

# Australian government rams bills through parliament to take over Aboriginal communities

**Mike Head**  
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Yesterday's tabling of almost 500 pages of legislation to authorise the unprecedented takeover of indigenous communities in the Northern Territory underscores the sweeping, autocratic character of the Australian government's military-police intervention.

On the pretext of protecting Aboriginal children, the Howard government pushed five so-called Emergency Response Bills through the House of Representatives in about eight hours, and has demanded that the Senate approve them by next week. This makes an absolute mockery of parliamentary procedure. MPs will not even have time to read the far-reaching laws before rubber-stamping them.

Despite mounting opposition among Aboriginal and non-Aboriginal people alike, Labor quickly announced support for the Bills and is helping the government ram them through both parliamentary chambers, preventing the possibility for any real debate or public scrutiny. Prime Minister John Howard initially rejected, then agreed to, a token one-day Senate inquiry.

Since the intervention was first announced in June, the Labor opposition has given "in-principle" backing to the Northern Territory operation, but its line-up behind the government's latest anti-democratic outrage is revealing.

The legislation is openly racist—it explicitly overrides the federal Racial Discrimination Act and the Northern Territory Anti-Discrimination Act to target Aboriginal people. At the same time, its provisions, including the seizure of land, the slashing of welfare entitlements and forced medical examinations, lay down a blueprint for use against broader sections of the working class.

Fundamental legal and political rights are being ripped up in order to impose free-market measures on Aboriginal townships, which will see "Government Business Managers" implement "emergency" powers and take sole control of local services, such as community stores, housing programs and municipal services. Community Development Employment Projects (CDEP) will be abolished, in order to force indigenous workers into "real [i.e., cheap labour] jobs" or training.

Land and other property will be confiscated without compensation, in violation of the Australian Constitution. No appeals will be allowed to the Social Security Appeals Tribunal against decisions to "quarantine" half the welfare payments of parents alleged to be neglecting their children. Severe fines and jail

terms will be imposed for alcohol use. In remote communities, housing, employment and other government programs will be cut off, forcing people to relocate to towns.

Under the contemptible guise of combating child sex abuse, the Northern Territory has become a testing ground for the wider use of martial law and direct police-state methods. While the Bills focus on nearly 80 "prescribed" towns and camps in the territory, they introduce similar welfare-cutting programs in Aboriginal areas across the Cape York Peninsula, and extend "quarantining" measures to all welfare recipients nationally.

This "welfare reform" marks a new stage in the decades-long process, commenced in the 1980s by the Hawke and Keating Labor governments, of dismantling welfare rights and forcing single parents and unemployed and disabled workers off benefits and into low-paid jobs. The latest measures dovetail with the Howard government's WorkChoices industrial relations legislation, giving the most disadvantaged sections of the working class no choice but to sign Australian Workplace Agreements that strip them of basic rights and conditions.

Since June, without any parliamentary approval, teams of soldiers, police and officials have already moved into scores of Aboriginal towns and camps, pushing aside elected local bodies. Backed by threats that parents will be cut off benefits—leaving them destitute—military doctors and other medical teams have sought to enforce intrusive medical checks on young children on the pretext of combating sex abuse.

But now, in the details of the legislation, the full scope of the government's agenda has been spelt out for the first time:

\* In a naked land grab, communal land titles will be overturned and replaced by five-year leases, clearing the way for mining, tourism and pastoral projects, as well as private real estate developers and market-based rents. In addition, all native title claims will be suspended for five years. The permit system, which allows Aboriginal townships to keep out unwanted outsiders, will be substantially scrapped.

\* No monetary compensation will be paid for the land seizures, despite section 51(xxxi) of the Constitution, which permits the "acquisition of property" only on "just terms". Instead, Indigenous Affairs Minister Mal Brough said "rent and improvements," including infrastructure programs, could count as compensation. In other words, the "just terms" will consist of the provision of a few

long-overdue basic services.

\* Anyone caught in “prescribed areas” with more than the equivalent of 1,350ml of alcohol will be presumed to have an intent to supply and face up to 18 months’ jail and \$74,800 in fines. Those caught with smaller amounts of alcohol can be fined \$110 for first offences and double that for subsequent offences. This discriminatory regime of prohibition, applying only in Aboriginal settlements, will see thousands more indigenous people imprisoned.

\* Likewise, the viewing of any material deemed pornographic will be banned in Aboriginal areas. All publicly-funded computers will be monitored on the pretext of detecting access to banned material or other “unlawful” use.

\* Customary laws will be removed as a mitigating factor for bail and sentencing in criminal cases. This will further boost the imprisonment rate, which is already about 30 times higher among indigenous people than the rest of the population.

\* In a blatantly anti-democratic move, government-appointed “observers” will attend all meetings of organisations that provide services in the prescribed communities.

None of these measures has anything to do with preventing child sex abuse. They will only exacerbate the underlying social problems produced by two centuries of massacres, dispossession and forced removal of Aboriginal children from their families. Their purpose is to herd indigenous people into areas where their labour can be cheaply exploited.

In his media release yesterday outlining the legislation, Brough claimed to be acting on the basis of the Northern Territory government’s “Little Children are Sacred” report, which pointed to serious child abuse in Aboriginal communities. In the same breath, he denounced the report’s authors for “providing no recommendations designed to secure the communities and protect children from abuse”.

The report actually made 97 recommendations, all of which the government has ignored. The report’s authors, Pat Anderson and Rex Wild, QC, called for “desperately needed” better health, education and family support services, together with empowerment of Aboriginal communities. They said the roots of child abuse lay in social problems that had developed over many decades: “The combined effects of poor health, alcohol and drug abuse, unemployment, gambling, pornography, poor education and housing, and a general loss of identity and control”.

Addressing a forum at this week’s Garma festival in north-east Arnhem Land, Anderson and Wild said they felt betrayed by the government. Anderson, an Aboriginal expert in indigenous health, said: “When we turned the TV on and saw the troops roll into the Northern Territory we were just sort of devastated to think that that could happen... There is no relationship between this emergency protection and what’s in our report.”

Speaking at the same festival, retired Federal Court judge Murray Wilcox said the laws to quarantine welfare and ban alcohol would punish entire communities. He expressed astonishment that any federal government would introduce overtly racially discriminatory legislation. “People may think, ‘Well, it doesn’t matter, they’re only people up in the Northern Territory’. But if they can do that in the Northern Territory they can do that in

any community in the country.”

Former “Australian of the Year” and Northern Land Council president Galarrwuy Yunupingu told the gathering of about 2,000 Aboriginal leaders, judges, politicians and artists that the intervention was sickening, rotten and worrying. “We in the Northern Territory are about to be dispossessed of everything, everything that we got left from the original dispossession of our land and lives.”

These comments reflect the levels of opposition among ordinary indigenous people. Leaders representing 75 affected communities travelled to Canberra on Monday to oppose the legislation but were snubbed by Howard, Brough and Labor leader Kevin Rudd.

By backing the Bills, Labor is making clear that a Labor government would continue the Howard government’s measures. When Labor MPs met in caucus yesterday, there were reportedly eight speakers, but none against the Bills.

Instead, the caucus decided to move three cosmetic amendments, essentially designed to legitimise the legislation. Rather than override the Racial Discrimination Act, Labor suggested that the Bill state that it was providing “special measures” of “positive discrimination” under that Act. Another amendment sought a statutory review of the laws after 12 months.

Moving the amendments in the House of Representatives last night, Labor’s indigenous spokesperson Jenny Macklin emphasised that they were designed to “help” the intervention. Nevertheless, Brough brushed them aside, saying they were unnecessary.

Labor’s response to the Bills was in line with yesterday’s editorial in Rupert Murdoch’s *Australian*, which insisted that the legislation be adopted swiftly. Under the headline, “The NT intervention bill deserves a smooth passage”, the editorial said Labor would “do well” to “allow the Government to introduce the intervention strategy without hindrance”.

Labor’s support is rooted in its agreement with the underlying agenda: facilitating the demands of the corporate elite for the gutting of welfare and social programs, the enforcement of cheap labour and the removal of all barriers to exploiting land and natural resources.



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