

Dear Senators,

Whilst not in the habit of writing letters to senators or even my local Member of Parliament, the current situation with regard to the Aboriginal people in the Northern Territory is causing me grave concern, and I want to register my concerns regarding both the legislative process and parts of the content of this legislation that is currently before you i.e. the Northern Territory National Emergency Response.

I in no way condone any form of child abuse, but please imagine the response if there was an attempt to apply the same changes in legislation to the child abuse that occurs in poor, underemployed white populations. I believe there is a more democratic way of putting in place long-term solutions and addressing the immediate protection of Aboriginal children.

My most pressing concern is the haste with which this legislation is being rushed through Parliament. I fail to understand why there is such urgency to actually change laws at such speed around such a sensitive arena, when moves to protect the children are already underway without any change in legislation. This is, in my opinion, an abuse of our democratic process and we need to ensure time for appropriate explanation, consultation and debate across all communities.

The legislation is complex involving changes to 5 different Acts and will have a huge impact on the Northern Territory Aboriginal people. I personally feel alarmed that it appears that our democratic institutions are being used to confuse and manipulate people who are already so severely disadvantaged.

In addition some of the changes to the Acts are **unnecessary in achieving the stated goal** of creating safe environments for Aboriginal children, and, more alarmingly, could in fact make matters worse.

**Some of my concerns in the legislation include the following:**

- 1) Changes to land tenure:
  - i) compulsory acquisition of five-year leases over prescribed communities in the Northern Territory and
  - ii) the partial abolition of the permit system.

There is no evidence of any direct link between the issue of land tenure and the problems of child abuse and dysfunction in Aboriginal communities in the Northern Territory. Rather, the Northern Territory Police are of the opinion that such changes could exacerbate the problem, and make it harder to police.

***Acute housing and infrastructure shortages in prescribed communities should be addressed using existing provisions under sections 19 and 19A of the ALRA.***

- 2) The Racial Discrimination Act is superceded

The legislation asserts that its provisions and acts are not discriminatory as they are “special measures” in line with the provisions of the Racial Discrimination Act ie done for the sole purpose of securing adequate advancement of a certain group, namely the safety of Aboriginal children.

Agreed factors in jeopardizing the safety of Aboriginal children have been cited as overcrowding in houses, and the abuse of alcohol and pornography. As stated above, the opinion of police is that changes to the permit system are likely to exacerbate the problem of child safety. Therefore these measures do not fall within the definition of “special measures” as described by the RDA.

### 3) Welfare payment reform

Quarantining welfare payments to all members of a specific racial group within a specific geographical area without their consent is blatant discrimination and I ask that you oppose it. Imagine if this were happening to all welfare recipients of British heritage in NSW. There would be no question of its unacceptability.

***Using the justification of “special measures” in the legislation should be removed and the legislation explicitly brought into line with the RDA.***

The authors of “The Little Children are Sacred Report” gave 97 recommendations. At the GAMA Festival they said they felt betrayed by the strategies included in the legislation. Noel Pearson has said it’s not his plan. Aboriginal leaders have criticized it. The Combined Aboriginal Organisations have put forward an alternate plan. These are not signals of adequate consultation and collaboration having happened.

Respectfully I ask you to oppose the discriminatory elements in the Emergency Response plan and put forward amendments that support just reform – ones we can all be proud of.

Yours faithfully,

Maggie Lawlor