

**From:** [REDACTED]  
**To:** [Legal Affairs and Community Safety Committee](#)  
**Subject:** Human Rights Bill 2018 Submission  
**Date:** Monday, 26 November 2018 11:37:15 AM

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Dear Committee,

## INTRODUCTION

I have been working with ANTaR since 1998. The Mission of ANTaR as a national movement is to generate in Australia a moral and legal recognition of, and respect for, the distinctive status of Aboriginal and Torres Strait Islander Peoples as First Peoples. ANTaR works for the protection of First Peoples' rights, including their relationships to land, self-determination and the maintenance and growth of their unique cultures. ANTaR Qld was set up as a response to Prime Minister Howard's 10 Point Plan in 1998. Very soon members realised there were urgent issues which Aboriginal and Torres Strait Islander peoples wanted addressed and to which ANTaR members could contribute.

The issue of Stolen Wages in 2002 onwards led to more interaction between Indigenous people and their supporters, and for my husband and I, to more personal help such as billeting people from up North at our home in Brisbane. Because of this we developed many friendships and some understanding of how the government approach, while probably well meaning, often produces very negative results.

I am focussing on what I have learned from 20 years of friendships with some Aboriginal and Torres Strait Islander people. My comments are specific to my understanding and many years of listening to them and learning as much as I could.

## Specific Comments

I have commented on what seem to me to be key elements or areas which are perhaps not given the attention they need. I use the term 'Indigenous' to apply to both Aboriginal and Torres Strait Islanders.

### 1. Recognition and equality before the law:

The lack of Recognition of Indigenous rights is often hidden but it exists in the everyday life of people who are "moved on" where other groups would be ignored or asked quietly to move on. Lack of equality before the law was clearly shown in 2004 on Palm Island where heavily armed police were flown in and terrified children and their mothers as was stated later in court and for which the Palm Islanders have been awarded financial compensation – but were given very little support at the time.

### 2. Right to life:

Absolutely obvious for all people to have the Right to life.

### 3. Protection from Torture and cruel, inhuman or degrading treatment:

This protection is too often ignored and needs to be much more carefully monitored. There are many videos of Indigenous people being kicked on the ground by people with heavy boots. Also there is evidence of long terms of isolation. This is known and yet it is allowed to continue.

4. Freedom from forced labour:

This is very important as the Work for the Dole or similar schemes makes people work without payment where non Indigenous people would normally be paid. It is also degrading to be forced to work in this way. The really irritating thing is that Indigenous people with skills on country are not allowed to work for money to main their home etc. Eg, the toilets don't work – obvious action – get someone on site to fix it – actual response by government is: let us know the problem and we will send someone when convenient, all 500km each way. So it costs a fortune, many get tummy bugs and the toilet takes two weeks to fix, when a local could have done it immediately.

5. Freedom of movement

6. Freedom of thought, conscience, religion and belief:

The rights of Indigenous Peoples to hold ceremonies, including at funerals and rites of development at certain age groups, is linked to both Item 6 and Item 7: these rights are often ridiculed or ignored, particularly when ability of people to exercise these rights is made very difficult, for example for people on parole.

7. Freedom of expression

8. Peaceful assembly and freedom of association:

The police are known to use Move on Powers when several Indigenous people group together, and when the people feel that their rights are being ignored or misused, the Indigenous people are charged under the Move on Powers when other citizens would not be treated in this way.

9. Participation in public life:

This is often difficult for Indigenous people because of the fact that they risk being charged much more than most non-Indigenous people. Somehow a group of noisy and probably drunk football fans is much less likely to be arrested than a similar group of Indigenous people.

10. Property rights:

Indigenous people are now allowed to buy property but many cannot afford to buy any. They also often find it difficult to rent just because they are known to be Indigenous.

11. Privacy and reputation:

There is a tendency in the Media and other institutions to label people as Indigenous or Aboriginal when they would not say 'an anglo-celtic person'. This can easily lead to the impression that there are a greater proportion of Indigenous people causing problems, than is supported by the facts.

12. Protection of families and children: |

This is strongly linked also to No 14. Cultural Rights. A surprising number of children are removed from their families and are not placed with families who are part of their kin group. This then lessens the ties of the children with their culture and their ability to develop knowledge and understanding of their culture.

For adults, especially women, they often get short term prison sentences and time spent on remand. As well they lose their housing while waiting to be charged, and then often lose their children as they no longer have housing for them. It is a disaster for many families and is of GREAT concern to Indigenous people today.

13. Cultural rights generally

14. Cultural rights – First Peoples

There is a great deal of evidence that Aboriginal and Torres Strait Island people are able to live in greater peace and freedom in Australia when their cultural rights, and the importance of maintaining these rights are supported by both Governments and the general population.

15. Right to liberty and security of person:

The significant numbers of deaths and several videos of police mistreating Indigenous people highlight the importance of this Right. Again, this is a right which needs to be supported by both Governments and the general population.

16. Humane treatment when detained:

This is already implied in No's 1, 2, 3, 15, 18, 19, 20, and 21. Again, there is considerable evidence that there is a significant amount of inhumane treatment whilst waiting to be charged and then when charged.

This suggests that there are many problems in this area and it needs very special attention.

17. Fair hearing:

I sat through some of the Coronial hearings linked to the Death in Custody of Mulrunji in 2004. I can tell you that the Indigenous people sitting in the courts found it very hard to understand what was going on, and were certain that their son, or partner, or friend did not follow it at all and nor could I. Legal proceeds are difficult to understand for almost any person who does not have a legal background. Even if they have a lawyer that does not mean that they understand the proceedings. Certainly, after a day in court, following the proceedings, I often did not really understand what happened, particularly when there was a great deal of quick questions and answers.

18. Rights in criminal proceedings:

Some accused people, or witnesses require extra care to ensure that there is a real focus on the importance of their understanding what position they are in and the difference between “sort-of” or “probably” or “yes, I’m certain”.

19. Children in the criminal process:

Children need support from people with whom they can feel as comfortable as possible. The importance of their background and understanding of what is happening may need great patience and understanding from the people who support them and an understanding of the child's cultural background.

20. Right not to be tried or punished more than once

21. Retrospective criminal laws:

No, not acceptable, particularly for Indigenous people.

22. Right to education:

Including in their own languages. In fact, they should be taught in their local languages until they are two or three years old, and then have English language added in. This means a real push to assist the training of local people in rescuing their local languages and using them. It also means that people working with Indigenous people should show respect as they would in another country and learn at least some of the major local language.

23. Right to health services:

Why do sick people have to drive hundreds of kilometres for their blood transfusions – this is taking sick people away from family and friends – it lessens their life spans so there are fewer Elders to help all the kinship groups learn their culture AND it would be unacceptable for any another significant group in Australia.

Yours sincerely,

Monique Bond

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