

## HUMAN RIGHTS

### *The Bush Talks*

**REBECCA LA FORGIA reviews a recent HREOC report on life in remote and rural Australia.**

In March 1999 the Human Rights and Equal Opportunity Commission (HREOC) published a report entitled *Bush Talks*.<sup>1</sup> This report is an analysis of consultations that occurred throughout 1998 with people from remote and rural Australia. *Bush Talks* puts the concerns expressed during these consultations into a human rights framework. There are five sections: providing basic health services; ensuring fair access to education; meeting other essential needs; valuing children and young people and building communities. Under each of these topics *Bush Talks* documents the disadvantage suffered by rural society. The purpose of this Brief is not, however, to summarise the content of each section but to reflect on three ideas that emerged from the report:

- the characterisation of the human rights of rural Australians as primarily cultural, social and economic;
- the symmetry in human rights arguments between Indigenous and non-Indigenous rural Australians; and
- the desirability of the human rights advocate recording not only the disadvantages but also the special and inspirational aspects of belonging to a group.

#### **Economic, cultural and social rights of rural Australians**

There has been a great deal written about the interdependence of both civil and political, and economic, social and cultural rights. While both are seen to be equal and necessary, it is generally understood that to secure economic and social rights requires government intervention and expenditure.

For all people to enjoy their human rights, especially their economic and social rights, some action or intervention by government is usually required ... Without appropriate government action the quality of life experienced by many rural and remote Australians will be eroded.<sup>2</sup>

The characterisation of the human rights of rural Australians as primarily social and economic is significant, because it means that any government expenditure or priority in resource allocation to rural communities would be seen under this framework as necessary to secure these rights rather than a handout or a privilege.

People in rural Australia have had to face the loss of their way of life, the so-called 'dying town syndrome' (p.15). This has been caused by a combination of events such as a lack of medical services, high unemployment, bank closures, increased telecommunications costs and inadequate access to telecommunications services, withdrawal of public transport, lack of adequate housing and

access to water. *Bush Talks* discusses the loss of these services by reference to article 22 of the Universal Declaration of Human Rights, which states: 'Everyone, as a member of society ... is entitled to realisation ... of economic social and cultural rights indispensable for his dignity and the free development of his personality'.

The argument is that because a community of people exists they have the right to a certain level of service and infrastructure. To achieve this HREOC recommends two projects; a review of water supply to Indigenous communities and a detailed review of telecommunications access.<sup>3</sup> These projects at first appear modest compared to the larger problem of reduced services and infrastructure that is occurring throughout rural Australia. However, these projects are useful precedents because to provide water or telecommunications to remote areas will require government expenditure and subsidy, as there are not enough people to make the provision of these services 'economically efficient'. Rural communities are in this sense 'inefficient' and they challenge the economic rationalist model that is currently driving government policy. Yet, at the same time, provision of adequate water will in the long term be socially and therefore economically efficient. As one submission from Alice Springs argued, chronic ear disease due to lack of fresh running water causes chronic hearing problems with children dropping out of school because they cannot hear and 'that's when you get into trouble, sniff petrol, start stealing things and with mandatory sentencing you end up in gaol ...' (p.19). The provision of water and telecommunications services will be a useful case study in policy that is based on social and long-term economic advantages rather than simply supply and demand.

#### **The right to adequate education; a case study in the symmetry between Indigenous and Non Indigenous human rights arguments**

*Bush Talks* quotes empirical and anecdotal evidence to support the finding that fewer rural and remote children finish their schooling or attend university as compared to urban children. The report then records the recommendation of the National Farmers' Federation that: 'a national rural and remote education and training strategy be developed by the Commonwealth and State and Territory Governments to set educational targets ... [and] address the barriers faced by rural and remote Australians' (p.13). This recommendation is an acknowledgment that rural and remote Australians have added barriers contributing to their poorer educational outcomes, and therefore a coordinated project is required to create actual positive outcomes (this is a form of so called positive discrimination). Two further recommendations by the National Farmers' Federation require government:

- to allocate scarce resources to the bush because of increased need in the area of education, and
- to review current models of education delivery be reviewed.

These recommendations are based on an acknowledgment that human rights needs, in this case education, cannot be solved by having one model, that different communities require different resources and strategies, and that the failure

to achieve outcomes is to be understood as the failure of the model rather than the participant. This is similar to the evidence on the education system supplied by an Aboriginal woman from Queensland:

We have a system and tell these people 'you have to fit into this system'; but it is not a system they feel comfortable in at all. And we expect that they won't do well because they are Aboriginal and when they don't do well we blame them and say 'well there you are see'. And nobody looks at the system and says; 'Well maybe we have to change the system'. [p.12]

Despite the symmetry in human rights arguments about educational access, the greater level of disadvantage faced by Indigenous communities in all areas, led the report to conclude: 'Racial intolerance and ignorance about Aboriginal cultures and needs are the most serious human rights issues facing Australia ...' (p.28, emphasis added).

### The need for 'positive' discrimination

Often when documenting disadvantage, in this case the disadvantage of the bush, there is a tendency to report the bleaker aspects of a community. For example the introduction to *Bush Talks* states

In almost every aspect of our work, the Human Rights and Equal Opportunity Commission has noticed that people in rural and remote Australia generally come off second best. Distance, isolation, lower incomes and minority status all exacerbate the experience of discrimination, harassment, and lack of services and participation. [p.1]

Although this finding is accurate, there are also positive aspects to life in the bush and it is important to document these to balance the one-dimensional impression of rural communities in despair. The report implicitly acknowledges this by documenting successful case studies at the end of each section and recommending that health initiatives undertaken in communities be recorded and disseminated. This contributes to an understanding by urban Australia that despite considerable disadvantages, rural communities are also vibrant both culturally and socially and are special places in their own right.

The most significant aspect of *Bush Talks* is that it gives a human rights framework to the concerns and disadvantages suffered by rural and remote communities. This will hopefully empower these communities to believe that their existence, with all the opportunities of urban Australia, is a right not a privilege.

Rebecca La Forgia is an adjunct professor in law at the Northern Territory University.

### References

1. Human Rights and Equal Opportunity Commission (HREOC), *Bush Talks*, March, 1999.
2. HREOC, *The Human Rights of Rural Australians*, May 1996. This was a discussion paper that preceded *Bush Talks*.
3. HREOC, *Bush Talks*, March 1999, p.20. Note that the telecommunications review will occur within an ongoing inquiry into access to education in rural and remote Australia being conducted throughout 1999 by HREOC.

## SCHOOLS

# *Sticks and stones may break my bones, but words will get me suspended*

### LEANNE McPHEE discusses a zero tolerance attitude towards swearing.

Following last year's zero tolerance policy on violence, John Pirie Secondary College in country South Australia has once again adopted the rhetoric of 'zero tolerance', this time targeting swearing.

The reasoning behind the implementation of a policy of "zero tolerance to swearing" where it involves an intent of being abusive, violent and intimidatory<sup>1</sup> is due to the perceived increase in schoolyard harassment and violence. Incidents of swearing are thought to precede and generally lead to violent behaviour. In light of the focus on violence in schools, particularly highly publicised incidents overseas, it is not surprising that approaches of a more punitive nature are targeting student behaviour.

In order to show the student body acceptable codes of behaviour, 'tough' penalties to deal with swearing, including suspension from school, are measures being implemented. The student reaction to this initiative has, by reports, been mixed. Some agree with the swearing policy because of the perception that bullying and fights at times start with abusive language. Others argue that swearing generally will not be stopped. The parental response has been supportive. But the nature of this support can, of course, take various forms as shown with one example of a parent suggesting to their child the use of alternative words when encountering the desire to swear, such as 'fruitcup'.<sup>2</sup>

But it is not the 'general' use of expletive words, such as those used in passing, which are considered the problem. It is the use of words that are expressed with the intent to intimidate people or to cause harm which are the focus of the anti-swearing policy. The policy, however, bans all swearing and will deal with all such instances. For example, expressing one's view of a class text by use of an expletive may result in removal from the classroom. In a more extreme context, where 'bad' language is used towards another person with an intent to be abusive, the result can be suspension from school.

Under the current regulations relating to student suspension, students can be suspended if they have threatened or perpetrated violence or if a student acts in a manner to threaten the safety or wellbeing of another in school. This may take the form of sexual harassment, racial vilification, bullying or verbal abuse.<sup>3</sup> If forms of swearing are to constitute verbal violence then the anti-swearing policy exists as another mechanism which targets student behaviour through interpretations of 'right' or 'wrong'. In effect seeing swearing as a verbal form of violence under the