

SUBMISSION BY
MEDIA, ENTERTAINMENT & ARTS ALLIANCE
TO
DEPARTMENT OF FAMILIES, COMMUNITY SERVICES AND
INDIGENOUS AFFAIRS
REGARDING
ACCESS TO ABORIGINAL LAND UNDER THE NORTHERN TERRITORY
ABORIGINAL LAND RIGHTS ACT – TIME FOR CHANGE?
FEBRUARY 2007



The Media, Entertainment & Arts Alliance

The Media, Entertainment & Arts Alliance (Alliance) is the industrial and professional organisation representing the people who work in Australia's media and entertainment industries. Its membership includes journalists, artists, photographers, performers, symphony orchestra musicians and film, television and performing arts technicians.

The Media, Entertainment & Arts Alliance appreciates the opportunity to comment on the discussion paper, *Access to Aboriginal Land Under the Northern Territory Aboriginal Land Rights Act – Time for Change?*

The discussion paper states that “Originally designed to ‘protect’ Aboriginal people from the worst aspects of modern society, the permit system has contributed to denying Aboriginal people access to the normal advantages of mainstream Australian society. External scrutiny, from the media for example, while sometimes unnecessarily intrusive, acts as a check and balance on unhealthy or even criminal behaviour. But in remote Aboriginal communities, restricted media access has created what some have called a ‘monopoly of silence’.”

The Alliance is of the view that it is not the permit system which is denying Aboriginal people access to the normal advantages of Australian society. Whilst strongly supportive of the principles of freedom of the press, the Alliance is of the view that the causes of the ‘monopoly of silence’ that surrounds many issues that are a national disgrace are not attributable to permits being required to enter Aboriginal lands. Rather they are attributable to entrenched socio-economic disadvantage and policy failure on the part of successive governments.

The discussion paper rightly points out that “the permit system has not prevented the scourge of drug trafficking or violence and abuse occurring in many communities”, but goes on to say the permit system in the Northern Territory “has not allowed Aboriginal people to fully exercise their rights, and has also absolved people of their responsibilities. For example, antisocial and criminal behaviour has not been checked by the normal openness of public scrutiny and accountability that would occur in mainstream society.”

The Alliance considers that amending the permit system will not achieve a downturn in drug trafficking, violence or abuse. The causes lie elsewhere, as do the solutions. And like mainstream society, drug trafficking, violence and abuse are not addressed by the media alone. Without appropriate social, educational, and health infrastructure in place, and in the absence of adequate housing, policing and employment opportunities, mainstream society would likely face the problems that are found in remote Aboriginal communities in the Northern Territory.

The Alliance considers that whilst some of the problems plaguing Indigenous Australians in the Northern Territory have been touched on the discussion paper, the solution has not.

Indigenous Australia

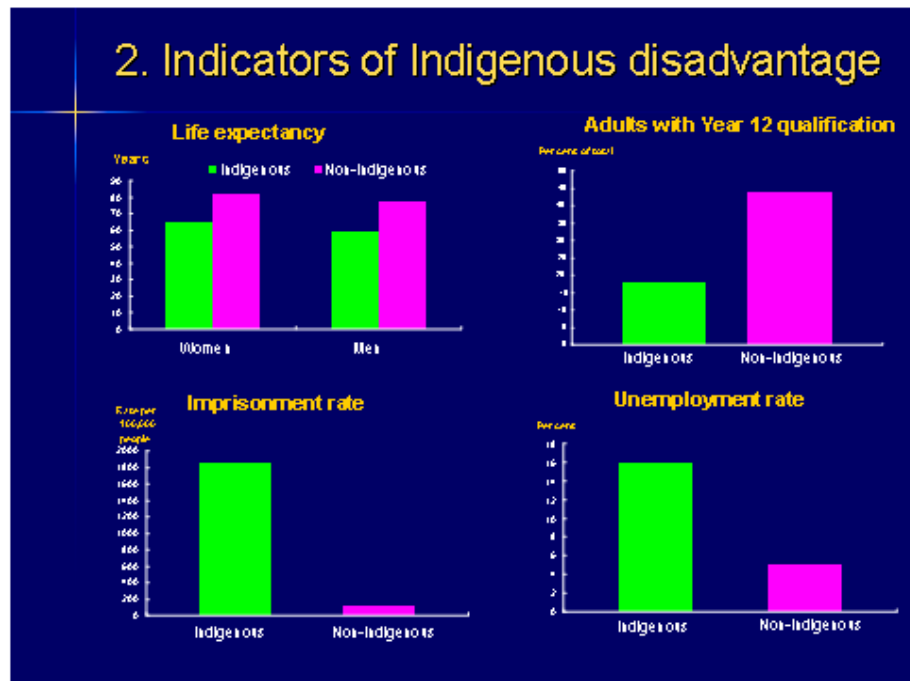
The following is known:

- Life expectancy for Indigenous males in 1999-2001 was 56, 21 years less than for non-Indigenous males. For Indigenous women it was 63, 19 years less than for non-Indigenous females. According to Access Economics, the gap has not closed in a decade.¹
- Death rates for Indigenous Australians aged 35-54 are five times higher than for non-Indigenous Australians.
- Indigenous Australians are seven times more likely to need dialysis for end-stage renal disease and eight times more likely to die from renal disease than other Australians.
- Indigenous Australians have one of the highest rates of type II diabetes in the world.
- Death rates for cardiovascular diseases for Indigenous Australians are 2.6 times higher than for other Australians, hospitalisation rates 1.4 per times higher and hospital stays 36 per cent longer.
- Approximately nine out of ten non-Indigenous children achieve the national minimum literacy benchmarks for years three, five and seven. For Indigenous children the figure drops to seven or eight out of ten. In remote communities in the Northern Territory it drops further to two out of ten. In Wadeye in 2001, not a single child achieved the benchmarks. There are approximately 900 school-age children in Wadeye. There is one Catholic primary school and no high school.
- The Indigenous unemployment rate is nearly four times higher than the national rate and in communities like Wadeye is above 90 per cent.
- Indigenous suicide rates are nearly three times the national average and particularly high for those aged 25-35.
- Indigenous Australians are 15 times more likely to be in prison.
- Overcrowding in housing is common, particularly in remote areas.
- The incidence of chronic suppurative otitis media is so high amongst Indigenous children in remote communities that the World Health Organisation has identified it as a matter requiring “urgent attention needed to deal with a massive public health problem”.²
- Access Economics reports, “On limited data available, Indigenous people are much more likely to be victims of murder, assault, sexual assault and domestic violence. This indicator has deteriorated since 1994.”³

¹ *Indigenous Health Workforce Needs*, A Report by Access Economics Pty Limited for The Australian Medical Association, July 2004

² *Topical treatment of chronic suppurative otitis media in Aboriginal children*, Harvey Coates, *Ear, Nose and Throat Journal*, August 2003, see online at http://findarticles.com/p/articles/mi_m0BUM/is_8_82/ai_108048993, and *Chronic suppurative otitis media – Burden of Illness and Management Options*, World Health Organisation, 2004, see online at http://www.who.int/pbd/deafness/activities/hearing_care/otitis_media.pdf

³ *Indigenous Health Workforce Needs*, A Report by Access Economics Pty Limited for The Australian Medical Association, July 2004



Source: *Managing Prosperity*, Address to the 2006 Economic and Social Outlook Conference, Melbourne, 2 November 2006, Ken Henry, Secretary to the Treasury⁴

Two events seem likely to have prompted the review of the permit system – the sexual assaults and violence at Mutitjulu and the riots at Wadeye in 2006.

Both events received considerable media coverage. Journalists were able to visit both communities.

The coverage brought the appalling plight of many Indigenous Australians into sharp relief for a while and certainly there is scope for further public debate.

As Nanette Rogers, Crown Prosecutor for Central Australia, put it:

“I think that cases like this and the sexual assaults of the two-year-old and the seven-month old baby, are really beyond the range of our comprehension. In normal behaviour, we expect people to be, say, murdered, or sexually assaulted, or, yes, maybe stabbed, but not on a constant basis, not in relation to horrible offences committed on really small children. It’s beyond most people’s comprehension and range of human experience.”⁵

What is happening on many of the remote communities in the Northern Territory may well be beyond most people’s comprehension and range of experience but it cannot be beyond governments’ capacity to address and it is not beyond the capacity of the media to bring it to the attention of the public and to hold governments accountable for progress.

Regrettably, it is often only when events are as shocking as those at Mutitjulu and Wadeye that the circumstances of Indigenous Australians living in Indigenous communities capture the attention of the mainstream media.

⁴ Available online at http://www.treasury.gov.au/documents/1183/PDF/Managing_Prosperty.pdf

⁵ Nanette Rogers being interviewed by Tony Jones on *Lateline* on ABC Television, replayed on *Indigenous violence and the code of silence*, Media Report, ABC Radio National, 18 May 2006, see online at <http://www.abc.net.au/rn/mediareport/stories/2006/1640513.html>

What is happening has been happening for a long time.

As indicated above, the media does have access to Indigenous communities in the Northern Territory.

As the discussion paper points out, permits can be issued by:

- The traditional owners of the land concerned.
- The relevant Land Council.
- The Administrator of the Northern Territory where a person has applied for a permit to use a road and has been refused or the permit has not been issued in a reasonable time.
- The relevant Northern Territory Minister in respect of certain Commonwealth or Northern Territory government employees.

So, the media has access to Indigenous communities and the mainstream media does from time to time report on what is happening.

What is true is that there has been what Chris Graham, the editor of the *National Indigenous Times*, has called “a long silence by the mainstream media”. However, as he also points out, “There certainly hasn’t been silence by Aboriginal people in the Territory.” He goes on to use Wadeye as an example: “[i]t’s the largest Aboriginal community in the Territory, home to 2,500 people. Now they’ve been calling for extra police resources for two years. They’ve been promised police will come, but none have arrived. They have three police to police a region of 4,500 people. Tennant Creek, which is a white community, has 26 police to police a smaller population. So Aboriginal people all over the Territory have been trying to raise these problems, but they fall on deaf ears.”⁶

Dr Ken Henry, Secretary to the Treasury, put it this way: “Far from the mainstream, indigenous disadvantage is a dull glow on the periphery, capturing our attention only fleetingly, usually when presented to us as salacious. Most Australians know there is something wrong because they see images of substance abuse and domestic violence in indigenous communities. But that is about all they see. And it might be all they want to see; for the most part preferring the mental image of the indigenous community as a sheltered workshop for the permanently handicapped.” He went on to say, “Well, indigenous communities are not sheltered workshops. They are a constituent component of mainstream Australia.”⁷

Dr Henry acknowledged decades of policy failure in addressing Indigenous disadvantage and, in identifying three kinds of challenges confronting Australia, said “some of the problem areas might demand solutions that are simply too confronting to command wide-spread community support. The severe capability deprivation suffered by most indigenous Australians illustrates this challenge.”⁸

It is likely that many issues need to be addressed and addressed urgently before real inroads can be made alleviating levels of violence and sex abuse.

Education needs to be confronted. All Indigenous children need to be going to school. But the resources must be in place to enable them to do so. It is all too easy to blame the parents of those who don’t attend when in Wadeye gang violence makes most children feel unsafe to do so; when last year

⁶ Chris Graham interviewed by Gerald Tooth on the Media Report, ABC Radio National, 18 May 2006, see online at <http://www.abc.net.au/rn/mediareport/stories/2006/1640513.html>

⁷ *Managing Prosperity*, Address to the 2006 Economic and Social Outlook Conference, Melbourne, 2 November 2006, Ken Henry, Secretary to the Treasury, see online at http://www.treasury.gov.au/documents/1183/PDF/Managing_Prosperty.pdf

⁸ *Managing Prosperity*, Address to the 2006 Economic and Social Outlook Conference, Melbourne, 2 November 2006, Ken Henry, Secretary to the Treasury, see online at http://www.treasury.gov.au/documents/1183/PDF/Managing_Prosperty.pdf

the Northern Territory Government withheld \$1.5 million of federal government funding earmarked for Indigenous education; when the school at Wadeye is funded not for the number of children of school age but for the number the territory government thinks might attend. It is not a matter that can be dealt with by the children's parents alone.

Indigenous health has to be tackled. The Federal Government's expansion of funding for primary health care for Indigenous Australians – the PHCAP program – is a step in the right direction. But in 2004, Access Economics found there had been little, if any, real improvement in Indigenous health in a decade, that Indigenous health was underfunded to the order of \$400 million annually and that Indigenous Australians are massively under-represented in the health workforce.⁹ It most certainly does not take a change to the permit system to establish that Alice Springs Hospital will soon be unable to accommodate the number of Indigenous Australians with type II diabetes who will require hospitalisation.

Housing must be addressed to end the overcrowding and importantly housing must reflect the way Indigenous people want to live.

Road infrastructure needs attention. Changes to the permit system mean nothing when for a community like Wadeye, floods can make it inaccessible by road for up to six months of the year. Transport also needs to be subsidised for remote communities to make travel to major centres more affordable.

The woefully inadequate policing levels need to be addressed as a matter of urgency.

And urbanisation needs to be explained to people who, until relatively recently, lived a nomadic existence. Elders cannot explain to their children and grandchildren how to navigate a society in which they have little or no experience. Compounding this confusion is the fact that the nuclear family structure is a relatively new concept for many Indigenous Australians.

Stephen Hagen succinctly sums up much that is at the root of what mainstream Australia refers to as bad parenting. A friend explained to him, "Stephen – no-one taught my generation how to be a good father" and Hagan observes "perhaps if the uncle obligation (mother's brothers) was still practiced today, my friend wouldn't be engaging with me about the loss of his parenting skills as a result of the absence of a father figure in his life."¹⁰

The discussion paper argues that "With modern communications having broken down many of the barriers of remoteness, the current paper system of permits is increasingly anachronistic and ineffective." The Alliance does not accept this argument. For most Indigenous Australians living in remote communities, the world they see reflected back to them is not a world in which they live. The establishment of NITV is an excellent initiative that should assist in this regard.

Governance needs addressing, but Indigenous community leaders cannot be expected to run communities in the absence of the skills that mainstream Australia expects to be in place. Further, as Ken Henry has observed many communities are hamstrung by the bureaucracy that accompanies the current delivery of a multiplicity of government intervention programs and delivery agencies. Following a visit to a Cape York community, Henry concluded "Compliance with red tape was absorbing all of the administrative capacity of the community. Reducing the red tape burden on indigenous communities must be a national reform priority."¹¹

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¹⁰ *Glad, sad or bad fathers*, Stephen Hagen, On Line Opinion, 17 October 2006, see online at <http://www.onlineopinion.com.au/print.asp?article=49>

¹¹ *Managing Prosperity*, Address to the 2006 Economic and Social Outlook Conference, Melbourne, 2 November 2006, Ken Henry, Secretary to the Treasury, see online at http://www.treasury.gov.au/documents/1183/PDF/Managing_Prosperty.pdf

More needs to be done to tackle some of the side effects of unemployment – drug and alcohol abuse and petrol sniffing. Certainly, it did not take a change to the permit system for the damage that petrol sniffing was doing to young people living in Indigenous communities to be established. What it took was commendable action by BP in developing Opal, a superior alternative to Avgas, fuel which had previously been rolled out across the Anangu Pitjantjatjarra Yunkatjatjarra (APY) Lands. It took a number of coronial inquiries and a number of reports, including Access Economics' Opal Cost Benefit Analysis last year, to establish the dimensions of the problem and to determine that it is cost effective for the Federal Government to subsidise the roll-out of Opal from Tennant Creek to the South Australian border, west to the border with Western Australia and across the APY Lands. Hopefully, from March this year all unleaded petrol in Alice Springs will be un-sniffable. However, the Central Australian Youth Link Up Service suggests that the area bounded by Coober Pedy, Mt Isa, Tennant Creek and Laverton is home to the largest number of petrol sniffers in Australia and many communities will still be unable to access Opal following the roll-out now happening.

While acknowledging that Opal is not a silver bullet, it would make sense to expand the roll-out. Certainly, making access to leaded petrol more difficult for those in the roll-out area will remove one source of the triggers for violence which emanate from the erratic and unpredictable behaviour of petrol sniffers.

There remain shortcomings in the coverage of Indigenous affairs. Chris Graham of the National Indigenous Times summed it up as follows: "I just think journalists who work in mainstream media, not many specialise in Aboriginal affairs, and a lot of journalists are pulled across to cover a story, so they don't really understand the very, very complex issues that are involved in Aboriginal affairs, and therefore they don't ask the right questions, they don't get good stories and that's exacerbated by the fact they're pitching to an audience with an even shorter attention span for Aboriginal issues, and the net result is very, very poor reporting and virtually no deep analysis of the issue."¹²

However, there are a number of outstanding journalists who do cover Indigenous affairs like Nicholas Rothwell and Ashleigh Wilson, winners of the 2006 Walkley Award for Excellence in Coverage of Indigenous Affairs – an award established in accordance with one of the recommendations arising from the Royal Commission into Aboriginal Deaths in Custody.¹³

Other factors mitigate against better coverage of Indigenous affairs. As Ken Henry suggests, it is likely that many in mainstream Australia do not want to know, and the commercial media – print, television and radio – are in the business of making money. Finally, it is much more expensive to send journalists to places like Wadeye, Yirrkala and Docker Creek – in terms of travel costs and the time it takes – than to cover stories in Alice Springs or Darwin.

As with the health workforce, Indigenous Australians are massively under-represented in the media. The Alliance is working with other organisations to address this by developing an Aboriginal and Torres Strait Islander cadetship and mentoring program. In so doing, the Alliance hopes to increase the number of Indigenous voices and faces in mainstream media.

Thus, in short, the Alliance considers that modifying the permit system is not addressing what is important.

Much of what needs to be done is known. What is needed is continuing consultation with Indigenous communities. They, more than anyone, know what needs doing.

What is also needed is commitment and delivery.

¹² Chris Graham interviewed by Gerald Tooth on the Media Report, ABC Radio National, 18 May 2006, see online at <http://www.abc.net.au/rn/mediareport/stories/2006/1640513.html>

¹³ Final Report of the Royal Commission into Aboriginal Deaths in Custody, Chapter 28.

In March 2003 the Thamarrurr Regional Council at Wadeye signed a Shared Responsibility Agreement with the Federal and Northern Territory Governments. The key priorities identified for the region were women and families, youth and housing and construction. Three years on, The Territory's Chief Minister, Clare Martin, conceded that things had not improved, "I do believe it's got worse. The burden of administration for the council in Wadeye has actually got tougher."¹⁴ Overcrowding was still such that people were living 30 to a house with gang warfare terrifying particularly the women and children, something "the community says is a manifestation of gross systemic under-funding across-the-board"¹⁵.

Little wonder the people of Wadeye despair. Clare Martin is right when she says Wadeye is "a community with an enormous heart, and it's also a community that is really striving to particularly achieve better outcomes for their children"¹⁶.

But they deserve more than what is happening now. And they and their children and those children who will be born this year do not have the time to wait.

That there is hope is evidenced by the community at Utopia. According to the ABC, "Utopia's health service is such a success story that it's been written up internationally. Petrol sniffing is absent and the incidence of sexually transmitted diseases is among the lowest in central Australia. Over the past decade the mortality rate here has been nearly 40 per cent lower than the rate for indigenous people in the Northern Territory, and a lot fewer people have gone to hospital for heart problems."¹⁷

Utopia's Dr Karmananda Saraswati attributes this to the fact that the community and the services are decentralised at Utopia at the insistence of traditional owners and contrary to the wishes of the government of the time. "With towns go all these sort of problems we see. If there is trouble everyone is disturbed whereas, in this sort of model, you've got 16 different places with 16 family groups living in their own place working out things in their own way."

Ricky Tilmouth, Utopia's health services chairman, agrees. "The benefits have been massive – education, social wellbeing, health, any of those indicators that are normally the sort of shame card for Aboriginal communities doesn't exist at Utopia. Probably this is the best model of a decentralised Aboriginal community that we've got in the Northern Territory."¹⁸

Amending the permit system did not deliver the outcomes achieved at Utopia. Amending the permit system is the equivalent of fiddling while Rome burns.

¹⁴ Clare Martin interviewed by Kerry O'Brien on the 7.30 Report on 23 May 2006, see online at <http://www.abc.net.au/7.30/content/2006/s1645719.html>

¹⁵ Peter Seidel interviewed by Kerry O'Brien on the 7.30 Report on 23 May 2006, see online at <http://www.abc.net.au/7.30/content/2006/s1645719.html>

¹⁶ Clare Martin interviewed by Kerry O'Brien on the 7.30 Report on 23 May 2006, see online at <http://www.abc.net.au/7.30/content/2006/s1645719.html>

¹⁷ Murray McLaughlin on the 7.30 Report on 11 October 2006, see online at <http://www.abc.net.au/7.30/content/2006/s1762699.htm>

¹⁸ Good news on the Indigenous front, 7.30 Report, 11 October 2006, see online at <http://www.abc.net.au/7.30/content/2006/s1762699.htm> and Researchers find Indigenous health Utopia, ABC, 11 October 2006, see online at <http://www.abc.net.au/news/australia/nt/summer/200610/s1760241.htm>