

From: be ward Sent: Friday, 10 August 2007 11:21 PM  
To: Legal and Constitutional, Committee (SEN)  
Subject: SUBMISSION TO THE SENATE LEGAL AND CONSTITUTIONAL  
AFFAIRS COMMITTEE.

SUBMISSION TO THE SENATE LEGAL AND CONSTITUTIONAL AFFAIRS  
COMMITTEE  
REGARDING THE INQUIRY INTO THE NORTHERN TERRITORY NATIONAL  
EMERGENCY  
RESPONSE

Name: Be Ward.

Dear Senators

I want to register my concerns regarding both the legislative process and parts of the content of this legislation that is currently before you ie the Northern Territory National Emergency Response.

I live and work in an Aboriginal community in the Northern Territory, providing Youth and Community Services. I can honestly say that it is my direct experience that the community here feels very concerned about the proposed removal of the Permit System, which in my opinion is one of the only mechanisms of a meaningful sovereignty for the lands and communities of Aboriginal people. These concerns were spoken to the Minister Brough when he visited us here, but were evaded and left unanswered and unacknowledged. I sincerely hope you can redress this injustice by doing all you can to prevent this unjustified and unilateral legislation from furthering the already extreme problems that indigenous Australian remote communities face.

Firstly, the haste with which this legislation is being rushed through Parliament is, in my opinion, an abuse of our democratic process. The legislation is complex involving changes to 5 different Acts and will have a huge impact on the Northern Territory Aboriginal people. There needs to be more time allowed for consultation with the communities and informed debate for all of us. I personally feel ashamed that our democratic institutions are being used to confuse and manipulate people who are already so severely disadvantaged.

I was present at the so called "consultation" meeting of Minister Brough and the community here in Mutitjulu, and when the community members voiced their strong concerns about the removal of the permit system the Minister could only proffer personal attacks and public shaming of a senior member of the community. (The ministers very words were" Im going to shame you in front of your people"). He failed to answer the community's questions as to how revoking the permit system was seen to be beneficial. The Indigenous woman Magistrate present with Minister Brough at his meeting with us also said afterwards to some community members that she also was also ashamed of how

rushed and disrespectful the meeting was.

In addition some of the changes to the Acts are unnecessary in achieving the stated goal of creating safe environments for Aboriginal children, and, more alarmingly, could in fact make matters worse.

Some of my concerns in the legislation include the following:

1) Changes to land tenure:

i) compulsory acquisition of five-year leases over prescribed communities in the Northern Territory and

ii) the partial abolition of the permit system.

There is no evidence of any direct link between the issue of land tenure and the problems of child abuse and dysfunction in Aboriginal communities in the Northern Territory. The All Children Are Sacred report made no recommendations in regard to changing land tenure arrangements. Rather, the Northern Territory Police are of the opinion that such changes could exacerbate the problem, and make it harder to police. I work closely with police in my role as a Youth Worker here, and we all see that the permit system is one of the only ways to keep a check on the vulnerability of remote communities and their children. The All Children Are Sacred report also clearly identified that sexual abuse is often perpetrated from non-indigenous people in communities, as is unscrupulous art dealing, grog running, etc.

Acute housing and infrastructure shortages in prescribed communities should be addressed using existing provisions under sections 19 and 19A of the ALRA.

2) The Racial Discrimination Act is superceded

The legislation asserts that its provisions and acts are not discriminatory as they are “special measures” in line with the provisions of the Racial Discrimination Act ie done for the sole purpose of securing adequate advancement of a certain group, namely the safety of Aboriginal children.

Agreed factors in jeopardizing the safety of Aboriginal children have been cited as overcrowding in houses, and the abuse of alcohol and pornography. As stated above, the opinion of police is that changes to the permit system are likely to exacerbate the problem of child safety. Therefore these measures do not fall within the definition of “special measures” as described by the RDA.

3) Welfare payment reform

Quarantining welfare payments to all members of a specific racial group within a specific geographical area without their consent is blatant discrimination and I ask that you oppose it. Imagine if this were happening to all welfare recipients of British heritage in NSW. There'd be no question of its unacceptability. This legislations specific targeting of indigenous Australians directly and blatantly contradicts the very words of the

Minister Brough to the Mutitjulu community when he visited us here, when he told us that these changes to welfare payments were to be made to All Australians.

Using the justification of “special measures” in the legislation should be removed and the legislation explicitly brought into line with the RDA.

The authors of “The Little Children are Sacred Report” gave 97 recommendations. At the GAMA Festival they said they felt betrayed by the strategies included in the legislation. Noel Pearson has said it’s not his plan. Aboriginal leaders have criticized it. The Combined Aboriginal Organisations have put forward an alternate plan. These are not signals of adequate consultation and collaboration having happened.

Respectfully I ask you to oppose the discriminatory elements in the Emergency Response plan and put forward amendments that support just reform – ones we can all be proud of.

Yours Sincerely.

Be Ward .

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Address: House #1 Mutitjulu Community.

Phone No: 08 – 8956 3065.

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