

Australian Labor government extends Aboriginal intervention, ignoring widespread opposition

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Despite clear evidence that its policies are producing a social and economic disaster, the Rudd Labor government has introduced legislation to strengthen and extend the Northern Territory (NT) intervention first imposed on indigenous townships more than two years ago.

In mid-2007, the former Howard government sent in troops and police to enforce the so-called emergency measures—which included bans on alcohol and pornography, increased police powers, compulsory acquisition of land and “welfare quarantining”—under the cynical disguise of protecting Aboriginal children from sexual abuse.

The powers enacted in 2007, with Labor’s backing, covered 73 Aboriginal communities in the NT, and were so openly discriminatory against indigenous people that they required the suspension of the 1975 Racial Discrimination Act (RDA). Now, under the guise of keeping an election pledge to reinstate the RDA, the Rudd government is expanding the core of the NT measures to apply to all working people. It will, in other words, side-step the RDA by extending them to non-indigenous people.

The Rudd government’s amendments will start by imposing welfare quarantining on all welfare recipients in the NT, whether indigenous or non-indigenous. Under welfare quarantining, also known as income management, the government withholds 50 percent of regular welfare payments and 100 percent of lump sum payments. These amounts can be spent only via “Basics Cards” on authorised purposes such as food, clothing and rent.

On November 25, Indigenous Affairs Minister Jenny Macklin told parliament that this “non-discriminatory” welfare regime would be the first step toward a national rollout applied to all welfare recipients across Australia (see: “Australian Labor government unveils historic welfare-cutting plan”). Far from the reinstatement of the RDA constituting some recognition of the human rights of indigenous people, the Rudd government viewed the suspension of the RDA as a barrier to using the NT intervention as a blueprint for wider use.

All the other racially discriminatory provisions enacted in the NT have been “re-designed” as “special measures” under the RDA. This re-packaging makes a mockery of the “special measures” exemption clause of the International Convention on the Elimination of all Forms of Racial Discrimination. The convention specifies that such measures

must be “taken for the sole purpose of securing adequate advancement of certain [groups]” in order to ensure them “equal enjoyment or exercise of human rights and fundamental freedoms”. These measures must be temporary—they “shall not be continued after the objectives for which they were taken have been achieved”.

In reality, the Rudd government’s “special measures” will allow the NT intervention’s racially discriminatory programs to continue indefinitely. Included is the banning of alcohol and pornography in prescribed Aboriginal townships. Alterations to the alcohol ban can be negotiated with the NT government, but communities must provide evidence that any changes would reduce alcohol-related harm. The government retains the right to reimpose bans.

Similarly with pornography: If communities believe the restrictions are no longer necessary they must apply to Macklin, who will consult with law enforcement agencies and the home affairs minister to decide whether children have been exposed to such material.

Macklin told parliament that the large obtrusive government signs erected outside prescribed communities, effectively labelling their residents as alcoholics and paedophiles, had caused “a sense of shame and humiliation”. Nevertheless, the signs will remain, although a “more flexible approach” will be applied to their wording and placement.

There will be no fundamental changes to the intervention’s discriminatory police powers, which give police officers the right to enter a private residence and arrest anyone believed to be intoxicated. Under the amended legislation, these extraordinary powers will remain, with the proviso that someone from the prescribed area has “requested that police be allowed that power.”

Even the Australian Crime Commission’s unprecedented powers to summons and interrogate residents without revealing any information about their interrogation will be designated a “special measure”. This is despite the fact that the Crime Commission reported in May that it had found no paedophile rings in the NT, and the arrest and conviction rates for child sex abuse involving indigenous perpetrators had barely changed. In the two years before the intervention there were 15 convictions for child sexual abuse involving Aboriginal perpetrators, and in the two years after the intervention there were 18.

Other “law and order” measures will continue, including a ban on taking Aboriginal law and culture into account in bail and sentencing verdicts. The policing powers have led to ongoing terrorising and harassment of Aboriginal families by police. In the wake of the initial large-scale influx of police and soldiers in 2007, an expanded police presence remains. According to the government’s recent *Closing the Gap in the Northern Territory* progress report on the intervention, there are 61 additional NT and federal officers, 18 demountable police posts and lockups, and nine new permanent police stations operating or planned.

As a result of the police build-up, reported cases of attempted suicide and self-harm have risen by 86 percent since 2006. Reported domestic violence incidents in the targeted areas are up 61 percent and alcohol and other substance abuse incidents are up 77 percent. Alcohol bans have led to “drinking paddocks” on the outskirts of towns, producing a 34 percent increase in alcohol-related crime, due to the criminalisation of alcohol possession in some remote communities.

The government’s acquisition of five-year leases on township land, supposedly in return for the provision of housing and other essential services, will continue until 2012, when the government will negotiate “voluntary” leases. Community store licensing and the substantial powers of business managers to run townships will continue.

To justify the revamped legislation, Macklin claimed that the intervention had improved the health and well-being of Aboriginal communities, with children safer and better fed and a decline in the use of alcohol and drugs. Her claims were exposed by the government’s own *Closing the Gap* report, which was posted on her department’s web site in October with very little media coverage.

Rates of anaemia were down, but more infants were hospitalised with malnutrition. Medical treatment rates declined, including child care referrals and specialist audiological and dental follow ups. On education, total enrolments at pre-school, primary and secondary school marginally increased, but attendance rates fell slightly, despite police officers working as truancy officers.

The unemployed were stripped of their previous “remote area exemption” from the work activity test—that is, from applying for jobs where none exist. On 130 occasions, people were penalised by being cut off benefits for eight-week periods. There was a 20 percent drop in the number receiving unemployment or youth allowance payments, partly offset by 30 percent increases in disability and carer pensions.

While 68.2 percent of licensed store operators reported an increase in the purchase of healthy food because of welfare quarantining, they have a vested interest in the “Basics Cards” scheme, which effectively delivers them local monopolies, particularly in remote communities. Not surprisingly, 63.6 percent of the operators said their turnovers had increased (see the report at here).

Like the Productivity Commission’s biennial report into Aboriginal disadvantage released in July (see: “Australia: Aboriginal disadvantage widens under Rudd government”), the government’s own progress report points to escalating poverty and growing disadvantage, including the further criminalisation and incarceration of indigenous

people.

Macklin asserted that the legislation was the result of consultations with indigenous people that were “unprecedented in scale”. She declared: “The government has listened to what people had to say and has considered their extensive and valuable feedback.”

But three days before the legislation was introduced, those claims were exposed by a report entitled, “Will They Be Heard?” The authors included retired Family Court Chief Justice Alistair Nicholson and indigenous law academic Larissa Behrendt.

The report analysed nine hours of consultations between government officials and Aboriginal communities at Bagot, Utopia and Ampilatwatja, as well as government summaries of other consultation meetings. The research concluded that the process was a sham—the government offered the communities no real choice on the intervention; it had a pre-determined agenda.

In an interview on the Australian Broadcasting Corporation’s “PM” radio program, Nicholson said that because of the many flaws in the process, the government’s meetings did not amount to “consent” to special measures under the Racial Discrimination Act. “What you see is extremely articulate Aboriginal people who are expressing enormous concerns about the fact that they’re being singled out as alcoholics, pornographers and so on and they’re saying, ‘look, what about the problems in the rest of the white community? Why are we being singled out this way?’”

Nicholson added that the meetings were “interesting also because they really bring the point out that ... strong opposition [exists] amongst the people to income management.” He said that the government “really didn’t give the people a choice at all” on income management.

The bullying methods employed during the “consultations” underscore the real content of Rudd Labor’s agenda—to override the basic democratic rights of indigenous people, blame them for their own plight and utilise the measures taken against them as precedents to be used against the most vulnerable working class communities across the country.



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