



INDEPENDENT EDUCATION UNION OF AUSTRALIA

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

By email: legcon.sen@aph.gov.au

Dear Secretary,

Inquiry into the Northern Territory National Emergency Response Bills.

Please find attached the IEU's submission to the Inquiry into the Northern Territory National Emergency Response Bills.

Yours sincerely,

Lynne Rolley
Federal Secretary



INDEPENDENT EDUCATION UNION OF AUSTRALIA

SUBMISSION TO

**The Inquiry into the Northern
Territory National Emergency
Response Bills**

August, 2007

INTRODUCTION

1. The Independent Education Union of Australia is the federally registered union representing the professional and industrial interests of its members as defined under its Rules. This includes teachers, principals, teacher librarians, education support staff including Aboriginal Education Workers and other ancillary staff employed in non government primary and secondary schools, pre schools and kindergartens, English and Business colleges.
2. There are approximately 64,000 members in the Union across all States and Territories. The IEU has members who work in Aboriginal community schools in the NT and in other NT non government schools which have significant numbers of Aboriginal children.
3. The IEU wishes to express its opposition in the strongest terms to the legislation which is the subject of this Senate Inquiry – the *Northern Territory National Emergency Response Bills*.
4. The process governing the development and passage of this legislation represents a significant undermining of the established democratic processes in this country. The legislation (of some 500 pages within 3 Bills) was introduced into the parliament without consultation with members of Parliament or its prior provision to all members of the Federal Parliament; without consultation with Aboriginal Elders/leaders of the Northern Territory; without consultation with the government of the Northern Territory; and without its being part of a broader dialogue with the Australian community through the media and other forums.
5. The IEU fails to see how it can be demonstrated by the Government that this legislation has been given proper consideration and due process by the Parliament. In short, its content and ramifications are not understood by the elected members of Parliament, the Australian community, nor even by the authors of the legislation.

PARTICULAR POINTS OF CONCERN

6. The legislation overrides the Racial Discrimination Act. It is vital to consider the implications of this broadly.
7. The legislation takes no account of the recommendations contained in the comprehensive Inquiry Report “Little Children are Sacred: Report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse” by Pat Anderson and Rex Wild QC. The Bills have nothing to do with protecting children. The words ‘children’ or ‘child’ do not appear in the Northern Territory National Emergency Response Bills.

8. The Anderson/Wild report includes 97 recommendations to address this urgent problem and canvassed a broad range of issues including: leadership, appropriate government responses, health and community service delivery, legal processes, offender rehabilitation, community education and awareness, alcohol, employment, housing, community justice process, pornography, gambling and policing.
9. Importantly, the Report's first recommendation stressed "*the critical importance of Governments committing to genuine consultation with Aboriginal people in design initiatives for Aboriginal communities, whether these are in remote, regional or urban settings*". This has not happened and the Federal Government's a response represents obvious disrespect for the authors of the Report and for Aboriginal people.
10. The Anderson/Wild Report found that Aboriginal people wanted to be involved in the process and were "*committed to solving problems and helping their children*" given the widespread serious and often unreported problem of sexual abuse. The Report notes the situation to be a "*reflection of past, current and continuing social problems which have developed over many decades*" and that the "*combined effects of poor health, alcohol and drug abuse, unemployment, gambling, pornography, poor education and housing, and a general loss of identity and control have contributed to violence and sexual abuse in many forms*". The Report highlights the need for existing programs to work more efficiently in order to "*break the cycle of violence and poverty*" and to improve "*coordination and communication between government departments and agencies*" to end the current "*break down in services and poor crisis intervention*". The Report urges the need for adequate levels of resources and that long term commitments from all governments are essential if they are to succeed. (Ian Anderson: Australian Policy Online)
11. Particular actions recommended to be addressed in the Anderson/Wild Report included: improvement in school attendance; provision of education campaigns on child sexual abuse and how to stop it; building greater trust between government departments, the police and Aboriginal communities; empowering Aboriginal communities to take control and make decisions about the future and the appointment of a senior independent person who can focus on the interests and well being of children and young people, review issues and report to Parliament.
12. The Prime Minister has called this a national emergency and this cannot be denied. However the range of issues addressed in the Anderson/Wild report indicate this and many others issues have been a national emergency for decades. Housing, education, employment, health and well being have required urgent and desperate government attention for years. Government approaches continually

fail to make a real difference and take no account of the advice from Elders and leaders of Aboriginal communities and it is the same again this time.

13. This legislation is entirely inconsistent with the recommendations of the Anderson/Wild report and is racially discriminatory.
14. The Bills provide for:
 - the seizure of Aboriginal land;
 - the removal of Aboriginal communities having a say about who can come onto their land;
 - Aboriginal Boards of Directors being required to accept the intrusion of government bureaucrats into their decision making forums and to again make Aboriginal people dependent on white bureaucracies.
15. The Prime Minister and Minister for Indigenous Affairs have argued that the removal of the permit system will address the crisis they claim exists. Nevertheless, there has always been an exception for police and for people exercising a statutory function to enter traditional lands.
16. Without warning and without consultation with Aboriginal Elders and leaders, the Northern Territory government or any other state and territory governments or any elements of the Australian community, the Australian government's response came without notice.
17. The provisions of the Bills include:
 - medical examinations of all indigenous children in the Northern Territory under the age of 16
 - welfare reforms which provide for 50% of welfare payments to parents to be quarantined (in the affected areas) for food and other essentials, an obligation that will follow parents regardless of where they are
 - enforcing school attendance by linking children's attendance to income support and family assistance payments for all families living on Aboriginal land
 - the Australian government assuming control of Aboriginal townships through 5 year leases to ensure improvements in property and public housing, resume leases on town camps and appoint administrators to manage all government programs
 - the scrapping of CDEP and instituting Work for the Dole arrangements
 - the scrapping of a permit system for common areas and road corridors on Aboriginal lands
 - the introduction of wide spread alcohol restrictions on Northern Territory Aboriginal land for 6 months – including bans on alcohol sale, possession, consumption, transportation and monitoring of take away sales across the Northern Territory

18. There has been no evidence or arguments put forward by the government as to how changing land tenure arrangements will address and overcome child abuse. The Bills seriously undermine local Aboriginal leadership and initiative and reinstate a policy and culture of assimilation and racism.

AN ALTERNATIVE APPROACH

19. The combined Aboriginal organisations of the Northern Territory have developed an alternative Emergency Response and Development Plan to address the issue of Aboriginal child protection. It builds on the recommendations of the *Little Children are Sacred* Report and programs that are already working successfully in Aboriginal communities. It is based on a partnership approach between government and Aboriginal people and strengthens the governance and capacity of Aboriginal communities. It recommends the establishment of a national lead agency to implement the Plan and an independent and monitoring body to report on progress. The Plan includes:
- the development of an emergency response with Aboriginal community representatives
 - strengthening child protection services
 - the establishment and training of a permanent police presence in communities
 - dealing with take away alcohol sales and the buy back of existing hotel licenses
 - improved schooling strategies
 - trauma counseling for victims of abuse

CONCLUSION

20. The Independent Education Union urges this Inquiry to recommend the Senate taking a principled stand and voting against the Northern Territory National Emergency Response Bills on the basis that they will fail to protect Aboriginal children in the Northern Territory.
21. In the alternative, to recommend delaying the passage of the legislation to allow both Houses of Parliament to fully consider and make appropriate amendments and at the same time, allow for consultation with the Aboriginal and the wider community.