
TRANSCRIPT OF PROCEEDINGS

THE MEDICO-LEGAL SOCIETY OF VICTORIA

MELBOURNE

FRIDAY 2 MAY 2008

"UNINTENDED CONSEQUENCES OF THE COMMONWEALTH RESPONSE TO
THE LITTLE CHILDREN ARE SACRED REPORT"

PRESENTED BY: MR REX WILD QC

Chairman: Dr. Michael Hurley

President

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MR WILD: One of the things that I notice nowadays is that in all speeches there is a welcome to country. We didn't hear it here tonight, and I wonder whether this particular club would acknowledge that there are other people who might have an interest in this country.. I don't mean that rudely. I am doing a couple of talks in the next few months and I'd noticed on the agenda there is a welcome to country - these are in Melbourne - and in one of them it's from the Kulin people, and in one of them the speaker is from the Wurundjeri tribe. Now, I'm not sure which of those claims precedence in Melbourne, and you'll have to pardon me for not knowing - in Darwin it's the Larrakeyah people who provide the welcome to the country. I'm not sure how it works here.

But one of the important aspects of that is this; that you use the expression "Koori" to describe Aboriginal people, and many people that I see around the country seem to think that that describes all Aboriginal people. Well, it doesn't. The Koori people are only one branch of Aboriginal people, and it's one of the issues that I might return to some time during the course of these remarks.

Lyn and I have been in the Territory for 15 years or so now, although we have come home to Melbourne on a part-time basis. We're going to be driven away by the weather shortly. There is in the Territory where I come from a thing called the Berrima line, and the Berrima line is about 30Ks south of Darwin. Everything below the Berrima line is disregarded by those who live above the Berrima line. So we've got the top end of the Top End, if you like. Everyone in Alice Springs says "That's all above the

Berrima line, we'll get no interest". Katherine is 300 kilometres south of the Berrima line, I might just mention that again later. But that's important because in the Northern Territory we think of ourselves as being in the Top End, and we think of you all as being down south and knowing nothing about the Top End, and there is a strong feeling my learned friends of "them" and "us" up there, I can tell you, and that might bear on some of the issues I'll discuss tonight.

Another interesting thing about being in the Territory for 15 years. You might think I'm an alien creature having gone to the Territory. Up there they think of me as an alien creature because I've only been there 15 years. To be a Territorian you've got to have been there before that thing happened in 1974, and if you weren't there before the cyclone, then you don't rate at all. Possibly if you're born there after 1974 they might regard you as a Territorian. There are not a lot of those people, although that is an increasing number.

Can I tell you that the Northern Territory occupies one-fifth, 20 per cent, of the land mass of Australia. It's a big place. It has one per cent of the population of Australia. We have a population of just over 200,000, very small, and of course that contributes to the many many difficulties that it has in funding and infrastructure and all those kinds of things.

We have a population in the Northern Territory of 30 per cent indigenous people as opposed to something like 2.5 in the rest of the country - or in the whole country - including the Aboriginal people in the Northern Territory

- so it's a big proportion, and it explains to you who visit the place why you see so many Aboriginal people in the streets and in other places. Notwithstanding that percentage, 30 per cent, the Aboriginal people provide 80 per cent of the gaol population. The 30 per cent of the people, many of whom are kids of course, we have a burgeoning young population of Aboriginal children, growing at a faster rate than in other places than non-indigenous, they provide 80 per cent of the gaol population. So that's an awful figure and one that we continue to wrestle with in the Territory.

Language is a very major problem, and it's why I mentioned the descriptive way we describe Aboriginal people. One of the older men - we have old men and young men in the Territory, I'm an old man - one of the old men who spoke to us said "English is a very tricky language for us, very tricky language. English is not a first language for Aboriginal people". So, for 30 per cent of the population, English is not a first language. These are Australians; English is not their first language. And we overlook that all the time.

Lyn and I have just come back from overseas, and we spent some time working in Tanzania and not working in Thailand. Some of those people don't speak English at all, and it's necessary to speak in Pidgin, or very slowly, or to yell at them, and they still don't understand. It's the same as it is for us people in the Northern Territory. No use yelling at Aboriginal people in English. It doesn't make it any clearer to them.

In this report that we wrote, and perhaps I'll hold it up, some of you have heard about it, The Little

Children are Sacred Report, we have arranged, or we did arrange last year for it to be translated, or at least the short version of it, into nine different languages. Small CDs with the main points, not the whole 300 pages, so that people might have some opportunity of understanding what we were saying about them. We chose those as we were informed that most of the population could speak or become acquainted with the sense of those nine languages.

In fact, there are at least 45 languages, at least, and I say at least because they're the ones I can identify and give a name to, 45 languages, and that's just in the Northern Territory which has a population of 60,000 to 70,000 Aboriginal people. There are in the whole of Australia 1600,000 Aboriginal people, or those who claim Aboriginal heritage, and you can assume that there are many many other languages spoken by those people. So, thinking about that, one of the things that you might regard as an appropriate measure would be to try and get people to speak or understand English, in their schools and other places, and that's something which forms part of our recommendations, although I won't dwell on it here.

I'll give you an example of the Aboriginal problem with languages which is very real to me in my work as a prosecutor. As you know, and this includes the doctors here, I'm sure, a caution is given to suspects when they're arrested by the police. They know it in the United States as the fifth amendment. You know the form of it effectively is that you're not obliged to answer any questions, but anything that you do say may be taken down, et cetera et cetera. Most non indigenous people understand that concept, and either accept that obligation to speak

1 or not as they see fit.

2 I won't talk about all the arguments we've had over
3 the years about admissibility of confessions, but in the
4 Northern Territory, if you say that to an indigenous man
5 who you've just arrested or who you suspect of an offence,
6 you say to him, "Well, I'm going to ask you some
7 questions", and they'll nod, "Yes", "But you're not
8 obliged to answer them", and they'll start turning their
9 eyes up and "Why are you asking me these questions?"
10 "Because we'd like you to answer them." "Good, all right,
11 well, I'll answer them." "But you don't have to." "Well,
12 why ask me?" Now, this concept goes on because of a thing
13 we have in the Territory called the Anunga Rules, where
14 it's necessary to explain to accused people in particular
15 what their rights are, as it is to all people of course,
16 but more particularly because of these Anunga Rules, My
17 experience is that the first 15 to 20 pages of every
18 recorded record of interview are devoted to this
19 explanation, because it goes very much in the way that
20 I just described; "Why are you asking me?" "Yes, I'll
21 answer." "You don't have to." "Well, why ask me?", and
22 it just goes round and round in circles, and sometimes you
23 can be satisfied that people understand because they've
24 been interviewed in the past, and sometimes you haven't
25 got a clue and the judges just throw them out.

26 So, that's a difficult aspect of problem, and it's
27 not just a problem for the lawyers in the courts and the
28 cautions. It's also a problem for the health
29 professionals. You interview a man with a view to sorting
30 out what his medical problems are, and he has no
31 conceptual basis of explaining what his problem is to you,

1 and he doesn't have the words that will assist. So we now
2 have in the Northern Territory a facility whereby the
3 Aboriginal Interpreter Service which Michael mentioned
4 before in introducing me, is also involved in providing
5 help to patients in hospitals and clinics around the
6 country. But just think how difficult that is.

7 What I haven't told you is that there are 500 odd
8 remote communities in the Northern Territory where there
9 are small numbers of people living. Half of the
10 classified remote communities in Australia are in the
11 Northern Territory, and given the statistics that I gave
12 you earlier, that's an incredible figure. So just imagine
13 trying to have interpreters all around the Northern
14 Territory, qualified interpreters in 45 languages, or even
15 nine languages, people who aren't properly qualified to
16 interpret in the way that we're all used to in the
17 services. It's a major problem in the Northern Territory.

18 We overcame it in our work by not yelling at people,
19 but by listening to them, with the help of some
20 interpreters on some occasions, but that made it so much
21 more difficult to work out what was happening.

22 The paper that I am giving today is entitled
23 "Unintended Consequences, The Commonwealth Response to the
24 Little Children are Sacred Report". I was told by
25 Gabrielle earlier, that she was listening to the radio and
26 somebody was commenting on the Commonwealth invasion of
27 the Northern Territory, and described the unintended
28 consequences which have flowed. I don't know whether
29 they've picked up on the words that I've used or I've
30 picked up on their words, but I have written a paper
31 earlier with the same title.

1 I've been surprised by the lack of knowledge here,
2 and I don't mean in this room, about the Northern
3 Territory, and the report itself. There's been a terrific
4 amount of interest shown in meetings I have been to, and
5 at dinner parties that I've been to. People want to talk
6 about it all the time, which makes me a bit boring in my
7 wife's eyes, but she has heard about it already. I've
8 been surprised at the media. Those of you here who deal
9 with the media, I know my friend Justice Lazry has done a
10 lot of this in the last couple of years, know that
11 sometimes they're not very well briefed. So they say to
12 you, "Well, we've heard such and such about your report"
13 and you think to yourself, and I have asked this question,
14 "Have you read it", because it makes it very difficult to
15 comment sensibly, or to challenge somebody if they want to
16 challenge, if they haven't read the thing. So I'm
17 surprised at the poor homework done by many of the
18 journalists, and I think that's reflected in some of the
19 comments you get, and certainly also by the politicians in
20 the way they deal with these things.

21 Might I say, and I've got a note to remind me about
22 this later, but I'll say now, that I never met Mr Brough,
23 Mr Mal Brough, I never had a phone call from him, nor did
24 Pat Anderson, and I never spoke to Mr Howard or anybody
25 else in the government prior to 21 June last year, or
26 subsequently I'd say.

27 Now, I have to issue a bit of a caveat, given the
28 title I have adopted for this. In the last 12 months I've
29 spent less than half of that in the Northern Territory,
30 and I haven't been out to the communities that we visited
31 to talk to people, as I promised I would, about the

1 implementation of the report. So although I've kept in
2 touch in many ways with the media - and they've kept in
3 touch with me, I can tell you - I haven't been in touch
4 with the local communities who really did ask me and Pat
5 to go back.

6 Can I say something about Pat before I go any
7 further: Pat is an Alyawarre woman, - she is an Aboriginal
8 woman, obviously. She has a career history of involvement
9 in health as a lobbyist, and as an administrator, and she
10 is a beautiful woman. Lyn and I both love her madly, and
11 we work together I think very well, so what I say reflects
12 my views when it's wrong, and it reflects both our views
13 when it's right.

14 I can't, in 45 minutes which I'm told is the normal
15 speaking time, give you as much information as I'd like,
16 but the common question which we were asked last year
17 after the government, then Federal government, announced
18 its intervention, was this: "What do you think of the
19 Commonwealth Government's response to your report?" That
20 was the question. Now, I'll try and answer that in some
21 way in the time we've got. I've used the word "invasion"
22 earlier, and it's pejorative. As the ex-ex-ex Chief
23 Justice used to say, pejorative, lovely word, but it means
24 what I think, which is it was uncalled for in the
25 methodology used by it.

26 Can I just say that I was reminded when I was
27 refreshing my notes this morning, that the report itself
28 was given by us to the Chief Minister who had commissioned
29 the report, the then Chief Minister of the Northern
30 Territory, Clare Martin on 30 April 2007. So this is
31 almost the anniversary of that. A lot's happened in that

1 year.

2 I'll gloss over the reasons for the inquiry which
3 I think I can assume most of you will remember. The ABC
4 had a report on a place called Mutitjulu, which is just
5 near Yulara and Ayres Rock, as we knew it, and that was
6 the catalyst, pretty much, with a lot of political shilly-
7 shallying that followed at that time. I won't take you
8 through the methodology that we adopted. It's all set out
9 in the report and you can buy a copy - Michael's found it
10 by looking at the web site - so it's available for those
11 who want it. We did 45 community visits, which may not
sound a lot, but when you're flying here and there in
little light planes all over the place, in the sort of
conditions you have there, is a fair bit of work. We had
261 interviews and that included people from the
Departments as well as all the health medics and schools
round the Territory and we had 50 or 60 written
submissions which included one from the Department.

We were very well received wherever we went because
we went to a great deal of trouble to make sure they knew
why we were coming and who we were but there was
nevertheless a sense of helplessness where we went. The
elders clearly had had their respect taken from them. They
were disempowered. Empowerment is a word we use a lot now
but it is very applicable in this area. There was a
feeling in the health professionals wherever we went which
I discussed with Morris O'Day who works as a forensic
physician. I didn't tell him this but during the course of
our interviews more than one health professional, I am
talking about nurses and clinicians and doctors as well,
actually broke down and cried. It was sad.

They were frustrated with the lack of recognition, frustrated with the lack of response by authorities and police, they were dissatisfied with the quality of the support and the commitment for long-term solutions, both financial and administrative support. It is not just all about money, it's about continuity and commitment.

You will be aware no doubt from the media of our general findings that sexual abuse of young people by adults and peers was widespread. We made it absolutely clear in our reports and in all the discussions we had with people locally and in the media that non-indigenous offenders were also involved - not just Aboriginal people. Non-indigenous men and women were also involved and sexual abuse of children as a phenomenon was not restricted to the Northern Territory. It exists throughout Australia and I am afraid to say, throughout the world.

We didn't go beyond the Northern Territory. We didn't have to. There were reports all around Australia already in existence which had been ignored well before ours. The same applies overseas. Those of you who followed the media in the last few days will be aware of this villain - that is too good a word - this man in Austria and the way he has treated his family. I know from my inquiries in the Maldives. You know the Maldives, that beautiful place where you go to fish and swim, dive and snorkel. It has an incredibly high level of child sexual abuse amongst its indigenous people. Malaysia has it. You wouldn't believe that but Malaysia has it as well. It is a world-wide problem.

Aboriginal people have particular problems which should cause all of us here in this room, all of us

Australians, a great deal of shame and embarrassment.

As I said before, Lynn and I have just returned from Tanzania and Thailand and you drive along the streets and see a lot of sub-standard housing and poor people and animals wandering around and kids half-clothed, et cetera. Their living conditions are better than you would find in some of those remote communities in the Northern Territory. You would be astonished at what you see there. Those of you who have been know what I am saying.

Having said those things, two of our important findings or areas of findings, perhaps the two things that we thought were most important, though everything is important, we talk about alcohol abuse and we talk about the disregard of education.

I am not suggesting that if you fix those two things you fix everything, but they are two major problems. It worries me personally, and please don't be offended by this, you will find me having a drink later, but it worries me that alcohol is glorified in our society in the way it is. We have rightly diminished the influence of tobacco in sporting activities and we take down the signs at the MCG. We haven't done that with alcohol and alcohol-fuelled incidents involve all our champion sportsmen from time to time, our great sporting heroes, and we don't seem to make enough fuss about that. We don't seem to be doing anything, and of course the Aboriginal people pick up on all this and they see what the sporting heroes do and they see that alcohol is acceptable and excess alcohol is acceptable and they copy that.

We talk in our report of the scourge of alcoholism. Pat, when we did our interview when we actually released

the report last year talked about the "rivers of grog."

She has a lovely turn of phrase, Pat, and I picked up on that, and it is absolutely accurate.

As excessive alcohol is accepted as normal by Aboriginal people, in the same way that they accept what they see on pornographic pictures or videos or SBS late at night. Little kids unsupervised are watching television shows and they accept what they see between the buxom blonde - the white people I mean by that - and the people in the shows as acceptable and normal behaviour. So normalisation is a very important aspect. At the end of what I have to say I will give you an example of how this normalisation works.

As far as education is concerned, Pat and I were horrified, absolutely horrified by the attitude of the Departments, worst by - perhaps it is not fair to say that - but also by the people out there in the communities, the teachers. We would say to them, what are your rates of coming to school? How many children have you got at school and what are the rates of attendance? We would get teachers saying, we have got 55 per cent, 55 per cent, and they were boasting about it.

You go down here to Richmond Tech and ask the teachers what their attendance rate is and if they tell you 55 per cent they would be sacked. These people unfortunately find, because of the way in which the whole of the system works, that 55 per cent, 60 per cent is acceptable. You and I might think it is not. Pat and I were aghast at it. We said to one teacher who gave us these sorts of figures, and was a good fine man. He was the local headmaster of a very remote community on the Gulf of

Carpenteria. We said to him, "What are you going to do about this, it is not good enough is it?" He said, "Well, I have got 55 per cent. The 45 per cent that don't come, they are all 13, 14, 15. If they came to school tomorrow I'd have to close it down. I haven't got the teachers for that many people They'd be entirely disruptive of the rest of the class. They don't speak English, they are past it." These are kids, 13, 14 and 15. He said to us, "We are resourced to cope, not succeed."

At another place we found a teacher who came to our meeting and what we tended to do was have individual meetings with indigenous men, indigenous women, joint meetings at the end, and then we would have a meeting with health people, schoolteachers and administrators as a group and try and get some networking going. Some ideas that might help. We got ideas from all those people.

A teacher at this particular place I remember. He came late to the meeting and was dressed in stubbies, very short shorts you might know, thongs and a t-shirt. He was unshaven, he was long-haired and he had I think 51 per cent attendance at his school. Pat and I thought, why would any kid want to attend a school that he ran? This man had no respect for himself, why would he have the respect of the kids he was teaching?. Perhaps we were being too difficult. Pat is much more open minded than me about these things but we thought he was a shocker and there was nobody to look after him and make sure that he did the right thing.

We need education for the people of the Northern Territory. Why do we need education? Because it leads to

qualifications for employment. You have to tell the Aboriginal people that is what they are doing it for because they have some difficulty understanding that as a concept. Education needs to be good and the articulate people that you see on television have all been educated, clearly enough, somewhere, and they have gone on to become leaders of their people. But for people who don't have any employment in their communities it is pretty difficult to persuade them that education is going to help, so there is a necessity not only to educate in the schools but to have campaigns to educate the parents and the community that kids need to be educated.

The older style of Aboriginal leader understands because he has been there. The younger ones don't understand and it is becoming terribly terribly distressing for all of them. The purpose of education, employment training, careers, a purpose in life are recommendations we make. Those are recommendations of concepts and we provide some basis for them. Careers should not be just playing football.

We all in this room know of the champion footballers around the place and they are emerging more and more and a lot of them come from the Territory, but we need to provide more than that because it is a very short-term career as we all know, and we can't just have them all playing football. We need incentives so that the schools work better. One of the incentives might be, and my wife suggested this one, to reduce the HECS payments for students so that they can go up there and teach.

One of the big problems for the Territory indigenous people is that they have visitors who drop in from the

sky. Big bird comes and people drop in. They are not announced. They stay five minutes and then go away again. They don't contribute anything. They haven't got time to. If they stay a month they will get to know a few people. If they stay a year they might start to contribute. If they stay five years that is probably good. Less than that, less gets done.

The same with health professionals I am afraid to say. There are some very dedicated people up there but some very unhappy ones.

I was told of one schoolteacher who arrived on the plane - I think it was the same community where that teacher was on the Gulf of Carpentaria, arrived on the plane and didn't actually get off the gangplank. Two steps down, looked around, saw the desolation of the place and got straight back on the plane. Never came. Something needs to be done very quickly about that.

We made 97 recommendations in our report. We said that child sexual abuse was a complex problem which won't surprise any of you here, deep-seated, requiring urgent and collective action from the entire community and we meant by that, governments and people.

We say in our report that it has all been said before and everything I have said here has been said before by others. It is not rocket science, what we are suggesting, in any of our ideas. This has been said as I mentioned before, in reports from New South Wales, Queensland, Western Australia and there is a current one in South Australia. All dealing with child sexual abuse during all this century. This century, not last century. It is all current stuff.

There is a statement which we cite in our report and it is by a man called Huggy Hunter. Isn't that a beautiful name, Huggy Hunter. Huggy Hunter is cited in a ministerial thing on drug strategy last year and he said, "They write these great reports, the Royal Commission into Aboriginal Deaths in Custody, social justice reports and the Bringing them Home report on the stolen generation. The National Aboriginal and Torres Strait Islander Health Strategy. What do they do with them? Jack up their bed. Put them on the cupboard so that it looks good. These things have to be implemented and until they do it is no good talking to us Aboriginals about another plan because they haven't actually implemented all those things along the way. We are talking about it is time for our conscience to get another prick again. We had better go and do another report."

That is the sad part about it. We were very conscious of that when we wrote our report and we were desperately keen that the same would not happen to ours so we made recommendations, 97 of them as I said, about education, education campaigns, alcohol as I have mentioned, the family and community service group incorporating the police, family support generally, employment, housing, empowerment - I used the expression before - local justice groups.

The old Aboriginal people have lost their control. The young person aged 14 is told to stop drinking and go home and get off the streets by the old man and they say, "What do you know old man? You don't know anything. You are not working, not doing anything. Why should I take any notice" - and they don't.

We recommended that there be a commissioner for young people and that has been implemented I am pleased to say. A number of these things have been implemented by the Territory Government.

We made some specific recommendations in respect of health, crisis intervention matters and I know you will be interested in those but I won't take you through them all now. But one of the things we did notice was that a lot of the health professionals did not understand what the guidelines were for reporting STIs. Seems strange to us but they were concerned about the patient-doctor relationship and whether they should be reporting the fact that a 10 year old child had an STI. We had trouble with that as well. Hopefully that will be ironed out with some proper guidelines and instructions to help people with what is required in those areas.

We provided - I do need to read this bit to you because our final recommendations were intended to stir the possum a bit but to get the governments working together, to get this matter declared with some priority. We said this at the end of our overview at the beginning of the report. "What we have attempted to do in this final part of the overview is nominate a set of priorities through which matters would be managed, however it must be said again that the problems that we or anyone else who has investigated or even visited Aboriginal communities have encountered are so fundamental that nothing short of a massive reform effort coupled with a long term injection of funds can hope to turn around. In Australian government terms money is clearly available. What is required is committed long-term funding so the question we

pose to the Northern Territory Government and Australian Government, the latter holding the bigger cheque book, is what will it take you on behalf of the people of the Territory and Australia to realise the national shame and racial disorder existing in this lucky country and what will you do about it?"

That was the question we posed. Our first three of the 97 recommendations were regarded as central and I will just read the first one to you, that Aboriginal child sexual abuse in the Northern Territory be designated as an issue of urgent national significance by both the Australian and Northern Territory Governments and both governments immediately establish a collaborative partnership with a memorandum of understanding to specifically address the protection of Aboriginal children from sexual abuse. It is critical that both governments commit to genuine consultation with Aboriginal people in designing initiatives for Aboriginal communities." It is essential we said, that there be consultation.

Our third recommendation was that the Northern Territory and Australian governments develop long-term funding programs that do not depend upon election cycles nor are limited by short-term outcomes or overly bureaucratic reporting conditions and strictures. That report with the other 94 recommendations which had already been floated through the departments in discussions we've had so there are no surprises coming from the departments that they couldn't implement.

That was given to the Chief Minister on 30 April 2007. I have been reluctant in the past to be too specific about what was said during that meeting but

I have lost that reluctance. The Chief Minister has gone so the report was given to the Chief Minister by Pat and me. The Chief Minister was present with one of her advisors. We had our executive officer with us and we plunked it down in front of her. It wasn't quite in this pristine form because it didn't have the binding on it.

We put it down in front of her on the desk very politely and friendly, told her what the essence of it was and we said, we want you to take this to the Prime Minister tomorrow and give it to him and implement that first recommendation that I just read out to you because this matter is too important. We gave our report on the day we promised it. It took us eight months. We had already given a warning of what was coming. Unfortunately, that didn't happen.

The next thing that happened - not the next, that's a bit unfair but the next important thing that happened was on 21 June 2007. I was in Brisbane and I rang my wife who appears a lot in my discussions, you will notice, and told her - well, I didn't get a chance to tell her anything. I had just finished a case that had been going for some years and I was ready to give her the news that it was now finished, happy news from our respective.

She said, "Are you watching television?" I said, "no, am I on television already? The result has just been handed down." She said "No, Howard's taken over the Territory, Howard's taken over the Territory". That was on the morning of 21 June 2007 which was six weeks or perhaps seven weeks after our report was handed in, and he obviously had our report because you will have read of the consternation that he and Mal Brough had with what was in

the Territory. But of course, nowhere in that report - you can read it at some stage - did we talk about land rights, about permits, about tanks, or about armies. We spoke strongly about consultation at all levels. There was no consultation. We did not speak about CDEP programs or limiting them or changing the way they were funded. When I'm asked what I think of the implementation, you get an impression.

There is an interview I did on the - I think it was the end of June that year with the Financial Review. It was reported in this way. "Wild" - calling me Wild like some people do, I call myself Rex - "Wild is still reeling from the impact his report appears to have had and desperate to ensure that its effects will be lasting. Pat Anderson and I are very happy our report landed and on the Prime Minister's desk" - I interrupt by saying it was about six weeks after we hoped it would get there - "and has been part of him deciding to do something about the plight of Aboriginal people but if the funding doesn't follow the police and the army, it will all be a complete waste of time."

As I pleaded earlier, I haven't been in the Territory for much of the last 12 months and not close by but I am kept in touch with the feelings and it's fair to say that from the outset and continuing, there has been a great deal of welcoming of intervention in that people on the ground are pleased that the Federal Government has recognised that there is a major problem and some of the things that they're addressing do address many of the infrastructure problems that we talk about. But they are concerned nevertheless. They are not being consulted, they

are not having a part to play in these terrible problems so that they can own them, as we suggested should happen, and participate in the solutions.

I said to you before, it's not rocket science. These recommendations which we made and which the local people endorsed and helped us with are still the problems they're seeing in what the Federal Government is doing and of course, we've had a change of government. I have to own up that I have spoken to Jenny Macklin. I had half an hour with her in December.

I think somebody suggested maybe she should speak to Pat and me and we did speak to her but that was it. We have not been involved. It's not because we're oracles that I suggest we should be consulted but you just think that they might be interested in what we have to say.

I am going to tell you a little story here and it's not a happy story, one to just leave you thinking. It was our hope that what we did would lead to the end of sexual abuse of children. That is a very grave and bold hope I suppose but it is our hope that something will come about. I will tell you this story. A man called Harrison Green, this is a reported case, I will give you his name. He was born in a remote Barkly community in 1960. Try to keep the dates in mind.

In 1972 he was twice anally raped by an older Aboriginal man. that's 35 years ago. He didn't report it because of shame and embarrassment. He never told anyone about it until 2006 when he was seeking release from prison where he had been confined for many years as a dangerous sex offender. I was involved as the

Director in making that application so I know a bit about that. In 1980 and 1990, when he was 20 and when he was 30 he had attempted to have sex with young girls.

In 1993 he anally raped a ten-year-old girl and in 1997 an eight-year-old boy. That boy's name is irrelevant, I suppose, but his first name was Zachary. In 2004 Zachary anally raped a five-year-old boy in the same community. That little boy who was aged five complained loudly to those in that house: "Zachary fucked me." Where does he get that language from? Where does he understand what has happened, this normalisation I was telling you about before. Who will ensure that in years to come, Zachary's victim will not himself become an offender.

Questions:

MS VERITY: My name is Jo Verity. I am a lawyer and I studied at that venerable institution that used to be located on Wyeli Point but is now a paddock which for everyone else is the Northern Territory University which was razed by the government. I only spent seven years living in the Northern Territory which I know is not enough to make me a local but it's more than most people in Australia. What will I notice differently when I go back each time?

MR WILD: What will you notice is different?

MS VERITY: Improved.

MR WILD: When did you leave?

MS VERITY: I have been back in Victoria for 15 years, on Wurundjeri land which is where you are now for ten, and I went back for the first time two years ago and nothing

had changed. I spent most of time south of the Berrima line.

MR WILD: I am pleased to hear you to say that nothing has changed because our experience has been that everything has got worse in the Northern Territory. One of the things I didn't say, but it's implicit in the long-term planning and funding that we recommend, is that it will be at least another 15 years for any un-normalisation of sexual abuse, re-normalisation of what we would all regard as normal behaviour in the Territory. I am sorry to be so sad about it, depressed about it but that's how it is.

In the first two months I used to carry around a notebook that I made notes in when I spoke to people. We were talking to the health care people in Alice Springs and I wrote on the inside of the page the figure 15 in big letters. I held it up and I said, we're talking about 15 years, aren't we. They all agreed, 15 years. They were the people actually on the ground in Alice Springs dealing with the problem.

I am sorry to say there is no advance yet. Maybe in the last few months there is some hope for people, but last year there were a number of very serious sexual offences uncovered, discovered ,and God knows how many still remain un-dealt with and unreported which we haven't talked about. It is a problem in all societies, as we know.

MS MARRAFFA: I am Catherine Marraffa. I am a paediatrician.

I haven't worked in the Northern Territory but I have worked in the area of sexual abuse in Melbourne and in London. We understand that the prevalence is about one in four. Do you have figures on what the prevalence is in

Aboriginal communities.

That is the first point and the second thing I wanted to know was whether or not during the many interviews you undertook with elders, with health professionals, with other community services, did you ask the children themselves and particularly the 13, 14 and 15-year-olds what they thought was important to solve what was happening?

MR WILD: The answer is yes, we did. We interviewed a number of children, not an enormous number, and we certainly did not investigate matters in terms of offences. We weren't looking to prosecute matters or to investigate as such. The problem that we had and the time we had didn't enable us to do that and we thought it was better for us to try and work on prevention rather than the immediate solution of problems. Crisis intervention was best left to other people, we thought.

In talking with the young people, of course the ones we got to were mostly kids who were a bit more articulate and could speak English well enough to talk with us. I think it's fair to say that they all saw their futures as being more secure out of their communities, which was a sad thing because what we need really, if the communities and the people are to have a future, is for those articulate good young people to go back employed and help run the communities.

I don't think it's fair to say that we saw enough of these people to get a strong view. One of the sad things that we noticed is that young kids who are sent away to college come back but they immediately go back into local habits and are not treated as if they have anything to

offer the community more than those who didn't go. A couple of the children, for example, who have been abused sexually in promised marriage situations have actually been off to boarding school, come back and promises have been acted upon.

I will add to that answer this much if I can, Catherine. We spoke to one lass who was actually in that category, who had been the subject of a promised bride situation and the man had been punished for carnal knowledge of her. But she was the one who had been thrown out of the community. She had been exiled effectively and left to her own devices, and her mother as well, because her mother had supported her in the complaint made. She had been cast aside by both the community and by our society. We actually had a success there, we were able to track her down and restore her situation.

MS STOCKER: Ann Stocker, researcher, Bio21. What do you do to change in these obviously dysfunctional Aboriginal communities. If you look at the news, it just seems an impossible situation.

MR WILD: It is impossible in a sense but we can't treat it as impossible. We have to regard it as something we can do something about. Commitment of governments to consult with the people who want to own the problem, who freely admitted problems to us and who wanted to talk with us. We sat down under countless gum trees across the Northern Territory with old men like me and older women, the leaders who had lost their sense of possession of their community and land. They wanted to do something about it.

They wanted to have access to advice and help from professional people, from medical people and from other

clinicians who could help them so there is not the feeling of helplessness there. In that they were prepared to have dialogue with us. The two principal things still. Grog. If we could have a sober community throughout the Northern Territory, it would make an enormous difference.

I don't know really the way in which that would be implemented although we have some recommendations about that in our report. We can't go back to the 1920s and go back to the Al Capone days, we know, but we have to in some way limit the amount of grog which is floating around the communities, take- away grog we perceive as the biggest problem in that area.

If we could have sober communities, that's the first thing, then we could start rebuilding the process within the community of the leadership of the elders. Many of the elders I speak about are themselves subject to alcoholism so that has be resolved from that point of view as well, including the women.

Then as I said before, education is so important. If you go to an Aboriginal community, there is one called Bagot which is in Darwin town and people collect there from all around the Territory, for not good reasons always, and I remember we went there in about March of last year and there were all these young kids around.

I said, "What are these kids doing?" They were all 13, 14 or 15 or thereabouts, what are they doing? "They are here because their parents have come down from the country." " Why aren't they in school?" " Well, they don't need to go to school." " Why don't they need to go to school?" There was no answer, no solution.

Schooling is incredibly important. I have this

horrible fear myself that any child currently in the Northern Territory, except a favoured few, between the age of 15 and 25 is in big trouble.

QUESTION FROM FLOOR: John Court, paediatrician. Amongst all the communities in the Territory, are there any which perhaps could well or through different strategies have succeeded in making a change and if there are any, might they serve as a model for how things may evolve

MR WILD: John, I think yes is the answer to your question. There are some communities that are doing better than others, but of the ones we saw there were none completely free of crimes altogether, and yes, there are some that we've nominated as being usefully able to be followed in terms of some of their ideas.

They tend to be ones that have a better administration to start with, and have had committed people stay and spend some time with them. The worse thing that happens in the communities is that people arrive on the silver bird and they have a 12 month funding project, and they spend the first six months learning about their job and then they spend the next six months, if they remember, writing their funding proposal for the following year, and if they don't remember, they get to the end of the 12 months and the government says "Your time's up" and they say "Hang on, we've only" - "you forgot to put your - bad luck".

So, one of the things we stress all the way through is long term funding propositions, and it's one of the things that we've been very disappointed about in terms of the federal - I say "We", Pat and I - federal commitment has not been as long term as we expect. It really has to

be ten, 15 years. They've got to say "Okay, we're going to have this health service at this community for this long period, and it doesn't matter when the next election is, it's going to be there.

Patrick's got a question.

MR TEHAN: Patrick Tehan, Barrister. Rex, I just wonder whether you have a view as to the adequacy and the nature of punishment for child sex offence offenders in the Northern Territory and the extent to which you think punishment is adequate, or the type of punishment is adequate, and any changes your report suggests in that regard as a deterrent if you think it can be a deterrent to the continuing problem you've spoken of tonight.

MR WILD: I don't think sentencing is the answer, higher sentences or lower sentences, I don't think it's got anything to do with it, Patrick. As a prosecutor of course, you always ask for sentences or discuss sentences with the judges in some way or another, but I don't think that the people out there are aware of the way in which these offences are regarded.

Can I just give you an example about sentencing, and this is right up your alley of course; I'm sitting in the Court of Criminal Appeal as we still call it in the Northern Territory, and the judge, I'd just made a plea on behalf of the prosecution and I said, "This is a serious offence and we need to increase the sentences for deterrence and all the purposes" and the judge said, "Well, Mr Wild, they're very powerful submissions and the very next case that comes before us we'll do that, but we want to announce here today that we're going to take your submissions on board and from now on this will be a very

serious offence and there'll be a great deal of punishment", and I looked behind me, this is in the Court of Criminal Appeal, and there was no one in the court, and the case wasn't reported, and I just wondered, you know, how you get the message through to people. And this applies to our courts here in Victoria as well of course. How does that message get out. Okay, the lawyers and the judges say, "We put it on the web site, they can all read it" but the people who molest kids don't read web sites, and they're out there and they're drunk and they don't give a damn, and I don't think sentencing's going to help.

MS LYTHGO: I'd like to say that one of the seminal events in Aboriginal and European relations in recent years has been the Redfern address. As Paul Keating said, these injustices were allowed because we failed in the most basic human response of entering into their hearts and minds. We just couldn't imagine that these things could happen to us. When I was re-reading the Redfern address, I was reminded of being present - I think Rex might correct me - in 1998 for the reading of a play that was written by Rex on the trial of Dhakiyarr.

Dhakiyarr was an Arnhem Land tribal leader who killed Constable McColl at Woodah Island in 1933. The background of this was the sexual violation of Aboriginal women, one of whom was Dhakiyarr's wife, a payback killing and Constable McColl being sent to investigate and bring the women in for questioning. Dhakiyarr admitted that he'd killed Constable McColl because he'd captured his wife. He was tried in the Supreme Court at Darwin in a trial with a number of miscarriages of justice. Dhakiyarr

neither spoke nor understood English, he had no concept of European law or its implications, the translator was the police tracker, and his barrister to top it off announced in court that his client had admitted guilt. So he was found guilty and sentenced to death.

This provoked protests from around Australia, down south, and also overseas, and it went to the High Court where they quashed the conviction. Now, Dhakiyarr was released from Fanny Bay Prison but never seen again, presumed murdered - at least they didn't do that to Lindy Chamberlain.

Rex's play was written mainly from the transcript, and was read by members of the judiciary and the legal profession in the Northern Territory. It was profoundly moving. I gather it was subsequently developed and performed, again by members of the legal profession, in Fanny Bay Gaol.

Now, I think Rex has that empathy that Paul Keating spoke of to imagine injustice and indignity done to other people, and it's reflected in what he's accomplished in the Northern Territory. So thanks, Rex, for coming down south to speak to us and for firing our imaginations.

MR WILD: Thank you, Margaret for those lovely words. In fact you were dead right with all of that information.

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