



Beyond Intervention

**Many Voices, One Purpose:
Standing in Solidarity**

**Report on the Living Letters Visit to the
Northern Territory, Australia**

September 12th – 17th September 2010

ACKNOWLEDGEMENTS

Many people were instrumental in ensuring the Living Letters Team visit to the Northern Territory was a great success. Our sincere thanks go to those who allowed us to visit and who were open and honest with us about their thoughts and experiences on the Northern Territory Intervention.

- The staff and students at Nungalinya College
- The Anglican Diocese of the NT and their Future Leaders group
- Wadeye elders and community
- Galiwin'ku elders and community
- Maparu elders and community
- Amoonguna elders and community
- Mount Nancy Town Camp elders and community
- The Shaw family
- Hermannsburg community

We would like to thank those that helped to facilitate our meetings and visits.

Ms Marie Elena Eliis, Rev Wendell Flentje, Rev Dr Djinini Gondarra OAM, Dr John Greatorex, Ms Michele Harris OAM, Fr Maurie Heading, Ms Marlene Hodder, Bishop Eugene Hurley, Mr Peter Jones, Mr Ian Loutitt, Rev Murray Muirhead, Pastor Peter Pfitzner, Ms Barbara Shaw, Rev Basil Schild, Rev Tom Slockee, Bishop Greg Thompson, Fr Leo Wearden, Ms Cathie Wilson.



VISIT TO THE NORTHERN TERRITORY AUSTRALIA

You show that you are a letter from Christ delivered by us, written not with ink but with the Spirit of the living God, not on tablets of stone but on tablets of human hearts.

– 2 Corinthians 3:3

INTRODUCTION

Established as part of the work of the World Council of Churches (WCC), Living Letters are small ecumenical teams which visit a country to learn about particular issues of violence and injustice, and through listening and learning are able to share approaches and identify challenges to building peace and overcoming violence. Team members are selected because they are engaged in working for just peace and have witnessed violence in its many forms.

A successful outcome from a Living Letters team is when those visited can affirm for themselves “we are not alone!” Not alone in their suffering; not alone in their hope for and pursuit of peace. Living Letters teams stand in solidarity and seek to bring about change.¹

This Living Letters visit was in response to an invitation extended by the National Council of Churches in Australia (NCCA) with the view to shed light on the human rights situation of Aboriginal and Torres Strait Islander peoples, and to show solidarity with the Indigenous people who feel their voices are not heard. Its focus was to explore the impact of a particular policy initiative from the Australian Government aimed at Aboriginal people called the Northern Territory Emergency Response (NTER), also known as the Intervention.

The invitation to the WCC was extended following a forum held in 2009 by the National Aboriginal and Torres Strait Islander Ecumenical Commission (NATSIEC) of the NCCA. This forum brought together Indigenous Church leaders from around Australia to discuss the Intervention. The aim of the forum was to show solidarity with Aboriginal people in the NT, and to formulate a common response and plan for action. A key recommendation arising from that forum was to ask the NCCA to extend an invitation to the WCC to send a Living Letters team to visit the Northern Territory.²

This report is a part of the Living Letters process, and provides an account of the team’s visit to Australia’s Northern Territory in order to learn about the Intervention and the impact it has had on Aboriginal peoples.

The report has three main sections. The first provides some background about the Intervention. The second provides an account of what the team observed and learnt. The final section makes recommendations which arise as a response to our visit in the pursuit of justice for all.

¹ Further information can be found at www.overcomingviolence.org/peace-convocation/preparatory-process/living-letters-visits.html

² www.ncca.org.au/files/Natsiec/NATSIEC_FORUM_NTER_Statement.pdf

THE INDIGENOUS PEOPLE OF AUSTRALIA – A NOTE ON TERMINOLOGY

The Indigenous Peoples of Australia are the Aboriginal and Torres Strait Islander Peoples. They are the people who were in Australia prior to European colonisation. Anthropologists say that they have been here anywhere from 60,000 to 100,000 years. Aboriginal people say they have always been in Australia. They are recognized as having the oldest living cultures. There are over 250 Language groups or Nations; each group has its own distinct language, culture and practices. It is preferable to refer to each group by their own Nation or Country name. In this report we will do so where possible. Where we are talking generally we will use the term “Aboriginal Peoples”. We will also use Indigenous Peoples as this is the term used most often by Government and other agencies. We use Peoples, plural, to reflect the diversity of cultures.



THE LIVING LETTERS TEAM

INTERNATIONAL DELEGATES:

- Ms Hera Rere Clarke, WCC Central Committee member, New Zealand, Anglican
- Ms Renée Grounds, United Methodist Commission on Religion and Race, United States
- Dr Hanna Grace, Egypt, Coptic Orthodox
- Rev Dr Mindawati Perangin-Angin, WCC Central Committee member, Indonesia, Karo Batak Protestant Church
- Fr Rex Reyes, general secretary of the National Council of Churches in the Philippines, Episcopal
- Ms Maria Chavez Quispe, Indigenous Peoples program, WCC (team leader)
- Rev Dr Anthony Dancer, Social Justice Commission of the Anglican Church in Aotearoa, New Zealand, and Polynesia (accompanying member)

AUSTRALIAN DELEGATES:

- Ms Georgia Corowa, Coordinator, Queensland Churches Together Indigenous Peoples Partnerships
- Rev Sealin Garlett, deputy chair of the NATSIEC Commission, Uniting Church in Australia
- Mr Graeme Mundine, Executive Secretary NATSIEC (local coordinator)

NATSIEC-NCCA STAFF:

- Dr Gabrielle Russell-Mundine



WHERE WE VISITED

The Living Letters team visited a number of Aboriginal communities in the Northern Territory, including Galiwin'ku, Hermannsburg, Mapuru, Mount Nancy Camp, Amoonguna and Wadeye. We took time to talk with community leaders, church leaders, teaching staff from local schools, and community members. We were also given material to read.

We also visited Nungalinya College, an Indigenous Ecumenical college in Darwin, where we met with staff, future church and community leaders from around the Northern Territory.



SECTION 1: THE NORTHERN TERRITORY EMERGENCY RESPONSE

BACKGROUND TO THE INTERVENTION

The Northern Territory Emergency Response (the Intervention) was announced on June 21, 2007, by the Australian Federal Government then led by Prime Minister John Howard. The Intervention came without warning and although it was wholly directed at Aboriginal people, it was introduced with no consultation with those who would be affected.

Ostensibly, the intervention was in response to a report that was the result of a Northern Territory (NT) Government commissioned Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse. The report of that inquiry *Ampe Akelyernemane Meke Mekarle* “*Little Children are Sacred*”³ was delivered to the Chief Minister of the NT Government on 30th April 2007 and was later released publically on 15th June 2007.

The Little Children are Sacred report stated that Aboriginal child sexual abuse in the Northern Territory should be understood as an urgent issue of national significance by Government and that the NT Government and the Federal Government should work together to establish a partnership and “commit to genuine consultation with Aboriginal people in designing initiatives for Aboriginal communities.”⁴

The report also called for the NT Government to provide strong leadership on the issue, and stated that special attention should be given to the disadvantage of Aboriginal people in the Northern Territory.

The report made 97 recommendations to address Aboriginal child sexual abuse.

The Federal Government launched the Intervention within days of the public release of the *Little Children are Sacred* report, saying that the NT Government had failed to act. It was able to do this because the NT is an Australian Territory not a State. Under the Australian Constitution, Section 122 gives full plenary power to the Federal Government in relation to the Territories.⁵

The justification for the Intervention was to protect children. Indeed, Prime Minister John Howard stated “we are dealing with children of the tenderest age who have been exposed to the most terrible abuse from the time of their birth virtually, and any semblance of maintaining the innocence of childhood is a myth.”⁶

3 The report can be found at www.inquirysaac.nt.gov.au

4 *Little Children are Sacred*, 2007, p22

5 Report of the NTER Review Board, October 2008, viii

6 www.timesonline.co.uk/tol/news/world/article1969109.ece accessed 24/11/10

The Government later stated in the Explanatory Memorandum for the Northern Territory Emergency National Response Bill 2007,

*The impact of sexual abuse on indigenous children, families and communities is a most serious issues requiring decisive and prompt action. The Northern Territory national emergency response will protect children and implement Australia's obligations under human rights treaties.*⁷

In order to implement the Intervention, the Government hastily introduced legislation to the Federal Parliament. As will be discussed later in this section, it was also necessary for the Government to introduce legislation to suspend aspects of the Australian *Racial Discrimination Act 1975* (RDA) in order to allow the Intervention to proceed.

The Howard Government had been in power since 1996. They were facing the prospect of a likely loss at the upcoming Federal election due to be held in the second half of 2007. The Government's record on Indigenous affairs was not edifying and the Prime Minister himself had steadfastly refused to apologise to the Stolen Generations. He had instead presided over an era of Indigenous affairs which had reduced the voice of Indigenous peoples in Australia and had attacked hard fought for land rights. The Opposition, keen not to make Indigenous affairs an election issue readily agreed to the Intervention and did not oppose its passage through parliament.

In October 2007, the Howard Government lost the election and was replaced by a Labor Government led by Prime Minister Kevin Rudd. Although the Labor Government had made strong election commitments to several important policy initiatives which included reinstating the RDA; apologizing to the Stolen Generations; supporting the United Nations Declaration on the Rights of Indigenous Peoples; and reintroducing a national representative voice for Indigenous Peoples it continued with the Intervention.

THE NTER MEASURES

The legislation that was put before Parliament and subsequently passed with bi-partisan support was to cover five years. Despite the length of the legislation totalling hundreds of pages there is no reference to children, even though the rationale for the Intervention was said to be to protect children.

The Intervention was said to apply to "prescribed areas." These are areas designated by the Government as being subject to the Intervention measures. All the prescribed areas were Aboriginal communities. The measures did not apply to non-Indigenous people (unless they lived in a prescribed area and were on welfare).

The measures announced were broad ranging. Space does not allow us to address and evaluate each measure here.⁸ A list is provided for information and we will discuss particular issues that seemed to cause greatest concern.

⁷ Cited in Social Justice Report, chap 3, p234. www.hreoc.gov.au/social_justice/sj_report/sjreport07/chap3.html accessed 18/11/10

⁸ For a full description of the measures see Northern Territory Emergency Response Review Board Report.

www.nterreview.gov.au/docs/report_nter_review/ch2.htm accessed 18/11/10 also Social Justice Report, 2007,

Chapter 3 gives a very good human rights analysis of the NTER. www.hreoc.gov.au/social_justice/sj_report/sjreport07/chap3.html#parti

BOX 1 – INTERVENTION MEASURES

1. Welfare Reform and Employment

- I. Income management and community stores
- II. Increased participation opportunities for people on income support in remote communities
- III. CDEP transition to jobs and employment services
- IV. Active School Participation
- V. Community Employment Brokers

2. Law and Order

- I. Alcohol, drugs and pornography
- II. Increased police presence in communities
- III. National Indigenous Intelligence Taskforce
- IV. Child Abuse Desk
- V. Northern Territory Aboriginal Interpreter Services
- VI. Expansion of Northern Territory night patrol services
- VII. Additional legal services for Indigenous Australians.

3. Enhancing Education

- I. Additional Classrooms
- II. Accelerated literacy programs
- III. School nutrition program
- IV. Volunteer teacher initiative
- V. Quality teaching package.

4. Supporting Families

- I. Children's services and family support (crèches, playgroups and early childhood services)
- II. Child-at-risk workers for Northern Territory Child Protection Services
- III. Safe place for families escaping family violence
- IV. Youth alcohol diversionary services.

5. Improving Child and Family Health

- I. Child health checks, medical follow-up and treatment
- II. Child special services
- III. Drug and alcohol response.

6. Housing and Land Reform

- I. Five year lease program
- II. Urgent repairs to infrastructure
- III. Permits
- IV. Community Clean up
- V. Land compensation.

7. Coordination

- I. NTER taskforce
- II. Government Business Managers (GBMs)
- III. Operations Centre
- IV. Community Engagement and Volunteering
- V. Temporary accommodation of whole of government staff
- VI. Commonwealth ombudsman support for NTER
- VII. Logistical support of NTER

ALCOHOL AND PORNOGRAPHY BANS

Alcohol and pornography were banned in all communities despite the fact that many communities were already “dry” by their own choice. Every community had a very large sign placed at its entrance identifying that this ban was in effect.

COMMUNITY ECONOMIC DEVELOPMENT PROGRAM (CDEP)

In the CDEP program people were paid wages to do work in the community. The promise of the CDEP was to provide a transition from CDEP jobs to “real” jobs. While it might have benefited from a restructure, the program was a significant provider of both employment opportunities and community services. In December 2007 the current Government announced a moratorium on phasing out of CDEP and in April 2008 announced the reintroduction of CDEP as an interim measure.⁹ The constant changes were confusing and there was some doubt as to whether the promise of “real” jobs was realistic.

COORDINATION

As well as losing control of their land through the compulsory acquisition of leases, new Government Business Managers were installed. These people are usually non-Indigenous and their role is to manage government projects in communities.

HOUSING AND LAND REFORM

There were several measures that had a significant negative impact upon Aboriginal rights to land. One was the removal of the permit system for access to Aboriginal land.¹⁰ The Government argued that a permit system protected paedophiles. The permit system was later reintroduced by the Rudd Government.

One of the more disturbing aspects of the Intervention was the compulsory acquisition of land through five-year leases on Aboriginal townships in return for basic services. This measure struck at the heart of the land rights movement. Aboriginal people had fought hard to have lands returned to them and now they were being taken off them in exchange for services they were entitled to as Australian citizens. Although rent would be paid, there was no compensation paid to traditional owners for the loss of land.

IMPROVING CHILD AND FAMILY HEALTH

Initially, it was announced that all Aboriginal children in the NT would be given compulsory checks to identify whether they were victims of child abuse. This was an inappropriate response and which would have been an abuse of children in itself. This measure was quickly dropped.¹¹ However, health checks were undertaken on children under the age of 15 years old.

Aboriginal medical services in the NT were already carrying out health checks, and had completed 1000 prior to the Intervention.¹² The health checks carried out since the Intervention were not “designed to, and have not uncovered cases of child sexual abuse and therefore we know no more about the prevalence of it than we did before the checks were carried out”.¹³ These checks duplicated efforts already underway, and were a waste of resources. The NTER review report makes the point that those who were brought in to undertake the health checks did not usually have experience in Indigenous health and remote health delivery. They did not have community knowledge or trust to be effective. Resourcing existing medical services to enable them to follow up on health care and provide continuity would have been a better use of resources, and would have provided better outcomes for children.

9 Senate Select Committee on Regional and Remote Indigenous Communities, Second Report 2009

10 The Permit system meant that people visiting Aboriginal land in the NT had to obtain a permit to do so. It was a way of controlling access.

11 NTER Review Board, www.nterreview.gov.au/subs/nter_review_report/190_aboriginal_medical_services/190_Aboriginal_Medical_Services_4.htm accessed 22/11/10

12 ibid

13 ibid

LAW AND ORDER

More police were to be deployed and more police stations to be built. In the initial stages of the Intervention there was an increased presence in the communities of both Army and Police personnel. Army personnel were also used to conduct some of the health checks.

SUSPENSION OF THE RACIAL DISCRIMINATION ACT

We are concerned that to introduce the NTER package the Government also had to “roll back” the Racial Discrimination Act 1975 (Cth) (RDA). Although the Intervention legislation was aimed only at Aboriginal peoples, the Government argued that it was not discriminatory as these actions were “special measures” and were designed for the benefit of Aboriginal peoples. The Committee on the Elimination of Racial Discrimination (CERD) stated that:¹⁴

1. Special measures should be appropriate to the situation to be remedied, be legitimate, necessary in a democratic society, respect the principles of fairness and proportionality, and be temporary. The measures should be designed and implemented on the basis of need, grounded in a realistic appraisal of the current situation of the individuals and communities concerned.
2. Appraisals of the need for special measures should be carried out on the basis of accurate data, disaggregated by race, colour, descent and ethnic or national origin and incorporating gender perspective, on the socio-economic and cultural status and conditions of the various groups in the population and their participation in the social and economic development of the country.
3. States parties should ensure that special measures are designed and implemented on the basis of prior consultation with affected communities and the active participation of such communities.

According to a report prepared for the advocacy group ‘concerned Australians’¹⁵ describing NTER measures as “special measures pre-empted judicial scrutiny of them”.

The lack of consultation by the Government is of grave concern. The fact that the Government placed army and police personnel into communities in the first instance as they rolled out the Intervention was insensitive and caused great fear and anguish.

WELFARE REFORM

A significant aspect of the Intervention was to link child abuse to welfare income. All Aboriginal people on welfare payments in the NT were to have half their income quarantined. This half would only be available to spend on a “Basics card” which was only accepted in some stores and could only be used on some items, such as food or clothing. The rationale behind this measure was to try to ensure children were fed properly and had their needs met, rather than parents spending money on items such as cigarettes or alcohol. However, this measure was instigated for all welfare recipients irrespective of whether they had children or were able to manage their money.

¹⁴ General Recommendation No.32, The meaning and scope of special measures in the International Convention on the Elimination of Racial Discrimination. CERD, Seventy-fifth session, August 2009.

¹⁵ Nicholson, A., Harris, M., Gartland, G., (2010), Loss of Rights – the Despair of Aboriginal Communities in the Northern Territory. A submission to the UN Committee on the Elimination of Racial Discrimination – Australia, for concerned Australians (p19), concernedaustralians.com.au

CURRENT SITUATION

OVERVIEW OF GOVERNMENT POLICY ON INDIGENOUS ISSUES

As mentioned above, the subsequent Governments have continued the Intervention with some minor changes.

The Government produces regular reports about the impact of the Intervention. However, these are inadequate as they fail to identify proper benchmarks and progress. The Government also instigated a review of the Intervention in 2009, which resulted in a number of significant recommendations, most of which have been ignored by the Government.¹⁶

In other areas of Indigenous affairs the Government has made significant commitments. For example, in February 2008, the then Prime Minister, Kevin Rudd, took an historic and brave step when he issued an apology to the Stolen Generations¹⁷ for their “profound grief, suffering and loss”. Significantly, the apology was the first act of the new Parliament. The apology was seen as a defining moment for the country and was widely received by Australians as a long overdue and an extremely welcome act.

Rudd said:

It was time to remove a great stain from the nation's soul and in the true spirit of reconciliation to open a new chapter in the history of this great land Australia.

We apologise for the laws and policies of successive parliaments and governments that have inflicted profound grief, suffering and loss on these our fellow Australians. We apologise especially for the removal of Aboriginal and Torres Strait Islander children from their families, their communities and their country. For the pain, suffering and hurt of these Stolen Generations, their descendants and for their families left behind, we say sorry. To the mothers and the fathers, the brothers and the sisters, for the breaking up of families and communities, we say sorry. And for the indignity and degradation thus inflicted on a proud people and a proud culture, we say sorry.

Rudd's statement went on to say it laid claim to a future for all Australians:

A future where this Parliament resolves that the injustices of the past must never, never happen again. A future where we harness the determination of all Australians, Indigenous and non-Indigenous, to close the gap that lies between us in life expectancy, educational achievement and economic opportunity. A future where we embrace the possibility of new solutions to enduring problems where old approaches have failed. A future based on mutual respect, mutual resolve and mutual responsibility. A future where all Australians, whatever their origins, are truly equal partners, with equal opportunities and with an equal stake in shaping the next chapter in the history of this great country, Australia.

The Rudd Government also reversed Australia's position on the United Nation's Declaration on the Rights of Indigenous Peoples. Previously, the Australian Government had refused to sign the Declaration.

¹⁶ www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/response_to_reportNTER/Pages/recommendations_table.aspx

¹⁷ The Stolen Generations describes Aboriginal and Torres Strait Islanders who were removed from their families. Motivations for these removals included “child protection” and the desire to achieve “white racial purity”.

THE RACIAL DISCRIMINATION ACT

In June 2010, the Federal Government passed the *Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of the Racial Discrimination) Act 2010*. Amongst its many changes, including changes to income management, this legislation “reinstated” the RDA.

Yet several aspects of the Intervention remain outside the RDA as the Government claims they are special measures. These “special measures” are: alcohol restrictions; pornography restrictions; five year leases; community store licensing; controls on use of publicly funded computers; law enforcement powers; and business and management powers. This concerns us.

The legislation also introduced compulsory income management to other places across Australia if they are deemed, by the Government, to be areas of disadvantage. As Aboriginal and Torres Strait Islander peoples are the most disadvantaged peoples in Australia and will therefore be disproportionately affected, the effect of the legislation will still be discriminatory.

The new legislation has drawn criticism domestically and internationally. For example, the Committee on the Elimination of Racial Discrimination (CERD) has expressed “its concern that the package of legislation under the Northern Territory Emergency Response (NTER) continues to discriminate on the basis of race as well as the use of so called “special measures” by the State Party.”¹⁸

CERD also says it is “concerned by the continuing difficulties in using the Act to challenge and provide remedies for racially discriminatory NTER measures”.¹⁹

The Government continues to defend its position saying that aspects of the Intervention it considers to be “special measures” can be described as such as they undertook consultations in 2009. However, “consultations” were conducted to discuss the Government produced paper called *Future Directions for the NTER*,²⁰ which was a discussion paper on aspects of the Intervention. There was considerable criticism of these consultations not least of which was the lack of translators and appropriate measures to ensure people understood what was being presented (see for example “*Will They Be Heard: A Response to the NTER Consultations*”, June to August 2009, by concerned Australians). It is hard to see how these consultations did more than legitimize predetermined policy.

¹⁸ CERD (2010), Consideration of Reports submitted by States parties under article 9 of the convention. Concluding observations of the Committee on the Elimination of Racial Discrimination – Australia (p4)

¹⁹ Ibid p4

²⁰ Future Directions for the Northern Territory Emergency Response: Discussion Paper, 2009, Commonwealth of Australia



SECTION 2: WHAT WE HEARD

The Spirit of the Lord is upon me, because he hath anointed me to preach the gospel to the poor; he hath sent me to heal the broken hearted, to preach deliverance to the captives, and recovering of sight to the blind, to set at liberty them that are bruised. – Luke 4:18

STRENGTH OF RESISTANCE

There was a palpable and growing strength of resistance in all the communities we visited. While we heard awful stories of disempowerment and human rights abuses over many decades we also witnessed the pride and strength of culture. We heard people talk about their rights as Indigenous Peoples and their rights as Australian Citizens. We heard that people were strong in culture, sustained by culture and unwilling to give it up for the ease of service delivery for the Government.

They are like a lion, and we are like a mouse... but in Spirit we are many. Amoonguna

There is a great sense of self-determination and fight within the communities we have visited despite the unfair and racist treatment towards the Aboriginal people.

We quickly became aware of the number of Aboriginal and Torres Strait Islanders who were actively engaged in trying to undertake community development. The Rev'd Andrew Robertson offered one illustration of a community-development and self-determinative governance model he had developed for his community. It was just one example that indicated very clearly people had both energy and ability to engage effectively. Government support in this area would help enormously.

We as Yolngu people are beginning to understand. We need to work hard at giving information to our people because sometimes we are fattening the cows for slaughter. That confusion and mystification is running rampant. Our voice is smothered by a lot of things. We have to speak out what's true and just. We have to be more assertive... Now is the time for own people to speak out and hear our voice afresh... the vision of our old people needs to be restored. Elder, Galiwin'ku

LACK OF CONSULTATION

The overwhelming message we heard consistently throughout our visits was that there had been a distinct lack of consultation with Aboriginal People prior to the Intervention and since. We heard people express deep hurt and anger, and a deepened sense of mistrust towards the Government.

We want the Government to come and sit down and ask us what we need. Anglican Leaders Meeting, Nungalinga College

"The government has lost its moral compass... they're treating Yolngu People like babies... we are living here without hope... what has been taken away from Yolngu People must come back! Elder, Galiwin'ku

No matter how good the framework, no matter how much money is available, you cannot drive change into a community and unload it off the back of a truck. That is the lesson of the Intervention. Anglican Leaders Meeting, Nungalinga College

We need Government to come and listen to us. Not a paternalistic attitude... we'd like to work with them, but they are carrying on... heartache. Elder, Galiwin'ku

It's the most evil and most racist (policy) ever established. The Government report to CERD said ok – they are happy people. It's a lie! Rev Dr Djiniyini Gondarra OAM, Galiwin'ku

They made the army come – like when they invade another country. What we done here? They sent the army and the police like we were criminals here. That's what they did. Elder Galiwin'ku

Even if it works it just creates fear. It's not respecting people. Anglican Leaders, Nungalingya College

I am happy that the women in the communities have demonstrated leadership and articulated the issues very well. They have conveyed their dreams effectively at the same time knew what needed to be done. I believe they are, as much as their traditions allow, at the forefront of the struggle. Rev Rex Reyes, Living Letters team, The Philippines

INCOME MANAGEMENT

Compulsory Income Management continues to cause great concern, particularly the Basics Card which is the card people use to access their quarantined money. The vast majority of people told us how they feel a sense of humiliation and resentment, how they feel patronized and are confused about how to use the Basics card.

We heard stories of overcharging in shops and difficulties in finding out their balance. People told us of their shame at being at the till and then having to put things back or being told by a young shop assistant that you are not allowed to buy certain items. Access has also been an issue as only certain shops take the Basics Card. Particularly in the early days people were travelling ridiculous distances at great expense to be able to buy “basic” supplies. Community members in Wadeye shared their experiences with us.

The stores are very far and when we reach the place, it is dehumanizing to be told by the store manager that there is no more cash in the credit card.

The Basics Card also requires a bank account which can cost as much as \$30 a month.

The credit unions have very high rates.

Overall, people expressed a sense of powerlessness about their household economics – a loss of power and control over their own lives.

We are capable of managing our income.

There was a sense of anger, of being misunderstood, or resisting what was being forced upon them.

It is hard for us to feed our families with that arrangement.

There was no consultation and a feeling of victimization. The focus is on what you cannot do, not what you can.

As one student from Nungalingya said:

No one tells us about the basics card just about not smoking and not drinking.

A few people did tell us how they found the Basics Card helpful, and how the Government hadn't been looking after them but now they were. They went on to tell us how the Government had always taken this role of looking after them and they didn't know any different. After a life time of Governmental paternalism it was a wonder to us that this feeling of disempowerment and dependency (and co-dependency) was not more widespread.

EMPLOYMENT

The Intervention does little to tackle poverty and its causes. Work opportunities created by the Intervention seem to preference non-Indigenous Australians, even to the extent of building camps to house temporary workers while they come to build houses for local populations, for example in Wadeye. We saw the way in which jobs created by the Intervention did not economically benefit Aboriginal people by providing employment opportunities.

The Community Development Employment Programme (CDEP) has been cut and replaced by Work for the Dole programmes. This is despite the promise of the creation of real jobs to replace CDEP jobs. We heard how in the past CDEP jobs provided work opportunities and training for young people and those on welfare. Since it ceased many jobs are no

longer available and for those who are on “work for the dole” programmes they are working for far less money which is also being quarantined. As one Wadeye community member told us:

There is calm when people have jobs and everyone is treated with dignity and self-respect.

GOVERNANCE ISSUES

The introduction of Shires seemed to lessen the ability of local communities to be self-determining, and create accountability structures that are removed from the local community. In Wadeye views were clear:

The shire is another monster.

At Amoonguna we heard how services have been virtually cut off since the introduction of the Shires and the dismantling of the Community council.

ALCOHOL AND PORNOGRAPHY BAN

Around all communities we found large blue signs indicating that alcohol and pornography were banned in prescribed areas.

When the Intervention was introduced it gave a message that all Aboriginals were paedophiles.

We heard how non-Indigenous People living in prescribed areas were able to obtain exemptions from the bans.

We heard the way in which people felt these signs were a shameful display of discrimination.

The blue sign is an insult to us. We are not paedophiles. Wadeye

Men in these communities most often felt stigmatized as paedophiles and alcoholics.

They feel worthless and alone. Amoonguna

These signs are one deeply symbolic way in which the Intervention has stigmatized and criminalized all Aboriginal Peoples. In fact, we learnt there has been an increase in alcohol-related problems since the Intervention.

HOUSING

The housing situation in the NT is dire. We talked to people who had more than 20 people living in their homes. Most houses needed significant work on them. The Intervention did bring with it a commitment to raise the quality of accommodation in Aboriginal communities. However, the provision of houses and upgrades was linked to the compulsory acquisition of leases.

In linking the leases in exchange for house building people felt the Government really failed to understand Aboriginal Peoples as people for whom the land has a special and deeply important significance – literally their land owns them, not vice versa. And not just any land, but specifically their homeland. Aboriginal Peoples are deeply spiritually and socially connected to the land of their ancestors.

When will the Government realize we are people from the land and change their attitude? Anglican Leaders, Nungalinga College

Disappointment was expressed in many places that the building work was being undertaken by people from outside the communities without significant training for community members. Workers were being housed in specially built ‘camps’. Building these camps to house workers had become the priority, and building houses for Aborigines was not only taking a long time, but the European styles of houses being imposed did not adequately reflect the climate or accommodate Aboriginal preference for inter-generational living. They provide living spaces that do not easily accommodate extended families.

House building is one way in which local people could be skilled and enter the labour market.

LAND

What do they need all the land for? We do not even claim ownership. All we want is we all share the land. Nobody owns the land! Whatever they [government] say, I will fight for my right to occupy the land. Mount Nancy Camp

However, we are also aware that at the same time a great deal of emphasis has been placed by the Federal Government upon gaining access to Aboriginal lands for mining exploration, particularly with regards to attracting offshore investment from China and Japan.

We are aware of the Howard Government's Aboriginal Land Rights (Northern Territory) Amendment Act 2006 (ALRAA). Its task, we believe, is most succinctly and disturbingly summed up by the accompanying memorandum "The principal objectives of this Bill are to improve access to Aboriginal land for development, especially mining." The Intervention would appear to act as a tool for facilitating this, with little real long term regard for the well being and self-determination of Aborigines and Torres Strait Islanders.

The spiritual roots of Australian Aboriginal Peoples are deep. Reverence and connection to the land provide a perspective far more compelling than what we would probably read in the Bible – land is to be shared. This sharing recognizes the equal place of all human beings in relation to land and its stewardship. Stewardship takes into serious consideration our accountability for the future. It sets a screaming message that land is not for commerce and profit for the present and those who lay claim to stewardship of land must do so in a consultative manner as to its disposition and utility. Rev Rex Reyes, Living Letters team, The Philippines

HOMELANDS

Health statistics show improved health for people living in homelands. Anglican Leaders, Nungalinga College

Both the NT Government and the Federal Government have in place overt and covert policies and strategies to move people away from their homelands and into so called "hub" towns.²¹ For example, we heard at Galiwin'ku that there was an expectation that the population would grow to 8,500 people (currently about 2,500). The desire to move people from their homelands is a counterproductive policy, and speaks more about the value of the land to Government and the rationalization of service provision than it does about the value of the people whose land it is.

The wishes and aspirations is to go back to the homeland and connect with land. That's fair and just for our people. The voice has been put down. Elder, Galiwin'ku

I see the separation from homelands as perhaps the most critical threat to Aboriginal peoples, as their ways of life, languages, and spiritualities are built around living on the lands of their ancestors. Pushing people into growth centers means separating them from distinct communities, language groups, and local ecosystems. It disrupts the natural transmission of traditional knowledge from the elders to the children. Thus, the central aspects of one's Aboriginal identity can be lost within a generation, such as history, language, religion, and cultural practices. When this happens, very high rates of alcoholism, violence, and suicide follow, as I have seen among my own Native American peoples in the United States. Renée Grounds, United States, Living Letters Team

GOVERNMENT AND CHURCH

Bureaucrats never engage with the church. They just sideline the church. Anglican Leaders, Nungalinga College

It was clear to us that local communities had the capacity to organise themselves, and know what kind of programmes work best for them. We heard how Government had chosen not to work with churches around the Intervention.

Given the significant social networks that the church represents at the heart of local communities, and their national networks and resources, this seems to be a mistake.

Churches have long term relationships in communities, with a 100 year history in many places. Governments can learn much from church about how to engage effectively with Aboriginal peoples.

The Intervention has disempowered local church governance, Anglican Leaders, Nungalinga College

²¹ Northern Territory Government Outstations Policy. www.workingfuture.nt.gov.au/download/Headline_Policy_Statement.pdf

Churches are also significant providers of social services through their agencies. Many church leaders are also community leaders and in many cases are ordained ministers as well as Law men and women.

The Government cannot sideline churches and expect to achieve community engagement. Churches are a significant part of Northern Territory life. Local people are keen to work through and with churches to meet good social outcomes together.

CHILD ABUSE

The Living Letters team was mindful that the declared purpose of the intervention was specifically to directly address what were called alarming rates of sexual abuse among Aboriginal peoples in the Northern Territory.

People disputed this claim and told us how hurtful these charges had been. Particularly hurtful had been the discourse around paedophilia which cast all Aboriginal men as child abusers. Even the *Little Children are Sacred* Report (p61) found that not only is there no evidence to suggest a “paedophilia ring”, but that often it was non-Indigenous men who were perpetrators of sexual abuse.

To date, no action has been taken on the 97 recommendations from the Little Children are Sacred report. The Child Protection Australia 2008-09 report from the Australian Institute of Health and Welfare provides important statistical information on child protection. There is insufficient data in this report to warrant the kind of intervention NTER represents.

Rates of finalised investigated child abuse in 2008/09 (encompassing neglect, physical, emotional and sexual abuse) for 0-17 year olds total some 1685 in NT. However, rates for NSW total 118,510. In NT some 765 were substantiated (618 indigenous), compared with 14,052 in NSW (3771 indigenous). There were 77 cases of sexual abuse in NT, and 2259 in NSW. The full information is displayed in the table below.²²

SUBSTANTIATED CHILD ABUSE CASES, 2008-09 AGE 0-17							
	NT	NSW	WA	QLD	VIC	SA	ACT
Other Abuse Non-Indigenous	130	8408	695	4490	5018	1228	496
Other Abuse Indigenous	558	3385	470	1667	665	592	91
Sexual Abuse Non-Indigenous	17	1873	220	385	427	86	19
Sexual Abuse Indigenous	60	386	78	86	19	10	7
TOTAL	765	14052	1463	6628	6129	1916	613

Thirty percent of the population of the Northern Territories is Aboriginal and Torres Strait Islanders. The data on child abuse reflects this (compare the ratio of abuse among Indigenous and non-Indigenous peoples in the NT, with other States). However, it does not seem to substantially reflect an epidemic of child abuse in the Northern Territory.²³

Additionally, the Government has made much of the building of emergency shelters for women seeking refuge. However, in one of the communities we visited, Wadeye, this well appointed facility remains unused for a number of years now because local women do not wish to live in the facility. It indicates to us, yet again, how the Government has failed to listen to the people and their needs and wants.

We are ready to stand up and look the Government in the eye and make decisions for ourselves that will affect our children. Anglican Leaders, Nungalinga College

²² Data taken from Child Protection Australia 2008-09, January 2010, www.aihw.gov.au/publications/cws/35/10859.pdf

²³ See also www.childprotectioninquiry.nt.gov.au/_data/assets/pdf_file/0009/49779/CPSR_Summary.pdf

RACIAL DISCRIMINATION ACT

This country has taken advantage of Aboriginal Peoples' kindness. The country is alarmingly racist. Anglican Leaders, Nungalinga College

The Living Letters team was concerned to hear that the RDA was suspended and will not be fully reinstated as a result of recent legislation. We heard many people talk about their pain around this.

We are not alone in our concerns. We are aware that Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People, Professor James Anaya, was extremely critical of the Intervention because of the way it limited Indigenous people's rights and freedoms. Anaya's criticisms were dismissed outright by the Government. Understandably, Australia's Race Discrimination Commissioner has argued that partial reinstatement is not enough and that there is a direct relationship between human rights and the quality of life.

The RDA is about your protections... It is not possible to improve the quality of living or human lives by suspending human rights protections. Race Discrimination Commissioner, Graeme Innes

The ongoing exclusion of aspects of the Intervention, claiming they are special measures, is unjust and is indicative of a Government who have indeed lost their moral compass. The Government needs to:

- Introduce amendments to reinstate the RDA in full;
- Ensure that any welfare reform is just, non-discriminatory and does not impinge on the rights of any recipients;
- Review the NTER measures to ensure that they fully comply with the RDA and Australia's obligations under human rights standards such as the Convention on the Elimination of all Forms of Discrimination and the United Nations Declaration on the Rights of Indigenous Peoples.

The Living Letters team felt that the situation in the NT reminded them of something more akin to South Africa when it was under apartheid. To discriminate against people on the grounds of race, whether or not we believe our actions are intended for their benefit or not, is wholly unacceptable and a blight on Australia and its people. We heard the way it led to feelings of anger, isolation, and a sense of being devalued as second-class citizens. However, Aboriginal Peoples are the First Peoples of Australia, and should be afforded the respect and dignity that special place in Australia bestows upon them. Racism such as we have seen displayed by the Government has no place. By restoring the RDA in full the Government will reset the relationship that has been soured, and begin to show it values Aborigine Peoples.

CONSISTENCY IN GOVERNMENT POLICY

The Living Letters team does not consider that a Government which makes the kind of apology it made, and which supports the United Nations Declaration on the Rights of Indigenous Peoples, can balance that with being the same Government that presides over a policy such as the Intervention and which suspends the RDA. These things are morally and politically inconsistent.

[The Government] said sorry – what did it mean? Who did he say sorry for? Themselves? What does it mean? What is the meaning of the word sorry and what does it imply? Elder, Galiwin'ku

There's been some trust given to many people in Labor Government period. It seems as though they lack a moral compass, or lost it. It's gone the other way not being what's true and just. It's gone. Like the RDA. Elder, Galiwin'ku

Rudd's Government kept pushing the wheelbarrow. Anglican Leaders. Nungalinga College

The Apology was for the lost generation rather than all Indigenous Peoples, it was only for children taken away. The Apology was not addressed to all First Peoples. Rev Dr Djiniyini Gondarra OAM, Galiwin'ku

There must be consistency and Australia must uphold its commitments to its citizens as well as its International obligations.



SECTION 3: RECOMMENDATIONS

As many of you as were baptized into Christ have clothed yourselves with Christ. There is no longer Jew or Greek, there is no longer slave or free, there is no longer male and female; for all of you are one in Christ Jesus. And if you belong to Christ, then you are Abraham's offspring, heirs according to the promise. – Galatians 3:27-29

We have heard the voices of people affected by the Intervention, and we have heard the issues of land, the struggle for self-determination and dignity, and of justice. These are common concerns for Indigenous peoples around the world, and so we can say to our brothers and sisters “you do not stand alone”. We believe there is a direct correlation between our understanding of God’s treatment of and love of us, and our treatment of one another. The place we stand and live cannot be reduced to a commodity for profit, nor can its people be treated in ways that are not life-enhancing. Such treatment runs contrary to the world as we know it to be – a world where human flourishing and deep spirituality that connects us to the place we stand and move and have our being are realities of what we call ‘living justly’. For this reason we say to the Australian Government: “Enough is enough.” The injustice of the Intervention must stop.

The Intervention has been widely condemned. This report finds nothing to commend its continuation. In fact, rather than an honest attempt to stop child abuse, the Intervention seems to have been a mechanism for adopting a paternalistic approach to managing the lives and land of Aboriginal people. It seems to have served to create an environment of economic stimulation for the Australian economy through both increased participation in the labour market of non-indigenous peoples through various lucrative contracts, and the granting of licenses for mining and mine exploration to offshore companies. This is a disgrace.

As Indigenous peoples, and those who have experienced discrimination, racism and exclusion in our own contexts we feel a connection. We observe and identify systemic and overt racism. There is a culture of ongoing colonisation apparent in the Intervention.

It is readily apparent to the team that the most effective thing the Government can do at this time is to:

- Reinstatement all aspects of the Racial Discrimination Act, thus putting an end to discriminatory special measures
- Put an end to the Intervention;
- Engage in consultation with Aboriginal Peoples using culturally appropriate methods in order to work together to find solutions to the many social problems that prevail.

These actions would improve Aboriginal Peoples’ quality of life, reduce a sense of oppression and racism, and re-open a pathway towards the realization of human rights.

The team believe Aboriginal Peoples need to arrive at a place in which they feel heard, valued, restored and have a sense of belonging. In light of this, this task should take place in close relationship to churches, as they are instrumental in building and facilitating the kind of reconciliation work needed.

The Government should also work in conjunction with communities, schools and service providers to create a ground-up broad based range of solutions – locally designed, developed and delivered. Such an act would also build a great deal of good will among communities affected by the Intervention.

The Intervention began with the stated aim of reducing child abuse. Even though it would appear to us The Intervention is more about land access and economic stimulation for the rest of Australia, child abuse is an incredibly emotive and serious matter, and we would like to conclude this report by making some recommendations in this area.

The team are mindful of the complexities of child protection, and the international development of excellent protection policies and practices that have taken place over recent years. From what we heard, we believe Australia could do more to learn from some of the highly regarded practices, like Family Group Conferencing. This is a process by which state and community come together to discuss long term outcomes for family care and protection needs. It is based upon premise that perpetrators are sent into programmes to rehabilitate in a culturally safe and appropriate environment and victims are supported by safe relatives, or as has been found in New Zealand, sometimes religious communities and orders (nuns) who offer signs and practices of hope and support.

Whether we like it or not, there is a long tradition of churches involvement in our lives. Some of this has itself been tied up with the negative impact of colonialism. Regretfully, some have experienced child abuse through the church. However, there are also many positives about the involvement of churches in communities, and we cannot ignore these, especially around community development. Churches in the Northern Territory are working hard at developing locally designed, developed and delivered forms of community development that is truly collaborative, and gives rise to an authentic indigenous response.

With regards to care and protection, we believe that the Government would benefit from engaging more meaningfully in conceptual thinking around long term positive outcomes for families. Australia needs to encourage indigenous distinction in its response and frameworks, i.e. indigenous designed, developed and delivered. Just prior to the Living Letters team arriving in Darwin there was an indigenous conference on sexual abuse taking place there. What processes are in place for drawing upon this rich resource?

The process of regional, national and local collaboration is another area to be learned from. For example, in Aotearoa/New Zealand the process of Whanau Ora is now a policy initiative that embeds collaboration cross-discipline and cross-service to meet the needs of families, and enhances the relationship between government and local providers.

Child focused family centered responses are needed to replace or eliminate the kind of service-based free-for-all that exemplifies a displacement of and disunity within services. Services need to be holistic, collaborative and centred around child and family and their wellbeing, with one national legislation, localized.

But let judgment run down as waters, and righteousness as a mighty stream. – Amos 5:24



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