

Closing the Space Between Us - The Rights of Aboriginal Children

Jeff McMullen AM

The University of Newcastle
2007 Human Rights and Social Justice Lecture
Friday 2 November 2007



Today we begin by remembering all the journeys of the Awabakal Ancestors with their children across this land around us. I thank the Traditional Owners and I honour the strength and the value of Aboriginal Culture. This is not, as some Culture War warriors would say, romanticising the past. We cannot understand the scale of the crisis threatening Aboriginal children today unless we have a clear understanding of what has happened to these children in the longer timelines of history.

When my own family came to this Aboriginal land in the 1830s my father's side of the family lived at Branxton and my mother's near Singleton. After one of the great floods of the Hunter swept away much of what they owned in 1893, my mother lived opposite an Aboriginal shanty near Redbournbury where she walked barefoot to school. She lost her mother when she was four but she grew up strong and smart because of a great love of reading and an instinct for learning. When I was quite young my mother told my brothers and I how unjust it was that the Aboriginal children from those shacks across the way were not allowed to go to school. Unjust, she said, because it was the right of every child to have a good education. You couldn't be strong without education, she said. Her words guided my brothers and they inspire me still.

This fine University has done more than any I know to support the higher education of young Aboriginal people. But look at the gap in genuine opportunity for learning afforded to most Aboriginal children. Closing that gap in education is our nation's most crucial challenge because without education Aboriginal children will never find their way out of the maze of poverty and poor health. After more than 50 years of world wandering I can tell you that almost everywhere the pattern is the same. Children and their mothers make up 75% of the world's poor. The rights of the child, those rights that we so often proclaim as universal, are abused almost everywhere.

As I walk a broken road in a far off land a child's eyes catch mine. The little girl is crushing rocks to be used as fill in the potholes beneath the wheels of the Army trucks that lumber off to a war. Through the dust in another war zone I see the boy soldiers, eight, nine and 10 years old. They have been sent into a village with machetes to hack off the hands of those who won't vote for their political masters. I sit with a kid in the middle of one of Central America's vicious Civil Wars and Javier Blancher, aged 11, tells me what it is like to kill a man of the same skin, the same nationality, even the same village. In Rwanda I look into a schoolhouse that should be full of laughter and learning, and here are the dead bodies, thousands of them, children and adults, some of the youngest clinging to their mothers before and after the climactic moment of terror. One Tutsi kid, a six-year-old named Cassius Niyonsaba, shows me a machete scar on his head. When his parents and others were herded into a church and blasted by grenades hurled into their midst, Cassius survived by pretending to be dead as he lay there under the pile of bodies.

Cassius and Javier, your eyes follow me. I remember you today and so many others right here in this land as I ask where are the rights of Australia's poorest children? What have we done? Of some 10,000 Indigenous children born in Australia this year, how have we respected their right to safety, family support, food, education, housing and equal opportunity?

The truth is Australia's Indigenous children by all of these measures have a worse quality of life than those born in some of those hellish places I have mentioned.

These are the Children of the Sunrise, the descendants of the Ancestors, the living, breathing expression of the world's oldest, continuous Culture.

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What has happened to them to create the Emergency declared by the Australian Government in the Northern Territory?

There is a genuine emergency in the heartland of this country, a loss of life and Culture so rapid, that it breaks the hearts of Aboriginal leaders like Lowitja O'Donoghue. Every elder I know is grieving because so many young people, alienated and feeling there is no place for them in their land, are taking their own lives. My family has friends in Arnhem Land, in the Kimberley, in Western NSW and in far north Queensland, who have all buried boys who have taken their own lives. Go look at the autopsies and the coronial inquiries. These deaths I know are not the consequence of sexual abuse, the concern that triggered the Government's belated show of interest in the collapse of Aboriginal family life. Those hanging themselves or throwing themselves on electric wires are deeply traumatized. The federal intervention, planned by a government that has outrageously neglected the well being of hundreds of thousands of Aboriginal people, almost completely misreads the real trauma and the greatest threat to Aboriginal children.

Unless Australia has a change of heart, the 10,000 Indigenous children born this year can order a tombstone that says, 'born into disadvantage and died that way'. It doesn't have to be this way. The reason Aboriginal children can expect to die 17 years before the rest of Australia's children is fundamentally because of the abuse of their most important human rights.

This happens not only in remote communities but in country towns and the housing estates of Australia's most prosperous cities. It happens because of the pervasive, institutionalised neglect that traps so many of Australia's 460,000 Indigenous people in a demeaning status of victim-hood.

What will kill these children years before their time is a plague of chronic illness both physical and mental. Syndrome X, as the doctors call it, is a new Black Death cutting the heart out of several generations of Aboriginal people. Diabetes, renal disease, strokes, hypertension, heart disease and cancer combine to form a deadly cluster. Many Aboriginal people die with three or four of these chronic illnesses. All of them are so called 'lifestyle illnesses', all of them are preventable and treatable.

This escalating plague of physical and mental sickness is the greatest threat to Aboriginal Culture since the arrival of European borne illnesses 219 years ago. The collapse in health is on such a scale that most Aboriginal communities, most families, are now shrouded in constant mourning, an endless procession of funerals.

Aboriginal children have barely wiped the tears from their eyes when there's news of another death. The men have long been deeply depressed and now there is more shame visited upon them by the Federal Government and its backers as they are condemned with a very broad brush as wife bashers, child molesters, men without hope. Yes, in the grip of alcohol, chronic physical illness and severe depression, they feel ashamed. Broken men die in the long grass, at the drinking corners along the highways and sometimes in police cells.

Some Aboriginal doctors I work with have described this combination of physical illness and depression as obliteration, a trauma so deep and complex and overwhelming that it is destroying whole families and clans at a terrifying rate, not only in remote communities but in regional and urban society as well.

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I know famous, respected people who are in the grip of this overwhelming sadness, with mood swings that plunge from hope to almost total despair. Alcohol and drug abuse compounds this collective depression and creates a vortex of its own, dragging down the ability to fight for life, or even to recognize clearly what is happening.

I have witnessed this pattern of trauma in Indigenous societies around the world from the Amazon to the First Nations of Canada and the United States. The medical evidence indicates that we will only heal this cross generational trauma by dealing with it in all of its inter-connected complexities, recognising how it started, what fuels it and what kind of family support and genuine words of encouragement can heal the head and the heart.

Tom Calma, the Aboriginal and Torres Strait Islander Social Justice Commissioner, has pointed out that the International Conventions on the Rights of the Child oblige Australia's government to not only protect all of our children from physical or mental abuse or neglect, but to provide the social programs that would truly support children and their carers.

Australia as a nation has failed to listen to these voices or to hear the cries for help. As a nation Australia has failed to respect or acknowledge any of these universal rights of Aboriginal children.

So let us examine closely the Government's declared Emergency and see how it affects Aboriginal children.

Without doubt, most Australians want to see all children protected from abuse and neglect, but to achieve that we need to look honestly at the intervention, its strategy and its goals.

This dramatic seizure by the Federal Government of more than 70 remote communities owned by Aboriginal people in the Northern Territory began with the wrong words and with no consultation with the Traditional Owners.

Every Indigenous leader will tell you that this is among the most serious offences against Aboriginal people, plunging headlong into their lands and their lives without any consultation.

The intervention also began with the glaring abuse of the rights of the very children the Federal Government declared it was saving. The inspections for sexual abuse were mandatory, declared the Minister for Indigenous Affairs, Mal Brough. But this would be unethical and against the law. Only when many voices were loudly raised in instant protest over this fundamental abuse of rights did the order change. The intervention inspections were re-badged as health checks.

The poor health and neglect of Aboriginal children around this country has been assessed so many times that it is all the more pathetic that all governments, Federal, State and Territory, have not acted in unison with a genuine program to close the gaps. This intervention is a consequence of the dysfunctional relationship between the Federal, State and Territory Governments. None of them can be excused and all but a few politicians have failed to challenge these years of government failure and neglect.

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Despite the frequent calls by health organisations to invest in equality of health care for Aboriginal children, this Federal Government has never matched the estimates by the AMA or others on what is required to bring them genuine wellbeing.

More than 30 major reports on child abuse recommended family programs, education and primary health care. Let's be truthful, a stubborn Prime Minister and his Government turned away from Indigenous people for 11 long and increasingly painful years.

In 2003 Professor Mick Dodson called on the Australian Government to show leadership and to work with Aboriginal families and communities to reduce the family violence that, in his words, was undermining "life's very essence".

It was this family violence that was putting so many Aboriginal children in harm's way. Instead of helping these families, so many programs have been starved of funds. The mental health contagion I have spoken of has never been dealt with to the dismay of the embattled Aboriginal Medical Services.

If this show of concern is to be converted into genuine improvement in the lives of Aboriginal children, there must be effective education, counselling programs, family support, treatment for abusers, alcohol and drug rehabilitation and life-skills education to make children strong and safe.

Closing the Gap in education and health is Australia's greatest Civil Rights challenge today because the two are inextricably linked. Why are all Australian children being warned that the current generation could be the first to have a shorter lifespan than their parents as a result of the obesity epidemic? The answer is that science tells us that these children can be healthy through a combination of education, diet, exercise and good primary health care.

The Syndrome X illnesses are aimed at all of us but people living in poverty suffer the effects disproportionately. A medical team from the Menzies School of Health Research, Monash University and the University of Mississippi performed autopsies on numerous patients who had died of these illnesses. They found a fascinating constant that had nothing to do with race but it hovered over poverty, lack of education and deep disadvantage. When a young mother has poor health, bad nutrition and low education there is a greatly increased risk that she will give birth to a dangerously low birth weight child. This is the widespread pattern among Aboriginal children.

The kidney of that unborn child is programmed for failure in utero and develops too few nephrons, the tiny filters. You don't catch up on nephrons. The hand you are dealt at birth is what you must live and die with and so that neglected child's kidney tries to overcompensate for its too few nephrons and develops a far greater risk of scarring and early onset renal disease. And yet this pattern of illness is preventable and treatable.

This is the science that underscores the Close the Gaps campaign. Drawing on the work of Dr Fraser Mustard and others in Canada we know that for every additional year of education we can add to a whole community of those teenage Aboriginal girls who will become young mothers, we can add up to four years to the life expectancy of their first baby.

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The Aboriginal scholar, Professor Ken Wyatt, adds that every additional year of education also reduces the risk of Aboriginal infant mortality by seven to 10 per cent.

Can there be any greater incentive to each one of us?

This is why Tom Calma launched the Close the Gaps campaign, supported by the voices of Ian Thorpe and Cathy Freeman and virtually every significant health and education working to actually improve the health and education of Aboriginal and Torres Strait Islander children.

This is why John Butler and Keith Urban have raised their voices in song to support the Close the Gaps campaign.

The poorly planned intervention into the lives of Aboriginal children must be converted into a program of sustained health care and education, based on the research, the advice of the health and education professionals, and heeding the voices of Aboriginal parents and their community leaders. These children are five times sicker than the rest of Australian kids and if you don't really understand your patient how do you expect to cure their illness?

As the community controlled health organisations are pointing out, the visiting GPs who are being paid to join the intervention task force are really only conducting an audit of a health disaster that has already been widely assessed. What is missing is the one-to-one care and treatment after the volunteers go home. These children hardly ever see a GP or a dentist. What has not been provided in this intervention is the adequate investment for full-time primary health care, health education, adequate housing and all of the other essential services that every Australian family needs to have strong, safe and smart children.

If you want to slow the rivers of grog you need education, counselling and rehabilitation, all still missing from this intervention. Trying to clean up pornography will succeed only if adequate education is provided. But the truth is some 7,500 Aboriginal children in the Northern Territory are not attending school. Thousands more around Australia are not even enrolled in school. For the whole of the Northern Territory, just 62 Aboriginal kids completed high school in 2004.

If this nation wants to protect Aboriginal children, give them their right to an education, to a decent house, to food on the table, give them recognition of their rights as human beings.

Look closely at the true emergency affecting children in the heart of this country, not the political state of emergency declared by a Federal Government in search of shock and awe to redeem its failures and try to win an election, not the ideological emergency declared to justify the grimmest chapter so far of the bitter Culture War against Aboriginal autonomy, not the emergency aimed at shattering the Northern Territory Land Rights Act and ending communal ownership of land, nor the redemptive emergency hatched by a Prime Minister desperate to remove the stain on history of his Government's institutionalised neglect of Aboriginal needs and rights.

In a compelling call for truth at an historic moment for Aboriginal people, Patrick Dodson has declared that the Howard Government has not made a case for the removal of land from Aboriginal ownership. He says that it is increasingly clear that this intervention is using the emotive issue of child abuse to implement a radical Indigenous policy agenda.

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Others including Noel Pearson and Marcia Langton claim that the intervention is a breakthrough, as the Conservatives enjoin the work of Progressives to deal with Indigenous disadvantage. The search for a 'radical centre' has been Noel Pearson's political strategy as he attempts to exploit the current power play.

Galarrwuy Yunupingu also has joined the backers of the intervention and the Prime Minister's promise to hold a referendum to draft a new preamble to the Constitution recognising in some words yet to be negotiated the special status of Aboriginal people. In exchange for this support, Galarrwuy has secured a memorandum of understanding that he believes might bring Federal investment in his clan's land. The mechanism is a proposed 99 year Federal lease. I asked Galarrwuy what would happen if Kevin Rudd won the election? He replied by avoiding a direct answer. "I know 11 years is a long time," he said, "but I believe John Howard has changed and he will use his 18 months to get these things done."

The question for you my fellow Australians is, do you believe that John Howard has changed? That is the consequence of your vote.

Professor Marcia Langton told me that she believes Galarrwuy Yunupingu's arrangement, brokered with the help of Mal Brough and Noel Pearson, could become the pattern of successful arrangements between other Indigenous communities and the federal government.

Other Indigenous leaders are not so trusting.

Since the rejection of Prime Minister Bob Hawke's call for a Treaty with Indigenous Australians, resolving Native Title claims has been jeopardised by the persistent opposition from governments that defy the High Court's lawful judgements. A fortune has been spent opposing Aboriginal rights when this money could have funded the improvement to the lives of Indigenous children.

Now we see that to bargain for the rights of their children, Aboriginal leaders are asked to excise their communal settlements and hand control to the Federal Government.

Isn't this a step closer to erasure and ultimately to extinguishment of Native Title?

Let's not forget this Government promised "bucket-loads of extinguishment".

If you accept the Government's logic that such Aboriginal leases have to be signed to give the Federal Government the unopposed opportunity to build houses in the impoverished settlements then ultimately you must conclude that here is another sign of the dysfunctional relationship between the Federal, Territory and State Governments who simply can't work together to get this done.

There is an enormous backlog in housing construction for Aboriginal people around the country. While most Australians still pursue the dream of home ownership, most Aboriginal people dream of finding a decent roof over their head, to escape a hovel shared with dozens of others sleeping side by side on mattresses, with broken plumbing and very little food for their children. Here in NSW where most Aboriginal people live, this Federal Government has slashed spending on housing and

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cut back programs that support Aboriginal children. Nothing much has been working for Aboriginal people for a very long time.

The Federal Government's Indigenous policy is clearly focussed on an ideological agenda that seeks to socially engineer people now in remote communities into moving to larger regional centres. The likely result of another long march, we have already been warned by the mayors of towns like Alice Springs, will be crowding families into already unliveable housing estates. Without proper planning and support, this social engineering is only guaranteed to replicate the failure of such zones of distress around large country towns and our biggest cities. This lack of understanding of who Aboriginal families are and what they want is symptomatic of the entire dysfunctional relationship between government and Indigenous people. Into that vacuum, that space between us, the Conservative agenda on Indigenous politics has arrived. It can only be understood as another phase of the Culture Wars.

Very few Aboriginal people in the Northern Territory agree that their traditional lands should be under Federal control through five year leases or 99 year leases. Most want housing and food and education for their children but most are opposed to ending the permit system that allows them some control over their own land.

Many more are fearful that John Howard's Emergency plan, in the name of protecting children, is attempting to take over running their families, their businesses and most aspects of their communities.

In the name of ending welfare dependency we see the return to government management and clearly discriminatory practices. Hard working parents who care for their children, Aboriginal soldiers who have defended us, men and women who have served the nation in many ways, now are discriminated against in the new Conservative agenda. Claiming to "save their children" does not disguise the truth that this policy once more treats Aboriginal parents as incapable of looking after their children. It is a return to the Mission mentality of subservience and inferiority.

This is not "mutual obligation" but a punitive approach that will not provide the training or even the right atmosphere for Aboriginal people to make their own moves to something better. It flies in the face of international evidence that these so-called "tough love" approaches to welfare reform are not nearly as effective as incentive and support.

The new NT legislation oozes with blatant discrimination. It applies one set of rules to Aboriginal children. The legislation sets aside the provisions of the Racial Discrimination Act. It also ignores the recommendations of the UN Committee against Discrimination urging Australia to uphold the right of Indigenous people to consultation in decision-making about their lives.

The First Australians do have a right to autonomy that is once more being denied. Once more we are hearing that same old misguided argument made when Aboriginal children of the Stolen Generation were denied their rights. 'We have to save the children', is again the cry.

The Northern Territory Intervention is an ideological power-play by a Prime Minister who has never believed that Aboriginal children have an exceptional, sacred right to their Land, the entitlement of Native Title legally affirmed by the High Court.

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This is a Prime Minister, according to his biography, who told his Treasurer that he would not walk in a Reconciliation March with Cabinet.

I have tried to work cooperatively with several of John Howard's Federal ministers and I know some of them want far better than this for Aboriginal people.

But our Federal Parliament, in a failure of will and judgement, has ridden along with this intervention and watched the steady erosion of Aboriginal rights for over a decade.

The Federal Government's refusal to say SORRY effectively ended Reconciliation.

The Government's 10-Point Plan undermined Native Title.

This was followed by the denial of the Indigenous Right to Self-Determination, the abolishment of ATSIC instead of reform and the isolation of Indigenous leaders who do not support assimilation.

Then came the cultivation of a new Conservative agenda to remove or weaken the teaching of Aboriginal culture to children in schools.

For a people who see the Land as their Mother, the final and greatest insult is to see the Federal Government take control of the community land on which they live.

After such an assault on the rights of Aboriginal children in the name of saving them, it says much about the character of Aboriginal leaders that those who have laboured longest and hardest for those rights, like Patrick Dodson, can still find words of hope, still try to turn a disastrous start into something better, still see that there may be an opportunity here despite everything.

There are a great many ideas now being discussed on how to move forward. Here, in good spirit, is a 10-point plan...this one to improve the lives of Aboriginal children.

1. All Australians should sign a new statement pledging to support a national effort to achieve equality for all of our children.
2. End discrimination in the treatment of Aboriginal children and restore the full power of the Racial Discrimination Act.
3. Let us heed Patrick Dodson's call for a new dialogue involving Indigenous leaders, politicians, business leaders and others with expertise and wisdom.
4. Fund a national institute, again this is Patrick Dodson's proposal, with the independence and authority to analyse and influence future Government policy on Aboriginal communities.
5. Consult Traditional owners like Galarrwuy Yunupingu and all the others before there is any further intervention on their lands or new policies aimed at their children.

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6. Ask Federal Parliament to agree as its first order of business to immediately provide the \$500 million annual shortfall to establish for the first time primary health care for all Aboriginal children.
7. Create a true national task force equipped and funded to build houses in Aboriginal communities.
8. Enlist Australians with tertiary education to enjoin a literacy brigade to support remote area teachers and boost all levels of Indigenous education funding from pre-school to University.
9. End the culture wars by agreeing to teach the longer timelines of Australia's history with truth, balance and respect.
10. Apologise, as a nation and as individuals. Say we are sorry for what has been done and what has not been done for Aboriginal children. Let us make this personal and close the space between us.