

# National Emergency Response to Protect Aboriginal Children in the Northern Territory

By Federal Attorney-General Philip Ruddock

The Australian Government has introduced a range of important legislative measures that underpin the stabilisation and protection of Indigenous communities in crisis areas in the Northern Territory.

The new legislative measures, passed through the House of Representatives on 7 August 2007, highlight the Howard Government's commitment to tackling this matter. They are the result of collaborative work between my Department and other Australian Government agencies to provide advice on changes to the Commonwealth and Northern Territory legislation on matters including:

- Alcohol restrictions
- Classification law
- Criminal law
- Land and housing reform, and
- Law enforcement.

The Government is acting in response to the abuse and potential neglect of children following the findings of the 'Little Children are Sacred' report into the protection of Aboriginal children in the Northern Territory.

The Government has had an ongoing concern about the safety of Indigenous people, and the prevalence of family violence in Indigenous communities. These matters were considered at the 2006 intergovernmental Summit on Violence and Child Abuse



*The Hon Phillip Ruddock,  
Federal Attorney-General*

in Indigenous Communities, in which Ministers from the Australian Government and all States and Territories participated.

My Department has also been working closely with other government agencies to advise on issues relating to constitutional law, administrative law, international law, privacy law and the Racial Discrimination Act 1975 (RDA), and assisting to brief various agencies including the Australian Federal Police, Australian Crime Commission, Ombudsman, Privacy Commissioner and Commissioners from the Human Rights and Equal Opportunity Commission. The emergency measures are designed to ensure the protection

of Aboriginal children from harm and to immediately mitigate and stabilise impacts in communities.

The level of abuse occurring in the Northern Territory is deeply disturbing. Compared to this time last year, when many people were in denial about the extent of the problems in Indigenous communities, we have come a long way.

While the Australian Government's proposal is focussed on the Northern Territory, it is hoped, as Prime Minister John Howard said in June, that the Premiers of Western Australia, New South Wales and Queensland will announce similar measures in their jurisdictions.

I encourage this legislative progress towards a national approach to law harmonisation when there is no basis for differences across some State and Territory jurisdictions.

The measures in the Northern Territory Emergency Response include:

## **Alcohol restrictions**

The introduction of widespread alcohol restrictions on Northern Territory Aboriginal land.

## **Classification law**

Strengthening of classification laws in the Northern Territory. The changes ban the possession, taking or sending of pornography



## **Notice of Annual General Meeting**

The Law Society Northern Territory Annual General Meeting will be held at Travelodge Mirambeena Resort on **Wednesday 10**

**October at 4.30pm.**

Enquiries to 8981 5104.

in prescribed areas. These new offences will be enforced by the Northern Territory and extra police working in the affected areas.

### **Criminal law**

Currently, although not specifically referred to in Northern Territory legislation, customary law can be taken into consideration in sentencing and bail decisions.

The amendments to Northern Territory law will prohibit the relevant authority, when exercising bail or sentencing discretion in relation to Northern Territory offences, from taking into consideration any form of customary law or cultural practice to lessen or aggravate the seriousness of the criminal behaviour of offenders and alleged offenders.

The amendments also strengthen Northern Territory bail provisions to better secure the safety of victims and witnesses by specifically requiring the bail authority to consider the potential impact on victims and witnesses in remote communities.

### **Land and housing reform/native title**

The legislation provides for the Australian Government to acquire five-year leases over Indigenous community areas in the Northern Territory. These leases will provide the access required to assist the early repair of buildings and infrastructure. In order to facilitate long-term investment, the legislation provides that the Australian Government may acquire freehold title over town camp areas.

Native title will not be extinguished by these actions. Rather, the legislation provides that the non-extinguishment principle, under the Native Title Act 1993 will apply, thereby preserving any subsisting native title rights.

### **Permits**

The permit system for Aboriginal land will largely be retained, but

with revisions so that permits are not required to access common areas in townships, road corridors, barge landings and airstrips on Aboriginal Land Rights (Northern Territory) Act land.

Unfortunately the current system has not stopped crime, child abuse, drug running and violence. The Government considers that the existing permit system has helped create closed communities that have hidden problems from public view and allowed some people to create a climate of fear and intimidation. Only the restoration of law and order will enable these communities to stabilise to a secure environment.

### **Law enforcement**

Promoting law and order includes a range of community safety measures and associated support

activities. Increased police presence in remote communities, with assistance from the Australian Federal Police and State police forces, is part of the immediate stabilisation phase of the Emergency Response.

The costs of the additional state and federal police and the incidental cost to the Northern Territory Government of administering these police will be met by the Australian Government. The measure also includes some support to the Northern Territory for additional police stations and associated housing in remote Indigenous communities.

I appreciate that the road ahead will be long, and these early measures are the foundation stones which we will build upon to re-establish the security and safety most needed in the Northern Territory.



**ASIC**

Australian Securities & Investments Commission

**ASIC has moved to  
Level 7  
24 Mitchell Street (TIO Centre)  
Darwin NT 0800**

**ASIC enforces and regulates company and financial services laws to protect consumers, investors and creditors**

**For information about ASIC, visit  
[www.asic.gov.au](http://www.asic.gov.au)  
or call our Darwin office on (08) 8943 0900  
or ASIC's Infoline on 1300 300 630**

**For useful financial tips and safety checks, visit  
ASIC's consumer website, FIDO  
[www.fido.gov.au](http://www.fido.gov.au)**