

From: Gideon Polya
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To: Legal and Constitutional, Committee (SEN)
Subject: submission to Inquiry

Committee Secretary
Senate Legal and Constitutional Committee
Department of the Senate
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

Dear Sir/Madam,

Re Inquiry into the Appropriation (Northern Territory National Emergency Response) Bill
(No. 2) 2007-2008

I wish to make a submission to the Senate Legal and Constitutional Committee INQUIRY re this Bill that is concerned with the Government Intervention in the Northern Territory (NT). I have already written to Honorable non-Government Senators in this regard. My submission is an amended and extended version of that expression of my heartfelt views. I would be very grateful if you would put the following submission before the Committee.

I am profoundly upset over the impending violation of the 1975 Racial Discrimination Act by the proposed NT Intervention Bill - and over the LACK of questions of a "who says?", "how much?" and "how many?" kind addressed to the Government over the NT Intervention and indeed over many other related matters with serious human rights implications.

There is no doubt from the shocking anecdotal accounts in the Northern Territory (NT) Report "Little Children are Sacred" that from a QUALITATIVE perspective Aboriginal child sexual abuse IS occurring and this and other serious Aboriginal circumstances must be urgently addressed.

However the Report (p57) states that "it is not possible to accurately estimate the extent of child sexual abuse in the Northern Territory" while DOCUMENTING that 34% of females and 16% of males in Australia as a whole experience child sexual abuse (Dunne, M.P., Purdie, D.M., Cook, M.D., Boyle, F.M. & Najman, J.M.(2003), Is child sexual abuse declining? Evidence from a population-based survey of men and women in Australia, Child Abuse & Neglect, vol. 27 (2), pp141-152) (see: http://www.nt.gov.au/dcm/inquirysaac/pdf/bipacsa_final_report.pdf).

Yet the Coalition Government and media have been commenting extensively and in very strong terms about this without actually knowing about the ACTUAL extent of NT aboriginal child abuse (for all we know it is far LESS than in Australia as a whole). The Government is simply INCORRECT in implying that it knows of the horrific extent of the NT child abuse problem when it does NOT actually know the NUMBERS - just as it was INCORRECT about children overboard, weapons of mass destruction, AWB bribes, and civilian casualties in Occupied Iraq and Occupied Afghanistan.

Thus there were NO children thrown overboard; there were NO WMDs; everybody knew of the need for Iraqi wheat sale bribes from the mid-1990s onwards; post-invasion excess deaths in the Occupied Iraqi and Afghan Territories total 1.0 million and 2.4 million, respectively, and post-invasion under-5 year old infant deaths total 0.5 million and 1.9 million, respectively (largely avoidable and due to war criminal Occupier mass child-abuse in gross violation of the Geneva Convention; see: <http://mwcnews.net/content/view/13099/26/>).

The racism and neglect of the Conservative (Coalition) Australian Federal Government has created appalling Aboriginal living conditions. My recent book “Body Count, Global avoidable mortality since 1950” (G.M. Polya, Melbourne, 2007: <http://globalbodycount.blogspot.com/> ; copies in the ANU, National and Parliamentary Libraries) estimates that the “annual death rate” (2003 figures) is 2.2% (for Aboriginal Australians) and 2.4% (for Aboriginal Australians in the Northern Territory) – as compared to 0.4% (what it should be for a comparable high birth rate society), 2.5% (for pre-drought sheep in paddocks of Australian sheep farms), 0.7% (for White Australians), 1.7% (non-Arab Africa), 2.6% (Occupied Iraq under-5 year old infants), 6.5% (Occupied Afghanistan under-5 year old infants) and 10% (Australian prisoners of war of the Japanese in World War 2).

This is happening in one of the richest countries of the world because of deliberate and sustained neglect – Australian Aboriginal health services are funded at about 50% of what they should be according to the Commonwealth Grants Commission (2001) report “Report on Indigenous funding” (quoted by a recent and very detailed report on Indigenous Australian Health by N. Thomson et al: “Overview of Indigenous Health, 2004”): http://www.healthinonet.ecu.edu.au/html/html_bulletin/bull_44/reviews/thomson/reviews_thomson_1.htm).

The World Health Organization (WHO) estimates “total per capita medical expenditure at average exchange rate (\$US)” (2004) as \$14 (US-UK-Australia-Occupied Afghanistan) and \$58 (US-UK-Australia-Occupied Iraq) versus \$3,123 (Occupier Australia) (see: <http://www.who.int/nha/country/Annex%202.pdf>). With an Indigenous population of about 0.5 million that is funded at roughly the national average (despite huge morbidity and remote location problems) the EXTRA funding required is about US\$1.5 billion annually – as compared to the US\$0.4 billion now offered, and this largely for Army and bureaucratic personnel and infrastructure.

Let us be clear about what this legislation does and how it grossly violates Universal Declaration of Human Rights 1948 (specifically Articles 1, 2, 6, 7, 8, 9, 17, 19, 22 and 30; see: <http://www.un.org/Overview/rights.html>). Thus:

Article 1. All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood [NT Aborigines treated UN-equally in a race-specific way in Breach of Australian Law and International Conventions].

Article 2. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty. [NT Aborigines treated UN-equally in a race-specific way in Breach of Australian Law and International Conventions].

Article 6. Everyone has the right to recognition everywhere as a person before the law. [The Breach has indeed been justified as preventing Aboriginal litigation over unequal treatment].

Article 7. All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination. [NT Aborigines treated UN-equally in a race-specific way in Breach of Australian Law and International Conventions].

Article 8. Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law. [The Breach has indeed been justified as PREVENTING Aboriginal litigation over unequal treatment]

Article 9. No one shall be subjected to arbitrary arrest, detention or exile. [Aborigines who don't like this martial, racist régime can simply leave their homes and tribal homeland – no wonder their leaders describe this as Aboriginal Genocide and Aboriginal Ethnocide].

Article 17. (1) Everyone has the right to own property alone as well as in association with others. (2) No one shall be arbitrarily deprived of his property. [The Federal Government will expropriate Aboriginal property and has foreshadowed permanent expropriation].

Article 19. Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. [NT Aborigines will be forbidden under pain of judicial punishment to read or see certain material permitted to White Australians].

Article 22. Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality. [The Federal Government will seize the welfare payments due to NT Aborigines if it sees fit].

Article 30. Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein. [This catch-all is grossly violated by these obscene racist laws].

NT Aborigines will be circumscribed about what they can read, see, drink, consume and purchase in ways that do NOT apply to White Australians, and their Land (Sacred to Indigenous Australians) and their Communities will be seized and controlled for years by the Federal Government which currently presides over 9,000 avoidable Aboriginal deaths annually and which still refuses to say “sorry” for the past horrendous Aboriginal Genocide and Ethnocide. Indeed the Aboriginal Genocide continues – it took 90,000 lives in the last 11 years alone of rule of Australia by the Coalition Government (see “Aboriginal Genocide. Racist White Australian Child Abuse & Passive Mass Murder: <http://mwcnews.net/content/view/15140/42/> and “Racism in Australia. La Trobe, “Bundoora Arabesque” & Aboriginal Ethnocide”: <http://mwcnews.net/content/view/15960/42/>).

According to the Australian Human Rights Commission (see: http://www.humanrights.gov.au/about_the_commission/legislation/index.html#rda) the Racial Discrimination Act 1975 gives effect to Australia's obligations under the International

Convention on the Elimination of All Forms of Racial Discrimination. Its major objectives are to (1) promote equality before the law for all persons, regardless of their race, colour or national or ethnic origin, and (2) make discrimination against people on the basis of their race, colour, descent or national or ethnic origin unlawful.

Sanctions and boycotts were applied successfully against the racist Apartheid régime in South Africa which had an “annual avoidable death rate” of 0.4% in 1993 as compared to 2.0% for Northern Territory Aborigines in Australia TODAY. The head of the Australian Human Rights and Equal Opportunity Commission (HREOC) says that the Federal Government's legislation for intervention in Northern Territory Indigenous communities could face an international back-lash (see: <http://www.abc.net.au/news/stories/2007/08/08/2000137.htm>).

The Nazis wiped my family from the face of Europe. I am married to a Black Australian. The Jewish Holocaust and the Aboriginal Genocide both instruct that there must be ZERO TOLERANCE FOR RACISM. I would urge all Senators to vote against this Bill – a vote for this Bill is a vote against a non-racist Australia and the international reputation of this country. This has been written in the public interest.

Yours sincerely,

Dr Gideon Polya