

## CONCLUSION

The *Little Children are Sacred* report, released in April 2007 with its allegations of sexual abuse in Indigenous communities, was used by the Howard government to justify the Intervention. Yet, despite massive expenditure, mainly on administration and delivery costs, official statistics suggest the situation is worse four years later for the children concerned and for many others affected by the programs.

This article has traced the various processes of collecting ‘evidence’ for the current government’s policy of income management. A wealth of material has been gathered through these processes, including *Little Children are Sacred*, submissions to the Yu review and the report of that review, a large number of comprehensive submissions to the Senate Committee, as well as a range of independent reports – yet all of this appears to have had little influence on government policymaking. The fact that this lengthy and expensive process, involving so much time and effort by so many organisations, has had so little influence calls into question claims managements by the current government to even understand the basis for evidence-based policy-making.

Despite government claims managements of ‘evidence’ for the benefits of the new program, its own evaluation proposal makes it clear the evidence is not there. This was also the view of the Senate Inquiry: even the government’s Majority Report suggested that the lack of evidence needed to be addressed before income management was further extended to other areas and groups.

The following list of sins is from an early critique of the scheme by Aboriginal groups opposing it, and there is no serious evidence to refute their claims managements:

Proposals by government to quarantine 50% of the income of indigenous people living in remote communities in the NT is seriously flawed. It is:

- Punitive;
- Highly intrusive and paternalistic;
- Administratively very expensive and cumbersome;
- Discriminatory
- It removes responsibility from people to look after themselves or their children/old people - the state will do this through breakfast programs, food stamps, or whatever;
- It does not foster behaviour change or more appropriate prioritisation of expenditure;
- It does nothing to stop ‘immediate consumption’ on non-essentials (tobacco, alcohol, drugs, gambling, soft drinks, take-away foods, etc.) with the remaining 50% paid in cash;
- It does nothing to stop ‘humbug’ or intimidation to access the remaining 50% paid in cash; and
- It penalises individuals/families who are acting responsibly.

Significantly it has required the abolition of the CDEP program so it can be

implemented – penalising those who make the effort to work and earn ‘top up’, not to mention the impact on community services.<sup>98</sup>

The broad lack of support for income management is clear in the summary of the submissions to the Senate Committee (Attachment 2) and no substantial additional data has since emerged to support the government policy directions since. In fact, the child protection report commissioned by the NT government cast serious doubts on the NTER as a child protection effort.<sup>99</sup>

The United Nations Human Rights Commissioner, Navi Pillay also commented:

I welcome the advances the government has made in addressing some of the disadvantages faced by Aboriginal and Torres Strait Islander peoples. In particular, I welcome the National Apology and Australia’s formal recognition of the UN Declaration on the Rights of Indigenous Peoples, along with the significant investment being made to improve Aboriginal and Torres Strait Islander health and education. However, I believe these efforts are being undermined by policies that fail to recognise the right to self-determination for indigenous people, which is a key element of the UN Declaration.

In my discussions with Aboriginal people, I could sense the deep hurt and pain that they have suffered because of government policies that are imposed on them. I also saw Aboriginal people making great efforts to improve their communities, but noted that their efforts are often stifled by inappropriate and inflexible policies that fail to empower the most effective, local solutions.

I would urge a fundamental rethink of the measures being taken under the Northern Territory Emergency Response. There should be a major effort to ensure not just consultation with the communities concerned in any future measures, but also their consent and active participation. Such a course of action would be in line with the UN Declaration.<sup>100</sup>

## **A question of evidence**

Mainstream conversations on remedying Indigenous disadvantage seem to often end with exasperated statements along the lines of ‘nothing seems to work!’ The belief too often is that initiatives and expenditure fail because of inherent problems with Aboriginal cultures. Most people do not consider that

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<sup>98</sup> Laynhapuy Homelands Association Inc., ‘Submission to Senate Standing Committee on Legal and Constitutional Affairs Inquiry into the Appropriation (Northern Territory National Emergency Response) Bill (No.2) 2007-2008’

[http://www.aph.gov.au/Senate/committee/legcon\\_ctte/completed\\_inquiries/2004-07/nt\\_emergency/submissions/sub38.pdf](http://www.aph.gov.au/Senate/committee/legcon_ctte/completed_inquiries/2004-07/nt_emergency/submissions/sub38.pdf)

<sup>99</sup> Orima Research, *Evaluation of the Child Protection Scheme of Income Management and Voluntary Income Management Measures in Western Australia*, (2010).  
[http://www.fahcsia.gov.au/sa/families/pubs/cpsim\\_vim\\_wa/Documents/evaluation\\_of\\_IM\\_trials\\_WA.pdf](http://www.fahcsia.gov.au/sa/families/pubs/cpsim_vim_wa/Documents/evaluation_of_IM_trials_WA.pdf) at 30 August 2011.

<sup>100</sup> Navi Pillay, Press Conference by United Nations High Commissioner for Human Rights, Canberra, 25 May 2011.  
<http://www.un.org.au/News.aspx?category=1&element=47&PKID=399>

the problems may relate to government failures to make use of available evidence about what does work. Political attitudes too often fail to take into account the cultural and social factors increasingly recognised as significant – including structural inequalities, the effects of past experiences, and social determinants of health, as recognised in the recent WHO report on the Social Determinants of Health.<sup>101</sup> These debates are not new, and we have criteria for success developed by local pillars of policy gravitas such as the Chair of the Productivity Commission<sup>102</sup> and the Australian Institute for Health and Welfare.<sup>103</sup>

Popular stereotypes are fuelled by the ample media coverage of failure stories and the limited coverage of successes. This affects governments' ability to develop and implement effective policies and programs, especially since politicians often subscribe to popular stereotypes and need to cater to the media. Rather than seeking evidence-based solutions, too often governments fail to show leadership in contentious public areas, allowing themselves to be limited by general lack of public understanding of the issues. The current debate on the effects or otherwise of income management clearly illustrates how difficult it is to convince governments to use evidence for making welfare policies work for Indigenous Australians.

Aboriginal communities have endured a long history of policy failures, and ambivalence (to say the least) about these recent initiatives. Aboriginal eligibility for income support is relatively recent; and it is easy to target communities where the cash-based economy is less entrenched than elsewhere in Australia. After all, it was not so long ago that Aboriginal workers were paid wholly or partly in rations. However, removing the right to spend one's income by quarantining half has the effect of infantilising recipients. This was a very substantial policy change, especially since the decision was based on location rather than on any evidence of bad spending by the individuals covered. Therefore, seeking out evidence to prove the value or otherwise of such dramatic policies should have been a priority for government.

Defining what should be counted as evidence in this case involves clarifying many factors that have limited government expertise in Indigenous policy making. These include residues of colonisation as well as local lore and other cultural factors that have been devalued and undermined – core collectivist

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<sup>101</sup> World Health Organisation, 'Social Determinants of Health', [http://www.who.int/social\\_determinants/en/](http://www.who.int/social_determinants/en/)

<sup>102</sup> Banks, G., *Evidence-based policy making: What is it? How do we get it?* (Paper presented at Australian National University Public Lecture Series, Canberra, 4 February 2009). [http://www.pc.gov.au/\\_data/assets/pdf\\_file/0003/85836/20090204-evidence-based-policy.pdf](http://www.pc.gov.au/_data/assets/pdf_file/0003/85836/20090204-evidence-based-policy.pdf) (ANU Public Lecture Series, presented by ANZSOG, 4 February 2009)

<sup>103</sup> Australian Institute of Health and Welfare, *What Works to Overcome Indigenous Disadvantage - Closing the Gap series* (2011). [http://www.aihw.gov.au/closingthegap/documents/annual\\_papers/what\\_works\\_to\\_overcome\\_disadvantage.pdf](http://www.aihw.gov.au/closingthegap/documents/annual_papers/what_works_to_overcome_disadvantage.pdf)

connections and responsibilities, versus Western individualism which denies social and communal mores that are legitimately different from dominant viewpoints.

The consistent failure of governments in Indigenous policymaking raises questions about whether the dominant definition of ‘evidence’ can limit perceptions of what is happening and produce selective perceptions of what could support good policies. Since so little of the evaluation and data collection has been done by Indigenous groups and other independent (not government-funded) organisations, it would seem particularly important to look for counter-evidence, not just ‘proof’ that the government’s program works. As a long-time academic researcher, I looked carefully for any clear, reliable and valid evidence that income management is working, to counter my perception that the current policies and their delivery may be wrong. This rigour is not evident in government processes: the policy decisions being made do not reflect the limits of the evidence available, and yet the program is expanding.

The government's new discussion paper, *Stronger Futures in the Northern Territory*, is claimed to be the basis for a new ‘conversation’ over the coming months. According to the blurb, ‘The paper looks at where the previous response worked, where it could be improved and what the future priorities are...’<sup>104</sup> However, history suggests that the government cherry-picks the occasional vaguely positive figure – such as staffing levels or the numbers of meals delivered – but fails to report negative findings in its own data.

Part of the problem is the widespread assumption that Indigenous progress necessarily means moving toward mainstream lifestyles and values. The term Closing the Gap, despite good intentions, can exacerbate problems by reinforcing the notion that ‘gaps’ always represent deficits in Indigenous societies and assuming that change needs to come entirely from Indigenous individuals and communities. If failure to adjust to mainstream lifestyles is seen as the problem, the policy solutions of dominant groups are very likely to undermine the strengths and benefits of established cultures and laws and erode communalities and cultural responsibility in less powerful communities.

Pat Anderson and Rex Wild QC, who wrote the *Little Children Are Sacred* report that triggered the Intervention four years ago, do not support the government’s view that much is being achieved; they have called for the current programs to be scrapped. Yet the system of control over incomes is now legislated for all!

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<sup>104</sup> Jenny Macklin MP and Julia Gillard PM, ‘Delivering a better future for Indigenous people in the northern Territory’, (Press Release 22 June 2011).  
[http://www.jennymacklin.fahcsia.gov.au/mediareleases/2011/pages/delivery\\_better\\_future\\_in\\_dig\\_22062011.aspx](http://www.jennymacklin.fahcsia.gov.au/mediareleases/2011/pages/delivery_better_future_in_dig_22062011.aspx)