

A submission to the Senate Inquiry into the NTER Bill and associated Bills

These Bills are flawed at least inasmuch as they are based on pragmatism rather than principle. Principle would require that all citizens in a liberal democracy be treated equally. Thus to limit the freedom of some, but not others, without their consent to control their own incomes would violate that principle of equality. When that limitation is acknowledged to be racially discriminatory to the extent of requiring a suspension of the Racial Discrimination Act (1975), the violation of the equality principle becomes also racist. Even to amend the relevant limitations on citizen freedoms so that they do not fall exclusively on members of a single race only eliminates the racist element of these Bills, not the denial of the principle of equality for all citizens.

The pragmatic end of solving a serious social problem does not justify the use of immoral means. Rather it points to the need for effective alternative means. Nor is it a sufficient defence of these immoral means that some members of Indigenous communities want them. Such a defence, if accepted, would also justify a whole range of limitations on the freedom of the relevant individuals, limitations that characterised the *apartheid* regime in South Africa. Moreover, the Senate should pay careful attention to those communities that argue that they do not want these limitations, or that those who do want them are not representative of their communities.

The single most incontrovertible lesson of the history of relations with Australia's Indigenous peoples is that policies by which 'whitefella' governments tell 'blackfella' Australians what is good for them do not work. Consultation which is selective, as is clearly the case in the Northern Territory, mocks this lesson by paying lip service to it while persevering with the same old policy approach. Genuine solutions to the very real problems that the Government is trying to address will be ones that empower the relevant communities to control their own affairs by building consensus in the communities themselves. Education in the management of money, and the support of families are more time-consuming and thus require more patience, but in the end they leave the relevant persons feeling they are being treated as equal citizens. There can be no genuine reconciliation between Indigenous and non-Indigenous Australians until and unless the former feel they are receiving such treatment at the hands of Government.

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