The Northern Territory Intervention

The real agenda: the dream of real jobs and real services for northern Australia

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The Commonwealth Parliament has now passed five bills described as the national emergency response to child sexual abuse on Aboriginal communities in the Northern Territory. It was law making at Canberra’s worst. The 600 page bills were introduced and passed through the House of Representatives in less than a day. They were subject to just a one day committee review process in the Senate. When government does not have recourse to an elected Aboriginal consultative body, when the government controls the Senate, and when there is an election in the air with an Opposition that refuses to be wedged on non-economic policy issues, there is little prospect of close parliamentary scrutiny of bold new policy proposals for Aboriginal well being emanating from Canberra.

The new laws herald three changes:

1. A comprehensive, compulsory intervention in 73 Northern Territory Aboriginal communities whose town lands will be leased by the Commonwealth for five years, with CDEP being abolished, with unemployed community members having to join mainstream job searching and job training, and with all community members having 50% of their welfare payments quarantined.

2. A $48 million funded experiment in welfare reform, education, training and employment on four Cape York communities overseen by Noel Pearson’s Cape York Institute.

3. The quarantining of welfare payments to all neglectful parents throughout Australia (regardless of race, State or Territory), ensuring better primary school attendance by 2009 and better secondary school attendance by 2010.

Tonight I will focus on the first of these changes. A central plank of the original proposal was “compulsory health checks for all Aboriginal children to identify and treat health problems and any effects of abuse.” The initial announcement of the government initiative was so rushed that it took only the most rudimentary consultation with the medical profession to highlight how unethical, unworkable and harmful compulsory health checks would be. The government claimed to be acting urgently, without consultation with the NT government and NT Aboriginal leaders, in response to the NT report *Little Children are Sacred*. And yet the authors of that report had said, “In the first recommendation, we have specifically referred to the critical importance of governments committing to genuine consultation with Aboriginal people in designing initiatives for Aboriginal communities.” The authors
of the report were not invited to give evidence to the Senate committee even though they traveled to Canberra and were in Parliament House.

Those concerned for the well being of abused children, but not prepared to take the Commonwealth government’s intervention on trust, asked for credible explanations why it was necessary for the Commonwealth to acquire land leases over Aboriginal community lands for five years. Everyone knew that compulsory acquisition of Aboriginal land without reason and without consultation would engender mistrust in those local Aboriginal leaders whose co-operation would be essential if any Canberra initiative were to succeed. Minister Mal Brough told Parliament. 1

Our response in the Northern Territory means making important changes which simply cannot happen under current policy settings.

The living conditions in some of these communities are appalling. We cannot allow the improvements that have to occur to the physical state of these places to be delayed through red tape and vested interests in this emergency period.

Under normal circumstances in remote communities, just providing for the clean-up and repair of houses on the scale that we are confronted with could well take years if not decades. The children cannot wait that long. To deal with overcrowding we need to remove all the artificial barriers preventing change for the better.

Without an across-the-board intervention we would only be applying a bandaid yet again to the critical situation facing Aboriginal children in the Northern Territory, when what is needed is emergency surgery.

But was any of this mean? Mr Brough concedes that under normal circumstances, the clean up and repair of houses could take years if not decades. How will this be achieved any more quickly by taking out five year leases over all town areas of the 73 targeted Northern Territory Aboriginal communities? The Commonwealth needs carpenters, not new landlords. They need building resources, not new laws. There are only two classes of persons in Aboriginal houses – those who want their houses repaired and those who don’t. There is no need for the Commonwealth to become landlord of those who want their houses repaired. What is the point of repairing a house for people who do not want it repaired, regardless of who their landlord is? The Commonwealth has a bigger agenda than doing the “clean-up and repair of houses” for the well being of abused children. Despite the $550 million price tag for the first year of the Commonwealth’s intervention, there is no extra allocation for new Aboriginal houses.

We are now entering a new phase in Aboriginal policy. It is not just about protecting the children. Canberra has decided to try a new way of involving Aborigines in remote communities in the real economy and of delivering health, education and law and order services. The real policy work for this new era will commence in earnest in 2008, no matter which party is in power in Canberra.

Before the 1960’s, Aborigines participated in the north Australian economy without land rights, without self-determination, and without equal wages. The second phase

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1 CPD (HofR) 7 August 2007, p. 8
was built upon equal wages with welfare taking up the shortfall, and land rights with remote communities and outstations being established without a real economy or access to the usual government services. With the Community Development Employment Program (CDEP), 8,000 Aborigines on these NT communities have been paid the equivalent of the dole for working a few days a week. In this new third phase, 2,000 of these people will be paid real wages for real work. And the rest? They will have to seek employment and job training like other Australians. Where? How? There will be two classes of Aborigines in remote Australia – those with jobs and those with no prospect of employment or training in their home communities.

At the beginning of the second phase, the Commonwealth Conciliation and Arbitration Commission was asked by the Australian Workers’ Union to grant equal pay to Aborigines in the pastoral industry. Sir John Kerr was counsel for the pastoralists. He submitted:  

It seems to the pastoralists to be nonsense to say that men are better off, unemployed in thousands, but maintained in settlements in growing degrees of comfort when they could work in the real world with growing degrees of efficiency and growing economic reward.

In its decision the Commission noted:  

(If) aborigines are to be paid the same as whites, then employers would prefer to employ whites because they could employ far fewer with the same results. We accept the employers’ evidence that as at present advised many of them expect to change over to white labour if aborigines are to be paid at award rates”. We do not flinch from the results of this decision which we consider is the only proper one to be made at this point in Australia’s history. There must be one industrial law, similarly applied to all Australians, aboriginal or not. If any problems of native welfare whether of employees or their dependants, arise as a result of this decision, the Commonwealth Government has made clear its intention to deal with them.

In the 1970’s the Bjelke-Petersen government was the most eloquent in its opposition to land rights and the development of outstations. At the time of the Aurukun and Mornington Island standoff in 1978-9, Joh Bjelke Petersen told the Queensland Parliament:  

My own concept of social alienation can be illustrated by actions of the Uniting Church in establishing ‘outstations’ many miles from conventional facilities such as hospital, schools, etc, where reversion to the ‘tribal’ pattern of life was encouraged.

School attendances dropped 40% and we cannot accept or tolerate a situation in this State where the young people of a Community are thrust into an isolated situation where, by denial of fundamental education and health care services, and by an ideological indoctrination of Aboriginal separation and separate development, they would by contrast with all other Queenslanders, be seriously impaired in choosing to pursue broader horizons of life in future should they wish to do so. That Aborigines may be socially and educationally equipped to make such a choice in life is the fundamental aim of our Aboriginal Advancement policy.

2 J. Kerr, "Reflections on the Northern Territory Cattle Station Industry Award Case of 1965 and the O'Shea case of 1969", Address to H R Nicholls Society, 28 February 1986

3 The Northern Territory Cattle Industry Case (1965) 113 CAR 651 (Cth), followed up elsewhere in Australia in Australian Workers Union v Graziers Association of New South Wales and Others (1967) 121 CAR 454 (Cth)

In the last twenty years, the Aboriginal population in NT remote communities has grown by approximately 40%. 72% of the Territory’s Aboriginal population lives on Aboriginal land outside major towns. 54% of these communities do not have a local health clinic and 94% are without preschools.

Here now is the problem which has been escalating since land rights were first granted and recognised. No matter what the politicians say at a time of emergency, it is not cost effective to deliver the full panoply of human services to small remote communities. People cannot live on outstations or in very small remote communities and expect to have the full panoply of government services delivered to them. The acute problem now is that the children in such communities cannot be guaranteed protection from sexual predators by either the State or by their own community members unaided. It is not an option to have community outsiders living in small, unsustainable communities to protect the children from their own.

The real purpose of the Commonwealth’s lease acquisition proposal in the Northern Territory was revealed by Mr Brough in The Australian when he was speaking of the need for the Commonwealth to decide which communities would be offered 99 year leases once the first phase of the emergency intervention was complete. He said, “Some communities are going to be very challenged to remain as they are and we are going to have to have honest conversations with people...If you don’t have these basic amenities then you really don’t have a viable long-term option. If you want to live there that’s OK but not expecting the Government to somehow build a clinic and put a school in for kids or whatever it may be, and knowing there’s no jobs there.”

Once the dust settles on the present political flurry, there will have to be a negotiated process for determining the viability of outstations and small remote communities. The taxpayers will not stand for delivering the full panoply of services to every community, no matter how small. There will be a need for detailed government co-operation with groups like the Coalition of Aboriginal Organisations. Public servants can be sent to remote communities to deliver services; police can be sent to enforce the law; but there will be no long term satisfaction for anyone in commissioning outsiders to live in communities simply to monitor family obligations before quarantining welfare payments. This third phase will cost big money and will entail significant relocation of the Aboriginal population in northern Australia. Real jobs and real services don’t come cheap in remote Australia, regardless of the community’s racial identity.

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5 The Australian, 9 August 2007