development Employment Project (CDEP) to a close. This project, introduced in 1975, has provided part-time employment for many Aboriginal people in remote areas. The announcement to terminate the project was based on the concept of replacing this work with 'real' jobs paid at standard rates. Unfortunately, only about 30% of Aboriginal people who were previously employed through this Project have been able to secure employment, and the remainder are now for the first time complying with the requirements of Centrelink to obtain unemployment benefits.

For many families there has been a considerable decrease in overall income and an increase in disillusionment, shame and despair impacting directly on the well-being of the family as a whole.

Other pressures come from unrealistic penalties for minor offences which seem to be aimed unwittingly at keeping jails full to overflowing.¹⁸ The high rates of incarceration of Aboriginal people across Australia are higher than those of South Africa towards the end Apartheid.¹⁹ For every non-Aboriginal person in prison, there are 14 Aboriginal people imprisoned.²⁰ Most Aboriginal people are unable to afford to pay fines and the chances are that they will end up in jail for even the most trivial misdemeanours.

Since the beginning of the NTER in 2007, incarceration in the Northern Territory has gone up by 30%.²¹

Justice Valerie French, Chairman of the Prisoner's Review Board, has said,

*There's no doubt that prison has a ripple effect on every family, especially if the member in prison was supporting the family.*²²

The Intervention includes restrictions on the use or possession of alcohol in prescribed communities. The fines that accompanied these restrictions were particularly harsh. Possession of a bottle of beer will result in a fine of \$1,100 for a first offence,²³ which very few people would be able to pay, and consequently, jail is inevitable.

¹⁸ "The Northern Territory imprisonment rate was 679 per 100 000 adult population, the highest of all [Australian] jurisdictions and above the national rate of 165 per 100 000 adult population." Corrective Services, Australia December Quarter 2010 from NT Government *Social Indicators* (April 2011) summary, p6 at http://www.nt.gov.au/ntt/economics/publications/social_briefs/soc_ind_apr11.pdf.

¹⁹ Chris Graham reporter, *We jail black men five times more than apartheid South Africa* (July 2009) at <http://www.crikey.com.au/2009/07/02/we-jail-black-men-five-times-more-than-apartheid-south-africa/>

²⁰ Inga Ting, *Why are deaths in custody rising?*, (April 2011) at <http://www.crikey.com.au/2011/04/15/deaths-in-custody-20yrs-after-a-royal-commission-why-are-fatalities-rising/>

²¹ From 699 Indigenous inmates in Sept 2007 to 908 in June 2010 *Northern Territory Quarterly Crime and Justice Statistics*, Issue 21: Sept Quarter 2007 and Issue 32: June Quarter 2010. From 699 Indigenous inmates in Sept 2007 to 908 in June 2010.

²² October 2008, www.antar.org.au/justive_valerie_french_has_hope_for_aboriginal_inmates.

Read more: <http://www.creativespirits.info/aboriginalculture/law/aboriginal-prison-rates.html#ixzz1OkzHsLNa>

Aboriginal people in the Northern Territory make up 31.6% of the population but they account for 84% of the prison population.²⁴ We are told that, since 1989 Aboriginal incarceration rates across Australia have increased 12 times faster than the rate for non-Indigenous people.²⁵

Sadly, the Intervention has done great personal harm in that it has shamed and blamed Aboriginal parents.²⁶ Men especially have been blamed for participation in paedophile rings, an accusation later withdrawn by the head of the Australian Crime Commission (ACC), although the harm had already been done.²⁷

According to Rosalie Kunoth-Monks OAM,

*We feel here that the Intervention offers us absolutely nothing, excepting to compound the feeling of being second class citizens.*²⁸

Conclusion:

For many children growing up in families in the Northern Territory, it is likely that they will share a home with numbers of unemployed adults and their lives are likely to be impacted upon, either directly or indirectly, by experiences involving law enforcement systems. Children are most likely to have observed, or been engaged in, both violence and alcohol abuse. Depression amongst adults will be common.

Recommendation 8:

The decision to terminate the Community Development Employment Project (CDEP) should be reviewed in the light of massively increased unemployment.

Recommendation 9:

Input from Aboriginal elders should be sought in how best to manage alcohol through culturally appropriate rehabilitation programmes.

Recommendation 10:

Income Management should no longer be compulsory. It should become a programme of choice.

²³ http://www.fahcsia.gov.au/sa/indigenous/progserv/ntresponse/about_response/law_and_order/alcohol_bans_penaltis/Documents/legis_alc_overview.pdf

²⁴ ABS, 2007: The national rate of indigenous incarceration was 17%. See chart at <http://www.creativespirits.info/aboriginalculture/law/aboriginal-prison-rates.html#ixzz1OkwJ0e3X> Today the rate is 26%. See <http://www.creativespirits.info/aboriginalculture/law/> and article at footnote 20.

²⁵ See <http://www.creativespirits.info/aboriginalculture/law/aboriginal-prison-rates.htm>

²⁶ See Elders Statement, Appendix 1.

²⁷ See *Loss of Rights* report, (July 2010), p62-65. Available at www.concernedaustralians.com.au

²⁸ 'concerned Australians', *Will They Be Heard ?* report (Nov 2009). Available at www.concernedaustralians.com.au go to p168, transcript 00:01:32;11

SPECIAL PROTECTION MEASURES

Affirming Culture

Dhanggal Gurruwiwi from Nhulunbuy in East Arnhem Land tells us,

... children in our communities should come from the known to the unknown, and it is also very important that children growing up in our communities, I believe, should understand and be able to identify in who they are, so that they will be able to grow with dignity and knowing where they have come from. And also come to the stage when they are older they can cope with the expectations that we have from people from the wider community, and they will be able to walk in confidence in two worlds.²⁹

The importance of children living with their families in community is clearly spelt out by Dhanggal in her recognition of the need to prepare children to walk in 'two worlds'. It also means that children must be a part of an education system that acknowledges the cultural environment in which it is operating. Since the advent of the NTER the Northern Territory schools have been required to teach the first four hours of each day in English. This ruling has gravely affected those schools that had been committed to a bilingual approach to language. The imposed termination of bi-lingual learning has caused distress to many. Yalmay Yunupingu, a bilingual teacher wrote,

Yolngu language is our Power, our Foundation, our Root and everything that holds us together. Yolngu language gives us strength, language is our identity, who we are. Yolngu language gives us pride. Language is our Law and Justice.³⁰

This sudden and new attack on Aboriginal languages has had the effect of diminishing not only language but the culture as a whole. In many communities it has had the impact of alienating parents from the schools their children are expected to attend. Sadly, it would appear that one of the results of this action has been a decrease in school attendance.

A recent newspaper article summarises the dramatic decrease in attendance at schools since the suspension of the bilingual programmes.

At one school, attendance rates have nearly halved in two years to a low of 37.2 per cent. The NT government believes the minimum attendance rate in remote regions should be at least 80 per cent, which equates to the average child attending school four days a week.

More than 60 schools across the Territory recorded attendance rates below 80 per cent in June, according to government figures, with an estimated 2000 children not even enrolled. Five schools had attendance rates below 50 per cent.

²⁹ A Further Conversation with Elders, Melbourne University Law School Melbourne, 7th February 2011. Audio available at www.concernedaustralians.com.au

³⁰ Yalmay Yunupingu, Open letter to Minister Marion Scrymgour regarding Bilingual education, *Walngakum Yolngu Dharuknha - To keep Indigenous Languages alive*, November 2008 <http://groups.google.com.au/group/foblmail/web/yalmay-yunupingus-letter-to-minister>

The low attendance rates, which follows the cutting back on bilingual teaching, came as the federal government continued a trial in six remote communities that suspends welfare payments to parents if their children don't attend school.³¹

The latest Government Monitoring report also shows that school attendance continues to decline.

The average attendance rate for schools in the NTER communities was 56.5% in November 2010. The average school attendance rate in November 2009 was 62.1%³²

Government's response to non-attendance is to introduce punitive measures targeting parents and creating even greater pressure on parents. Families with unenrolled and non-attending children have their income support benefits withheld until children return to school. This type of response further compromises the health and well-being of children and leads to conflict within families.

On the other hand, Bob Beadman, NT Coordinator General for Remote Services, blames Aboriginal parents and wishes to drastically increase penalties as a solution. He says,

Stare down those who will argue that this will simply increase the goal population because you can't recover those fines from impoverished people.³³

An examination of the causes of non-attendance would benefit planners in the Education Department who genuinely have the welfare of children at heart and educators, who recognise that attendance alone does not equate to learning, and who would then be in a better position to make positive adjustments to curriculum and other aspects of the school environment that may lead to better attendance.

Recommendation 11:

Reintroduce an appropriately resourced bi-lingual learning programme to communities that request it.

Recommendations 12:

Engage with parents and together work towards culturally appropriate solutions to solve the problems related to increasing non-attendance of schools.

³¹ Mark Schliebs. The Australian, *Remote Northern Territory schools bleed pupils* (November 2010) at <http://www.theaustralian.com.au/news/nation/remote-northern-territory-schools-bleed-pupils/story-e6frg6nf-1225946933754>

³² *Closing the Gap in the Northern Territory Monitoring Report*, Part 2 (July – December 2010), p 14. www.fahcsia.gov.au/...reports/closing_gap...dec_2010/.../Part2_NTER_dec10.rtf

³³ Bob Gosford reporter, 'Wag school, die young' — *beyond carrots and sticks in remote NT education* at <http://www.crikey.com.au/2011/01/11/wag-school-die-young-beyond-carrots-and-sticks-in-remote-nt-education/>

EDUCATION, LEISURE AND CULTURAL ACTIVITIES

Education

It has been well documented that Aboriginal people living their traditional lives in Homelands tend to have better physical health than those living in towns. There are significantly lower incidences of diabetes, heart disease and chronic kidney failure. Additionally, general overall well being is believed to be appreciably better.³⁴

Key findings from an innovative study initiated by traditional owners in collaboration with researchers at Charles Darwin University's Institute of Advanced Studies, the Northern Land Council and the Menzies School of Health Research have shown,

*...that people taking part in customary and contemporary land and sea management practices, particularly those living in traditional homelands, are much healthier, including lower rates of diabetes and cardiovascular disease.*³⁵

However, one of the greatest disadvantages for families living in Homelands is the almost negligible access to full-time education. In Homelands, the education facilities for the children of the communities are known as a Homeland Learning Centres (HLC). See Appendix 2.³⁶

According to information provided in mid-2010, there are forty five Homeland Learning Centres. These centres often have classrooms built by parents with limited resources and many have received almost no infrastructure support from Government. The equipment in HLC's is minimal. A recent video, *Two Schools*, showing a Homeland Learning Centre at Mirrngatja and comparing it with a small school for white students at Dundee Beach School, is an example of the incredible level of discrimination that is practised against Aboriginal children in the Northern Territory.³⁷ A Comparison chart of these two schools is found at Appendix 3.

A Tale of two schools: When is a School not a school? In the Northern Territory, it's when they're called Homeland Learning Centres . View <http://www.abc.net.au/7.30/content/2010/s2829391.htm>

However the worst aspect of Homeland Learning Centres is that they are not staffed by full-time qualified teachers. As a result children are denied full-time education.

Teachers mostly fly into Homeland Learning Centres for a number of days per week, flying in and out each day. This appears to be an extremely expensive way of staffing learning facilities, but often the main problem is that there is rarely any accommodation for teachers in communities that are

³⁴ Menzies School of Health. Also see example of Utopia at, <http://www.health.gov.au/internet/main/publishing.nsf/Content/health-oatsih-pubs-linkphc~health-oatsih-pubs-linkphc-local~casestudies~case1>

³⁵ *Healthy Country: Healthy People Study supports links between healthy landscapes and healthy people* (May 2007). Available at <http://www.cdu.edu.au/ser/documents/HCHPMediaRelease.pdf>
www.medicalnewstoday.com/releases/70237.php/

³⁶ And, read more: <http://www.creativespirits.info/aboriginalculture/land/aboriginal-homelands.html#ixzz107jEiUbh>

³⁷ Murray McLaughlin reporter for ABC, 7.30 Report presented by Kerry O'Brien (24th February 2010). *A Tale of two schools: When is a School not a school? In the Northern Territory, it's when they're called Homeland Learning Centres* <http://www.abc.net.au/7.30/content/2010/s2829391.htm>

already grossly overcrowded. These centres have been without acceptable infrastructure and staffing for many years and whole generations of Aboriginal people have lost their right to education. For a wealthy country like Australia, this is a disgrace.

Very occasionally Homeland Learning Centres are upgraded to schools. In two instances Homeland Learning Centres, in their desperation for better education for their children, have managed to become independent schools. In neither instance was the transition made easy.

The history of this process for Gawa School is recorded and can be found at the end of the report with other associated information. See Appendix 4

In general, standards of education in Northern Territory schools is not high. One of the greatest issues since the Intervention has been the falling attendance rates. This has only been exacerbated more recently by the termination of the bilingual programme.

Recommendation 13:

Provide full-time education with full-time qualified teachers to all children including those in remote areas

Recommendation 14:

Provide accommodation for teaching staff in remote communities

Recommendation 15:

Provide up to standard classroom facilities and equipment to all students including those in remote areas.



Exterior of a Homeland Learning Centre, 2008

Mirrngatja Homeland Learning Centre, 2008. The classroom was built in 1982 by parents, 29 years ago. They have been waiting to be allocated a full-time qualified teacher ever since. It is understood that a new classroom will be built by government in the near future but there is, as yet, no indication that a qualified full-time teacher will be provided.

Conclusion

The discrimination against Aboriginal children in the Northern Territory is not new. It is based on years of neglect and the reality is that in 2011 most Aboriginal children cannot be provided with secure accommodation, nor are they guaranteed the basic requirements for optimal health or access to a standard education. The Aboriginal population of the Northern Territory is 76,000 persons. A country with the resources of Australia, has the capacity, if it were to work with community leaders, to change this appalling situation and secure the rights of every Aboriginal child.

APPENDIX 1 A Statement by Elders

TO THE PEOPLE OF AUSTRALIA

7 FEBRUARY 2011

We are the people of the land. The land is our mother. For more than 40,000 years we have been caring for this land. We are its natural farmers.

Now, after so many years of dispossession, we find once again we are being thrust towards a new dispossession. Our pain and our fear are real. Our people are again being shamed.

Under the Intervention we lost our rights as human beings, as Australians citizens, as the First People of the Land. We feel very deeply the threat to our languages, our culture and our heritage. Through harsh changes we have had removed from us all control over our communities and our lives. Our lands have been compulsorily taken from us. We have been left with nothing.

The legislation under which we now live does not comply with international law. It is discriminatory. We are no longer equal to other Australians. We are no longer equal to you.

As people in our own land, we are shocked by the failure of democratic processes, of the failure to consult with us and of the total disregard for us as human beings. We demand the return of our rights, our freedom to live our traditional lives, support to develop our economic enterprises to develop jobs and to work towards a better future for all our peoples.

So extreme have been the actions against our people that we must appeal to all people of Australia to walk with us in true equality. Speak out and help to put an end to the nightmare that Northern Territory Aboriginal people are experiencing on a daily basis.


Rosalie Kunoth-Monks OAM, Utopia


Rev. Dr Djinyini Gondarra OAM, Galiwin'ku


Harry Nelson, Yuendumu


Miriam Rose Ungunmerr-Baumann AM, Nauiyu


Djapirri Mununggirritj, Yirrkala


Dhanggal Gurruwiwi, Yirrkala

George Gaymarani Pascoe, Millingimbi


APPENDIX 2

Homeland Learning Centres

Homeland Learning Centres (HLC) are primary and secondary educational facilities in remote Aboriginal communities in the [Northern Territory](#) of [Australia](#). HLCs are operated by the Northern Territory Department of Education instead of schools. They do not have full time qualified teachers for their students.

History

In the 1970s and 1980s, some Indigenous families in the [Northern Territory](#) left larger communities (which had been based around church missions) to move back to their traditional lands. The very remote communities they created are usually referred to as 'Homelands' or 'Outstations'. When faced with the difficulties of providing education in these Indigenous communities, the Northern Territory government created Homeland Learning Centres (HLCs). Most are in very remote locations and some are often not accessible by road during the wet season. The Northern Territory government built HLCs for Indigenous students in very remote communities while building schools for non-Indigenous students. "All Homeland Learning Centre students are assumed to be Indigenous."

At least 70 HLCs were constructed, the most recent at Emu Point in 2005-2006. Three were operated by the Catholic Education Office. The majority of HLCs are in East and West Arnhem Land - for HLC locations see the [List of Homeland Learning Centres](#). The number of HLCs operational each year may vary as some Homelands are not always populated. The number of HLCs was gradually declining as some closed and others were upgraded to schools. In 2008, the NT Government announced that two HLCs - Alparra and Baniyala (Yilpara) - would be upgraded to schools.¹ The 2009 and 2010 NT budgets, however, did not include further funding to upgrade any LCs to schools.

Year Number of HLCs

1998	54	1999	54
2000	55	2001	50
2002	54	2003	55
2005	53	2004	53
2006	51	2007	46
2008	45	2009	46
2010	45		

Characteristics

Homeland Learning Centres (HLCs) are not schools - they are not classified as schools by the Northern Territory government or by the Australian Federal government. HLCs differ from schools in three respects:

- Physical facilities
- Staffing and administration
- Curriculum

Physical Facilities

HLCs were built at low cost, without electricity or flush toilets. Most were single classrooms, and some were built as shelters with roofs and walls but without windows or doors. By the mid 2000s, many had been upgraded to electricity supplied by generators, but most still did not have ablution facilities such as hand basins, hot water, or flush toilets. Accommodation was not provided for teachers.

Staffing and administration

HLC establishment and operation is based on the number of school-age students in a remote community, although there is often significant variation in actual implementation. School age was considered to be four to seventeen years. Twelve school age children entitles a community to an HLC; if the number drops below nine the HLC is closed. HLCs are entitled to one non-qualified 'Assistant Teacher' for each 17 students, and a visiting (non-resident) qualified teacher for every 22 students.

HLCs do not have their own principal. They are the responsibility of a school principal who is in charge of a 'hub' school in a larger community. Yirrkala Homelands School, however, has no 'hub' school - its principal is responsible only for several HLCs in East Arnhem.

Qualified teachers visit HLCs from one to four days each week. Visiting qualified teachers are not present at HLCs for the full school day, due to time spent travelling to and from the HLC. In 2009 the NT Department of Education stated they plan to 'increase teaching by qualified teachers up to 5 or 6 hours per day in a virtual or face to face context'.

HLCs are staffed by Indigenous 'Assistant Teachers'. Assistant Teachers do not have teaching qualifications recognised by the Northern Territory Teacher Registration Board, or by other Teacher Registration Boards in Australia. Some Assistant Teachers have little or no English literacy or numeracy.

For full Wiki Report go to: http://en.wikipedia.org/wiki/Homeland_Learning_Centre

APPENDIX 3

COMPARISON BETWEEN TWO SCHOOLS



Location	Dundee Beach	Mirrngatja
Years opened	1998	1982
NT DET classification for the level of service offered ²	School	Homeland Learning Centre ³
NTDET classification of asset	School	Remote School ⁴
Years of operation	12	28
Enrolment numbers in 2009	6 ⁵ Attendance records for 2004 unavailable.	13 ⁶ In 2004 ⁷ , an average attendance of 100%.
Threat of closure by NT DET	No threat	Constant threat ⁸
First language(s) of students	English	Djambarrpuyngu, Ganabingu
Resident teacher(s)	Yes One fulltime	No A Visiting Teacher attends for one day per week ⁹
Resident Assistant Teacher	Yes	Yes ¹⁰
School infrastructure		
classroom	Yes Paid for by NT DET	Yes Paid for and built by parents.
library room	Yes	Nil
air conditioner - classroom	Yes	Nil
ablution block	Yes	Nil
shaded play area	Yes	Nil
office	Yes	Nil
teacher accommodation	Two bedroom	Nil
carport	Yes	Nil
Classroom resources		
Reading schemes	Yes	No
Class sets of readers	Yes	No
Class sets of text books	Yes	No
etc		
Languages formally taught at school	English, Indonesian, Auslan	English

APPENDIX 4

 Institute for Cultural Survival Inc

July 2009

Build a Future for Our Children

A case study of institutional discrimination in the Northern Territory of Australia.

The allocation of educational funding in the Northern Territory actively discriminates against Black students. The NT Department of Education and Training (NT DET)'s discriminatory policy is based on the development of a 'special class' of service delivery to Black-only schools, referred to by government as Homeland Learning Centres (HLCs). HLCs receive only a fraction of the resources and services available to other NT schools.

This story is not just about inequality in schooling opportunity based on race. It is about governments actively and deliberately further marginalising the most alienated pupils in the Northern Territory. This policy conflicts with the governments' 'Closing the Gap' commitments and dismisses the Australian idea of an 'equal go for all'.



Gawa is small township (or 'homeland' as they are called by governments) in east Arnhemland, Northern Territory, Australia. East Arnhemland is the ancestral home for about 40 Yolngu nations. Each nation has its own estate, language and history. This part of Arnhemland is rather like Europe, and the European Union, composed of multiple sovereign nations. The Warramiri people are one of these nations, and Gawa is their estate.

The regional town closest to Gawa is Galiwin'ku, where there are residents from 20 or so nations. Galiwin'ku is one of the Australian and Northern Territory Governments' 'priority communities' or

'growth towns'. Towns maintained by governments for the bureaucratic convenience of servicing and further centralising the inhabitants of homelands. For the vast majority of residents, including the Warramiri, Galiwin'ku is not their 'home-land' or 'yirralka'. In a way it is not a place where people feel 'at home' or make their future.

In Galiwin'ku things were going from bad to worse in the mid-1980s. Petrol sniffing, marijuana, youth suicide, teenage pregnancy, disrespect for elders were on the increase. So the Warramiri held family meetings and under the guidance of an elder planned to relocate to their land at Gawa. In 1986 families chopped and shovelled a road through to Gawa by hand. They were desperate because they needed to *"get away from the bad influences in the own and begin to build a future for our children at Gawa"* said Kathy Guthadjaka, a teacher for most of 40 years and the daughter of a Gawa elder. Later she was to remark, *"there was wisdom in the direction my father had set us, to return to our country, I couldn't see it at the time, but followed his wishes."*

Kathy wanted to establish a school at Gawa. However, government pre-conditions make it very difficult to establish a school in a homeland. Before they can apply to NT DET to begin a 'trial' to establish a Homeland Learning Centre, residents need to, with their own funds and effort, provide a shelter for the operation of the school. They must also find their own teacher and operate the school with minimal assistance for a minimum of six months. During this period the teacher will not be paid by the NT Education Department. If the enrolment, and attendance figures are maintained throughout the six-month period, and if the hub school completes the necessary paperwork, the Homeland Learning Centre may get the go-ahead as a formally recognised Homeland Learning Centre.

In the case of Gawa, the trial ran for one year. Gotha, the qualified teacher, was required to take leave-without-pay during this period. The school operated for a year under a tarpaulin, with only exercise books and pencils provided by the Education Department. At the end of 1991, following the year-long trial, the NT Education Department provided \$1500 for the new 'school' tarp. Then, at the beginning of 1992, Gotha resumed her teaching job at the 'hub' school, Shepherdson College, the government school at Galiwin'ku. She became a homeland Visiting Teacher but was refused permission to stay at Gawa as the permanent teacher. Meanwhile the residents found their own funding to construct a new school building with the NT government making a small contribution of \$15,000. With assistance from the local resource Centre they purchased a very small, very basic kit home which provided two classrooms.

Over the next 10 years the Gawa Homeland Learning Centre (HLC) received no additional funds for infrastructure. They were sent discarded desks and chairs from the NT DET, but there were never enough for all the students, so many had to study on the floor.

Meanwhile, Gawa and other HLCs were denied access to funds allocated to other schools. In 2001 the Australian Government allocated close to \$19M for distance learning. Computers, satellite connections, printers and access to distance learning were provided to every remote school and 66 cattle stations in the NT. All homeland schools were deliberately excluded from this program. In 2002 the education department admitted that all submissions for infrastructure improvements to homeland schools had been kept 'on-hold' for five years, and requests for students in homelands to have access to computers and the internet continued to be ignored.

In 2002, after a decade of neglect from the NT DET, the Gawa HLC still had no toilet, running water, or power supply, there was no fax machine, computer, photocopier or any of the other equipment

usually found in a school. In desperation for better schooling facilities, Gawa residents petitioned the government to become a non-government, private school. In 2003 Gawa was granted independent school status,

The impact of the changed status was immediate and profound. The infrastructure statistics speak for themselves. Over the ten years that Gawa was a Homeland Learning Centre, the government provided a total of \$16.5K, an average of \$1,650 per year.

In the six years since becoming an non-government, private school, Gawa school has received infrastructure funds of \$3,158M, and average of \$538,000 per year.

By becoming an independent school, Gawa has accessed over 320 times the level of funding for infrastructure that it received as a government remote school. This is not special funding, but funding that is available through normal grant processes to all 'normal' Australian schools.

Things have not improved under the Rudd Labour government. Remote schools under the Homeland Learning Centres service model are under greater threat from the Australian and Northern Territory Governments.

In 2008, the Henderson NT Government spent over \$20M and provided new distance learning infrastructure to 250 sites across the territory, including cattle stations and 'normal' schools. It is estimated that only two of the 45 homeland schools were included in this provision.

Why is it that cattle stations with as few as one child were included, while homelands, some with well over 40 students were not? The discriminatory treatment of homelands schools continues. In 2009, the Rudd federal government provided \$11.4 billion for educational infrastructure as part of its Economic Stimulus Package. While every 'normal' school across Australia received a minimum of \$200K from this program, homeland schools were unable to access these funds.

Call this a fair go?? We shouldn't because it's unfair and un-Australian.

1 The Memorandum Of Understanding between the Australian Government and the Northern Territory Government Indigenous Housing, Accommodation and Related Services, September 2007 is the arrangement states *"This offer of \$793 is made on the basis that the Northern Territory Government will:*

- *take over responsibility for the delivery of services to outstations; and ..."*

The funding commitments detailed in this MUO do not include provision of any funds for education infrastructure or services.

From: <http://www.culturalsurvival.org.au/>

