



Message from the Commissioner



A year has passed since ADC first criticised the blatantly discriminatory “Intervention” adopted by the Federal government to deal with allegations of child abuse in remote NT communities (“FairGo” July 2007 Edition 14).

Well over \$1 billion has been spent on Intervention establishment measures such as installing business managers in communities, implementation of the incoming management program, deploying short term police and army personnel to the communities, dismantling the CDEP program, and conducting community medical check-ups.

When the Intervention and its enabling legislation was first proposed the alarm bells started to ring because the whole effort was mounted from Canberra without any discussion with the NT Government or the communities affected. The bells rang louder when it was learned that the enabling legislation contained provisions suspending the operation of the *Racial Discrimination*

Act (1975) (C’wealth) and the NT Anti-Discrimination Act. What a cheerless irony – legislation allegedly enacted to enhance the human rights of Aboriginals at the outset removed their human right to complain about unfair treatment!

The bells were deafening when we realised that the 97 recommendations of the “Little Children Are Sacred” Report, the purported genesis of the Intervention, had been ignored.

Even though the incoming Federal Labor Government has rightly restored the permit system and CDEP to remote communities (the latter subject to ongoing review) the Intervention has been a failure if the stated aims of improving well-being and reducing child abuse are any guide. Very few, if any, complaints of child abuse have been made to date. Overall, the Intervention suffers from the same deficiencies that have bedevilled “indigenous policy” for 40 years – the ideas that “one size fits all” and that policy is appropriately imposed from afar without consultation.

The following examples illustrate the depth of the failure:

- “One-off” health checks do not reveal child abusers, are extremely costly and achieve very little long term. It’s far better to provide long term infrastructure, staff development and community education. In particular no provision has been made to train local people such as clinic staff and teachers in the detection and reporting of child abuse. We know that child abuse Australia-wide is under reported. Local people are likely to gain the trust of vulnerable victims.

Also, young people, themselves the victims of child abuse, could be offenders. It is critical that government roll out long term educational programs, aimed at children and parents, covering appropriate behaviour, self-protection, and sexual safety.

- Community business managers create dependency and confusion across the board. Long term skills training and mentoring for locals is preferable. Incidentally the Federal government recently sought applications from social workers to provide stress counselling for Intervention business managers! There is no indication that the same service will be provided for remote disadvantaged families.
- Income management by quarantining of welfare payments is the most glaring example of Intervention policy failure. It’s imposed on indigenous people only regardless of whether they’re guilty of misspending and as such is discriminatory and unfair. Its connection with child abuse is tenuous at best. Recipients are restricted to spending at limited outlets, which prevents people fully participating in society and erodes community wellbeing. The government would not dare sanction the non-indigenous Australian majority in such a way yet child abuse exists all over Australia.

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New Staff



Lisa Coffey has been a welcome addition to the Commission as the acting Director Conciliation, Policy and Law since April this year.

Lisa moved to the Territory in 2005 and during her time here has worked as a Ministerial Adviser to the NT Attorney-General and a Policy Lawyer with the Department of Justice. During her time in Policy she worked on various aspects of anti-discrimination law, as well as other human rights issues.

Lisa began her legal career with the Office of the Director of Public Prosecutions in Sydney. From there she moved to Timor Leste where she was the resident project officer in charge of a prosecutor training program; and then on to Darwin.

Lisa has an Arts/Law degree from the University of New England and has recently graduated with a Master of Law and Development from the University of Melbourne.

Now she has entered the brave new world of conciliation and the law, and she assures us that so far she is enjoying the challenges of her new role!

Indigenous Policing Development Division – Yidiyu Initiative

Congratulations to the NTPFES for establishing a new Indigenous Division in January 2007. The Indigenous Policing Development Division (IPDD) – Yidiyu Initiative is headed by a Superintendent and comprises sworn and non-sworn members, and staff both Indigenous and non-Indigenous.

Yidiyu is a Ngaliwurru (Timber Creek, NT) word meaning “us mob sitting down talking and learning together”. The Yidiyu Initiative is specifically designed to attract Indigenous people to policing, reflecting the NTPFES’ desire to be an employer of choice to Indigenous people.

Currently, 7% of the Northern Territory Police Force establishment are Indigenous, primarily employed as Aboriginal Community Police Officers (ACPO), with limited powers. There are currently 10 Indigenous members holding the rank of Constable or above.

The Indigenous Policing Development Division recruits Indigenous staff in consultation with NTPFES Human Resource Management.

The establishment of the IPDD has provided a one stop shop, staffed by Indigenous and Non-Indigenous employees with the expertise to better manage and support Indigenous employment and career development initiatives within NTPFES. This has recently been demonstrated in the lead-up to, and during the training of ACPO Squads 13 and 14.

The first Transitional ACPO Program (ACPO’s to Constables), Squad 95, commenced on 11 February 2008. This 16-week program includes all content from the Trainee Constables Program less material already covered in the 12-week ACPO Program. To ensure that transitioning ACPOs have the requisite level of underpinning knowledge to satisfy all requirements of the Constable Program, they have completed an online ‘shadow’ course with a previous ACPO Squad, which includes assessments to ensure there are no knowledge gaps. Transitioning members

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- Quarantining has also resulted in widespread confusion and created unnecessary difficulties in budgeting. The guidelines make no provision for recipients already obliged to meet loans, fines, and other payments from benefits. Consequently the ability to pay outstanding fixed commitments depends on the flexibility of individual Centrelink case officers – which is inappropriate. Overworked organisations such as ASIC and Legal Aid waste precious time advocating for clients, and alerting bank and Centrelink officials about the risk of fixed loan defaults.

Before quarantining, Centrelink already had a system in place (Centrelink deductions) which allowed clients to voluntarily allocate a proportion of their fortnightly payments to meet fixed debts. This system was well-patronised, trusted by clients, and demonstrated that many clients were responsible money managers. At a cost of \$88 million (including the creation of 300 new Centrelink positions) this system has been removed and the replacement system is causing problems. Now, people from remote communities across the NT have had their spending choices unnecessarily restricted, and they are forced to travel to regional centres for Centrelink interviews and access to their store cards.

- There is clear anecdotal evidence that income quarantining has contributed to the movement of people away from their preferred places of abode into regional centres to avoid being income managed.
- Rather than continuing to punish everybody, it is fairer and more cost effective to discontinue quarantining, restore Centrelink deductions, and extend assistance and training to those who misspend. Such a system could provide the option for those who favour quarantining because of the relief it gives them from the dreaded “humbag” (pressure to “donate” income to others) to continue to quarantine.

The only unqualified success of the Intervention is that it has drawn attention to disadvantage in remote communities, and highlighted the need for long term reform. Federal and NT governments have known about this disadvantage for decades yet they have continued to neglect, systematically underfund and impose policy from afar.

The incidence of child abuse in remote communities will not diminish until disadvantage – especially in the areas of health, housing and education – is removed. This will happen when remote communities receive their fair share of the resource cake over the long term. This has never happened to our eternal shame.

Necessary reforms including housing upgrades to eliminate overcrowding (see “FairGo” September 2006 Edition 11), health policy refinements, education enhancement (especially pre-school construction – a central recommendation of “The Little Children Are Sacred” Report), and long term placements of additional police and family workers, are achievable without continuing to incur the unnecessary expense of an Intervention.

What’s needed is for government and remote communities to commit to the ongoing negotiation required to deliver (on a regional basis – one size does not fit all) sustainable social reform in partnership.

Tony Fitzgerald, Anti-Discrimination Commissioner



International Women's Day 2008

On 8 March 2008 the Anti-Discrimination Commission (ADC), in conjunction with the Multicultural Council of the NT (MCNT), co-hosted a highly successful gala dinner to celebrate women's global and local achievements. More than 300 people attended, many of whom were from different ethnic and community groups including Africa, Burma, Cambodia, Thailand, the Philippines, India and Sri Lanka.



(L-R): Luchi Santher (MCNT), Karyn Jessop (ADC), Bebelyn Cabunsol (MCNT), Somsong

International Women's Day first emerged at the turn of the twentieth century in North America and across Europe. In 1975, during International Women's Year, the United Nations began celebrating International Women's Day on 8 March. The General Assembly adopted a resolution two years later proclaiming a United Nations Day for Women's Rights and International Peace to be observed by Member States on 8 March. The General Assembly endorsed the role of women in peace efforts and urged an end to discrimination and increased support to women's equal and full participation in all aspects of society.

The 2008 message from the United Nations Secretary-General, Ban Ki-moon, began with the comment that "progress for women is progress for all" and went on to acknowledge that the 10 year review of the implementation of the Beijing Platform for Action revealed a serious gap between policy and practice in many countries. Lack of resources and insufficient budgetary allocations have grave implications for women, girls and gender equality as well as undermining efforts to reach the Millennium Development Goals.

The Federal Sex Discrimination Commissioner, Elizabeth Broderick, in her speech delivered in Sydney on 8 March said that real equality does not exist for many women as they struggle to balance work and family life. She went on to suggest that progress is slow for women in decision making roles and whilst participation is increasing, the numbers of women in boardrooms has only increased from 8.4 percent in 2003 to 8.8 percent in 2008. However Commissioner Broderick proposed that with a new Federal Government, women had an enormous opportunity to influence Australia's future direction. Women make up more than 50% of the country's population and achieving gender equality must remain high on the agenda.

The Deputy Chief Minister and Minister for Women's Policy, Marion Scrymgour, was the key note speaker at the Darwin dinner. She said that International Women's Day is not only a celebration of the struggles, achievements and progress of women, it is also about the support that women provide to their families and their communities.

The Minister reminded the audience that International Women's Day is a time to assert women's political and social rights and to reflect on the progress made in ensuring women's place on the political agenda.

The Commission will maintain its commitment to women in the Territory through involvement in International Women's Day in 2009.

The Byte Cafe – New Work Opportunities For People with Mental Health Issues

The focus of treatment for people with mental illness is "recovery". In the words of a consumer advocate, this means treating symptoms of illness and "getting your life back" after an episode of illness. People with severe and persistent mental illness not only suffer the symptoms of illness, they often live isolated lives, experience poverty as long term recipients of Centrelink benefits, and live with poor health and poor hope for the future.

The "Byte Café", situated on Trower Road in the Rapid Creek Business Village, offers the promise of recovery for Territorians who live with mental illness. The café has recently been leased by TEAM Health to provide the opportunity for people who have been out of the workforce for reasons of mental illness to recover their lives.

Steve Mason, Employment and Business Development Coordinator for TEAM Health, says that the Byte Café is modelled on a café run by New Horizons in Sydney. Initially, people who attend the *Day2Day Living Program* operated by TEAM Health will be provided with the opportunity to gain work experience with the Café, working for two hours twice a week. They will learn food handling, food hygiene and receive Barista training from Manager Kate Delbridge who is a qualified Barista with the ability to work a coffee machine — regulating factors such as heat and coffee to ensure an excellent coffee — and also qualified in Coffee Art. Once the clientele of the Café is able to support extra salaries, people from the *Day2Day Living Program* will have the opportunity to find paid employment in the Café or other hospitality providers on successful completion of work experience.

A commitment to assisting TEAM Health clients back into the workforce is ample motivation for Steve Mason. "The hardest thing for people out of the workforce long term is getting a chance" he said when interviewed at the café. "With work experience, there is no pressure while the opportunity is still there to gain the skills needed to gain real life work". Steve sees this project as a vehicle for improving lives, helping people gain self esteem, a sense of purpose and hope for the future.

The Byte Café offers a menu of healthy food — sandwiches, wraps and salads — all made with fresh ingredients. It is open Mon -Fri from 8am until 3 pm and Sun from 8 am until 1 pm. It is also an internet café, and by the end of June Mason hopes to have wireless available for customers wishing to bring in their own laptops. The café also caters morning and afternoon teas and lunches. If you want a specialised coffee, eg decaf made with soy, the Byte Café is the place to go.

Judy Clisby, Manager, Community Visitor Program



Conciliated Complaints

Seeking of unnecessary information during a job interview

In 2008 a woman in her mid thirties applied for a position with a medium-sized business in the Northern Territory. She claims she had the appropriate qualifications to perform the inherent requirements of the job. The woman claimed that during the interview she was asked many unnecessary personal questions that were not related to the position she was applying for. She alleged that the interviewer asked whether or not she was married, how many children she had and how old they were. She also says the interviewer asked what care arrangements she had in place for her children while she was working, what her husband did for a living, whether or not she owned her own home, whether or not she had access to extended family to help her raise her young children and whether she was considering having any more children in the near future. The woman was later advised that her application for employment had been unsuccessful.

The woman claimed that, contrary to the prohibition on seeking unnecessary information under the *Anti-Discrimination Act*, she was asked during interview for information on which unlawful discrimination might be based. The employer claimed that the woman was rejected for employment due to insufficient merit rather than because of her answers to the unnecessary questions.

The Commission assisted the parties to resolve this matter by way of providing education to the employer about seeking unnecessary information during an interview process. The complainant was also offered a written apology by the respondent firm regarding the incident complained of.

Parenthood & accommodation of a special need

In 2008 the Commission received a complaint from a woman who was studying at a tertiary institution in the Northern Territory alleging that her education provider had failed to accommodate her special need as a parent. She advised that her daughter was six weeks old and that she wished to attend lectures with her baby. She claims she was told that children were not permitted into lectures. The complainant says she did not have access to child care and given she was breastfeeding, wished that her daughter attend classes with her until alternative arrangements could be made.

The Commission contacted the institution and it was agreed that the complainant could attend classes with her baby for the remainder of the semester.

Race

In 2006 an Aboriginal man had received a cheque for \$20,000 and went to a Darwin car yard with his family to buy a used car. After he agreed to purchase a vehicle for \$8,000 the salesman took him to the bank to cash his cheque to make the payment. The salesman would not let the man's family members come with them to the bank.

The Complainant said that when they were at the bank the salesman deposited \$5000 of the cheque proceeds to the salesman's own bank account, saying that was "the cost of cashing the cheque". When they returned to the car yard one of the buyers' relatives asked where the additional \$5000 from the cashed cheque was. The salesman said the cheque could not be cleared without the \$5000 charge.

When friends of the buyer later challenged the salesman and tried to obtain the Complainant's \$5000, the salesman said that he knew nothing about the money and that the buyer and his friends had all been drinking and didn't know what they were talking about.

The Commission accepted the complaint and contacted the owner of the car yard who investigated the complaint and found that the allegations against his salesman were true. When the salesman refused to repay the \$5000 to the Complainant he was fired by the owner.

Although the \$5000 had never been received by the business, the owner apologised for the behaviour of his former employee and offered to compensate the buyer in cash and repairs to his vehicle to the value of \$5000.

The Complainant was satisfied with the compensation paid by the owner and with the way the owner had dealt with the salesman by terminating his employment. On this basis he agreed that his complaint was resolved. ADC was advised that the matter was also reported to the NT Police.

Training Program

Training Program for
July – December 2008 is now
available from our website. Hard
copies are available on request.
www.adc.nt.gov.au



FOR FURTHER INFORMATION OR ADVICE, TO REQUEST TRAINING OR TO BE ADDED TO THE MAILING LIST CONTACT:

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