

Submission to Senate Inquiry.

I have worked with Aboriginal people in the NT for over 16 years, and have lived in a number of Aboriginal communities for 14 of those years. I have been shocked and grieved by what the Howard Government set up supposedly as a response to the Children are Sacred report. That report was a serious and genuine attempt to address serious long term problems amongst Aboriginal communities in the NT. Not only did the Howard government ignore the recommendations, it set up a monster which is continuing to implement the type of policies that the report and many others say caused the disempowerment and dysfunction which in the words of the report " lead inexorably to family and other violence and then on to sexual abuse of men and women and, finally, of children."

Most unfortunately, due to political and media hype, the excellent report by Wild and Anderson, was immediately overshadowed by the NT Emergency Response of the Howard government, and seems to have been completely forgotten.

When Clare Martin stepped down from being Chief Minister of the Northern Territory, she commented in an interview that one of the things that really hurt her was hearing Alexander Downer say that the Northern Territory Emergency Response was a political manoeuvre that failed.

The Children are Sacred report was not a political manoeuvre, it was a serious and informed attempt to address some real social evils in our country of Australia. I think it is time for that report to be revisited, and for the Australian Government to seriously try to empower Aboriginal people to be able to take community responsibility in addressing these social evils. My contact with Aboriginal people and communities over the last 12 months leads me to believe that they are being further disempowered by the intervention, which only leads to more stress, more dysfunction, and more problems. In several discussions with people from Government departments, my overwhelming feeling is that bureaucracies are heartlessly implementing Government policies from a distance, and are not listening to anyone who wants them to understand the social effects their policies are having.

I have taken some points from the Children are Sacred report, which I think need to be reconsidered by all levels of government, and I hope that the Senate Select Committee will be instrumental in bringing about compassionate change that will empower Indigenous people to look with hope and dignity to the future, instead of the present hopelessness that has engulfed so many people.

Following are the extracts I would like you to think about. Highlighting, italicizing, etc has been done by me where I think the comments are especially pertinent.

Please read them and reconsider the report.

Yours Sincerely

Ernie Mitchell

30 April 2007
The Hon Clare Martin MLA
Chief Minister of the Northern Territory
GPO Box 3146
DARWIN NT 0801
Dear Chief Minister

We are pleased to provide you with the Report of the Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse.

Our appointment as the Board of Inquiry pursuant to the Northern Territory Inquiries Act was dated 8 August 2006.

The Inquiry has been conducted in accordance with the Terms of Reference as set out in the instrument of appointment.

We commend the Report to you and thank you for the opportunity of providing it. We sincerely hope our Report assists the Government to successfully tackle the most serious issue of Aboriginal child abuse in the Northern Territory.

Yours sincerely
REX WILD and PAT ANDERSON
INQUIRY CO-CHAIRS

SCHEDULE

THE BOARD OF INQUIRY'S TASK

Examine the extent, nature and factors contributing to sexual abuse of Aboriginal children, with a particular focus on unreported incidents of such abuse.

Identify barriers and issues associated with the provision of effective responses to and protection against sexual abuse for Aboriginal children.

Consider practices, procedures and resources of NT Government agencies with direct responsibilities in this area (Family & Children Services and Police), and also consider how all tiers of government and non-government agencies might contribute to a more effective protection and response network.

Consider how the NT Government can help support communities to effectively prevent and tackle child sexual abuse.

Foreword

We were appointed as the Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse on 8 August 2006. Initially, it was thought that we could report back on our findings by the end of the year. It soon became obvious this would not be possible and it was agreed with the Chief Minister that we would provide this report by the end of April 2007. We are pleased that we have been able to do so. We submitted an interim report to the Chief Minister by way of letter dated 10 October 2006 in which we said:

1. There is nothing new or extraordinary in the allegations of sexual abuse of Aboriginal children in the Northern Territory. What is new, perhaps, is the publicity given to them and the raising of awareness of the wider community of the issue.

2. Sexual abuse of children is not restricted to those of Aboriginal descent, nor committed only by those of Aboriginal descent, nor to just the Northern Territory. The phenomenon knows no racial, age or gender borders. It is a national and international problem.

3. The classic indicia of children likely to suffer neglect, abuse and/or sexual abuse are, unfortunately,

particularly apparent in Aboriginal communities. Family dysfunctionality, as a catch-all phrase, reflects and encompasses problems of alcohol and drug abuse, poverty, housing shortages, unemployment and the like. All of these issues exist in many Aboriginal communities.

4. The problems are such that significant government inquiries have already been completed in Western Australia (Gordon Report 2002), Queensland (Protecting Children Inquiry 2004), Victoria (The Report into Sex

Offences by the Victorian Law Reform Commission 2004) and New South Wales (Aboriginal Child Sexual Assault Taskforce 2006). In addition, the Federal Parliament, through Democrat Senator Andrew Bartlett, has resolved to develop a national child sexual assault strategy; and the Federal Government has recently announced the establishment of a national Indigenous child abuse task force consisting of representatives of all the State, Territory and Federal police forces and based in Alice Springs.

5. In the Northern Territory, government agencies have been aware of the allegations over a long period. They do what they can with the resources they have and the level of (or lack of) cooperation from communities.

There are many inhibitions, however, in this area. Your first task for us addresses this issue by directing us to focus on unreported incidences of such abuse.

6. It is noteworthy that the NSW Aboriginal Child Sexual Assault Taskforce 2006 referred to above did not embark on an investigation, as such, of the incidence of sexual abuse. The Attorney-General in that State relied upon a report that indicated 70% of all female Aboriginal prisoners in New South Wales jails had suffered from sexual abuse as children, as a sufficient catalyst to start the process.

7. In the Northern Territory, a significant research project has just been completed into sexual abuse in Aboriginal families and communities. This was a project funded by the Top End Women's Legal Service and had the support of government agencies. It dealt specifically with Groote Eylandt communities. The introduction to the overview contains the following:
This project was not designed to prove that sexual abuse existed or was a problem in Aboriginal families and communities. As Aboriginal women, we know that it exists and that the problems that are created by sexual abuse will continue to have devastating impacts until we all take an active role in stopping the sexual assault and sexual abuse of our women and our children.

8. We have been struck by the enormous number of agencies (both government and non-government) and community and other groups, which have an interest in, or responsibility for, this topic. They include those with legal, medical, social, cultural and structural viewpoints. We have started to tap into that experience and knowledge.

9. Of course, as we have already noted, it is a very important point and one which we have made during the course of many of our public discussions of the issues that the problems do not just relate to Aboriginal communities. The number of perpetrators is small and there are some communities, it must be thought, where there are no problems at all. Accepting this to be the case, it is hardly surprising that representatives of communities, and the men in particular, have been unhappy (to say the least) at the media coverage of the whole of the issue.

Notwithstanding, there is, in our view, sufficient

anecdotal and forensic and clinical information available to establish that there is a significant problem in Northern Territory communities in relation to sexual abuse of children. Indeed, it would be remarkable if there was not, given the similar and significant problems that exist elsewhere in Australia and abroad.

This has not been an easy inquiry to conduct. The report has been difficult to write. This is a sad and emotional subject. More than one health professional has broken down in discussions with us, as have community people.

The themes that emerge are not unusual. These themes are "the usual suspects" as far as Aboriginal people in the Northern Territory are concerned.

Unless a firm commitment to success is undertaken immediately, a further generation is likely to be lost. There are no quick fixes but we make some recommendations which can be implemented immediately and which are not "big ticket" items. We have deliberately worked closely with the relevant Northern Territory Government departments, not only for their advice on the practicality of our recommendations, but also with a view to bypassing the usual and inevitable delays in implementation caused in sending off reports and recommendations for further analysis and advice.

We understand that the recommendations contained in the report have the broad support of those departments, although financial implementation issues have been raised with us.

We make a special plea for prompt consideration and acceptance of the principal tenets of the report as a matter of extreme urgency. A failure to do so will see the loss of the considerable goodwill and awareness we have been able to develop with Aboriginal people and other stakeholders during these last months. A disaster is looming for Aboriginal people in the Northern Territory unless steps are taken forthwith.

Our terms of reference required us to enquire into the protection of Aboriginal children from sexual abuse. We will, no doubt, receive some criticism for appearing to stray well beyond that limited brief. However, **we quickly became aware – as all the inquiries before us and the experts in the field already knew - that the incidence of child sexual abuse, whether in Aboriginal or so-called mainstream communities, is often directly related to other breakdowns in society. Put simply, the cumulative effects of poor health, alcohol, drug abuse, gambling, pornography, unemployment, poor education and housing and general disempowerment lead inexorably to family and other violence and then on to sexual abuse of men and women and, finally, of children.**

It will be impossible to set our communities on a strong path to recovery in terms of sexual abuse of children without dealing with all these basic services and social evils. Even then, the best that can be hoped for is improvement over a 15 year period - effectively, a generation or longer. It is our earnest hope that no Aboriginal child born from this year on will ever be the subject of sexual abuse. Our commitment to success should be aimed squarely at that target! It is necessary that this process of recovery begin NOW. We are aware

that COAG has commenced consideration at senior officer level of Indigenous Generational Reform (IGR) that will provide, if approved, a staged 20-year program. The first five years deal with 0-3 year-olds. It is to start in 2009! COAG has been on the case since at least 2000 when it adopted its Reconciliation Framework, which recognised the unique status of Indigenous Australians and the need for recognition, respect and understanding in the wider community. The goodwill that is evident is commendable, but it is now 2007.

The key indicators of Aboriginal disadvantage have been well documented in a formal sense but, in any event, are well-known throughout the country. We will have lost another nine years by 2009 in thinking and talking about and designing principles and models for service delivery. It's time for some brave action. We have an enormous amount of knowledge and experience about the problems. It should now be applied. There is no more time for us to wring our collective hands. Both Aboriginal and non-Aboriginal Australians have tended to despair about the difficulties instead of individually or collectively exercising some leadership. We are positively convinced that unless prompt and firm decisions are made and leadership shown at ALL levels of society, real disaster faces Australia within a generation. Many of the sentiments expressed here will also be found in the report. Our first two recommendations to government encapsulate our findings and we anticipate them here:

1. That Aboriginal child sexual abuse in the Northern Territory be designated as an issue of urgent national significance by both the Australian and Northern Territory Governments, . and both governments immediately establish a collaborative partnership with a Memorandum of Understanding to specifically address the protection of Aboriginal children from sexual abuse.

It is critical that both governments commit to genuine consultation with Aboriginal people in designing initiatives for Aboriginal communities.

2. That while everybody has a responsibility for the protection of all children, the Northern Territory Government must provide strong leadership on this issue, and that this be expressed publicly as a determined commitment to place children's interests at the forefront in all policy and decision-making, particularly where a matter impacts on the physical and emotional wellbeing of children. Further, because of the special disadvantage to which the Aboriginal people of the Northern Territory are subject, particular regard needs to be given to the situation of Aboriginal children. We commend the report not only to the government and the people of the Northern Territory but to the government and people of Australia. Our hope is that the nation will work together for the sake of all its children.

PAT ANDERSON REX WILD

30 April 2007

Darwin, Northern Territory

The Inquiry has always accepted the assertion that sexual assault of children is not acceptable in Aboriginal culture, any more than it is in European or mainstream society.

But there is a major difference between the two branches of society. A breakdown of Aboriginal culture has been noted by many commentators. A number of underlying causes are said to explain the present state of both town and remote communities. Excessive consumption of alcohol is variously described as the cause or result of poverty, unemployment, lack of education, boredom and overcrowded and inadequate housing. The use of other drugs and petrol sniffing can be added to these. Together, they lead to excessive violence. In the worst case scenario it leads to sexual abuse of children.

We know the problems, we know how to fix many of them and the likely monetary cost. The money is available. The Australian Government budget surplus last year was billions and billions of dollars. What has been lacking is the political will.

Our appointment and terms of reference arose out of allegations of sexual abuse of Aboriginal children. Everything we have learned since convinces us that these are just symptoms of a breakdown of Aboriginal culture and society. There is, in our view, little point in an exercise of band-aiding individual and specific problems as each one achieves an appropriate degree of media and political hype. It has not worked in the past and will not work in the future. We are all left wringing our hands. Look at all that money! Where did it go? The answer is, of course, down the plughole.

What is required is a determined, coordinated effort to break the cycle ***and provide the necessary strength, power and appropriate support and services to local communities***, so they can lead themselves out of the malaise: ***in a word, empowerment!***

Are there simple fixes? Of course not! However, we do make some recommendations that are capable of comparatively easy and prompt implementation.

Again, they are obvious. We have been struck time and time again over these last six months, by how often the same obvious problems are exposed and the plain responses articulated. That is that everybody knows the problems and the solutions.

The violence and sexual abuse occurring in Northern Territory Aboriginal communities is, as we have said, a reflection of historical, present and continuing social dysfunction. This contention is supported by almost all those with whom the Inquiry has had contact. The origins of such dysfunction are not so clear. Did they commence in 1788 with colonisation (somewhat later in the Territory), and as one of the Inquiry's submissions has suggested, become exacerbated in 1978 with the establishment of the "(failed) political experiment of unicameral self government in the NT"?

The Inquiry is, of course, concerned with the Northern Territory experience. ***It is not able to correct, or***

Overview

recommend corrections to, 200 years or 100 years of the **disempowerment** and **institutional discrimination** to which Aboriginal people have been subjected. Nor is the Inquiry able to right the **political and social wrongs that have led to the dysfunction** which now exists to a considerable degree in the NT. The best it can hope to achieve is to present meaningful proposals that the government might adopt **so that Aboriginal communities themselves, with support**, can effectively prevent sexual abuse of their children.

Taking Responsibility

We resolved early that we would not sit under every gum tree in the Territory. Notwithstanding, we have at least figuratively (and sometimes actually) sat under more than a few. We have visited 45 communities, including the major townships, in the Territory. We have seen those communities and talked with their

Recommendations

In the first recommendation, **we have specifically referred to the critical importance of governments committing to genuine consultation with Aboriginal people in designing initiatives for Aboriginal communities**, whether these be in remote, regional or urban settings.

We have been conscious throughout our enquiries of the need for that consultation and for Aboriginal people to be involved.

Mr Fred Chaney, in retiring from the National Native Title Tribunal, was asked **why successive governments have failed so comprehensively to turn the story of Aboriginal deprivation around**. He was being interviewed on the ABC's 7.30 Report on 19 April 2007 and replied:

• And one of the things I think we should have learned by now is that **you can't solve these things by centralized bureaucratic direction**. You can only educate children in a school at the place where they live. You can only give people jobs or get people into employment person by person. And I think my own view now is that the lesson we've learned is that you need locally based action, local resourcing, **local control** to really make changes.

• But I think **governments persist in thinking you can direct from Canberra**, you can direct from Perth or Sydney or Melbourne, that you can have programs that run out into communities that aren't owned by those communities, that aren't locally controlled and managed, **and I think surely that is a thing we should know doesn't work**.

• So I am very much in favour of a model which I suppose **builds local control** in communities as the best of those Native Title agreements do, as has been done in the Argyle Diamond Mine Agreement, as is

permanent members and those providing services. We believe we have engaged with an excellent cross-section and proportion of the Aboriginal population. We have a strong feeling for their views, problems and aspirations.

Some common words or concepts emerged in the course of our consultations. They were:

- Dialogue
- Empowerment
- Ownership
- Awareness
- Healing
- Reconciliation
- Strong family
- Culture
- Law.

being done in Kununurra. **Not central bureaucracies trying to run things in Aboriginal communities. That doesn't work.**

• They're locked into systems which require central accounting, which require centralised rules and regulations. They're not locally tailored. The great thing about working with a mining company in an Aboriginal community is that the mining company has the flexibility to manage towards outcomes locally with that community.

• The great thing about the education projects in which I'm involved is that we can manage locally for the outcomes that we want to achieve locally. **Once you try and do it by remote control, through visiting ministers and visiting bureaucrats fly in, fly out – forget it.**

The thrust of our recommendations, which are designed to advise the Northern Territory Government on how it can help support communities to effectively prevent and tackle child sexual abuse, **is for there to be consultation with, and ownership by the communities, of those solutions.**

The underlying dysfunctionality where child sexual abuse flourishes needs to be attacked, and the strength returned to Aboriginal people.