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- This submission to the Senate Enquiry into the Extension of Key Northern Territory Intervention Measures calls for the cessation of the Northern Territory Intervention and its offshoots in other states. Following are just a few of many problems that highlight the irrationalities and contradictions of the policy (1.1-1.4). The submission will finish with a recommendation for the replacement of the policy (2).

1. A brief survey of some problems with the Intervention

1.1. Cessation of CDEP community employment/ service provision programs and Income Control

CDEP projects which have for decades provided essential services and productive activity for community members (old aged homes, community gardens, conservation works, the Mutujula womens' after dark surveillance teams to name a few) have been closed down so that CDEP participants can be put on Centrelink payments which can then be controlled.

People are forced to buy provisions in prescribed shops where their controlled income can be spent. This has led to the closure of community shops and forces people to spend money on long distance travel, in some cases air travel. There are documented cases of people and their families going hungry because they cannot afford such travel. This is contrary to the publicly stated policy objective, to enable families to provide for themselves.

The application of these measures is entirely arbitrary. They apply to all individuals in a given geographical area, whether or not they fall into the categories of behaviour that are meant to be corrected. People who spend their money on their family and send their kids to school are treated the same as those who do not.

There is simply no justice in this lazy, haphazard approach.

Many of the people effected by these measures have been well respected community members for decades. And, now into their senior years, having brought up families, stayed in employment for decades, and with ongoing responsibilities for their extended families, they are denied dignity and their community standing is undermined. This can only exacerbate rather than address social dysfunction.

1.2. The ineffective provision of services under the policy

The provision of services under the policy has been preposterously. The administration of physical infrastructure projects is done by public servants, who have their areas of expertise but no qualifications in, or knowledge of the building industry. Last year, to highlight the failure of housing provision under the policy, the builders' unions erected a home in a remote area of the NT. They took a fraction of the time and used a fraction of the funds that government projects have taken. And the house was more in keeping with climate and community demands. In a wealthy nation, the failure to provide housing under this policy is shameful and unjustifiable.

Doctors have been recruited to do check-ups but there is inadequate or no follow up. This is not a health program but a statistics collecting exercise, which is the easier of the two. It is unnecessary as there are already ample statistics and recommendations from a plethora of previous studies, most notably from community driven studies. This exercise does little more than give an appearance of government action. A genuine community health program would be aimed at ongoing support for existing community health projects, and design and development of new projects, with the participation of community members. These would be incorporated with employment strategies to expand the provision of community health assistants.

1.3. The Intervention strategy of de-populating remote communities

The strategy of concentrating people into town camps and de-populating remote communities runs directly contrary to ample geographical, sociological and anthropological evidence suggesting that it is the town camps that suffer the most social dysfunction (both historically and currently), while the remote communities are more sustainable in social, environmental and physical health. This policy strategy is purely economically driven. Even as such, it is short term economy as the ill-effects are already far outweighing the expected economic efficiencies of reducing provision to remote communities. These ill-effects will worsen into the future, as previous policies of concentration have shown us. We are still dealing with the effects of similar policies of the 1950s and 60s, while at the same time returning to them.

1.4. Lack of community participation

The most fundamental problem is that the policy has been underpinned by a lack of community participation in decision making. Minister Macklin and Minister Brough before her have both claimed that community consultations have been taken and that communities support the measures under the policy. But consultations are so often subject to both arbitrary and selective processes and there is ample anecdotal evidence for this regarding the NT Intervention.

It is true that some community women support the measures that have allowed them more control over family finances. This is good in itself, but not a cause for celebration by government—indeed, it would be a strange policy indeed that could not claim some benefits. But this outcome and much more could be achieved using more rational policies based on real community participation, and without the destructive ill-effects that accompany these top-down, draconian measures—see Recommendation, below.

These government consultations processes are utilised to throw up these selective, disjointed statements of outcome. But there is no reporting how community members assess other aspects of the Intervention. Have communities been asked to give an overall review and assessment of the impact of the policy? When this was done by an independent body¹ we heard from members of NT communities across a wide geographical area. They were adamant that the policy disempowered them, made their lives much more difficult, treated them differently from the rest of the Australian population and made them feel like second class citizens.

¹ Concerned Australians, 2010 "This Is What We Said: Australian Aboriginal people give their views on the Northern Territory Intervention".

2. Recommendation

A central concern of Aboriginal communities is that they want what all dominated peoples around the globe want—to be able to participate in making decisions that effect their lives.

Participation is more than consultation. Participation gives people a measure of equality in decision making, while a consultation process enables government agencies to ask selected questions and then select the answers that fit a pre-determined policy. It retains power firmly in the hands of the Government. Participation means that community members are able to have input into the design of policy and service delivery programs.

A good example of effective participative decision making was the **South Australian experience of Native Title negotiation**. In 1999 the SA Government called for interested parties—native title claimants, together with the mining, pastoral, tourism, forestry and fishery sectors—to come to a “Main Table” for the negotiation of a Statewide Indigenous Land Use Agreement. The process avoided litigation (and the community distress and exhaustion that this entails), and Indigenous participants were able to build several programs of employment generation, co-management, conservation and service delivery. This was achieved because the statewide Indigenous body that came to the “Main Table” the ALRM (Aboriginal Legal Rights Movement) operated not as a top-down structure for passing decisions down to communities, but rather, as a multi-scaled body, allowing decision making processes to flow iteratively, both up and down. This method empowered local communities to review the decisions made at the state level and to have ongoing input².

Aboriginal communities need an Australian Government response that provides for real community level participation and real community authority in decision making. There are numerous Indigenous organisations in the N.T. that have developed effective community programs (for increasing schooling rates, alcohol rehabilitation, domestic violence to name a few). These are the people who have the on-ground knowledge of what works for their communities. They and other community members deserve to be treated as assets and equals, not as second class citizens whose knowledge, experience, values, assessments and hard work in developing community social infrastructure amount to nothing.

² For an account of the process see:

Agius, P. & R.. Howitt (2003) “Different Visions, Different Ways: lessons and challenges from the native title negotiations in South Australia”, paper presented to the Native Title Conference, Alice Springs, Northern Territory, June 2003.

Agius, P., J. Davies, R. Howitt & L. Johns (2001) “Negotiating Comprehensive Settlement of Native Title Issues: building a new scale of justice in South Australia”, Native Title Representative Bodies Conference, Townsville, 28-30 August 2001.

Agius, P., R. Howitt, S. Jarvis & R. Williams (2003) “Doing Native Title as Self-Determination: Issues From Native Title Negotiations in South Australia”, draft paper for presentation at the International Association for the Study of Common Property Pacific Conference. Brisbane, Queensland, September 2003.

Agius, P., T. Jenkin, S. Jarvis & R. Howitt (2007) “(Re)asserting Indigenous Rights and Jurisdictions within a Politics of Place: Transformative Nature of Native Title Negotiations in South Australia” *Geographical Research* 45(2): 194-202.

Calma, T. (2006) *Native Title Report 2006*, Report of the Aboriginal and Torres Strait Islander Social Justice Commissioner, Human Rights and Equal Opportunity Commission, Sydney.