
An open letter from the Law Society regarding Australian Government intervention in Aboriginal communities

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The Hon John Howard MP
Prime Minister
Parliament House
CANBERRA ACT 2600

Dear Prime Minister

RE: AUSTRALIAN GOVERNMENT INTERVENTION IN NORTHERN TERRITORY INDIGENOUS COMMUNITIES

In the week since your announcement of the Australian Government's intervention in Indigenous communities in the Northern Territory, the Council of the Law Society Northern Territory has been actively assessing the various proposals as far as has been possible, noting that to date, there has been a considerable lack of hard detail provided.

Members of the Law Society Northern Territory include a number of legal practitioners who work in areas affecting our Indigenous population, such as Crown prosecutors, defence lawyers, lawyers working for domestic violence legal services and lawyers working with community bodies providing assistance to governing associations, councils and the like.

Many practitioners have made a long-term commitment to improving the wellbeing of persons in the communities. Among this group of practitioners, there is a considerable degree of expertise, as well as a cultural understanding in these sensitive areas, which the Society believes would be of considerable value in the further development and implementation of any initiatives undertaken by either the Australian or the Territory Government.

The Society strongly requests to be included in consultations with both Governments as the proposals are further developed, particularly in the drafting of any legislation.

The Society has reached a preliminary position based on the information available to date, largely disclosed through the media.

The Society:

- welcomes any Australian Government commitment to improving the lives of Indigenous people in the Northern Territory;
- is pleased that action is proposed to be undertaken to address child sexual abuse;
- supports the recommendations of the "Little Children are Sacred" Report, including the importance of effective consultation with people in remote communities affected by the initiatives;
- is concerned that many of the recommendations of the "Little Children are Sacred" Report are being overlooked by the Australian Government;

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- is concerned as to how the proposals relating to medical examination (compulsory or voluntary) of children (Indigenous or other) in communities will operate, and what follow-up action will be taken where possible abuse is detected;
- is concerned that an effect of the proposed alcohol restrictions would be that people move from a “dry” to a “wet” area, and in fact believes this happens under current alcohol restrictions. The Society would not support any restrictions on movement between “dry” and “wet” areas;
- notes that alcohol abuse within the Indigenous population is a long-term issue and cannot be resolved in six months. There is a concern that some persons affected will move to alternative substances. An extended commitment is required. There is also a concern that the absence of rehabilitation facilities in the Northern Territory will undermine an effective prohibition on alcohol abuse;
- is concerned that the Northern Territory is being characterised as a “failed state” requiring outside intervention. The expertise of a number of committed individuals (Indigenous and non-Indigenous) including lawyers, medical practitioners, social workers and others, who have worked to alleviate the problems in communities in a number of areas, is being overlooked. Many of the people now intervening may not have the cultural and other understandings required to deal with these matters. The Northern Territory’s situation is different from that of a “failed state” such as the Solomons, and like associations should not be made;
- notes and is aware of the powers the Australian Government has to pursue its initiatives in relation to the Northern Territory. However, the Australian Government also has the power to do this to the states. Why is the Territory being singled out?
- is concerned that many blameless people, both Indigenous and non-Indigenous, could have their rights significantly impaired by these proposals;
- notes the number of legal complexities, such as the position of hotels on Aboriginal land, that will need to be addressed. Questions of tenure over Aboriginal land will be complex and confronting for Indigenous associations and other organisations;
- believes there is a significant need for more trained professionals in the area, such as child protection workers, nurses and doctors;
- believes upgrading of procedures is required if more offenders are to be successfully prosecuted. The implications of more police in communities, greater pressures on the justice system, and further overcrowding of prisons needs to be addressed. More effective rehabilitation services and half-way house arrangements for released prisoners need to be developed.

As indicated, the Society seeks further consultation as this matter develops.

I have written a similar letter to the Leader of the Opposition of the Australian Government, Mr Kevin Rudd MP, the Chief Minister of the Northern Territory, the Hon Clare Martin MLA, the Leader of the Opposition of the Northern Territory Government, Ms Jodeen Carney MLA. A copy of this letter has been sent to the Law Council of Australia and other community and legal bodies.

Please contact myself or the Chief Executive Officer of the Law Society, Ms Barbara Bradshaw on 8981 5104 if you or your office wishes to discuss any of our concerns further.

Yours sincerely

Allison Robertson
President