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To: Members of the Senate

Since Self Government was granted in 1978, the Northern Territory has enjoyed a robust, but ultimately constructive, relationship with the Federal Government.

This relationship fundamentally changed on 21 June 2007 when the Federal Government announced its intervention in Indigenous communities in the Northern Territory.

The Federal Government said it was responding to a national emergency confronting the welfare of Aboriginal children in the Northern Territory, following the publication on 15 June 2007 of the *Little Children Are Sacred* report.

This report had been commissioned by the Northern Territory Government to investigate concerns of child abuse in Indigenous communities, and to make recommendations on better ways to protect and help children in these communities.

The Northern Territory Government had announced a timetable of response to the report, including the development of a comprehensive package of measures which would be delivered to Parliament following receipt of the final report. The Federal Government claimed this was inadequate.

The Federal intervention was totally unexpected and unprecedented.

Until the intervention was announced, the Northern Territory Government had often been singled out by the Prime Minister as a leading example of how a constructive relationship between the Federal Government and the States and Territories should operate.

The Federal and Northern Territory Governments were signatories to an Overarching Agreement on Indigenous Affairs which had been widely regarded as the best example of Federal/State/Territory cooperation in this area.

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Indicative of the high level of cooperation was a speech given by the Prime Minister to the Menzies Foundation in April 2005 when he said:

"Only last week I signed a path-breaking agreement with the Chief Minister of the Northern Territory, Clare Martin. It set out how together we would better deliver services to indigenous communities. It included an arrangement by which the Territory would provide housing programs on behalf of both governments. We also agreed that we will continue to work together to ensure that indigenous families can have far greater choice in how they can lease Aboriginal land to have their own homes and build their own businesses."

Since coming to office in August 2001 the Northern Territory Government has rigorously documented the drastic levels of unmet need in Indigenous communities. These include more than \$1 billion in unmet housing need which is identified by the Productivity Commission in its recent report on Overcoming Indigenous Disadvantage as contributing to health problems, poor school attendance and performance, and community violence.

It must be emphasized that there was a huge unmet demand for housing in Indigenous communities at the time of Self Government in 1978. The operations of the Grants Commission cannot address this backlog which is now approaching the same order as the Northern Territory's annual budget.

Add to this the case of health expenditure. Most Australians have their primary health care delivered by a General Practitioner, and paid for in whole or part by Medicare. The dearth of GPs in remote areas of the Northern Territory means that the Territory Government provides much of the remote primary health care — a cost that elsewhere would be carried by the Federal Government.

It should also be remembered that the malaise of welfare which the Federal Government blames for much of the current situation is actually the responsibility of the Federal Government. It is only recently that efforts have been made to encourage Indigenous people in remote areas to see work or meaningful activity as necessary to receiving income support.

Despite this cost shifting and avoidance of responsibility by the Federal Government over the past three decades, since 2001 we have seen positive changes such as the expansion of secondary schools to the bush and the first Indigenous children in the history of the Northern Territory to achieve Year 12 education in a remote area.

We have also seen an increase in the life expectancy of Indigenous women and an increase in employment of Indigenous people by about 2000 over the past few years — the latter due to a significant partnership with the Federal Government under the Overarching Agreement mentioned earlier.

Since the announcement of the intervention, the Northern Territory Government has continued to work with the Federal Government to improve

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the lives of Indigenous Territorians. However, at every opportunity we have urged the Federal Government to sit down, consult, listen and negotiate.

Unfortunately the Federal Government has charged off without listening to the voices of Indigenous people, or even to the authors of the *Little Children Are Sacred* report who called for a broad intervention in cooperation and consultation with Indigenous people.

In contrast to the approach of the intervention is the announcement made by the Northern Territory Government this week following successful negotiations between the Northern Territory Government, the Julalikari Aboriginal Corporation and the Federal Government.

The statement reads:

"Northern Territory Chief Minister Clare Martin today welcomed the Julalikari Aboriginal Corporation's decision to sign a Memorandum of Understanding with the Northern Territory and Federal Governments to secure a \$30 million package to improve living conditions in Tennant Creek town camps.

"This agreement shows the Federal Government the best way to deal with Aboriginal people. We have sat down with Julalikari and the Federal Government and worked out a substantial investment that will help secure the future of children in Tennant Creek.

"We have secured the agreement with cooperation and consultation. Julalikari's decision was arrived at with the informed consent of the Aboriginal residents of the town camps.

"It is totally opposite to the way the Federal Government intends to compulsorily acquire Aboriginal land under its legislation that was tabled in Federal Parliament today.

Julalikari will sub-lease the town camps to the Northern Territory for 99 years. The Federal Government will provide \$20 million and the Northern Territory Government will provide \$10 million to upgrade essential services build new houses and repair existing houses. The town camps will become fully integrated suburbs of Tennant Creek and services will be delivered by the Northern Territory Government and local government authorities."

The Northern Territory Government wants to make it fundamentally clear that it is opposed to the parts of the intervention legislation that remove the permit requirements of the Land Rights Act and the sections that allow for the compulsory acquisition of Aboriginal land.

The Northern Territory Government has consistently opposed the land acquisition and permit provisions of the proposed Federal legislation because they have nothing to do with attacking the scourge of child abuse. Indeed, some have suggested the abolition of the permit system may exacerbate child abuse.

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We have always said we fully support legislation and measures that are targeted at attacking the direct causes of child abuse. Removing permits and compulsorily acquiring land does not achieve this, and are directly against the wishes of Aboriginal people living in the most remote parts of the Northern Territory.

Members of the Territory Caucus have consulted extensively with their Indigenous constituents, and the message they have received loudly and clearly is: *do not take our land or change the permit system.*

In summary, our position on the intervention legislation is:

- We oppose the abolition of permits.
- We oppose the compulsory acquisition of Aboriginal land because we see no connection between the establishment of five-year leases and child abuse. We agree that proper tenure is required for government investment, the possibility of home ownership and commercial development. However, we believe this should and could be negotiated.
- The changes to the alcohol legislation are similar to those either introduced or proposed by the Northern Territory Government, with the exception of the identification required to purchase three or more cartons of beer, which we see as having little practical value.
- Restricting access to pornography is agreed.
- Welfare reforms are agreed in principle in regard to child neglect and attendance and enrolment. However, there are problems associated with non-application of the Racial Discrimination Act and the capacity for unfairness in the application of income support to such a large number of people in such a broad-brush way.
- The Northern Territory Government's local government reform has been supported by the Federal Government and will be progressively in place over the next six months, meaning that much of the power given to the proposed Government Business Mangers will be unnecessary.
- We oppose the immediate and unplanned removal of the CDEP program because it will remove employment opportunities where there is no established labour market. For example, the Aboriginal art movement will be significantly affected by the decision to abolish CDEP.

In conclusion I reiterate that the hasty and unilateral actions of the Federal Government deny the reality of the cooperative nature of the relationship that previously existed with the Northern Territory Government.

The underlying causes of the problems facing all governments in Indigenous affairs are related to poverty and the underinvestment in remote areas by successive governments.

If the legislation is passed and heralds the start of a long-term period of Federal investment to achieve a significant improvement in the social and economic conditions affecting Indigenous Territorians then it will be worthwhile and our broad support for the intervention will continue.

Yours sincerely

CLARE MARTIN

10 August 07