



Waratah
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TO THE LEGAL AND CONSTITUTIONAL AFFAIRS STANDING COMMITTEE

Dear Senators:

RE: THE FIVE BILLS INTRODUCED BY MINISTER MAL BROUGH

Under the pretext of protecting little children, the Howard-led Government is attempting to rush through a raft of measures which appear to constitute an abrogation of human rights. The Government's handling of the package of five bills introduced by Minister Mal Brough (the Northern Territory National Emergency Response Bill 2007 and associated bills), leaving your Committee only one day for a public hearing called at very short notice, is an abuse of democratic process.

The process of examination of the several hundred pages of draft legislation and the preparation of a considered response takes time. It is unreasonable for the Government to expect the Committee and the public to do all this in the limited time allowed. How can Aboriginal people in remote communities have a chance to respond to the bills that potentially will have far reaching effects on their lives? People in metropolitan centres, with all the modern means of communication at their disposal, are hard put to provide substantive submissions with only a few hours notice of today's public hearing.

Time is necessary to critically examine the provisions of the draft legislation and consider whether the measures are appropriate and how Aboriginal communities will be affected. Time is necessary to examine the track record of the Howard-led government over the last eleven years. What happened during all those years under Howard's watch? Is the proposed legislation a response to a genuine concern to protect Aboriginal children from abuse - or is it a panic response to poor poll ratings?

We as Australians, both Aboriginal and non-Aboriginal, deserve better than election eve hysteria campaigns used by the leaders of the Howard government for cheap political gain. The vulnerable children of this land deserve better than to be treated as a political football.

This letter is an initial response to the apparent use of the serious issue of child abuse as a pretext for rushing through legislation that on the face of it abrogates human rights. As such the letter can only briefly cover some of the serious concerns about the indecent haste used to rush the five bills through Parliament:

1. The problems facing Aboriginal communities have become decidedly worse during Howard's eleven years as Prime Minister. Funding for essential services

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in Aboriginal communities such as housing, schools, health services, legal services, services to address problems of domestic violence and sexual abuse, have been cut. Now the Howard-led government has suddenly 'discovered' the issue of child abuse in a way reminiscent of the "children overboard" claims of 2001. *For more than a decade, the Aboriginal and Torres Strait Islander Commission (ATSIC) campaigned for funding to implement child abuse prevention strategies. These requests were met with funding cuts followed by the termination of ATSIC.*

2. On the face of it – and more time is needed to examine the bills – the proposed legislation breaches human rights treaties to which Australia is a party and is contrary to Australia's international human rights obligations. It appears that the proposed legislation will give the Federal government the power to:

- (1) Suspend Native Title Rights
- (2) Compulsorily acquire Aboriginal land under the rubric of five year leases
- (3) Terminate the present permit system
- (4) Cut Centrelink payments to Aboriginal families without right of appeal. This provision will alert the United Nations Committee for the Elimination of Racial Discrimination to the injustice of allowing one racial group the right to appeal Centrelink cuts while at the same time taking this right from Aboriginal People.
- (5) Deny Aboriginal Peoples their right to self determination as enshrined in international law.

"Fools rush in where angels fear to tread" is a warning to anyone who tries to ride roughshod over human rights and democratic processes. The Brough-Howard legislation is a pitiful example of such a rush, giving communities – both Aboriginal and non-Aboriginal – insufficient time to respond. There are community organizations meeting this very weekend which would like to examine the content of the five bills and make a considered response. This is impossible if your Committee is only allowed one day of public hearings. Most community organizations work on a democratic basis and need time to meet and reach a decision. We need more time for our community organizations to consider the grave steps contemplated in the five bills and their possible consequences.

Therefore I urge you, Honourable Senators, to remit to the Senate a request and a strong recommendation that the time for public hearings on these five bills be extended to give the Australian people reasonable time to respond to the proposed legislation (at least two to three weeks). This is necessary in order to protect the democratic process and the democratic rights of all Australians.

Yours faithfully,

Waratah Rosemarie Gillespie
10 August 2007

PS. If you have any questions, please feel free to contact me on my mobile 0422-802-018