

## Neo-Paternalism: Reflections on the Northern Territory Intervention

History will look back at the Federal Government's 'National Emergency' Intervention of 21 June 2007 and see it for what it is: a bizarre moment in Indigenous policy making without precedent since 1967, and an event that I hope will never recur. The reference to neo-paternalism in the title of this essay refers to the return of an approach from an era 40 years ago, when assimilation proved a failure for both Indigenous Australians and the nation.

How this National Emergency came about will, with time, have many interpretations.<sup>27</sup> The *Little Children are Sacred* Report by Pat Anderson and Rex Wild was completed at the end of April and released in mid-June. The most recent of many reports in the past 18 years provided a horrific and very moving account of cases of child sexual abuse in many Northern Territory (NT) communities.<sup>28</sup> There have been a number of rationales provided for why the Australian Government made this 'National Emergency' Intervention:

- Frustration that the NT Government did not move quickly enough in implementing the Anderson/Wild Report;
- A desire by an ambitious and passionate Minister to cut through political and bureaucratic inertia;
- Electoral and political opportunism based around wrong footing the ALP (the wedge);
- Taking an initiative in the run-up to an election, using concerted sensationalised media focus on NT negatives as a populist aid;
- The existence of 'territory powers' that allow such intervention.

In their book *No, Prime Minister*, political scientists James Walter and Paul Strangio suggest that the NT Intervention was an example of Prime Minister John Howard's frenzied instinct to control as he contemplated power slipping away.<sup>29</sup> There was also a suggestion that Howard was genuinely moved by a radio interview that Noel Pearson gave on Monday 18 June advocating for Cape York reform.

In the days following the National Emergency Intervention there was a frenzied

---

<sup>27</sup> For some of these interpretations see the essays in Jon Altman and Melinda Hinkson (eds) *Coercive Reconciliation: Stabilise, Normalise, Exit Aboriginal Australia* (Arena Publications, 2007); Paul t'Hart. 'Crisis Exploitation: Reflections on the 'National Emergency' in Australia's Northern Territory' (2007) 26(3), *Dialogue* <<http://www.assa.edu.au/publications/dial.asp>>; Rebecca Stringer, 'A Nightmare of the Neocolonial Kind: Politics of Suffering in Howard's Northern Territory Intervention' (2007) 6(2) *Borderlands* <<http://www.borderlands.net.au/issues/vol6no2.html>>.

<sup>28</sup> Rex Wild and Patricia Anderson, '*Ampe Akelyernemane Meke Mekarle, Little Children are Sacred*, Report of the Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse' (30 April 2007) <<http://www.nt.gov.au/dcm/inquirysaac/index.html>>.

<sup>29</sup> James Walter and Paul Strangio, *No, Prime Minister: Reclaiming Politics From Leaders* (UNSW Press, 2007).

level of media attention on Indigenous affairs, even during the federal election campaign; and frenetic policy making on the run, increasingly based on blind faith defence of the Intervention by politicians and their agents usually based on unstated, but very evident, ideology.

There is a view that the NT Emergency Intervention was concocted in a few days, which it was: mainly by Howard, Indigenous Affairs Minister Mal Brough and two very senior bureaucrats. But it did not have a virgin birth; in fact it had a considerable policy history that accords with Howard's long-held ideological preconceptions around 'normalisation' for Indigenous Australians. This goes back a long way and was evident in his very sceptical approach to the existing policy framework on election in 1996—reforming Indigenous affairs was a core ideological issue for the new Prime Minister evident in a series of 'antis': anti-ATSIC, anti-native title, anti-reconciliation, anti-the rights agenda, anti-apologising to the stolen generation in 1997, anti-land rights and anti-the diverse intercultural institutions of Indigenous Australia.

Howard tried to dilute and demolish many Indigenous institutions but was largely unsuccessful (bar the Native Title Act amendments of 1998) because of a hostile Senate. But as Walter and Strangio note, on core ideological issues neither evidence nor public opinion would dissuade Howard, he just bided his time awaiting a better climate.

The better climate came in 2004, first when owing to accidental bipartisanship between then Opposition Leader Mark Latham and Howard, the Aboriginal and Torres Strait Islander Commission (ATSIC) was abolished. Then there was the unexpected Senate majority from 1 July 2005, which delivered the Howard Government an unexpected bonus: for the first time since 1996 it was unfettered in Indigenous affairs.

After the abolition of ATSIC the central terms of policy were changed from something loosely termed 'self-determination' to such phrases as 'mutual obligation', 'shared responsibility', 'mainstreaming' and 'normalisation', concepts borrowed from international social policy developments in other neoliberal states.<sup>30</sup>

At the same time, the nature of public expenditures in Indigenous affairs was changed: with the abolition of ATSIC, Indigenous-specific programs were moved to mainstream agencies, and Indigenous specific allocations were shifted gradually from more settled to more remote regions.

In Indigenous affairs, the Howard Government had set what I have previously

---

<sup>30</sup> See Lawrence Mead (ed) *The New Paternalism: Supervisory Approaches to Poverty* (Brookings, 1997); Lawrence Mead *The New Politics of Poverty: The Nonworking Poor in America* (Basic Books, 1992).

termed the NT ‘trap’ or ‘pincer’.<sup>31</sup> Their policy focus was increasingly on only 66,000 out of 517,000 Indigenous people or 13 per cent of the total Indigenous population. The Australian Government’s public views were increasingly defined in terms of the remotest living Aboriginal people. This focus on remote communities was justified by a fiction that this is where things were really, really bad, especially on emotive issues like child abuse, although this is not supported by the data.

The core neoliberal ideology of assimilation also gained momentum in the post-ATSIC period, with right-wing think tanks enhancing their attacks on Indigenous difference, sometimes because remote communities were deemed to have too many customs that were incompatible with neoliberalism, sometimes because these customs were deemed to be too broken down and consequently resulted in unacceptable lawlessness, a potential threat to the state and capital, and Indigenous people themselves in remote regions. The Australian Government was very comfortable with such attacks.

At the same time there was an abandonment of consultation with Indigenous people, little use of available statistical and research evidence, and increased marginalisation of experts especially if their views diverged from ‘the leaders’, who were increasingly thinking too narrowly about very difficult policy problems and consequently making poor policy decisions.

### *The Northern Territory Intervention*

The Northern Territory (NT) Emergency Intervention started with an unclear focus, but settled eventually on 73 prescribed communities with populations of over 200. It is unclear how these communities mesh with the 640 discrete Indigenous communities in the NT or with Aboriginal-owned land that covers 600,000 square kilometres of the Territory.

The Intervention consisted of 11 broad measures, with a twelfth, and without doubt the silliest, being the abolition of the CDEP scheme, added a month later.<sup>32</sup>

Much of the ensuing public and policy debate has focused on the fact that despite the suspension of critical thinking owing to invocation of a ‘National Emergency’ crisis, a number of the measures appear to have no link to the issue of child sex abuse. They also seemed to lack any coherent logic or consistency, and could be clustered into the following three areas: those that sought to discipline Indigenous people and their ability to earn a living; those that sought to dilute land rights and free up Indigenous-controlled land for commercial

---

<sup>31</sup> Jon Altman ‘The way forward for Indigenous Australians: Not like this!’ (Presentation delivered at Politics in the Pub, Sydney, 31 August 2007).

<sup>32</sup> Jon Altman, ‘Neo-Paternalism and the Destruction of CDEP’, (CAEPR Topical Issue 14/2007) <<http://www.anu.edu.au/caepr/topical.php>>.

development; and those that sought to depoliticise democratic Indigenous organisations and impose external control.

On 16 August these measures were enshrined in Australian law, when Acts totalling 500 pages were rammed through Parliament in a week with scrutiny by a Senate committee that was convened for just one day (and received 154 submissions in the available 48 hours). This was a return to the negative bipartisanship that saw the abolition of ATSIC. It is unclear if the ALP acquiesced because of their fear of being ‘wedged’ on the emotive issue of child sex abuse or whether they were duped by ‘National Emergency’ protocols. Only two minor parties challenged this suspension of due parliamentary process.

The glib phrase ‘Stabilise, normalise, exit’ coined by Minister Brough on 21 June captures well the militaristic humanitarianism embodied in the Emergency Intervention. Soon it became apparent that the ‘stabilisation phase’ was for 12 months; and normalisation (undefined but let’s assume it means practical reconciliation or statistical equality) was to occur over the following four years, to then be followed by ‘exit’—a term that hardly seems appropriate given that it is largely state failure that generated the social dysfunction crisis that many had predicted for some time.

On 21 June the ‘National Emergency’ was about child sex abuse, but it quickly came to focus on the issue of dysfunction. On 29 August, in his first visit to the ‘National Emergency jurisdiction’, Howard indicated that the Intervention was actually about mainstreaming remote living Indigenous Australians.

Several months after the Intervention began, I collaborated in some informal consultations with colleagues in five prescribed communities to see how the process was tracking.

It seemed to me then that the Intervention was proving unsuccessful in meeting its own, not Indigenous, goals for two main reasons.

First, the committed resources and timeframe were unrealistic. Initially Howard said that the Intervention would cost tens of millions, a view vigorously defended by the Finance Minister Nick Minchin, but by August this had grown to hundreds of millions, and in September it reached \$1400 million. My own estimate was \$4 billion over five years, and I think it was conservative as it didn’t take into account the evidence that much of the expenditure was focused on Intervention administration rather than delivery of additional or new services to Aboriginal people like bricks and mortar housing or schools.<sup>33</sup>

---

<sup>33</sup> Jon Altman, ‘Stabilise, normalise and exit = \$4 billion’, *Crikey* (online) 29 June 2007 <<http://www.crikey.com.au/2007/06/29/stabilise-normalise-and-exit-4billion-cheap-at-the-price/>>.

Second, it appeared unworkable as it was unplanned in terms of Commonwealth capacity to deliver, bearing in mind that the Commonwealth has been delivering programs to remote NT for decades. It also seemed unworkable because of its dependence on local on-the-ground personnel and expertise and organisations to implement, yet these were the very organisations that had been financially neglected, demeaned as failures and that were now being alienated, dismantled and depoliticised.

Soon after it began its task, the Commonwealth started to realise both these problems as it moved beyond simplistic mantras and passionate rhetoric and crunched up against hard reality. We saw early evidence of attempts to walk away from responsibility for implementing the Intervention. In August when in the NT, Howard criticised the NT Martin Government, while at the same time the Commonwealth provided substantial new resources to the NT Government and delegated delivery responsibility including to new areas like outstations that historically have been a Commonwealth responsibility.<sup>34</sup>

The NT Government itself would then look to cascade program delivery down to local, community-based organisations: but where was the capacity to deliver after the abolition of the CDEP program? Despite the existence of a bilateral agreement between the Commonwealth and the NT signed in 2005 the two levels of government seemed to work against each other with different approaches to implementing the *Little Children are Sacred* Report.

Indigenous people were the inevitable victims of such inter-governmental bickering and program delivery buck passing.

Also on theoretical and comparative historical, national and international grounds, the overall approach seemed like a recipe for disaster: because it was neo-paternalist and imposed from the top down; racist and non-discretionary; disempowering and unsupported in its totality anywhere, although some people want to cherry pick sensible parts, like access to adequate housing, schooling and police; and because the whole of the package was probably far worse than its parts.

Despite the Government's emergency framing efforts and associated attempts to discredit any contestation of its approach and measures, there were criticisms from day one.

It is interesting that some saw positives in the Intervention, but overall, the negatives appeared to outweigh the positives, bearing in mind that in some communities many of the measures have not yet been implemented.

---

<sup>34</sup> Memorandum of Understanding dated 17 September 2007 between the Commonwealth and Northern Territory governments.

I, too, was challenged to outline if I have found any positives in the Intervention, and at the risk of being accused of ‘me-too-ism’ I do see some big picture positives that can be compared to community perspectives:

- It created an unprecedented national focus on Indigenous affairs, unfortunately mainly in the NT and mainly negative;
- It led to funding realism about the extent of the historic backlogs and what it will cost the nation to meet them;
- It fostered an emerging re-politicisation of the Indigenous sector in the aftermath of ATSIC’s abolition;
- It fed a slowly growing awareness of Indigenous diversity, livelihoods and cultures, but also in terms of perspectives about approaches to development;
- It provided some evidence of emerging alliances between social justice legal practitioners and Aboriginal land owners and organisations evident in the High Court case challenging the constitutional validity of key aspects of the Intervention; the legal system might yet provide one means to reclaim politics from leaders who are poorly advised and push personal ideological agendas.<sup>35</sup>

*Are Neo-Paternalism and Indigenous Development Compatible?*

This question may appear oxymoronic, but one has to remain open to the possibility that mainstreaming might be the preference for some.

For sustainable Indigenous development in all its diversity to occur, I have consistently tried to highlight the following five requirements, if we are to see some progress in the NT. These requirements are not based on rocket science or some extremist ideology, but on basic notions of bottom-up participatory development:

- At the broadest level, it is imperative to recognise Indigenous diversity and difference as benefits for the Australian nation, rather than as something just to be tolerated;
- There is a need for partnerships with communities and the establishment of appropriate elected or nominated channels to formally hear Indigenous aspirations;
- There is a need for realistic local and regional investments, in catch-up to close the gaps and to enable local opportunity that may not be in today’s economy (although it can be) but might be in tomorrow’s economy by taking advantage of the richness of the environmentally intact and biodiversity-rich land holdings owned by many living in remote situations. This enablement will require abandoning periodic loose and degrading talk about closing down unviable black communities, using a culturally constructed and selectively applied notion of ‘viability’, while privileging some non-viable sections of the broader community;<sup>36</sup>

---

<sup>35</sup> Murray McLaughlin ‘NT Intervention delivers mixed results’, *The 7.30 Report, ABC*, 16 October 2007, transcript available at <<http://www.abc.net.au/7.30/content/2007/s2060915.htm>>.

<sup>36</sup> Linda Botterill and Jon Altman, ‘Special and differential treatment? Farmers, remote outstation residents and public policy’ (Presentation delivered at CAEPR Seminar Series, 19 September 2007).

- There is a need to build local intercultural organisations and institutions and capabilities, investing in making imperfect organisations better rather than perfect, but ensuring ‘good enough governance’ for local control;
- There is a need to plan at the local and regional levels for sustainable outcomes at realistic levels that are clear about livelihood possibilities, undertake some rigorous needs-based analysis, and put some negotiated evaluation frameworks in place.

I note that a paternalistic state project of assimilation was tried before, about 40 years ago, and failed. It is being tried again under a different paradigm of neoliberalism and it will fail again—there were already early signs during the ‘stabilisation’ phase that existing development gains were being jeopardised. Some people talk about ‘policy failure’ or ‘failed states’ in remote Indigenous Australia. I just ask what have we learnt as a nation in the last 40 years that makes us so blind as to revisit past failure? The ‘National Emergency’ will peter out, if it has not already, but there are dangers inherent in this for Aboriginal people and the nation if it fails: we risk a loss of national goodwill; a waste of hundreds of millions of dollars, and the dismantling of some robust and important development institutions built up over the past 40 years.

Ultimately, as a nation, we face deeply rooted, difficult, arguably intractable Indigenous development problems in the NT and beyond. In 2007 we saw bipartisanship in embracing the ‘National Emergency’. I suspect that in 2008 we will see renewed bipartisanship in abandoning this expensive and misguided adventure. Perhaps in 2008 we might see the collaborations and the creative hard thinking and the financial commitments that will all be needed to address the most difficult issue of Indigenous disadvantage that we face as a nation.

*3 April 2008*