Speeches to launch the book *"This Is What We Said"* – February 2010

Concerned Australians

1. Melbourne

1.1. Irene Fisher

"This is what we said" Melbourne - Book launch Feb 8th 2010

I'd like to acknowledge the traditional owners of this land, (the ???people) and to thank Michele Harris for inviting me to speak at the launch of her book "This is what we said" a collection of quotes from members of communities directly affected by the Nt intervention, and other concerned Australians. Michele has asked me to share my personal experience of the impact of the Intervention but before doing so I would like to give you a brief background about Sunrise Health Service.

Sunrise is a community Controlled Primary Health Care Service that evolved from a direction of the Jawoyn elders who recognized the shortcomings of the government run service that failed in meeting the needs of the community.

Sunrise provides services to 10 remote communities an area covering 120000 sq Km. It began 7 years ago as part of a government funded Coordinated Care Trial in 2002. At the end of the 3 year trial we were given our independence.

I n 2005 we were highly commended in the inaugural national indigenous governance awards sponsored by BHP Biliton and Reconciliation Australia. We had competed against over 80 Indigenous organizations nationally and came up trumps, having demonstrated sound

governance and transparent robust operations, but most importantly the communities we represented felt ownership and trust in the culturally appropriate way that we did business.

I take pride in having been part of that journey from day 1 and felt on a roll. At last we were heading in the right direction to close the gap on the appalling health statistics experienced by Indigenous people. We had reduced anaemia rates from around 60to 25%, we had significantly reduced skin infections a precursor to chronic renal failure, we had improved the management of unacceptably high rates of chronic diseases and more importantly we were finally engaging with adult males, a group notorious for avoiding health care no matter what their colour.

People felt ownership and pride in Sunrise, this was reflected by the fact that we had over 60% Indigenous workforce, and high attendance rates at our community health committee and Board meetings.

There was an air of optimism and hope that was soon shattered on that fateful day in June 2007 when the former prime minister John Howard for reasons of political expediency decided that it was time to save us despite 1o years of shameful neglect I clearly remember the day that he announced the Intervention I was stunned was John Howard finally going to do something about Australia's shame, however when this followed up by the former indig affairs minister Mal Brough announcement of the compulsory sexual examination of all indig children I was outraged, as CEO of Sunrise I knew that we that we did not have rates of sexual abuse that the government claimed was happening.

Of course Brough hastily back pedaled on that one, as even non health professionals could recognize that this was tantamount to sexual abuse in itself. I cannot begin to describe the fear and despair that it caused in our communities. In fact Brough did so much backpedalling in the early days of the intervention I used to say he could enter the reverse tour de France.

When the 250 pages of legislation was passed with unseemly haste and a shameful neglect of the responsibilities of its representatives in Parliament we were stunned never before had we seen such an undermining of the fundamental rights of any group of Australian citizens.

Ostensibly the legislation was introduced to protect children yet ask yourselves why then has there been no reference to the word child in all its pages. I am not a legal expert I will leave that to Alistair to discus in his presentation.

When Labor came into power we hoped that there would be change, though disappointed that we had to await the outcome of the Review Board, we complied and made our submissions.

The Review board received over 250 submissions and duly made its recommendations which included the immediate reinstatement of the Racial Discrimination Act however the government chose to ignore this, apparently they know what's best for us.

The media has compounded the problem by perpetuating negative stereotypes of indigenous people and I recognize how confusing it has been for mainstream Australia.

I know from personal experience the knowledge gap that exists of traditional indigenous culture. I grew up in Melbourne a ward of the State, without knowing anything about my cultural heritage it wasn't till my family traced us that I was able to return to the territory where I was born and to learn about my Jawoyn culture.

I had no idea of the poverty and destitution that exists there, basic services that most Australians take for granted are not the right of the most marginalized and impoverished sector of Australian society. That some Indigenous leaders from other states have supported the government action has further compounded the problem, these self appointed spokespeople simply do not have the right to speak on behalf of remote communities, we can speak on our own behalf we know what the problems are and more importantly what the solutions are.

Last year the government conducted consultations for its report on the NTER redesign . They used a 4 tiered approach which involved meetings with individuals and families with government business managers, whole of community meetings, workshops with community leaders and stakeholder workshops.

It was not an independent consultative approach as it was lead by government representatives The final report even acknowledges that the evaluation was dependent on the perception and views of various stakeholders and lacked empirical evidence. I would add that many of those stakeholders had a vested interest in maintaining the ??status quo.

That the government has chosen to rely on selective anecdotal evidence as opposed to vast amount evidence based research that it has at its fingertips is of grave concern to me.

Evidence that has clearly shown that community control is a proven way to achieve good outcomes, this has been particularly evident in the area of health and education two areas that are fundamental in Closing the gap on Indigenous disadvantage. Yet the government persists in giving credence to the anecdotal evidence that it wants to hear to convince mainstream Australia that what it is doing is right and more disturbingly that it is what remote communities want .

I would like to say categorically that the majority of indigenous people do not support the special measures introduced under the NT Intervention, they have found them to be harsh and discriminatory, it has caused great shame and hardship.

Communities welcomed the funding commitments made by government only to see the vast majority flow into the pockets of bureaucrats. Decent people who have struggled under great poverty have found their lives made even harder, there has been overwhelming despair and the oldest living culture in the world is in danger of being destroyed.

Remote Indigenous communities are where the culture is nurtured, if mainstream Australia does not demand justice and equality then history will judge it as the generation that let the oldest living culture in the world die.

Today we are here to launch the book “This is what we said” I congratulate the efforts of the concerned Australians to produce it, at last our voice is getting heard I urge you all to read the book so that you too can help take it from a whisper to a loud roar that will reverberate across this great country of ours and bring about equality for all Australians.

1.2 Alastair Nicholson

University of Melbourne – 9th February 2010Launch of – "This Is What We Said"

Commentary on proposed Legislation purporting to reinstate the provisions of the Racial Discrimination act 1975 in the Northern Territory

By

Professor the Honourable Alastair Nicholson

Social Security and Other Legislation Amendment (Welfare reform and Reinstatement of Racial Discrimination Bill 2009

While I am proud and honoured to be involved in the launch of this book, I am deeply distressed that the circumstances have necessitated its production and indeed the production of the earlier report with which I was associated, "Will They Be Heard", released in November 2009.

It is a particular tragedy that the high hopes engendered by the Prime Minister's apology have been unnecessarily dashed by the Rudd government's obduracy in attempting to achieve the irreconcilable, namely the reinstatement of the Racial Discrimination Act coupled with the retention of a number of the unnecessary and draconic features of the NTER.

Had the Government simply sought to restore the Racial Discrimination Act, as it promised that it would, then it would have received nothing but applause from me and I am sure from a number of others of you here today. However it not only did not chose to adopt that course, but chose to embark upon a spurious series of 'consultations' in an attempt to circumvent the very provisions of the Act that it is pledged to restore. All of this is deplorable and unnecessary because this was not the Government's legislation and because the retention of these measures is but a continuation of the long history of paternalism and racial discrimination suffered by the Aboriginal people of this country.

It is quite clear that this legislation is inconsistent with the UN Declaration on the Rights of Indigenous Peoples which the Government has indicated that it supports.

It also ignores the rights of Aboriginal peoples and their leaders to participate in and consent to policy and service developments which directly impacts upon their lives.

In this address I largely concentrate upon the income management measures contained in the proposed legislation, but it is worth noting that many other objectionable features of the NTER have not been addressed by the Government, nor were they addressed during the so-called 'consultations' by the Government with the Aboriginal communities. One obvious one is the differential treatment of Indigenous persons as to sentencing and bail applications with respect to issues of customary law, which is obviously discriminatory.

As to income management, the retention of the income management principles and its purported extension to all welfare recipients in designated areas demonises and in effect punishes welfare recipients as a class. Such blanket measures are sloppy, cheap and unfair solutions that reflect lazy politics.

In considering the Bill it is necessary to pay some regard to historical issues.

I refer first to some of the relevant provisions of the ***Racial Discrimination Act 1975***.

S 9 of that act provides:

"***(1) It is unlawful for a person to do any act involving a distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of any human right or fundamental freedom in the political, economic, social, cultural or any other field of public life.***"

S 10 provides:

(1) If, by reason of, or of a provision of, a law of the Commonwealth or of a State or Territory, persons of a particular race, colour or national or ethnic origin do not enjoy a right that is enjoyed by persons of another race, colour or national or ethnic origin, or enjoy a right to a more limited extent than persons of another race, colour or national or ethnic origin, then, notwithstanding anything in that law, persons of the first-mentioned race, colour or national or ethnic origin shall, by force of this section, enjoy that right to the same extent as persons of that other race, colour or national or ethnic origin.

Article 1, Para 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, which appears as a Schedule to the Act and upon which the Act is based and which is incorporated into domestic law provides:

"Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights

for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved."

Article 2.2 provides:

"States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved."

The relationship between special measures, including these two Articles and the RDA is fully discussed in "Will they be heard?"[1]. As was there pointed out, one of the characteristics of special measures is that they are designed and implemented on the basis of *prior consultation* with affected communities and the active participation of such communities and may, if they have a potentially negative effect, only be special measures if enacted with the consent of the affected people.[2]

It is apparent that these provisions of the RDA and the requirements associated with special measures presented great difficulties to the Howard Government's NTER proposals in 2007 and I now turn to the legislation that put the emergency response into effect.

The Northern Territory National Emergency Response Act 2007; The Families, Community Services and Indigenous Affairs and Other Legislation Amendment (Northern Territory National Emergency Response and Other Measures) Act 2007; The Social Services and Other Legislation Amendment (Welfare Payment Reform) Act 2007

It was apparent to those advising the then Government that this legislation could not sit comfortably with the RDA because it clearly did involve racial discrimination against Aboriginal people in a number of ways too numerous to set out here but including the so called Income Management Regime.

It therefore became necessary to nullify the provisions of the RDA so far as those subject to that legislation were concerned and this was done, with the support of the then Opposition.

Ss 132 and 133 of the NTERA Act provided as follows:

S 132

"Racial Discrimination Act

[1] Will they be heard? at p34 and following;
[2] Will they be heard? at paras 171-3;

(1) The provisions of this Act, and any acts done under or for the purposes of those provisions, are, for the purposes of the Racial Discrimination Act 1975 , special measures.

(2) The provisions of this Act, and any acts done under or for the purposes of those provisions, are excluded from the operation of Part II of the Racial Discrimination Act 1975 .

(3) In this section, a reference to any acts done includes a reference to any failure to do an act."

S 133

"Some Northern Territory laws excluded

(1) The provisions of this Act are intended to apply to the exclusion of a law of the Northern Territory that deals with discrimination so far as it would otherwise apply.

(2) Any acts done under or for the purposes of the provisions of this Act have effect despite any law of the Northern Territory that deals with discrimination.

Northern Territory laws that are not excluded

(3) However, subsections (1) and (2) do not apply to a law of the Northern Territory so far as the Minister determines, by legislative instrument, that the law is a law to which subsections (1) and (2) do not apply.

Reference to acts done includes failure to do an act."

(4) In this section, a reference to any acts done includes a reference to any failure to do an act."

The other legislation underpinning the NTER contained similar provisions.

What is significant is that the legislation first asserted that what was being done in the NTER constituted 'special measures'. This was untenable and it is highly unlikely that the simple assertion that the measures were special measures within the meaning of the Convention would have been upheld by a court. The least of the problems would have been the difficulties involved in the complete lack of any consultation that accompanied the legislation either before or after it was enacted. It thus became necessary to effectively repeal the RDA in the areas affected by the NTER and this was achieved by s 132 (2). For good measure the Government simply overrode any inconsistent NT laws in s 133.

The Rudd Government's amending Bill repeals all of these sections in an apparent attempt to indicate compliance with its election promises.[3] However, a careful examination of this legislation reveals how qualified that compliance is.

S 4 of schedule 1 of the amending Bill provides:

"To avoid doubt:

> ***(a) the repeal of sections of an Act by this Schedule does not have retrospective effect; and***
>
> ***(b) section 8 of the Acts Interpretation Act 1901 applies to the repeal (unaffected by any contrary intention)***

At first sight this appears to be unexceptionable. However what it does is to preserve the legal effect of everything that was done under the NTER legislation while protecting the Commonwealth from any claims for damages that might otherwise have arisen.

At the same time it highlights the ephemeral nature of the protection afforded by the RDA to victims of racial discrimination in Australia in that it confirms that such protection is very much in the hands of the Government of the day. This falls a long way short of the sort of constitutional guarantee that would be afforded by a Bill of Rights.

However an examination of the further provisions of the Bill reveals just how limited the effect of the so called repeal is. Nowhere is this more apparent than in the area of income protection.

Income Protection

Schedule 2 of the Bill headed "Income management regime" first operates to repeal the definitions of Category A to category G welfare payments contained in s 123TC of the Social Security (Administration) Act. These categories of welfare payment commence with a definition of a Category A welfare payment as meaning:

(a) a social security benefit; or

(b) a social security pension; or

(c) a payment under a scheme known as the ABSTUDY scheme that includes an amount identified as a living allowance.

The remaining categories include category A welfare payments but gradually widen the nature of the payments covered to include payments to include different types of payment such as baby bonuses etc.

[3] See Schedule 1 ss 1,2,3 and 4.

The Bill in s 28 inserts a new Category E welfare payment definition into s 123TC that removes any reference to Aboriginal allowances such as ABSTUDY but is defined more broadly to include:

(a) youth allowance; or

(b) newstart allowance; or

(c) special benefit); or

(d) pension PP (single); or

(e) benefit PP (partnered)

It repeals definitions of declared relevant, exempt and relevant Northern Territory areas from s 123 TC. Most importantly, it repeals s 123 UB of the Social Security Act which defines the persons subject to the income management regime by their presence or otherwise in relevant Northern Territory areas and s 123 UG which enabled the Secretary to declare certain people to be '**exempt Northern Territory persons**'. Various other consequential amendments are made directed at removing the association between income management and the Northern Territory in an attempt to show that the new legislation is not in form discriminatory to Aboriginal persons.

However, the real test of the sincerity (or lack of it) of this approach is to be found in the 'Saving and Transitional' provisions of the new Bill and particular in Clause 23 because, despite the repeal of s 123 UB referred to above, it is preserved with full force and effect in relation to persons who were subject to it in the NT for a further period of 12 months from the date that the Bill becomes law. For these people, who include most of the Aboriginal population of the NT it is as if the repeal of the RDA has never happened.

Presumably the Government would seek to rely upon its so-called consultations with the people to justify this as a 'special measure' or alternatively will make a new declaration under the amended legislation to operate from the end of the 12 month transition period to continue with income management in those areas, relying upon the same 'consultations'. We thus have the ironic situation that the very Act that purports to end racial discrimination and restore the RDA in fact perpetuates the discrimination that the original NTER legislation was designed to effect.

New Income Management Measures

These are contained in part 2 of the Bill.

Clause 25 repeals paragraphs (a) to (f) of original s 123TA in the Social Security (Administration) Act which set out the criteria for a person becoming subject to the income management regime. These were:

- ***A person may become subject to the income management regime because:***

(a) the person lives in a declared relevant Northern Territory area; or

(b) a child protection officer of a State or Territory requires the person to be subject to the income management regime; or

(c) the person, or the person's partner, has a child who does not meet school enrolment requirements; or

(d) the person, or the person's partner, has a child who has unsatisfactory school attendance; or

(e) the Queensland Commission requires the person to be subject to the income management regime; or

(f) the person voluntarily agrees to be subject to the income management regime.

The new criteria are as follows:

(a) A child protection officer of a State or Territory requires the person to be subject to the income management regime; or

(b) the Secretary has determined that the person is a vulnerable welfare payment recipient; or

(c) the person meets the criteria relating to disengaged youth; or

(d) the person meets the criteria relating to long-term welfare payment recipients; or

(e) the person, or the person's partner, has a child who does not meet school enrolment requirements; or

(f) the person, or the person's partner, has a child who has unsatisfactory school attendance; or

(g) the Queensland Commission requires the person to be subject to the income management regime; or

(h) the person voluntarily agrees to be subject to the income management regime.

It can be seen that the area criterion of the original legislation has been removed so that the section has universal application throughout Australia. However, it is also clear that the criteria are designed in such a way as to target Aboriginal people without expressly saying so,

but may now encompass others as well. Further, the area criterion is introduced in a different way as hereafter appears.

Proposed s 123TB considerably expands the objects originally set out in s 123 TB as follows:

"***The objects of this Part are as follows:***

(a) to reduce immediate hardship and deprivation by ensuring that the whole or part of certain welfare payments is directed to meeting the priority needs of:

(i) the recipient of the welfare payment; and

(ii) the recipient's children (if any); and

(iii) the recipient's partner (if any); and

(iv) any other dependants of the recipient;

(b) to ensure that recipients of certain welfare payments are given support in budgeting to meet priority needs;

(c) to reduce the amount of certain welfare payments available to be spent on alcoholic beverages, gambling, tobacco products and pornographic material;

(d) to reduce the likelihood that recipients of welfare payments will be subject to harassment and abuse in relation to their welfare payments;

(e) to encourage socially responsible behaviour, including in relation to the care and education of children;

(f) to improve the level of protection awarded to welfare recipients and their families

This is clearly designed to provide a justification for the legislation upon a broader scale than if it was merely applied to an area largely occupied by Aboriginal people. However the legislation can be so confined at the discretion of the Minister as new s 123TFA makes clear. It reads:

The Minister may, by legislative instrument, determine that:

(a) a specified State; or

(b) a specified Territory; or

(c) a specified area;

is a declared income management area for the purposes of this Part.

Proposed ss 123UCA, UCB and UCC target persons ***within the declared income management area*** who are vulnerable welfare payment recipients, disengaged youth between 15 and 25, or long term welfare payment recipients.

Vulnerable welfare payment recipients are defined in proposed s 123UGA as people who are so determined as such by the Secretary of the relevant Department and there are various provisions for making new determinations and dealing with requests for reconsideration.

There are further provisions for the exemption of welfare payment recipients from income management by the Secretary subject to their working hours, whether or not they have dependent children and where there are children, there are no more than 5 unexplained absences from school in each of the two preceding school terms. There are also provisions as to the nature and amount o deductions that may be made under income management such as for example the whole of any baby bonus (e.g. s123XJA(3))

There are also provisions encouraging persons to enter into voluntary income management agreements that need not be examined here.

What is quite clear is that the legislation gives unprecedented power to the Minister and the Secretary in respect of welfare recipients throughout Australia. However, what is also clear is that this is little more than a ruse to overcome the provisions of the RDA and that the real targets of the income management scheme are likely to be Aboriginal people including Aboriginal people living beyond the NT. It is little more than a clumsily disguised and cynical attempt to perpetuate racial discrimination against them.

I consider it to be highly unlikely that these powers will ever be used against welfare recipients generally, nor do I believe that it would be politically acceptable to do so.

Nevertheless, the very breadth of the legislation is an indication of how far this Government is prepared to go in order to maintain its income management regime. In my view it places unreasonable and unchecked powers in the hands of Ministers and bureaucrats and is a clear indication that they are not concerned with the rights of Aboriginal people or any other welfare recipients who are unfortunate enough to live in one of the areas affected.

Alcohol, Prohibited Material, Acquisition of rights title and interests in land, Licensing of Community Stores

I do not propose to discuss these provisions in detail. They differ from the income management regime in that they do not purport to extend these provisions to the whole community or beyond the NT. They each contain an objects clause which is clearly designed to constitute each of these provisions as a special measure within the meaning of the Convention. For example as to alcohol, proposed Schedule 3 s6A states:

The object of this Part is to enable special measures to be taken to reduce alcohol-related harm in Indigenous communities in the Northern Territory.

Similarly in relation to prohibited material proposed Schedule 4 s98A states:

The main object of this Part is to enable special measures to be taken to protect children living in Indigenous communities in the Northern Territory from being exposed to prohibited material.

Similarly, in relation to the issue of acquisition of rights, title and interests in land proposed Schedule 5 s30A states:

The object of this Part is to enable special measures to be taken to:

(a) improve the delivery of services in Indigenous communities in the Northern Territory; and

(b) promote economic and social development in those communities.

Proposed Schedule 6 s91A states the object of licensing of Community Stores as follows:

(1) The object of this Part is to enable special measures to be taken for the purpose of promoting food security for certain indigenous communities in the Northern Territory.

(2) In particular, this Part is to enhance the contribution made by community stores in the Northern Territory to achieving food security for certain Indigenous communities.

While it may be arguable that all or some of these provisions could constitute special measures it is at least doubtful as to whether this can be achieved ***ex post facto*** as the Government has sought to do.

So far as alcohol is concerned it has also taken a number of additional steps in the legislation that are either designed to achieve this object or to take into account some of the concerns expressed during the consultations.

For example the compulsory posting of notices as to alcohol and pornography and the need to state penalties has been relaxed and a degree of consultation is allowed for as to these matters.

Similarly, the automatic designation of the whole of prescribed areas as a public place has been relaxed and the minister may not make a declaration in relation to a prescribed area or part of it as a public place unless requested to do so by a resident. There are also provisions for consultation and discussion and specific criteria are set out for the making of such a declaration.

Again in relation to prohibited material there is now a provision for the Minister to declare that the relevant part ceases to have effect in relation to a specified prescribed area or part thereof and similar provisions for consultation as is the case with alcohol.

There are few changes to the leasing provisions contained in the NTER Act. One important one however is a provision that prevents the Commonwealth from engaging or permitting others to engage in mining on leased land. There is also a provision requiring the Commonwealth to have regard to the traditions, observances, custom and beliefs of Indigenous people generally or of particular groups of Indigenous persons in administering leases.

So far as community stores are concerned there are quite detailed provisions relating to their management but nothing that requires particular comment in this context.

The only amendment to the Australian Crime Commission Act 2002 is to the definition of Indigenous violence or child abuse which is defined as serious violence or child abuse committed against an Indigenous person.

Conclusion

This is disappointing legislation which perpetuates the paternalism and racial discrimination inherent in the NTER. It is a disturbing extension of bureaucratic powers and the power of the executive over welfare recipients and seems to reflect a philosophy more in tune with that of the previous Government that what one would expect of a Labor Government.

Alastair Nicholson

Honorary Professorial Fellow

Faculty of Law, University of Melbourne

9 February 2010

2. "This is What We Said" - Book launch – Canberra - Feb 11th 2010

Christine Fejo King

I would like to acknowledge the traditional owners and custodians of this land, the Ngunnawal people and recognise their sovereignty here today. I thank their Elders, past, present and future, for their kind welcome to their country, and the safety, and courtesy that to those of us who are not from their peoples, who live, work and walk on their lands receive. I will honour your country, walk softly and leave no footprints. I also acknowledge the representatives of other Aboriginal nations represented here today and thank them for their support. Thank you to everyone else for showing your support for democracy in this country by being here to support this launch.

I also wish to thank Michele Harris, and Eleanor Gilbert for inviting me to launch this book, "This is what we said" in Canberra today. On Tuesday the 9th February, this book was launched in Melbourne by the former Chief Justice of the Family Court of Australia, Professor Alastair Nicholson and Irene Fisher, former CEO of the Katherine Sunrise Health Service, located in Katherine in the Northern Territory. I am privileged to follow in their footsteps.

I am Christine Fejo-King, an Aboriginal woman from the Northern Territory. My father was a Larakia man, and my mother is a Warrumungu woman. My skin name is Napaljarri. All my relations through blood and through the kinship system reside in the Northern Territory, our homelands. Only my small family, which include my partner and three children, are away for a season. I speak to you today as I launch this very commendable book with two hats on. One as the Chairperson of the National Coalition of Aboriginal and Torres Strait Islander Social Workers Association and the second as an Aboriginal woman from the Northern Territory, whose family has been impacted upon by the Northern Territory Intervention and who will be even further impacted upon, if the extended powers of the income management special measures go ahead.

From the perspective of the Association we agree with Professor Nicholson that there are many objectionable features of the NTER", but given the time I have here I concentrate on the reinstatement of the Racial Discrimination Act within the Northern Territory. We are gravely concerned as social workers who believe in and work toward human rights and social justice, that the rights of our peoples have been and continues to be violated. Firstly, by the Howard government who repealed the Racial Discrimination Act in the Northern Territory, to enable what has been described by Jim Ife (2007) a leading community development professor in Australia, as "a quasi military action" against a group of the most disadvantaged, ill serviced, poverty stricken and disempowered members of this nation.

By deploying the army and police against our peoples, using the cover of concern about the sexual abuse of Aboriginal children, we believe a political agenda was served, against which the human rights and social justice of our peoples came a sad second. How would you our

fellow Australians feel if this action had been carried out against you and your communities, because the statistics, the imperial evidence that governments rely so heavy upon, shows that the sexual abuse of non-indigenous children is relative to that of Aboriginal children.

By no means imaginable do we as a group of social workers, or as human beings, support practices that harm our children, we know they are not cultural and we find them abhorrent, or we would not work in the areas that we do. But we will not be railroaded into the, “you are either with us or against us” mindset. We are for the safety of all children, be they black, white or brindle, but actions taken must fall within what has been found to work. Domination, and neo-colonialism (which is the only way the Northern Territory Intervention can be seen) and punitive measures is way beyond what is considered “good practice”.

The Rudd government, through their lack of action in reinstating the Racial Discrimination Act which was an election promise, seem bent on continuing Howard government policy which they supported at the time. This is despite their recent support for the United Nations Declaration of the Rights of Indigenous peoples. It is time for the Racial Discrimination Act to be reinstated **with no strings attached** and for governments to stop using our peoples as a political football. As Professor Nicholson points out, the present bill will in fact protect the Commonwealth from any claims for damages that might otherwise have arisen (I wish our peoples had enjoyed this kind of protection). It will also prolong Income management in the Northern Territory for a further twelve months “from the date that the Bill becomes law” and extend it to all other people in the Northern Territory and leaves open it’s extension anywhere the government and bureaucrats deem it should be taken.

For so long Aboriginal Australians lived under the policy of ‘protectors’, it almost seems that we have gone full circle and have arrived back at that point. A state of affairs spoken of by a number of people in this book! Will we in the future be taken back to the time when the approval of the ‘Protector of Aboriginals’ must be sought for our movements, our education, employment and our marriages as noted on my parents marriage certificate here, or the ‘Register of our Births’ as shown here on my grandmothers birth certificate which I have permission by the matriarch of our family to raise and to show. Will we have to seek exemption from a new ‘Protector of Aboriginals’ before we can again experience life outside the policies of the Northern Territory Intervention? We will not do it! We are proud of our law, our culture and the resilience of our peoples.

Free us from your paternalistic yoke, we are not children, stop privileging the voice of so called Aboriginal leaders (your tag, not ours) who aren’t even from the Northern Territory and have no right to speak above the voices of our elders and community leaders who are on the whole good and honourable men and women. Yes there is a difference of opinion about income management but why should that be surprising? Give people a choice and support them where necessary to manage their money, but do not disempower and shame us more than you already have and are currently doing.

This book is a collection of quotes from members of communities directly affected by the Northern Territory intervention, and other concerned Australians. As such it is very powerful, as it gives voice to those who have been marginalised and whose voices have been silenced and unheard. It is very important that all voices be heard on this issue, not just those privileged by the government. By hearing all sides of the story a balanced understanding might be had by the wider Australian population.

You may think that this issue only concerns Aboriginal peoples of the Northern Territory however, it is an issue that should concern all Australians. Today we are here to launch the book “This is What We Said”. Along with my friends in Melbourne who launched it in their fair city a couple of days ago, I too congratulate the efforts of concerned Australians to produce it. May the voices of the people who speak within it be heard loudly and clearly, may what they have said not fall on deaf ears. I join my voice with the voice of Irene Fisher in urging you all “to read the book so that you too can help take it from a whisper to a loud roar that will reverberate across this great country of ours and bring about equality for all Australians”.

3. Adelaide - Book Launch Speech – 16th February 2010-02-17

'This Is What We Said: Australian Aboriginal People Give Their Views on the Northern Territory Intervention'

Ngitji Ngitji Mona Tur, Yankunyjatjara (SA) Elder

Take a Stand Against Racism

Ngayulu ini Ngitji Ngitji Mona Kennedy Tur. Ngayulu kuwari ngaranyi Anangu Kaurnaku mantaangka

I, Ngitji Ngitji Mona Kennedy Tur, acknowledge the Kaurna as it is their land I am standing on.

My name is Mona Ngitji Ngitji Tur. I am a Yankunyjatjara Elder from the *Anangu*

Pitjantjatjara Yankunyjatjara Lands (APY Lands), north west South Australia.

I was born at Hamilton Bore cattle station in the 1930s where I was nurtured by my *waltjapiti* – family, under Yankunyjatjara culture, knowledge, law and kinship. My mother was a Yankunyjatjara woman and my father was an Irish man. We were cared for by our *waltjapiti*- family, under strict guidance by our parents and community elders. I have happy memories of my childhood in the bush and am fortunate to speak fluent Yankunyjatjara and be strong in cultural knowledge. I have been taught the importance of the *manta* – the land, and our ancestral creators as taught through the *wapar* – Dreaming.

Our *waltjapiti* who were working in the cattle industry and on the stations have happy memories of their work – I believe Aboriginal people have been the backbone of this industry.

I was a child of the Assimilation era; I was under threat of being taken away by the police from my family because I was of 'mixed descent'. There was always a feeling of terror and trauma knowing that at any time I could be taken from my family, my land and my community.

I believe these threats of being stolen have left a legacy of trauma for many Aboriginal people today. I was put into the Oodnadatta mission for 'safe keeping' so my parents knew where I was due to the threat of being taken. In the end I was removed anyway because at the age of 14 and under the Assimilation Policy I was sent to a family to be their domestic. I was forced to leave my family and my country.

My life changed under the Assimilation policy – my parents no longer had any rights to determine how I would be brought up.

Yankunyjatjara knowledge, culture and the law wee considered a bad influence and the purpose of the government was to assimilate children of 'mixed descent' to act and live as non-Indigenous people.

Literally all aspects of my life were controlled and managed by the Australian

government, framed under the sentiment of 'for the best interest of the Aboriginal child' and the betterment of the Australian nation. This was a lie and this was rascist. Despite this I am a strong Yankunyjatjara woman who is self determining. My story is not unique and this is the sadness I carry.

With the introduction of the Northern Territory Intervention and the proposed Bill to quarantine all disadvantaged groups' income, I have to ask the question:

What has changed? Is the Apology by the Rudd government just RHETORIC – words just in the wind?

Is the Intervention just another form of Assimilation and control?

Have the circumstances for Aboriginal people changed in a positive way since the introduction of the Intervention?

In whose interest does the Intervention serve?

Who really cares?

I encourage every Australian citizen to read this book, to hear the words of Aboriginal people, to understand the impact of the government controlling your life.

To fight against RACISM. I will read my poem Women's Lament

Aboriginal Women's Lament

My grandmother, my mother, my sister, my aunt.

No-one wants to hear your story of pain and desolation.

From Australia's foreign laws of assimilation forced upon you

The child that was torn and stolen from your sacred womb

while your bleeding self still flowing

Nor, the shame of rape you were made to bear

Due to laws beyond your knowledge and understanding

Your mournful wailing waft, across the land the land of your dreaming in agony for your child.

Eyes grow dim with tears and hollow longing for your seed.

You beat your head and face with sharp rock in lamentation.

My grandmother, my mother, my sister, my aunt

compensation you should seek

For your loss is the same as the children of the lost generation.

Australia's shame of assimilation was not done with your

notification

To segregate and diminish Aboriginal birthright was its

intricate legislation.

These laws were implemented for their own gratification

1996

I officially launch the book:

'This Is What We Said: Australian Aboriginal People Give Their Views on the Northern Territory Intervention'.

Thank - you