

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

Name: Mrs Santhini Haines

Dear Senators

I want to register my concerns regarding the legislation currently before you (ie the Northern Territory National Emergency Response). I am concerned about both the legislative process involved and also the elements of the legislation itself.

I believe that the haste in which this legislation is being rushed through Parliament is an abuse of our democratic process. It is a complex legislation as it involves changes to 5 different Acts and it is intended to have a profound impact on the Northern Territory Aboriginal people. As such, it is vital that more time be allowed for consultation with the communities and for informed debate among all Australians. I am uneasy about the fact that our democratic institutions are being used to confuse and manipulate people who are already disadvantaged. The actions being taken mirror actions taken during times of war. It is as though we are waging a war against a section of our community, with extraordinary powers being given to the Executive. I agree that it is a situation that calls for urgent action to address the extreme disadvantage and marginalisation experienced by a large number of aboriginal communities. However, we have to be careful that the measures implemented to address this disadvantage do not exacerbate the root causes for this inequality.

If the primary goal of these changes is the creation of safe environments for Aboriginal children, I cannot see the relevance of the following changes to the Act to this goal.

1. Compulsory acquisition of five-year leases and the partial abolition of the permit system. So far, there has been no evidence of any direct link between the issue of land tenure and the problems of child abuse and dysfunction in Aboriginal communities in Northern Territory. In fact, the Northern Territory Police believe that such changes could exacerbate the problem and make it harder to police.
2. Circumventing the Racial Discrimination Act by using the term 'special measures'. Overcrowded houses, abuse of alcohol and pornography jeopardize the safety of Aboriginal children. I am not

disagreeing with that. But I cannot see how acquisition of leases and changes to the permit system will address these risk factors, Again, the police say that changes to the permit system are more likely to exacerbate the problem of child safety because they are more open to sexual exploitation from predators from the wider community as well.

3. Changes to welfare payments. When you quarantine welfare payments to all members of a specific racial group within a specific geographical area without their consent goes against the democratic rights of that racial group. Unless the same law is applicable across all racial groups in Australia, (I don't think the government will dare introduce quarantining welfare payments to all welfare recipients who are remiss in their duty of care to their children) I feel strongly that these changes indicate blatant discrimination. I urge you to oppose making changes that target specific racial groups. Using the justification of 'special measures' in the legislation should be removed and the legislation should be explicitly brought into line with the Racial Discrimination Act.

The Combined Aboriginal Organisations have put forward an alternate plan to address the problems targeted by this legislation. Many aboriginal leaders, including Noel Pearson have expressed concerns about the strategies included in the legislation. This shows that there has not been adequate consultation and collaboration with the indigenous communities.

Therefore, I respectfully ask you to oppose the discriminatory elements in the Emergency Response Plan and put forward amendments that support just reform and that prioritise consultation and partnership with the communities involved. We can be proud of such amendments because they restore faith in the democratic foundation of our society. Aboriginal disadvantage should be addressed; aboriginal children have the right to safety. But it should be done justly and sensitively, in a manner that empowers the people.

Yours faithfully

Santhini Haines