



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

**SOCIAL SECURITY AND OTHER
LEGISLATION AMENDMENT (WELFARE
PAYMENT REFORM) BILL 2007**

**NORTHERN TERRITORY NATIONAL
EMERGENCY RESPONSE BILL 2007**

**FAMILIES, COMMUNITY SERVICES
AND INDIGENOUS AFFAIRS AND
OTHER LEGISLATION AMENDMENT
(NORTHERN TERRITORY NATIONAL
EMERGENCY RESPONSE AND
OTHER MEASURES) BILL 2007**

**APPROPRIATION (NORTHERN
TERRITORY NATIONAL EMERGENCY
RESPONSE) BILL (NO. 1) 2007-2008**

**APPROPRIATION (NORTHERN
TERRITORY NATIONAL EMERGENCY
RESPONSE) BILL (NO. 2) 2007-2008**

Second Reading

SPEECH

Tuesday, 7 August 2007

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

SPEECH

Date Tuesday, 7 August 2007
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Questioner
Speaker Macklin, Jenny, MP

Source House
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Ms MACKLIN (Jagajaga) (4.39 pm)—Indigenous children in the Northern Territory are 4.8 times more likely than non-Indigenous children to be the subject of a substantiation report. However, the Northern Territory's substantiation rate for Indigenous children is the third lowest in the nation despite a doubling of the rate to 15.2 substantiations per thousand children since 1999-2000. The Anderson-Wild inquiry stated that sexual abuse of Aboriginal children is common, widespread and grossly underreported. I am pleased that additional funding will be allocated to boost the number of child protection workers to increase their capacity to enforce legislation and to protect children.

Underreporting is attributable to many factors. Nonreporting of abuse is common across Australia and the factors behind it are complex. But what is critical if we are to encourage reporting is for there to be someone to whom to report the abuse. Police officers need to be visible and accessible. Child sexual abuse is a crime and perpetrators must be punished with the full force of the law. If more police officers are needed, then let us get more on the ground. Labor supports the provision of additional police officers in the Northern Territory intervention and thanks the states that have seconded officers. However, we need a long-term strategy to train more police officers and to place them in these communities permanently. That is one reason that Labor has committed to training an extra 500 AFP officers and to an Indigenous recruitment strategy.

Labor also supports the measures designed to clean up publicly funded computers, to get rid of internet pornography and to use filters to keep it out. In addition, Labor supports the new controls on supply and possession of pornographic material in prescribed areas. It also strongly supports the measures designed to stop the rivers of grog flowing into and around Aboriginal communities. The scourge of grog is well documented. The many inquiries that have been conducted into family violence and child abuse consistently identify alcohol as a major contributing factor to family violence. Alcohol can facilitate or incite violence by providing a socially acceptable excuse for negative behaviour. It can also act as a disinhibitor, allowing people to do things they would not normally do when sober. Grog cultures can and do develop a force of their own, perpetuating disastrous cycles for communities. Alcohol control is critical to achieving community stability. Many Aboriginal communities recognise this and have taken action in the past to declare their towns dry, but it is clear from experience that these are not easy solutions. The measures in this bill are another necessary addition to the task of stopping grog, especially the targeting of grog runners with higher penalties for offences that include an intent to sell.

The link between adequate housing and child safety has also been comprehensively made. Overcrowded housing is linked directly to children's exposure to sexualised behaviour, family violence and vulnerability to abuse. The significant housing shortfall in the Northern Territory is well documented, so any additional resources that the Commonwealth provides for remote housing through its changes to the Australian Remote Indigenous Accommodation program will be welcome. However, the opposition is concerned that the bulk of the additional money does not come on stream until after next July.

The government's intervention plan to reform housing arrangements by establishing market based rents for public housing with normalised tenancy requirements are welcome provided they are accompanied by improved housing stock. Facilitating better housing and infrastructure has been central to the government's argument for needing five-year leases over townships in Aboriginal communities. The government has argued that taking on the responsibility as the effective town landlord is necessary to quickly improve vital infrastructure in these communities—which is necessary for better housing and improved economic development. The Anderson-Wild report noted:

Given the extent of overcrowding in houses in Aboriginal communities and the fact this has a direct impact on family and sexual violence, the Inquiry strongly endorses the government's reform strategy of critical mass construction in targeted communities, and recommends the government take steps to expand the number of communities on the target list for both new housing and essential repairs and maintenance in light of the fact that every community needs better housing urgently.

Temporary intervention is proposed to repair and improve infrastructure for Indigenous people in these communities. This intervention is required because governments from both sides of politics have consistently

failed to invest for many years. The government promises that years of underinvestment will now be replaced by a period of rapid upgrades and new construction. It needs to be.

Labor remains 100 per cent committed to land rights for Indigenous Australians. The land rights journey in Australia has been a journey that Labor has walked together with Indigenous Australians. Our party's commitment to land rights has held strong for well over 30 years and it holds strong today. Underlying title in the land remains in Aboriginal hands and that is where it should stay. The proposed lease is limited to five years, unless terminated sooner. Rent is guaranteed by the bill and just terms compensation can be independently determined by a court. At the end of the lease, title will revert to communal title and the control of the lands trust. Importantly, any major works or commercial development that will outlive the five-year lease will have to have the consent of the relevant land council.

The Commonwealth has given a commitment to invest in housing and infrastructure, although we are still waiting to see the detail. The Commonwealth will retain an interest in the buildings beyond the five-year lease only where construction or major upgrade is undertaken with the consent of the land council. The land council may only consent where it is satisfied that the traditional owners, as a group, consent and any affected Aboriginal communities or groups have been consulted. These provisions protect ongoing consultation for land councils and traditional owners during the five-year lease period. Further, grants of other leases beyond the five years, such as under existing provisions in section 19, must allow normal consultation and consent procedures.

Labor will make sure that the rights of Aboriginal people to use the land, in accordance with 'traditional purposes' guaranteed by section 71 of the Aboriginal land rights act, are not affected by these five-year leases. This lease process will be new and untried and it could cause concern and confusion if not handled sensitively by the federal government. If the process works cooperatively, it could deliver significant benefit.

The bill also gives the Commonwealth minister new powers in relation to town camps. These powers place him in a position, in relation to town camp leases, as though he were the Northern Territory minister. I ask the minister to detail in the parliament the guidelines he will follow in dealing with the town camp leases. Specifically, he should act only if leases have been breached or if they have been determined after a due process in accordance with natural justice. He should also make sure that the assets are reserved for affordable homes for disadvantaged Aboriginal people. Just six weeks ago, the minister said that he wanted to reach agreement with Tangentyere council over the future of its town camps. I certainly hope that the minister will continue to work to get this agreed outcome.

Labor bring to this endeavour a determination to improve housing and infrastructure, but we also want to see improvements in economic development in these townships. That is why we will move an amendment to require a review to assess, after 12 months, progress in establishing infrastructure, housing and economic development in both the townships and the town camps. If the situation has stalled or become mired in legal process and is not delivering outcomes and we are in government, we will act to fix it.

Labor proposed a test for dealing with this legislation: it would get our support if it improved the security and safety of children in a practical way. In their current form, we do not believe that all the proposed changes to the permit system satisfy that test. Vince Kelly, President of the Northern Territory Police Association, has said:

These communities aren't like anywhere else in Australia, otherwise the Federal Government wouldn't be intervening in this matter.

So to simply roll up the permit system I think is going to lead to problems that have probably been identified by Indigenous people around the Northern Territory.

... ..

It does give both the police and the local communities the ability to exclude certain people from the community, people who are possibly offenders in relation to sexual abuse and physical abuse of Aboriginal women and children ...

But more importantly, offenders in terms of running grog and running drugs into these communities. Clearly, the permit system can be used to prevent access.

Labor will move to oppose the removal of the permit system on roads and common areas in the towns. We believe that the safety of children in these communities will be reduced if the government's measures proceed, as they will allow for greater access by sly-grog and drug runners and by paedophiles. However, we do recognise the need

to allow for greater access by certain classes of individuals. Labor will move substantive amendments to expand the categories of permit exemptions across Aboriginal land for people engaged as agents of the Commonwealth and Northern Territory governments in order to enable them to access these communities. We will also advocate an exemption for journalists. We do recognise the need, especially during this intervention, for people engaged by the Commonwealth as agents, such as doctors, to be able to go easily into communities. We believe that these changes assist delivery of important services and, most importantly, the safety of Aboriginal communities, without opening them up to the risk of unfettered access by sly groggers or paedophiles.

The other significant bill included in today's debate deals with welfare reform to enable income management of welfare payments in certain circumstances. There will be four basic triggers for income management: for parents where referred by state or territory child protection authorities because of instances of child abuse or neglect, for parents where school attendance or enrolment requirements are not met, for income support recipients living in a prescribed area of the Northern Territory, and for those potentially affected by the Cape York Institute's proposed welfare trial.

Labor has already announced that it would apply income management for parents who are referred by state or territory child protection authorities, so it is pleasing to see that the government's approach mirrors ours regarding income quarantining in child protection cases. In relation to Northern Territory specific measures, Labor will move to review the operation of income management at the end of the first period of 12 months. I just want to mention that I am concerned that there is no appeal mechanism for decisions that affect individuals to be included within the income management regime in the Northern Territory.

One of the critical issues in the Anderson-Wild report was the need to make sure that children go to school to guarantee both their safety and their future education. There are at least 2,000 Indigenous children in these remote parts of the Northern Territory who are not even enrolled to go to school. There are also far too many other children who do not attend school. This has to change.

Labor will provide additional funding to the Northern Territory government to contribute to the cost of the additional teachers who will be needed to make sure that these children get the education that they deserve. The Northern Territory government will also have to make sure that there are additional classrooms and that teacher housing and teacher assistance are provided so that children get the education that is needed.

Labor's preference is for welfare reform to encourage responsibility and to reward positive behaviour. The Cape York Institute's policy paper that was released in June outlines the sort of positive approach that Labor believe should apply to income management regimes. We want to use these tools not punitively but to encourage individual responsibility. The move from passive welfare will only be fully accomplished when individuals take responsibility for their future and for their children's future. They must be assisted in this task by government, with support services such as alcohol treatment services and through stimulating real economic development. We have previously indicated our support for the Cape York initiatives and indicated funding for them as well.

The last and very important point that I want to address today concerns the operation of the Racial Discrimination Act. The Racial Discrimination Act is a very important legacy of a previous Labor government and protects against racial discrimination by legislative, administrative or other means. Consistent with the international conventions on all forms of racial discrimination, the act recognises that sometimes it is necessary to make laws or to take actions that are special measures for the advancement of a particular racial group. Labor believe, as does the government—based on the briefings we have received—that these laws are such special measures. We believe that these laws are designed to protect especially vulnerable Aboriginal children, to help rid Aboriginal communities of the scourge of alcohol abuse and to provide much needed infrastructure and housing improvements to remote Aboriginal communities.

The importance of this intervention also requires that the community have confidence in parliament's belief these are in fact special measures to benefit Aboriginal people. Therefore, we believe that it is unhelpful and unnecessary that there is a blanket exemption from part II of the Racial Discrimination Act, and Labor will move amendments to remove this exemption from three of these bills.

I return to the point where we began: will this legislation improve the safety and security of our children in a practical way? Protecting children requires all of us to take responsibility to act. Responsibility has to be taken by individuals for them to take positive action for themselves, for their communities and especially for their children. Responsibility also lies with governments to provide community safety, health services, education and, most importantly, employment and economic development. All of these things are necessary to enable Indigenous

children to grow up healthy and happy. This is what we want for our children, and we want nothing less for Indigenous children. I move the second reading amendment circulated in my name:

That all words after “That” be omitted with a view to substituting the following words:

“whilst not declining to give the Bill a second reading, the House notes that:

- (1) the protection of children from harm and abuse is of paramount concern to all Australians;
- (2) the documented instances of child abuse within Indigenous communities in the Northern Territory are of such gravity as to require an urgent and comprehensive response to make children and the communities they live in, safe;
- (3) these legislative measures taken together represent a major challenge for Territorians and a change to current arrangements;
- (4) we will not succeed in our goal of protecting children without the support and leadership of Aboriginal people of the Northern Territory; the Commonwealth must gain their trust, engage them and respect them throughout this emergency and beyond;
- (5) the work of strong and effective Indigenous community members and organisations must continue to be supported during this emergency;
- (6) it is important that temporary measures are replaced in time with permanent reforms that have the confidence and support of Territorians, and short term measures aimed at ensuring the safety of children grow into long term responses that create stronger communities that are free of violence and abuse;
- (7) In the case of town camps effective partnerships with lessors and negotiated outcomes should obviate the need for compulsory acquisition;
- (8) this includes stimulating economic development and more private sector partnerships to secure greater self-reliance;
- (9) both levels of government must work in partnership; there must be political accountability at the highest level—with the Prime Minister and Federal Minister for Indigenous Affairs;
- (10) program funding must hit the ground through evidence-based delivery; there must be relentless focus on best-practice and rigorous evaluation by all parties set within specific timeframes;
- (11) practical measures must include;
 - (a) police to keep every community in the Territory safe, particularly children, women and elders;
 - (b) safe houses that provide a safe place for women and children escaping family violence or abuse built using the direction and leadership of local Indigenous women;
 - (c) night patrols that provide important protection;
 - (d) community law and justice groups that play an important role in the effective administration of justice;
 - (e) appropriate background checks for all people providing services in communities who work in proximity to children;
 - (f) comprehensive coverage of child and maternal health services are essential to give children the best start;
 - (g) comprehensive coverage of parenting and early development services for Indigenous parents and their babies;
 - (h) an effective child protection system in the Northern Territory;
 - (i) all children enrolled and attending school and governments to deliver teachers, classrooms, teacher housing and support services (eg Indigenous teacher assistants);

- (j) investment in housing construction and maintenance to reduce the shortfall in Indigenous homes and infrastructure; and
- (k) reform of the Community Development and Employment Program, including transitioning participants who are employed in public sector work into proper public sector jobs and ensuring participants are not left without sufficient income or participation opportunities”.

The DEPUTY SPEAKER (Hon. IR Causley)—Is the amendment seconded?

Mr Snowden—I second the amendment and reserve my right to speak.