

Background Briefing for the WCC Living Letters visit to the Northern Territory

Background to the invitation

The invitation to the WCC to send a Living Letters team to visit the Northern Territory followed two years of advocacy by NATSIEC around the issue of the Northern Territory Emergency Response (NTER), also known as the Intervention. In June 2009, NATSIEC held a forum which brought together Indigenous Church leaders from around Australia



to discuss the Australian Government's NTER. The aim of the forum was to show solidarity with Aboriginal people in the NT, and to formulate a common response and plan for action. One of the recommendations arising from that forum was that NATSIEC ask the NCCA to invite the WCC to organize a Living Letters visit to examine the effects of the NTER (see attached statement). NATSIEC was able to gain formal agreement from the NCCA and an

invitation was issued to the WCC. Please see Appendix A for the full statement.

Forum Delegates

What is NATSIEC?

NATSIEC is the National Aboriginal and Torres Strait Islander Ecumenical Commission. It is a commission of the National Council of Churches in Australia. The Commissioners are appointed by member Churches of the NCCA who have Indigenous ministries. Currently we have representatives from the Catholic, Anglican, Uniting, Churches of Christ, Lutherans and Salvation Army. We also have an observer from the Evangelical Alliance and more recently observers from two member churches that do not have Aboriginal members. The General Secretary of the NCCA (non-Indigenous) is also a member of the commission. NATSIEC has two staff members, an Executive Secretary and a part time project officer.

NATSIEC's mandate is quite comprehensive (to see the mandate go to our website <http://www.ncca.org.au/departments/natsiec/about-us/mandate>). Like most organisations we are confined by our budget and so we currently focus on two main

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areas. We have a project on Indigenous theology which aims to develop and disseminate thinking about Indigenous theology, from Indigenous people. For example we run the Christ and Culture Conferences and Munguddor Bi Buya , which is an Indigenous theology think tank. We also produce prayer material and other resources for use by Churches and social justice groups. Our second current project area we bundle under the banner of Make Indigenous Poverty History. This is basically education and advocacy work. We advise Churches and provide them with resources on issues of concern for Indigenous Australians. We also campaign on justice issues affecting Aboriginal and Torres Strait Islanders such as poverty and racism.

Who are the Indigenous Peoples of Australia?

The Indigenous Peoples of Australia are the Aboriginal and Torres Strait Islander Peoples. They are the people who were in Australia prior to European colonisation. Anthropologists say that they have been here anywhere from 60,000 to 100,000 years. Aboriginal people say they have always been here. They are recognized as the oldest living culture. There are over 250 Language groups or Nations. Each group having its own distinct language, culture and practices. Where possible we refer to each group by their own Nation or Country name.

The Indigenous Peoples of Australia

The Australian Bureau of Statistics estimates that 2.5 % of the population or 517,174 people identify as Aboriginal and/or Torres Strait Islander. The Indigenous population is growing at 2.3 % per year, which is faster than the non Indigenous population which is growing at 1.3 % per year. Unlike the rest of Australia the Indigenous Population is growing most in the young age groups. The median age of Indigenous peoples in Australia is 21 whereas it is 37 for non-Indigenous Australians.

There are significantly less people over 65 in the Indigenous population:

Age Group	0 - 15	15- 24	65 +
Indigenous % of population	38	19	3
Non - Indigenous % of population	19	14	13

Where Indigenous People live

Major Cities	32 %
Inner Regional Areas	21 %
Outer regional Areas	22 %
Remote Areas	10 %
Very Remote Areas	16 %

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This compares to non-Indigenous people of which 69% reside in major cities and less than 2% in remote and very remote Australia.

By State

State/Territory	Where Indigenous People Live (% of total Indigenous population).
ACT	0.8
NSW	29
NT	13
QLD	28
SA	5
TAS	3.3
VIC	6
WA	15

While the NT has the largest proportion of Aboriginal people at 32 % of the population and 13% of the total Indigenous population the largest number of Indigenous people reside in NSW, 29%. However they make up only 2% of the total NSW Population (ABS 2008). (All statistics provided by the Australian Bureau of Statistics).

Socio Economic status

Sadly, Aboriginal and Torres Strait Islander peoples are over represented in all social indicators of deprivation and poverty. For example, life expectancy is 9-12 years less (depending on location) between Indigenous and non-Indigenous Australians. We do not measure poverty in absolute terms but in relative terms. Poverty in a developed rich nation such as Australia must include factors such as access to health, education, social welfare and political representation, as well as income. If you are interested in reading more now we have many of the statistics on our website at <http://www.ncca.org.au/departments/natsiec/advocacy/indigenous-poverty/143-australian-indigenous-mdgs>

The Northern Territory Emergency Response (The Intervention)

The Living Letters team has been invited to specifically visit the Northern Territory (NT) to look at the impact of the Intervention. We recognize that there are issues for Indigenous Australians in all States and Territories; however, the NATSIEC Commission decided that the Intervention was of such concern that it required a specific focus. The following is a very brief background.

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The Intervention was introduced by the Australian (Federal) Government in June 2007. The context of its development was that a report had been commissioned by the Northern Territory Government on Child abuse. This report called *Ampe Akelyernemane Meke Mekarle - "Little Children are Sacred"* highlighted issues of child abuse and neglect in the NT. The report was very comprehensive and contained 97 recommendations to Government to address child abuse. What happened next was unprecedented. The then Federal Minister for Indigenous Affairs (Mal Brough) and the then Prime Minister John Howard, did not wait for the NT Government to respond, but rather announced the largest policy intervention in Aboriginal affairs this country has ever seen. They were able to do this because of the nature of our Federal System. The NT is a territory not a State and so comes under Federal jurisdiction. They announced that Aboriginal communities were to be “prescribed areas” to which the intervention legislation would apply.

Some of the key aspects of their policy announcement were:

- Mandatory health checks for all Aboriginal children to check for sexual abuse (this was later withdrawn when it was pointed out that this was in itself an abuse).
- Bans on alcohol and pornography in communities.
- Abolishing the land permit system (this system meant that permits were obtained to enter Aboriginal land).
- Mandatory leases acquired by Government over Aboriginal owned and controlled land.
- Compulsory quarantining of welfare payments.

NATSIEC had immediate concerns. Our statement is attached as appendix B. The problem was that any dissent was characterized by the Government as being akin to condoning child abuse. However there were major issues with the Intervention which could not go unchallenged. On the other hand we had been calling on the Government for years to focus on addressing Indigenous disadvantage and we recognized that this was a one off opportunity to garner resources and attention after decades of neglect.

Since then NATSIEC and other advocacy groups have campaigned on many issues to do with the intervention. Here, I will focus on some issues which are still of concern.

The Racial Discrimination Act

In order to implement the Intervention legislation (which received bi-partisan support from the then opposition), it was necessary to exempt it from the Racial Discrimination Act. Legislation was passed which “rolled back” back the RDA. Earlier this year the current Government reinstated the RDA. However, it was not reinstated in its entirety and significant aspects of the Intervention have been deemed “special measures”. This

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means they remain exempt from the RDA. In particular, aspects such as Income management and alcohol bans remain exempt.

Mandatory Income Quarantining

Under this measure all those people who lived in prescribed areas and who received any form of Government welfare payment had 50 % of the income compulsory quarantined. The aim of this measure was said to be to ensure that children were fed and sent to school. This meant that people had to spend 50% of their income on food and items such as clothing. They were given a card (which didn't work very well to begin with). This meant that they could only shop in certain shops and buy certain things. The Government claimed that this would stop people trying to take other peoples money (known as humbugging) and that alcoholics, drug abusers and others would have to spend money on food and thus children would at least be fed.

This approach had several problems. It was a blanket approach and characterized all Aborigines as neglecting or abusing their children. The quarantine applied even if you didn't have children, had worked all your life and were now on a government pension, and had absolutely no issues with managing your own life. In some cases people were now forced to travel hundreds of kms to a shop that would take the card. If they travelled outside a prescribed area they were unable to use the card leading to hardship. It was also discriminatory because it only applied to Aboriginal people.

In June this year the Government passed legislation which changed the measure. It is now being adapted to apply to all people on certain welfare payments around Australia in areas nominated as disadvantaged. This is an attempt to remove the discriminatory nature of the policy. However, as we know that Aboriginal and Torres Strait Islander peoples are over represented in the lowest income groups in Australia the policy will still have a disproportionate effect on them. Also many welfare groups have complained at the lack of evidence that such a punitive measure helps to achieve the end goal, which is greater personal responsibility from those on welfare.

Health

One of the key areas of disadvantage is in health. As well as a lower life expectancy Aborigines have higher rates of preventable and chronic disease. This is caused by a combination of factors such as poor diet, lack of access to medical services as well as alcohol and other addictions. The Intervention rolled out a massive effort in health. However, there were many criticisms, not least of which was the huge cost for little effect. There was little recognition of the excellent work done by community owned/run health clinics. If these existing services had been better funded the outcome would have been more sustainable in the long term. A statement of intent was signed by the Government, however, while it has some stated goals there is not enough strategy about how these goals will be achieved. There has also been a focus on building houses.

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In some communities there has been an improvement in housing, but there are many accusations of waste and overspending with little result.

Education

Education in the NT remains an ongoing issue. It has been poorly funded and resourced over many decades and attendance rates are much lower than for other parts of the country. There are also issues around what language children should be taught in. Bi-Lingual education was scrapped by the NT Government and remains an issue as does staff retention and continuity.

Consultation

One of the biggest overarching problems with the NT intervention is the lack of consultation. The measures were thought up very quickly and rushed through Cabinet and into legislation. There was no consultation, there was no negotiation. There were many mistakes made and the implementation was very difficult. This has left many Aborigines hurt and angered.

Three years later and there are still problems. Prior to reintroducing the RDA the Government held “consultations” with the communities. However, they were riddled with problems such as lack of translators and explanations about the consultations. In fact the Government presented the communities with a policy document on income quarantining, so they were asked to comment on a predetermined policy rather than having the opportunity to negotiate something quite different. NATSIEC has been calling for negotiation not consultation.

Summary

The above provides only a snapshot of some of the issues to help delegates understand what people may talk about during the Living Letters visit. Of course some aspects of the Intervention have been positive and beneficial. Alcohol bans for example have helped some communities. There are more teachers, police and other services being provided; in some cases for the first time in decades. NATSIEC’s position has never been to stop the Intervention. We believe that such a focus of effort and resources is long over due. Our concern though is what form that focus takes and how it is implemented. Aboriginal people have been the subject of far too many policy experiments for far too long. The Intervention does not support self-determination and many aspects of it would not pass scrutiny when assessed in line with the United Nations Declaration on Human Rights.

If you are interested our website has all our statements and information about the NT Intervention <http://www.ncca.org.au/departments/natsiec/advocacy/issues/172>

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NATSIEC Commissioners



Appendix A

NATSIEC Forum on the Northern Territory Emergency Response Forum Statement - June 2009

As Aboriginal and Torres Strait Islander Christians, we strongly believe that the Creator gave us this land, our identity, and the wisdom to care for it. We recognise that there are many issues to resolve as a Nation, such as the Northern Territory Emergency Response (NTER - the Intervention). We believe that, in its current form, the Intervention does not and will not work for Aboriginal peoples. Aboriginal Peoples have a right to be involved at all levels and stages of developing just and right solutions for community issues. Policy development needs to be driven by Aboriginal Peoples and developed with respect to Aboriginal ways. Appropriate protocols must be followed to ensure that negotiations have the agreement and guidance of Traditional leaders. Policies that are implemented from a central government body without proper negotiated partnerships will not lead to practical and sustainable outcomes.

We believe that Aboriginal Peoples have not been listened to and our stories have not been heard. The Intervention was implemented without consultation with Aboriginal Peoples and Government continues to fail to listen with respect and in a manner which is culturally appropriate. Further, we do not believe that 'consultation' will lead to just and right outcomes for Aboriginal Peoples in the Northern Territory or elsewhere. Rather, we assert the right of Aboriginal Peoples to negotiate agreements as equal partners who have the right to make their own decisions. We resist any attempts to return to a paternalistic mind set where Governments, or Churches, tell us what to do. Aboriginal Peoples have fought against such injustices in the past, and we believe that blanket responses and policies, such as the Intervention, are as disempowering as were those protectionist days. As a nation, we need to support Aboriginal Peoples to work on solutions that lead to positive outcomes. Government must respond to individual community needs and urgently establish much needed services particularly in the areas of health, housing and education. Government must negotiate agreements which respect the right of Aboriginal Peoples to take responsibility for achieving negotiated outcomes.

We have a particular concern about the discriminatory nature of the Intervention. We know that many Aboriginal people have experienced shame and humiliation due to discriminatory measures such as income quarantining. We strongly assert that all Intervention measures must be based on a human rights approach and address Aboriginal poverty and discrimination. There is never a case for suspending human rights and all Government policy must be in accordance with the *Racial Discrimination Act (1975)* (RDA) as well as human rights principles, such as those contained within the *United Nations' Universal Declaration on Human Rights* and the *United Nations*

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Declaration on the Rights of Indigenous Peoples. We acknowledge that the Government has committed to reinstating those sections of the RDA which were suspended, however, we make the observation that this must happen as a matter of urgency and that the legislation must fully reinstate all the provisions of the RDA.

In addition to the protection of the laws of this nation, we also believe that Aboriginal Peoples have God given rights in this land. We believe that Government and Churches should nurture and give greater recognition to the strong spirituality of Aboriginal people. The spirituality which sustains us, gives us resilience and without which transformation cannot endure. Dehumanising policies and attitudes that deny and damage this spirituality and that contribute to a loss of identity, culture and land will not lead to sustainable change. This can only be achieved when the strong Aboriginal spirit is restored, when the rights of Aboriginal Peoples to determine their own future is asserted and when Aboriginal world views are respected and affirmed by Governments and non-Indigenous people.

As Aboriginal and Torres Strait Islander Christians, representing many different denominations and backgrounds, we are united against the NT Intervention in its current form. We stand in solidarity with our Northern Territory brothers and sisters and we send messages of hope to them.

We call on Governments to:

- 1.1 Learn to respectfully listen.
- 1.2 Recognise the right of Aboriginal and Torres Strait Islander Peoples to ***negotiate*** agreements with governments. We stress *negotiation* as distinct from *consulting* with Aboriginal and Torres Strait Islander Peoples about the implementation of policy and programs which have already been developed and decided on.
- 1.3 Ensure that appropriate protocols, as determined by Aboriginal and Torres Strait Islander Peoples, are followed in all negotiations and interactions.
- 1.4 Recognise that Aboriginal and Torres Strait Islander Peoples have the right to negotiate in their own languages. To ensure that Governments, and their agencies, learn local languages and understand the nuances of the different Aboriginal and Torres Strait Islander languages and the importance of accurate translations. Governments can learn from Churches who have also come to recognise the importance of learning Aboriginal and Torres Strait Islander languages.
- 1.5 Rectify the lack of negotiation with regard to the NTER, to date, by urgently facilitating a “negotiation forum” to address government policies and programs.

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Aboriginal Peoples will control and set the agenda of this forum, the purpose of which is to:

- 1.5a Bring Aboriginal People together from across the NT.
 - 1.5b Allow a diversity of people to be heard, including those who are connected on the ground and are community voices as well as those who are representing organisations.
 - 1.5c Develop a position on an appropriate policy response to the issues facing Aboriginal communities in the NT.
 - 1.5d Agree to appropriate protocols.
 - 1.5e Agree to an appropriate methodology that recognises and affirms the diversity of Aboriginal ways of meeting, making decisions and developing processes.
 - 1.5f Ensure that Governments are negotiating with spokespeople who are elected and endorsed by the communities they are representing and are true community voices and the voices of the Traditional owners.
- 1.6 Acknowledge that compulsory income quarantining is discriminatory and to recognise that if the policy is as beneficial as is claimed then it must be applied to all those on welfare, irrespective of race.
 - 1.7 Explore more positive ways of managing income such as providing education programs on income management and budgeting. Education is a far more effective and less discriminatory tool and we ask the Federal Government to identify models of best practice from the many successful programs that have been developed to achieve this end. To implement these programs there will be a need to use Aboriginal teachers and to pay appropriately for language training. Further development of this policy agenda should come from additional funding and not from the already committed budget.
 - 1.8 Learn from success. Look at what is already working, learn from mistakes and develop models that build on proven successful strategies. The Churches can provide a good model of how to work together. We are all different and have different cultures and ways of worship; still we can all work together.
 - 1.9 Be accountable for the words that Government uses. For example, when the Minister for Aboriginal Affairs makes statements such as “as human beings we all deserve to be treated with dignity and respect” the Government must be held accountable for those words and can not at the same time implement discriminatory policy.
 - 1.10 Immediately reinstate all the suspended provisions of the *Racial Discrimination Act (1975)*.

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- 1.11 Ensure that the principles of the United Nation's Declaration on the Rights of Indigenous Peoples are enshrined in Australian Law.

We call on Churches to:

- 2.1 Encourage their congregations to be a prophetic voice and effectively and actively pray for:
 - 2.1a Aboriginal and Torres Strait Islander Peoples and their leaders.
 - 2.1b Aboriginal and Torres Strait Islander Churches and Ministries.
 - 2.1c Injustices and Human Rights.

2.1.1 We encourage the Churches to increase the effectiveness of their prayer by developing a deeper understanding of the issues facing Aboriginal and Torres Strait Islander Peoples. One way in which this can be achieved is by inviting local Aboriginal or Torres Strait Islander Peoples or Aboriginal and Torres Strait Islander Church leaders to speak. We also encourage Churches and their congregations to put their money and feet (actions) where their prayers (mouths) are.
- 2.2 Work with Aboriginal and Torres Strait Islander Peoples, churches and ministries to create a platform for engagement and to facilitate the education of congregations to increase their understanding and awareness about the real issues facing Aboriginal and Torres Strait Islander Peoples as well as suggested solutions and directions.
- 2.3 Actively promote positive and successful partnerships with Aboriginal and Torres Strait Islander Peoples at all levels of Churches.
- 2.4 Work with Aboriginal and Torres Strait Islander Peoples to link and integrate all aspects of ministries and services within, and between, denominations to maximise the effectiveness of all arms of the Churches' ministries and agencies.
- 2.5 Be accountable to any covenants, policies or partnerships that have been agreed to with Aboriginal and Torres Strait Islander Peoples and ensure ongoing monitoring of the effectiveness of such initiatives.
- 2.6 Make a commitment to provide national support and resources for Northern Territory Churches. The resource burden of adequately addressing the issues in the Northern Territory should be shared by other States and Territories. Practical support in funding now will go towards rectifying the lack of adequate funding over the past forty years.

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- 2.7 Increase support for existing bodies such as NATSIEC and NATSICA to enable them to continue to build their capacity and ability to respond to matters of importance to Aboriginal and Torres Strait Islander Peoples as well as to continue and strengthen their ability to bring Aboriginal and Torres Strait Islander Peoples from all denominations together to work with a common purpose and voice.
- 2.8 Work with existing Aboriginal and Torres Strait Islander representative Church structures to appoint a national coordinator to monitor the NTER on behalf of all Churches. Also encourage each congregation to support a person or group to monitor the NT Intervention and to liaise with the national monitoring coordinator.
- 2.9 Work with existing Aboriginal and Torres Strait Islander representative Church structures to use Church resources to effectively influence media to tell true stories and to also highlight the positives. Use all available means and networks, both national and local, including radio, newspapers, newsletters, internet etc.
- 2.10 Work with existing Aboriginal and Torres Strait Islander representative Church structures to develop and fund a Church forum in the NT with the aim of bringing together Church leaders, Aboriginal people and their Church leaders and representatives, from all denominations, to develop a united commitment to work towards National and State policy changes.
- 2.11 Request the World Council of Churches to organise a “Living Letters” visit to the Northern Territory.

Endorsed by the members of:

The National Aboriginal and Torres Strait Islander Ecumenical Commission of the National Council of Churches in Australia.

The National Aboriginal and Torres Strait Islander Christian Alliance.

Appendix B

**Northern Territory Intervention
NATSIEC POSITION STATEMENT
July 2007**

NATSIEC completely supports action to end child abuse, wherever it is found. We have long been calling on the Government to hear the pleas of Aboriginal people and to take action to assist them in addressing the woeful conditions that plague their communities; to address issues of lack of health care, lack of proper education, lack of adequate housing and the high rate of violence, abuse and alcohol related issues. While it is tragic that these Aboriginal voices have been ignored for so long and are now being characterized as being part of the failure, we see this change of heart from the Federal Government as an opportunity to make a real and dramatic improvement to the lives of Aboriginal and Torres Strait Islander Peoples.

We do, however, vehemently reject any suggestion that to question and debate components of the Government's so called National Emergency package is akin to supporting child abuse and hindering the prevention of further harm to children. It is a central tenet of our democratic society that we can debate these issues, rather than uncritically accept such a dramatic policy intervention. We urge all involved parties to focus on the very real issues at hand and not get sidetracked by dwelling on political, or personal, point scoring. We need to work together to ensure that real change is, finally, achieved for our people.

NATSIEC also has grave concerns about the negative characterisation of Aboriginal people during this debate. We must make it clear that not all Aboriginal people are alcoholic child abusers and not all the abuse suffered by children is at the hands of Aboriginal people, non-Indigenous people have played their part in this current crisis; as has poverty and the continual failure by governments to support and properly funded, thoughtfully developed long term solutions. We do not deny that there are severe problems facing our communities, including abuse, violence and alcohol addiction. But we call on people to be respectful of the majority of sober, responsible Aboriginal people who have strived for many years to make changes, and who for the most part have not been supported in their efforts.

NATSIEC supports immediate intervention to ensure that communities are safe and free from violence and abuse. We do not support mandatory health checks for children. It is well documented that this can increase the trauma for victims. We have grave concerns that the plan, in its entirety, is not properly funded and that sufficient doctors and health professionals who are specifically trained in child abuse are not available. We are concerned that the focus is on the identification only of victims, with too little thought

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being placed on appropriate long term counselling and medical support as well as a lack of attention being given to charging and processing perpetrators through the justice system and, importantly, protecting communities during this process. We ask the Government to pause, in its eagerness to intervene, and listen to the experts in child abuse; and to take on board their well thought out recommendations to both prevent further abuse and to ensure those children who are already victims are cared for appropriately.

NATSIEC supports the ban on alcohol in these communities, but has concerns that not enough attention has been given to proper rehabilitation and counselling services to support individuals and the community. We are also concerned that there will not be adequate support services for victims of abuse and violence. We want to know what measures will be taken to ensure that the abuse problems aren't simply relocated to another place, or worse, that other substances will take the place of alcohol. We are also concerned that not enough attention is being paid to other aspects of alcohol abuse, in particular the violence against women. The fact that more Aboriginal women die from violence in the Northern Territory than any other cause of death is a statistic which should have inspired intervention long ago.

NATSIEC has concerns about the linking of the land permit system and the management of communities to the child abuse issue. We do not support the wholesale abolishment of the permit system and believe that it can be retained whilst allowing access for necessary people to deal with these issues. We are also concerned that Aboriginal people will lose hard fought for rights over their land and self-determination. We reject claims that self determination is a failure of Aboriginal people, and point out that the key areas of health and education have been under resourced for many years. It is the lack of support to implement long term solutions that has contributed to the current situation.

NATSIEC also has concerns about the blanket approach to quarantining welfare payments. We believe that quarantining should only apply where it is proven that there is a failure of responsibility and children are at risk. Casting all Aboriginal people as irresponsible and unable to manage their income is erroneous. It will cause more problems than it will fix. Care must be taken to ensure these measures are targeted to those people who will benefit from them. We do not support a blanket approach which will affect all Aboriginal welfare recipients.

NATSIEC calls on all governments to fund long term solutions to the problems facing Indigenous communities. We agree that drastic action must be taken if we are to turn these issues around. Sending in the police and the army is only one possible solution, which needs to be done with extreme sensitivity. Other urgent areas for attention include:

- Committing \$400 million to health, as repeatedly requested by the AMA.

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- Ensuring that every child has a fully funded and resourced place in school, with the same access to resources available to every other Australian child.
- Ensuring that there is adequate long term policing in place to ensure the safety of community members.
- The urgent building of housing to address the chronic shortage.
- The review of employment and economic development opportunities; and converting the many jobs currently being run through CDEP into real and properly funded jobs.
- Above all working with communities to address their issues. We have been down the paternalistic, protectionist path before. It didn't work then. It won't work now. Governments must work in partnership with Aboriginal people if we are to truly address these issues long term.

NATSIEC reminds the Government that through the Make *Indigenous* Poverty History campaign we have been calling on them to implement the Millennium Development Goals here in Australia. If the Government committed to these eight goals; and showed a similar commitment to all areas of disadvantage that Indigenous people experience, as they have to the issue of child abuse, we are confident that by 2015 we will have made Indigenous Poverty History.

To sign up to the Make Indigenous Poverty History campaign go to www.makeindigenouspovertyhistory.org