

SORRY ABOUT THE INTERVENTION

13 February marks the second anniversary of the Federal Government's formal Apology to the Stolen Generations for the forced removal of Aboriginal children from their families. According to the Prime Minister, the Apology marked a 'new beginning' for the relationship between the Federal Government and Aboriginal Australians. With a focus on closing the 17-year life expectancy gap between Aboriginal and non-Aboriginal Australians, Mr Rudd stated that the Federal Government's new partnership with Aboriginal people on Closing the Gap would place 'an absolute premium on respect, cooperation and mutual responsibility as the guiding principles'.

The message was strong and powerful. It invoked great optimism that a Federal Government was finally placing high on its agenda a genuine commitment to addressing the long term disadvantage faced by many Aboriginal people as a result of decades of neglect by successive governments.

Two months later, the historic Apology was followed by Indigenous Affairs Minister, Jenny Macklin, announcing Australia's official endorsement of the United Nations Declaration on the Rights of Indigenous Peoples. Once again, the language of the 'new partnership' with Aboriginal Australians was invoked. Minister Macklin expressed that the UN Declaration 'recognises the legitimate entitlement of Indigenous peoples to all human rights – based on principles of equality, partnership, good faith and mutual benefit'.

However, on the ground, the Federal Government's approach to addressing Aboriginal disadvantage presents a dramatically different story. The rhetoric of genuine partnership, mutual respect and good faith is a stark contrast to the continued imposition of draconian, paternalistic measures that result in feelings of anger, resentment and disillusionment among many Aboriginal communities.

It is now more than two and a half years since the introduction of the Northern Territory Intervention. Yet, the range of extraordinary 'emergency' measures specifically targeted at Aboriginal people in the Northern Territory continue and, significantly, the *Racial Discrimination Act 1975* remains suspended. However, evidence continues to emerge that the Northern Territory Intervention is simply not working.

As far back as October 2008, the Federal Government's own Northern Territory Emergency Response Review Board found that, after one year of operation, the Intervention had resulted in feelings of anger, resentment, humiliation and widespread disillusionment within Aboriginal communities. The Review Board also found that measures such as income quarantining result in hunger and people criss-crossing family groups to find food, an inability to travel between communities for ceremony and sorry business, strain being placed on kinship and family

relationships, and people becoming subject to quarantining without their knowledge.

More recently, in October 2009, the Federal Government's own interim evaluation, *Closing the Gap in the Northern Territory*, reported major deficiencies in relation to both the implementation and impact of the Intervention. The report found that:

- on health, child health care referrals are down and child malnutrition is up, despite the operation of income management;
- on education, total enrolments and school attendance rates are marginally down; and
- on promoting law and order, alcohol, drug and substance abuse incidents, domestic violence related incidents, and personal harm incidents reported to police are all up, despite a far greater police presence.

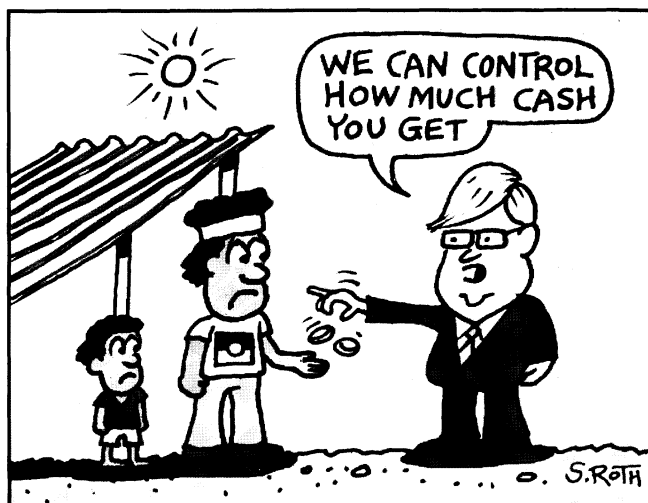
Despite this evidence, the Federal Government intends to continue with the measures and, in the case of compulsory income management, now plans to expand its operation across the Northern Territory and, ultimately, to roll out the mandatory scheme Australia-wide.

In addition to the lack of evidence, or maybe as a result of it, key supporters of the introduction of the Northern Territory Intervention, such as former Australian of the Year and Aboriginal leader Galarrwuy Yunupingu, are now withdrawing their support. In August 2009, Yunupingu stated: 'We hope there is not going to be anything like the intervention ever again. It is discriminatory, it's a form of apartheid. It has never been any good to us.'

The Federal Government is using a series of consultations with affected Aboriginal communities as justification for the continued operation of the measures and the expansion of compulsory income quarantining. However, while the Federal Government says that the consultations were 'conducted in the spirit of genuine consultation and engagement with Indigenous people', the consultations have been severely criticised and labelled as manifestly inadequate.

The *Will They Be Heard?* report, which analysed in detail the consultations with three affected Aboriginal communities in Utopia, Bagot and Ampilatwatja, identified significant procedural and substantive failures of the consultation process, including:

- a lack of independence;
- lack of Aboriginal input into the consultation process;
- lack of notice provided to communities about the consultations;
- the absence of interpreters;



- the fact that the Federal Government had apparently already made its policy decision that compulsory income quarantining is to continue; and
- inadequate explanation of the Northern Territory Intervention measures and complex legal concepts.

Even the independent consultants, CIRCA, engaged by FaHCSIA to oversee the consultations, identified significant flaws.

In addition to the evidence that the Northern Territory Intervention has not been effective in addressing Aboriginal disadvantage, of significant concern is the widespread negative impact that the Northern Territory Intervention measures are having on the attitude of many affected Aboriginal communities. Indeed, the Federal Government's own Review Board found that:

the blanket imposition of compulsory income management across Indigenous communities in the Northern Territory has resulted in widespread disillusionment, resentment and anger in a significant segment of the Indigenous community.

Unfortunately, what these results on the ground reveal about the nature of the Federal Government's 'new partnership' with Aboriginal Australians is that such an approach will not be successful in addressing the serious disadvantage faced by many Aboriginal communities throughout Australia. The current approach is likely to cause three significant problems for the Federal Government.

First, the approach will be ineffective in achieving the Federal Government's objective of improving the lives of Aboriginal Australians and Closing the Gap. Policies targeted at addressing Aboriginal disadvantage will only be effective if Aboriginal people are directly involved in their design and implementation. The only way to develop responsibility is to give people responsibility and to empower communities. However, flawed consultations that have the effect of further alienating and silencing Aboriginal voices mean that the continued operation of the Northern Territory Intervention measures will continue to be met with resistance and frustration. As a consequence, the measures themselves are highly unlikely to be successful in addressing Aboriginal disadvantage and fostering a new relationship based on respect, trust and cooperation.

Second, the Minister's current approach is likely to further damage the relationship between the Federal Government and Aboriginal Australians. The draconian measures adopted under the Northern Territory Intervention have already led to affected Aboriginal communities and people expressing their feelings of hurt, anger, betrayal and disbelief. The Federal Government's continued exclusion of Aboriginal people from any meaningful decision making processes will only serve to exacerbate such feelings and is therefore highly likely to seriously damage and undermine the relationship between the Federal Government and Aboriginal Australians.

Finally, the Minister's disregard for the fundamental human rights of Aboriginal Australians is in breach of a number of Australia's international obligations. Such an approach is likely to severely damage Australia's international reputation. Indeed, in the last 12 months, the need for Australia to take urgent action to ensure that the Northern Territory Intervention complies with international human rights standards, including by immediately reinstating the *Racial Discrimination Act*, has been highlighted by a number of highly respected, independent international human rights bodies and experts.

The world is watching Australia's treatment of its Aboriginal people and, as the truth about the real 'new partnership' between the Australian Government and Aboriginal peoples starts to emerge, the Australian Government will be subjected to even further criticism by the international community. Any approach by Government that fails to respect, involve and empower Aboriginal communities will continue to undermine the effectiveness of the Northern Territory Intervention's substantive measures and only further contribute to the long term disadvantage suffered by many Aboriginal communities.

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