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*Indigenous Children Belong on the Asset Side of
Australia's Wealth Ledger*

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Thank you Sharron for your introduction, and thank you Uncle Lewis O'Brien for your warm welcome to country. And congratulations to the Taikurtinna Dancers for a great performance and oration.

It is a pleasure to be here to speak at Ngadluko Ngartunnaitya – For Our Children Conference.

I too would like to begin by acknowledging the traditional owners of the land where we meet today, the Kurna people, and to pay my respects to their elders.

I also want to acknowledge the Hon. Paul Caica, the Acting Minister for Aboriginal Affairs and Reconciliation in SA.

Hello also to all my Indigenous brothers and sisters and other friends who are here today – and who are working in our communities looking out for our kids. It can be a tough sector to work in – but there is no doubt that your support and your expertise is what will make a difference for our kids and their parents tomorrow.

It is great to see so many of you involved in this conference – ready to listen to each other, pick up new ideas, make more professional linkages, and most important of all – spend time together as professionals who share a common goal of improving the quality of life and the life chances of our kids.

I also want to thank SNAICC and Muriel Bamblett for inviting me to speak at this conference to remember that we are marking the 10th Anniversary of the release of HREOC's *Bringing them home* report.

It's a report that needs no introduction to this audience – and in any case you will all pick up a copy of SNAICC's commemorative publication: *Remember Me*.

But as the title suggests, it is important that we remember the *people*. This anniversary is not just about remembering a report.

It is about remembering that it was only a decade ago that the national human rights inquiry brought an end to the 'willing blindness' of many Australians to what had been going on in their own country for the better part of a century.

Forcible removals had been kept just far enough out of general view that they had been able to remain a taboo topic, but the *Bringing them home* report swept away

the rationalisation that separating Aboriginal children from their parents was a policy with a 'benign intent'. It exposed such policies as a gross violation of a suite of human rights that all peoples should be free to enjoy.

This ten year anniversary is also about remembering the people – the children who are now adults – and also their children, grandchildren and great grandchildren. Because we now know – beyond a shadow of a doubt – that the pervasive legacy of removal will impact on more generations to come. It will limit their life chances in ways that non-Indigenous children will not experience.

The groundbreaking findings of the Western Australian Aboriginal Child Health Surveys from 2005 have provided some of the missing empirical data on the nature and extent of the inter-generational effects of child removal policies – and how this in turn lessens the social and emotional wellbeing of subsequent generations.

Importantly, given the federal government's current 'normalisation' policy that is particularly evident in its emergency measures in Aboriginal communities in the NT, the Western Australian survey also provides evidence about the damaging effects of removing Aboriginal people from their traditional homelands.

For example, the WA survey showed that Aboriginal carers who were forcibly separated from their natural family as children are more likely to:

- live in households where alcohol and gambling cause problems;
- have been arrested or charged with an offence;
- are more likely to have had contact with Mental Health Services; and
- are less likely to have someone with whom to share their problems.¹

For the *children* of Aboriginal carers who had been forcibly separated from their natural family, the Western Australian survey showed that they are suffering a range of negative impacts. For example, they are:

- Twice as likely to be at high risk of clinically significant emotional or behavioural difficulties;
- More likely to be at high risk of clinically significant emotional symptoms, conduct problems and hyper-activity; and
- Have drug and alcohol use that is twice as high as Aboriginal people whose carers were not forcibly removed.²

As these findings suggest – this ten year anniversary *has* to be about coming together for the benefit of the Stolen Generations and their children - to minimise the future hurt and suffering that we know is inevitable if the status quo approach persists.

It's about reminding everyone that the reality of Australia's Stolen Generations is not a thing of the past.

¹ WAACHS p.474.

² WAACHS p.465-466.

Its reverberations are felt every day in every Aboriginal community – in every capital city – and in every regional centre – by Aboriginal people of all walks of life and of all ages.

Today I would also like to briefly touch on the case of Trevorrow v State of South Australia

In this decision last month, the Supreme Court of South Australia found in favour of Bruce Trevorrow, making his the first successful ‘Stolen Generations’ case in Australia.

The court found that when the South Australian Government (primarily through its agent, the Aborigines Protection Board) decided to remove Mr Trevorrow from his family, it didn’t have any legal authority to do so. Crucial to the court reaching this finding was evidence that in 1949 and 1954 the government’s own legal advice showed that it did not have the authority to remove Aboriginal children unless there was proof that the child was neglected.

In Mr Trevorrow’s case, there was no neglect in the first place. He was fostered out to a non Aboriginal family after his natural parents had sent him to hospital for a stomach ailment at the age of 13 months. Despite frequent pleas from his natural mother, the government refused to reunite Mr Trevorrow with his family until the law changed and his parents regained legal guardianship. By this stage Mr Trevorrow was ten years old, and already suffering from a range of emotional and physical problems. He was only able to live with his family for 14 months, and went on to spend the remainder of his childhood life in and out of government institutions.

As was so often the case for Stolen Children, this loss of family, identity and culture led to depression, alcoholism, poor health, poor domestic arrangements and an erratic employment history. Hardly an experience that \$525,000 comes anywhere close to compensating for.

Mr Trevorrow’s legal counsel, Ms Joanna Richardson, has been quick to point out that her client was not the only person the SA Government unlawfully removed from their family, knowing that it didn’t have the legal authority to do so. She has evidence that in 1958, the Secretary of the SA Aborigines Protection Board thought there were about 300 Aboriginal children who it had similarly treated.

This analysis only serves to remind us of the continuing relevance of the outstanding recommendations of the *Bringing them home* report – particularly the need for a national compensation scheme.

It is time that all Australian Governments – not just a couple – dealt fairly and openly with members of the Stolen Generations and their families and provide the compensation and reparations that are still owing. I call on all Australian governments to do this as a matter of urgency.

So let’s look at the NT Emergency Response and SNAICC’s Ten Point Action Plan

I also call on all of you to continue to work as effective advocates for the most vulnerable and disadvantaged children who are suffering the effects of contemporary removal from their families.

As you know only too well, Indigenous children are over-represented in this group, and therefore at risk of the loss of family, identity and culture as was experienced by the Stolen Generations.

This is a loss too great for *any* community to bear, and one that should not be revisited upon Indigenous communities.

Health policy leaders in child abuse are now looking at ways of building and developing resilience in the critical early years of an abused child's development. This requires supporting children who are identified as being 'at risk', and strengthening those families where child abuse has occurred, in order to prevent further cases of abuse.³

It is this kind of long-term investment in preventative strategies that are conspicuously absent from the federal government's response to child sexual abuse in the Northern Territory. As SNAICC's Chairperson has rightly pointed out, the fact that there is not one single reference to the topic of child protection in all 500 pages of legislation to enact the government's emergency measures,⁴ beggars belief – given that it is a response to the *Little Children are Sacred* report into child sexual abuse in the NT.

Time doesn't allow me to go into any detail about the emergency measures in the NT. If you are interested, I would encourage you to have a look at HREOC's submission to the one-day Senate Inquiry into the suite of NT legislation, which is available on our website. I am sure you will be analysing it in more detail both formally and informally over the next couple of days.

But today, in this forum, I want to focus on what governments should be doing across Australia to prevent child sexual abuse in Indigenous communities, to make our communities safer, and to improve our children's life chances.

I want to acknowledge the leadership role SNAICC has taken in this regard, and the excellent model it has developed to show governments how to formulate a sustainable, culturally appropriate and long-term strategy.

SNAICC's *Ten Point Action Plan* emphasises the need for all levels of government *and* representative Indigenous organisations to come together and work in partnership so that we can deal with child abuse on a national scale.

The Plan centres around the establishment of a National Indigenous Children's Well Being and Development Taskforce that reports directly to the Council of Australian Governments (COAG). And it mandates this high-level Taskforce, comprising representatives from state and territory governments, SNAICC and

³ Jones, P.D., Child abuse and the 'Little Children are Sacred' Report: a rural paediatrician's perspective, *Rural and Remote Health* y (online), 2007:856. Available at www.rrh.org.au

⁴ Bamblett, M. 'Let's fight these laws together', in *The Age*, 13 August 2007.

other representative Indigenous organisations, to develop measures for consideration by COAG.

I just want to pick up on one of the ten points – which I think is particularly important – and also absent from the federal government’s emergency response in the NT. It is, the need for *healing*.

Even if we get all the other things right – if we protect the children, if we have effective policing and safe communities, if perpetrators are named and shamed – how will the healing come about?

Where will the culturally appropriate and ongoing healing programs come from – if governments don’t acknowledge the need for them, ensure that professional staff are trained to deliver them, and provide the funding for Indigenous community controlled organisations to implement them?

In a recent article, prompted by the shortcomings of the government’s intervention into Aboriginal communities in the NT, paediatrician Dr Peter Dominic Jones wrote of the need to invest in the futures of our most vulnerable children and to value them on the ‘asset side of Australia’s wealth ledger’ – a sentiment that I wholeheartedly agree with.⁵

Rather than implementing ‘quick fix’ solutions, or wanting to ‘get even’ with the perpetrators of abuse, Dr Jones suggests that governments should focus on putting:

back together the shattered pieces of a family that has reached the crisis point of an abused child finally being recognised as ‘at risk’.These families need strategies put in place to prevent further children from being abused. And those who have been abused need access to treatment and remedial education to allow them to reach their potential.

However, these kinds of ongoing, preventative measures are not a feature of the government’s emergency response in the NT.

Most of the \$587 million that has been allocated to implement the measures will be absorbed by employing and housing public servants, government business administrators, contractors, volunteers and police, as well as administering the implementation of the measures themselves.

There is no federal budget allocation for new Indigenous housing, new schools and additional teachers, or child protection programs and safe houses – as one might have thought.

Yet as the Indigenous population of the NT continues to grow at a rate of knots and develops an increasingly young age profile, so the pressure mounts for Australian governments to ‘get it right’.

⁵ Jones, P.D., ‘Child abuse and the ‘Little Children are Sacred’ Report: a rural paediatricians’ perspective, *Rural and Remote Health* 7, 2007:856. Available at <http://www.rrh.org.au>

So is There a need for a human rights-based approach to child protection?

Indigenous people across Australia are entitled to active involvement in all decisions that impact on our lives.

We are entitled to expect that public policy will be:

- evidence-based and informed by best practice models;
- consistent with human rights laws and principles;
- designed to meet targets and deliver measurable benefits over time;
- subject to rigorous and transparent monitoring, evaluation and review, and
- that governments will employ a learning framework so that past mistakes will not be revisited.

These are among the most fundamental aspects of a human rights-based approach to development – and they are not identifiable features of the government’s intervention in the NT.

My concern here is that we know from experts like the respected Indigenous psychiatrist, Associate Professor Helen Milroy, that if the NT intervention results in further dispossession or an extreme sense of powerlessness, this will constitute a ‘retraumatisation’ of Indigenous people. In her opinion, this will have a negative effect on:

- Mental health including possibly higher rates of depression, stress and anxiety;
- Social and emotional wellbeing through increasing anxiety and uncertainty and hence this may precipitate family and community despair and dysfunction, poor or maladaptive coping and contribute to substance use and possible violence as well as loss of trust; and
- Physical health as there is a strong relationship with chronic stress and poor health outcomes including diabetes and cardiovascular disease.⁶

In Conclusion I remind us all that The Australian Government has a responsibility to ensure that the emergency measures in the NT achieve their stated objective of improving the wellbeing of Indigenous Territorians, and that the legislation operates in a way that is consistent with Australia’s human rights laws and obligations. Critical here will be compliance with:

- *International Convention on the Elimination of All Forms of Racial Discrimination,*
- *Convention on the Rights of the Child* and
- *International Covenant on Economic, Social and Cultural Rights.*

Given the lack of baseline data on the wellbeing of Indigenous Australians – and the scope for the measures to have a range of negative impacts in the implementation phase – the Australian Government faces a significant challenge.

⁶ Personal email correspondence from Associate Professor Helen Milroy with Aboriginal and Torres Strait Islander Social Justice Commissioner, Tom Calma, 9 August 2007.

This is where I, as Aboriginal and Torres Strait Islander Social Justice Commissioner, will have an ongoing role – monitoring the implementation of the legislation and publicly reporting on how it impacts on the human rights of Indigenous Australians.

The community controlled sector also has a responsibility in ensuring that the best interests of Indigenous children are paramount in all policies that are adopted in response to child sexual abuse and neglect – whatever jurisdiction they occur in.

You are also ideally placed to disseminate information about best practice models and approaches – to draw governments' attention to what is working in Indigenous communities both here and overseas – and to advocate for changes that will deliver the best possible outcomes and opportunities for our children and our communities.

Your expertise and proactive engagement with governments is critical if Australia is to prevent Indigenous child abuse and maximise the life chances of our kids.

Thank you

Plug for the **HR awards** and a call for **Indigenous nominations** before 5 October.

HREOC publications available – prevention of family violence and child abuse, stolen generations chronology poster, SJR and NTR community guide.

28 Sept – Sydney – joint conference for HREOC and ILC to commemorate 10th Anniversary and launch of HREOC's magazine that gives a voice to members of the Stolen Generations through poetry, art, and stories. Will be a valuable teaching resource for schools – and available free online or through the mail.