

Stop the Intervention Collective Sydney (STICS) – Submission to the Senate Inquiry on the new Intervention Legislation.

Prepared by Michael Brull from STICS

John Maynard Keynes once famously said that when the facts change, he changed his mind. One would hope that politicians, faced with changed facts, would change policies. Jenny Macklin has been consistently confronted with policies that do not suit the facts. Rather than follow Keynes' lead, she instead has consistently sought to change the facts to suit her policies.

The Intervention in the Northern Territory was purportedly launched in response to *The Little Children are Sacred* report. However, even years later, the vast majority of the report remains ignored. The *National Indigenous Times* (Nov 12 2009) reported that on 11 November this year, the Northern Territory government released a report showing that of the *Little Children are Sacred* report's 97 recommendations, only 12 had been fully adopted.

The report begins its section on recommendations by stressing "the critical importance of governments committing to genuine consultation with Aboriginal people" (p 21). The Intervention, however, was undertaken with *no* consultations with indigenous communities. It didn't even involve consultations with the Northern Territory government, or even the authors of the *Little Children are Sacred* report (Rex Wild 'John Howard is taking over the Territory', *Crikey*, 14 Sept 2007). Unsurprisingly, one of its co-authors, Pat Anderson, exclaimed that "There is no relationship between the Federal response and our recommendations. We feel betrayed and disappointed and hurt and angry and pretty pissed off at the same time." (Melissa Sweet "Not a single voice in support of intervention", *Crikey*, 7 Aug 2007)

After the Rudd government was elected, it chose to continue with the Intervention, though Jenny Macklin "hand-picked" a panel to conduct a review of the Intervention (Patricia Karvelas and Paul Toohey "Pressure on Government to soften the Northern Territory intervention", *The Australian*, Oct 14 2008). Unfortunately, their findings on the Intervention were scathing. Rather than change the policy, the review was mysteriously changed, with a sanitised version inexplicably becoming the final product.

The draft version of the review described the Intervention as "an experience of violence itself". The "chronic failure by all levels of government to provide basic civic services to Aborigines, together with "dysfunctional government service delivery", were the "key determinants" of all that was wrong with Aboriginal communities. Communities felt the Intervention was a return to "ration days", and that it was a "collective imposition based on race" (Paul Toohey "Rewrite takes sting out of NT report", *The Australian*, Oct 15 2008).

Though the most trenchant criticisms were removed, the Northern Territory Emergency Review (NTER) still was critical of the Intervention. For example, it urged that the compulsory income quarantining end.

How did Macklin respond? By continuing the Intervention, without the slightest change. She had done what she could to change the facts: her failed , racist policies continued.

The Intervention continued. As Chris Graham has noted, this "emergency response" to paedophilia has yet to catch a single paedophile according to the Australian Crime Commission ("Racist, not working: UN bashes NT intervention", *Crikey*, Aug 28 2009). The emergency housing program has so

far spent tens of millions of dollars, and as of February of this year, two and a half years later, has built two houses.

More facts about the Intervention's failures came in. The Sunrise Health Service covers 112 000 square kilometres of the Northern Territory. Contrary to claims about health improved by compulsory income quarantining, they found that "anaemia rates in the area have jumped significantly" since the start of the Intervention (Larissa Behrendt and Irene Fisher "Intervention is hurting health", *SMH*, March 31 2009).

When experts visited the Northern Territory, their impressions were similar to those of the draft of the NTER Review. Amnesty International's head, Irene Khan, for example, found that the measures are "stigmatising and disempowering an already marginalised people" ("Irene Khan Calls for New Approach to Tackling Indigenous Disadvantage" *Amnesty Website*, 18 Nov 2009). Similarly, there was the case of the United Nations Special Rapporteur on Indigenous rights, James Anaya. As he arrived, Jenny Macklin welcomed him as "one of the world's leading human rights advocates and legal scholars". "Professor Anaya", she declared, "your visit around Australia will shine a light on human dignity." ("Welcome to UN Special Rapporteur, Professor James Anaya - National Museum of Australia, Canberra", Aug 17 2009)

Anaya went on to inspect the Northern Territory, and found the Intervention's "measures overtly discriminate against aboriginal peoples, infringe their right of self-determination and stigmatize already stigmatized communities." ("UN envoy: NT intervention racist", *Crikey*, Aug 28 2009)

Anaya – like every other expert, before and since Rex Wild and Pat Anderson wrote *The Little Children Are Sacred* – insisted on the urgent importance of consultations to all measures, not only to respect the dignity of Indigenous communities, but also to implement effective solutions.

Typically, Macklin chose to avert her eyes from the light Anaya shone on the dignity of Indigenous communities in the Northern Territory, attacked by her policies. She claimed that this was out of concern for women and children in the Northern Territory (Stuart Rintoul "Jenny Macklin defends Northern Territory intervention", *The Australian*, Aug 29 2009). As though there was some evidence her policies benefited them, and as though women and children enjoy suffering overt discrimination and stigmatisation. Note also that Macklin's claim implies that she is *not* concerned about the rights of Aboriginal men.

It is worth considering further Macklin's claim that she is particularly concerned about the plight of women and that women in particular are supportive of her policies in the Northern Territory. In a sense, this recalls a study by Leila Ahmed, *Women and Gender in Islam*. In her book, Ahmed identifies a phenomenon she calls "colonial feminism": "feminism as used against other cultures in the service of colonialism". Colonial feminists "captured the language of feminism and redirected it, in the service of colonialism, toward Other men and the cultures of Other men." That is, the "idea that Other men" of the colonised societies "oppressed women was to be used, in the rhetoric of colonialism, to render morally justifiable its project of undermining or eradicating the cultures of colonised peoples." Ahmed describes the colonial feminism of those who opposed Islam, claiming that it inherently oppressed women, as being "in the service of" the colonial "assault on the religions and cultures of Other men." To give a particularly striking example, Ahmed cites the case of Lord Cromer. Cromer believed that the "mind of the Oriental" was inferior. When it came to Islam, he thought it was a "complete failure" as a social system, singling out "first and foremost" its treatment of women. Whilst deriding the oppression of women under Islam, his policies in Egypt were, according to Ahmed, "detrimental to Egyptian women", such as "discouraging the training of women doctors." Whilst Cromer advocated the unveiling of Egyptian women to liberate them from sexist

oppression, Cromer was also in England the “founding member and sometime president of the Men’s League for Opposing Women’s Suffrage.”

The Rudd government has not only inherited a society in which Indigenous women face domestic violence in the Northern Territory. Australia is also a country where violence against non-Indigenous women is pervasive. One in three women who have been in relationships have experienced domestic violence. (Mouzos, J and Makkai, T (2004) *Women’s Experiences of Male Violence: Findings from the Australian Component of the International Survey on Violence Against Women*, Australian Institute of Criminology, Research and Public Policy Series No. 56, Canberra) Domestic violence is the leading risk factor of death, disability and illness for women aged 15-44. (VicHealth (2004) *The Health Costs of Violence: Measuring the Burden of Disease Caused by Intimate Partner Violence*, VicHealth, Melbourne.) Does this warrant the declaration of a national emergency? On an average day, almost half the women who turn up to emergency accommodation shelters for victims of domestic violence will be turned away, due to inadequate funding and resources.(Australian Institute of Health and Welfare (2004) *Demand for Supported Accommodation Assistance Program (SAAP) Assistance by Homeless People 2002-03 Australia*, SAAP NDCA Report Series 8, Australian Institute of Health and Welfare, Canberra, p.60. Available at: <http://www.aihw.gov.au/publications/hou/dsaapahp02-03/dsaapahp02-03.pdf>)

Amnesty noted that to match the spending of the average European country on the issue, Australia would have to increase its funding to \$120 million over the next four years, as opposed to the budgeted \$75.6 million over the previous four years.

However, when April came, Amnesty noted to its dismay that the Government, rather than increasing funding to stop violence against women, had delivered a cut. The budget had been reduced to \$41.5 million over the next four years. At a time of increased government spending, the Rudd government couldn’t find more than \$10 million a year to stop violence against women. Yet this same government declares above all its key justification for the Intervention in the Northern Territory: its concern above all for Indigenous women, who allegedly support these measures.

Interestingly, the relevant report on the Federal Government’s plan to stop violence against women was launched on the FaHCSIA website (http://www.fahcsia.gov.au/SA/WOMEN/PUBS/VIOLENCE/NP_TIME_FOR_ACTION/NATIONAL_PLAN/Pages/foreword.aspx). Perhaps this was to illustrate how passionate the Minister for Families, Housing, Community Services and Indigenous Affairs is about violence against women. Regardless, the funding cut makes plain how highly the Labor government prioritises the issue of violence against women. Consequently, the issue arises: does Macklin care about the plight of women facing domestic violence? Does she only care about Indigenous women? Or does she simply *use* the language of feminism, as Ahmed might say, as moral justification for an assault on the rights of Indigenous people, for unrelated reasons?

Precisely why Macklin has continued with the Intervention is not clear. It is not because of any evidence in favour of the Intervention. The facts have followed a consistent trend of indicating the failures of her racist policies. No government report has ever come out with serious evidence of the Intervention’s success. Most of them have come out with strong evidence against it. The most recent six month progress report on the Intervention found that “reports of domestic violence rose 61 per cent, substance abuse was up 77 per cent and there was a 34 per cent increase in alcohol-related crime”. (Yuko Narushima “NT intervention failing to make a difference: report”, *SMH*, Oct 31 2009)

Macklin could have decided to respond to these failures by changing her policies. She obviously did not think this the appropriate course of action. Faced with facts and policies that weren't working well together, Macklin thought it would be easiest to change the facts. Macklin announced a process of consultations, which lasted from June to August in 2009. So far, no review had given her the facts she wanted, but perhaps the appropriate form of consultations would give her the desired results.

Chris Graham had revealed in the *National Indigenous Times* (July 9 2009) leaked legal advice to Jenny Macklin, which advised against consultation with Aboriginal communities in the Northern Territory. The problem was that a "consultative mechanism that falls short of requiring consent might not strengthen the argument" that the compulsory acquisition of Aboriginal land in the Northern Territory were special measures – the kind of benign and temporary racially discriminatory measures allowed under the Racial Discrimination Act. It wouldn't do to have a consultative mechanism that required consent: Macklin obviously didn't expect to gain the consent of Indigenous communities in the Northern Territory. Furthermore, a formal consultative process would be "prohibitive in terms of costs and resources". Macklin had been advised that there was a "significant risk" that if the Racial Discrimination Act were reinstated, it "would be found to be inconsistent" with the compulsory acquisition of Aboriginal land.

Macklin could choose to abandon a racially discriminatory process. Instead, she chose to change the facts, which had betrayed her so many times before in the past. She set up a process of consultations. To be effective from her point of view, they would have to fall short of requiring consent from Indigenous communities. It is hard to avoid the conclusion that Macklin knows perfectly well how unpopular the Intervention is in the Northern Territory, and that she is consciously lying when she describes popular support for it.

The consultation process, from June to August, was already subject to incisive and trenchant criticisms by Chris Graham (for example, "Jenny Macklin's special brand of consultation", *Crikey*, Aug 27 2009. Chris Graham "The truth about the NT intervention and government consultation", *Crikey*, July 7 2009. Research assistance from Amy McQuire and Madelaine Sealey). On the day of the release of Macklin's findings from the consultations, distinguished legal experts, including Larissa Behrendt and Alistair Nicholson, released a report, *Will They Be Heard?*, launched by Malcolm Fraser, with devastating criticisms of Macklin's consultations.

Undaunted, Macklin claimed that these consultations provided evidence supporting her Intervention. Obviously, Macklin would have been delighted if finally there were some facts to support her policy. Yet the truth appears to be part of the old pattern: the facts are to be changed to fit the policies.

Whilst the critique of the consultations by Behrendt et al. is devastating enough, there is an even more revealing report on the consultations. Macklin has claimed that it vindicates her consultation process: in fact, it does the opposite.

The government contracted out independent monitoring of the consultation process to the Cultural and Indigenous Research Centre Australia (CIRCA). FaHCSIA's report on the consultations brags that CIRCA's report shows that the consultations were open and fair, that government facilitators "emphasised the importance of people having their say", and that government reports accurately reflected the content of the consultations. CIRCA is also quoted as endorsing the Tier 1 meetings as a "critical component" in the consultation process because they allowed voices that would otherwise be marginalised to be heard (p 18). (*Report on the Northern Territory Emergency Response Redesign Consultations*, 2009. Available at

http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/Documents/redesign_engagement_strategy/final_report_09_engage_strat.PDF)

It sounds impressive that an independent monitor would give such a ringing endorsement to the consultation process. If an independent monitor did indeed endorse the consultations, then the public obviously would have good reason to take seriously Macklin's claims about finally having supporting evidence for her policies.

However, does the independent monitor really establish the credibility of the consultation process? No. By any measure at all, there remains zero evidence on the public record in favour of the intervention.

Let us start by considering the procedures of the consultations. There were four types of meetings in the consultation process: Tier 1, Tier 2, Tier 3, and Tier 4. According to FaHCSIA, there were about 444 of the Tier 1 meetings. According to CIRCA, these were meetings with individuals and small groups, conducted by the Intervention imposed Government Business Managers (GBMs), or Indigenous Engagement Officers (IEOs). There were 109 of the Tier 2 meetings, which were big community gatherings. Tiers 3 and 4 were workshops conducted with Indigenous leaders and peak Indigenous organisations, and there were six and five of them respectively. (p 7, 67, 69)

Can CIRCA verify that these consultations were done appropriately? In fact, according to CIRCA's report on the government's consultations, they monitored 15 Tier 2 meetings, and one Tier 3 meeting (pp 3-4). At best, they obviously cannot comment on Tier 1 meetings, which, as FaHCSIA's report stressed, they considered a "critical component" of the consultation process (p 18. Original CIRCA quote in their report on p 4). (*Report on the NTER Redesign Engagement Strategy and Implementation*, September 2009.

http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/Documents/redesign_engagement_strategy/final_report_09_engage_strat.PDF)

The reason is as follows: CIRCA argued that the public meetings (Tier 2) were dominated by respected figures within the community. This meant that it was regarded as inappropriate for other figures to speak up. Hence, Tier 1 meetings supposedly would give voice to the silenced members of what was said by respected community figures in Tier 2 meetings. CIRCA claimed that Tier 1 meetings would therefore help in gathering feedback from a "broad cross section of the community", to allow a greater diversity of voices to be heard. (p 4. See also pp 12-13, 21)

It is possible that Tiers 2, 3 and 4 all provided unsatisfactory insights into public opinion in the Northern Territory. However, by its own admission, the independent monitor can offer precisely no corroborating evidence for the Tier 1 meetings, because they failed to monitor a single one.

As it happens, it is obvious that the government relies crucially on Tier 1 meetings to support the intervention. For example, take the case of compulsory income management. Jenny Macklin has said that women and the elderly support this measure in particular (Mark Colvin and Sara Everingham "Minister defends intervention consultations", *PM with Mark Colvin*, Nov 23 2009).

Those who read the FaHCSIA report will find that it admits that Tiers 3 and 4 opposed the income management as "discriminatory and paternalistic" (p 28). Obviously, public support - Jenny Macklin's majority - must have come from these Tier 1 meetings (we can rule out Tier 2 meetings for reasons that I will later outline).

Should we believe what the government says Indigenous Australians said in Tier 1 Meetings?

CIRCA's report, whilst claiming to vindicate the government, in fact shows how unreliable it is.

Before considering why we shouldn't take the government at its word, what do we know about the Tier 1 meetings? As noted already, they were conducted by GBMs and IEOs. It is important to bear in mind that the GBM's and IEOs are the very people whose jobs were created by the intervention, and who have been imposed on the Northern Territory Indigenous communities. People whose salaries depend on the Intervention policies continuing are hardly credible, unbiased observers, who we can rely upon to accurately report Aboriginal opinion on the Intervention. Yet we have to take them at their word, because these meetings were not open to any public scrutiny at all.

What should also be noted is that we have no way of knowing how people were selected to take part in Tier 1 meetings. It's possible that they were randomly selected. It is also possible that the Government handpicked people who would tell them what they wanted to hear about the Intervention. We cannot know, because the process is not on the public record.

Alastair Nicholson notes in the introduction to the *Will They Be Heard?* report that since the end of the consultation process, residents who had taken part in the consultations have repeatedly requested a copy of the consultation summaries. They have yet to receive copies of the reports, making it impossible for those consulted to find out if their consultations were accurately transcribed for the government (paragraphs 29-34. One elder was able to gain a copy of the report on a Tier 3 meeting. This is perhaps unsurprising: the government has made plain that it will disregard the advice of *these* meetings. This particularly elder "knew of nobody in her community" who had been provided with a report on the "regional meeting": presumably, the relevant Tier 2 meeting.)

Greens Senator Rachel Siewart called on the government to release the transcripts of the consultations, so that we could find out what those consulted said. The government, together with the Coalition, voted down this motion ("NTER reform consultation meeting transcripts denied public scrutiny", *Greens*, Nov 26 2009). Effectively, Labor, and the Coalition prevented public scrutiny of what the consultations really showed. It is sadly telling that they are afraid of what we might find out if they released these transcripts, and could then ask people in the Northern Territories if their views were accurately summarised.

Given that there is no independent verification of anything the government says happened during the Tier 1 meetings, and that the government has prevented us from finding out what was said, are there any reasons to doubt what the government claims is the case?

Firstly, there is the issue of the bias of those who were to record what was said during the consultations. Yet CIRCA has shown that the consultations were essentially biased in favour of the Intervention. According to CIRCA, "the engagement and communication strategy document" of the consultations "identified the key messages of the consultation phase" (pp 9-10. All quotes from this section).

The key messages include the "Background to the NTER": that it "was introduced in response to numerous reports, in particular, the Little Children are Sacred Report, which revealed serious problems impacting on many of the Aboriginal communities in the NT.". This is certainly what the government claims is the case: there is little reason any independent observer would believe this to be true. As noted already, both Labor and Liberal governments have disregarded the vast majority of its recommendations, including the most crucial recommendation: genuine consultations. It is worth noting that this is not a claim developed after the Intervention: the authors go to great lengths to

emphasise this. For example, they note that the “thrust of our recommendations... is for there to be consultation with, and ownership by the communities, of those solutions” to the problem of child sexual abuse (p 21).

However, as Wild noted, the Intervention was launched without consulting with Indigenous communities, nor “the NT Government, and certainly not with the authors of the report”. The most important point was the need for consultations: this “recommendation was in line with the findings of every other study prior to ours.” Simply, Wild noted that the “government has missed the central point of our recommendations.” (‘John Howard is taking over the Territory)

Yet the government consultations from June to August identify the measures of the NTER simply as a response to the *Little Children are Sacred* report.

Incredibly, the next key message is a summary of the NTER Review Board. This message summarises its findings as the need for the Intervention to continue, “with some suggested changes”. The changes that are needed went unmentioned, and so did the reasons for recommending these changes. It is unmentioned, for example, that the Review urged the end of the income quarantining, and the devastating criticisms of the draft Review that was leaked to the *Australian* were also, of course, unmentioned.

The next key message dwelled on the “progress” of the intervention, listing its “improvements” and “benefits.” The section on improvements tendentiously selects the few facts that are not revealing of the Intervention’s failures. It is noted, for example, that there are 66 more police. The section on “benefits” at least admits that these are government claims, because there is no substantiating evidence for them. For example, it claims families are “feeling safer because of extra police and reduced alcohol consumption”. There is little evidence for the latter, whereas the proposition of warm relations between Indigenous communities and the police would surely come as a surprising revelation to many. Even Miranda Devine has noticed that the relationship between the police and Indigenous Australians in Redfern isn’t particularly warm (though she can’t imagine why). (Between the rocks and a hard place”, *SMH*, Feb 19 2004)

The next “key message” notes that the government “has already taken action to improve the NTER”. This includes legislation pending, which will allow those on income management to appeal.

Finally, the government’s key message on “The next stage” reveals exactly what its alleged consultation process meant:

“Because of the improvements made so far, *the Government believes that the key NTER measures should continue*. As a starting point for discussion the Government proposes that a number of the individual measures should be continued along similar lines to how they are currently operating. For some measures, proposals for possible change are presented to assist the consultation process.” [Emphasis added]

This should be absolutely clear. The government, in its alleged consultations, was already committed to “key messages” to everyone it consulted. The messages included the claims that the Intervention was in response to child sexual abuse, that it was working very well, and because of its success, it should continue. This is a consultation in approximately the same sense that Saddam Hussein consulted with Kuwait over invading it. Quite obviously, Jenny Macklin was not looking to find out what Indigenous Australians thought of the intervention. She was *not* looking to gain their consent for her policies, even though her government endorsed the United Nations Declaration on the Rights of Indigenous Peoples, which entails consultation with Aboriginal people on precisely these issues.

The cynicism of the government's proclaimed interest in consultations can hardly be overstated. On the FaHCSIA website, a report notes the announcement of the latest budget on 12 May 2009 ("Future Directions for the NTER - Discussion Paper". Specific page at http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/future_directions_discussion_paper/Pages/benefits.aspx#4) A few weeks before the consultations began, the Government announced "additional funding" to the Intervention. This was to "move towards a sustainable-development", and make the "benefits" of the Intervention "last". Surely, expanding the Intervention is a curious way of demonstrating concern about Indigenous attitudes towards the Intervention. The questions this raises are significant. If the Aboriginal communities opposed the Intervention entirely, would the Government have maintained the Intervention? This seems obvious, yet other questions are no less troubling. Given the glaring biases of the consultation process, which Macklin must have known, it seems more likely that the consultation process was intentionally rigged, so that the pre-determined outcome could be continued under a new guise of popular support.

It would be hard to satirise this situation. During consultations, authorities imposed by the Intervention on Indigenous communities were urged to advise those they consulted in private meetings that the Intervention was in their best interests, and that the government was committed to continuing these measures. These authorities then transmitted reports of what was said to the government, and have not allowed those they consulted to compare what was said to what the Intervention authorities say happened. That this is considered credible evidence in favour of Macklin's policies says a lot about the disinterest of Australia's media and intellectuals in the open racism of our government against Indigenous Australians. It is rather as though a prison declared it would conduct a survey on public opinion in the prison. The head of the prison commissioned the guards to hold private meetings with prisoners, to find out what they felt about life in prison, how they felt about the guards, about conditions and so on. The guards sent the reports back to the head of the prison, and refused to allow prisoners a look at what the guards reported on their "consultations". The head of the prison then found that, as it turned out, the guards were well loved, conditions were generally pretty good, and the prison was well run, so no major changes were needed.

This in a sense approximates the outright travesty of Macklin's consultations. Yet the fact is, not only has Macklin used these consultations as the crucial evidence to support the continuation of the Intervention: she has used this as the crucial evidence to support expanding the measures, so that in a few short years, compulsory income quarantining may be applied to relevant Australian groups across Australia.

If this were all, it would still be scandalous. Yet there are so many shocking features of the consultations that one scarcely knows where to begin when commenting on it. In defending the consultations, Macklin has insisted that interpreters were used in around two-thirds of public meetings (Tier 2) ("Minister defends intervention consultations"). Presumably, it was considered unimportant in a third of these public meetings to be able to communicate with those who didn't speak English, or to find out their views. Of course, the consultations have made it perfectly obvious that the government has precisely zero interest in finding out the views of Indigenous communities in the Northern Territory.

It should also be stressed that although the revelations of the "independent monitor", CIRCA, are devastating, they should practically be considered as a government source. For example, I have already noted the "key messages" that facilitators delivered in public meetings. CIRCA says that these messages were delivered: the message that the intervention is going very well and is soon going to get even better. CIRCA claims that from their observations, the "majority of these key messages were delivered, although the emphasis on each varied." Despite the obvious bias of these

key messages, they still believe that “in almost all cases the facilitators provided an unbiased overview of what has worked well and what could be improved.” (p 10) The key messages do not include *anything* that could be improved: they simply note what is *going* to be improved, and what *has* been improved. Yet CIRCA regarded this as *unbiased*: it is hard to imagine how supportive of the Intervention one would have to be to be regarded by CIRCA as biased.

Nevertheless, some facilitators actually achieved this feat. According to CIRCA, in a few meetings they attended, “the presenters focused more on the positives, with little mention of the negatives of the NTER” (p 10). As it happens, the key messages didn’t include *any* mention of the negatives, so one might think this should apply to every facilitator. Later in the report, CIRCA elaborates further, noting that in two cases, the facilitators were “defensive of the Government’s actions to date”, and “challenged participants” (p 12). The *Will They Be Heard?* report transcripts reveal that CIRCA announced their presence, so facilitators would have known they were being monitored when they engaged in even more blatantly biased consultations (in the pdf file, it is page 118). Consequently, if they were that biased when public scrutiny was possible, why should we believe they were unbiased in the cases when it was not?

This brings us to yet another reason why we should not be content with accepting the government at its word on the reports on its consultations with Indigenous Australians. CIRCA claimed that the government’s reports were reasonably accurate. Yet the “improvements” that they go on to suggest are telling. They suggest that the government reports should have recorded the “level of anger and frustration” in consultations. More significantly,

“A few reports did not clearly indicate the extent of negativity towards income management that CIRCA consultants observed in the meeting. Linked to this, in a few reports, the preference for the opt-out option was implied, whereas our interpretation of the feedback from the meetings is that the decision to be on income management should be left up to individuals “ (p 21)

Similarly, they note that

“The summary of the income management section identifies the level of opposition to the two income management options included in the discussion paper. However, the summary identifies the voluntary model with triggers for those not managing their money as the preferred model. We believe this over-simplifies the level of discussion and responses to some extent, as many said income management should be stopped, and the trigger model was acceptable as an alternative solution, rather than the preferred solution.”(p 22)

Indeed, in light of Macklin’s proclaimed support for income quarantining, it is telling to quote CIRCA again on the issue:

“in some Tier 2 community meetings the two proposed options for income management were not discussed, as participants spoke very passionately about not wanting income management to stay, and given this response, it was not relevant to then ask people to discuss the two options proposed in the discussion paper” (p 7)

If one simply read the CIRCA report, one would believe that the income quarantining was deeply unpopular. However, CIRCA only attended Tier 2 (and 3) meetings: the private Tier 1 meetings remain secret. CIRCA revealed that the government in at least some cases distorted their reports on the consultations. In these cases, those who wrote the reports surely would have known an independent monitor was going to evaluate what they wrote: we can only speculate about how reliable this process was when there was no public monitoring taking place.

It should also be noted that if these were genuine consultations, the government might have shown some slight interest in community opinion on other issues, and whether they had other grievances. CIRCA, in its typically diplomatic language, suggests that the government should have listened to

grievances and put them into their reports. They note, “For example, in the Katherine workshop there were lots of concerns raised about police, night patrol, the BasicsCard, housing, young people and employment, and these could have been identified and summarised more clearly in the report.” (p 22) Of course, as already noted, Macklin claims that the police and night patrols are making Indigenous communities feel safer. Obviously, it would have been dreadful to let the facts of how Indigenous communities feel about such issues interfere with her public declarations and policies.

Similarly, the CIRCA report notes that “many people were frustrated that no (or very little) improvements had been made with housing. Most had been promised (but were yet to realise) house refurbishments, but in almost every consultation we observed community members emphasised their need for more housing.” (p 22) It would have been humiliating for the consultations to include discussion of housing, despite the emergency housing program, SIHIP, that at the time had yet to build a single house for Aboriginal communities. Interestingly, the compulsory acquisition of Aboriginal land is supposedly due to Macklin’s passionate desire to address the urgent issue of overcrowding by building more houses. However, due to the particularly blatant failure of the Intervention in this area, it was not considered an appropriate subject for consultations. Some might imagine that consultations would involve discussion of all of the measures the government was taking as part of its “Emergency Response”. Yet such people would have to first believe that the government was actually engaging in genuine consultations. If the government instead were engaged in a rigged propaganda campaign to support failed policies, then such an oversight becomes perfectly explicable.

The rigging process itself took some doing. In her report on the consultations, Macklin noted that Tiers 3 and 4 opposed compulsory acquisition of Aboriginal land, and that they opposed compulsory income management. However, she claims that a majority of Tier 1 and 2 comments supported the continuation of income management, and a majority of Tier 1 and Tier 2 comments supported the compulsory acquisition of Aboriginal lands, saying this support was “expressed more frequently” in Tier 1 meetings (p 11). Plainly, she relies crucially on Tier 1 meetings: the very meetings on which her claims are the least reliable. On the issue of income management, as noted, CIRCA paints a different picture of Tier 2 meetings, where income management was “passionately” opposed by “many”. If there was Macklin’s majority support for compulsory income management, we have to believe what she says about Tier 1 meetings on pure faith, in the face of strong reasons for scepticism. We also have to believe that she is accurately representing Tier 2 meetings, even though the “independent monitoring” of CIRCA seems to show that Aboriginal communities passionately rejected such measures.

Despite all this, there are some quiet observations in Jenny Macklin’s report on the consultations that likely bear some resemblance to reality. It notes that there were “common themes and messages” to emerge from the consultations (quotes from p 8). One of them was “a pervasive feeling amongst Aboriginal people in the Northern Territory that different standards have been applied to them, compared with other Australians”. That is, Aboriginal people noticed that they are subject to racial discrimination by their government: something that even Macklin admits.

However, Macklin’s report tacitly conceals the revelations in the “common themes”. She notes that “there was strong support for the Australian Government’s decisions to ensure that the NTER measures respect Australia’s human rights obligations and conform with the RDA, and to reset the relationship with Aboriginal people based on genuine consultation, engagement and partnership.” Yet why should there be strong support for the Australian government reinstating the Racial Discrimination Act, if it was not in opposition to the racist measures that contravened it in the first place? The strong support for consultations is also revealing: the Intervention was not based on consultations, and Macklin has shown that she continues to oppose them.

Interestingly, Macklin goes on to note that “many people” at the consultations said “that they had felt hurt, humiliated and confused by the way the NTER had initially been implemented.” However, Macklin goes on to claim that Aboriginal communities basically support all of the measures of the Intervention. If they are so happy with them, why did they feel “hurt” and “humiliated” when they were introduced? Surely, if Macklin’s claims are credible, it is hard to understand why communities now support them, when the measures themselves have not changed. The report goes on to note that

“Community leaders and stakeholder organisation representatives were very critical of the manner in which the NTER was initially introduced. In particular, they referred to the lack of initial consultation, the blanket approach to measures, the embarrassment caused by the introduction of income management, the requirement to use the Basics Card, and the road signs notifying the alcohol and pornography restrictions.”

Presumably, all of these measures are now considered wonderful and pleasant, and certainly not embarrassing, given that Macklin claims they now enjoy majority support. Strangely, Macklin claims that participants appreciated the consultation process, as it provided “an opportunity for people to air” their “hurt and anger”. Given Macklin’s claims about how benign all these measures are, one wonders why Aboriginal communities would want to express hurt and anger. Surely, Indigenous communities would have liked an opportunity to tell the government how much they are enjoying racial discrimination.

Indeed, Macklin is so shameless, that the full sentence reads: “The NTER redesign process was acknowledged by many participants in the consultations as providing an opportunity for people to air this hurt and anger, *as well as to indicate that in some areas their lives had improved tangibly.*” [Emphasis added] You see? They were *glad* to have an opportunity to thank the government.

It is important when discussing the Intervention to try to keep a detached air. So far, public opposition to its measures has been somewhat limited. The mere fact that it involves openly racist measures against Australia’s First Peoples has not been enough to arouse the public or public commentators. One might have hoped that the days of openly racist measures in Australia being publically acceptable had passed. Such hopes have proven misplaced.

Even if mere opposition to racism were considered insufficient reason to oppose the Intervention, it remains the case that there is no evidence in favour of the Intervention’s measures. Every relevant expert insists that effective measures to address problems in Indigenous communities have to work from the bottom up, rather than be imposed from the top down, and crucially have to involve genuine consultations. Neither Labor nor Liberals are willing to try such measures. That the Intervention was launched without consultations doomed it to failure in practical terms. It is hard to overstate the moral failure of the Intervention’s refusal to commit to consultations, or to seek the consent of affected communities. We have a vocabulary to describe someone who forces themselves on someone else without their consent. “Rape” is one such word. There is no political equivalent to capture the gravity of the crime against Aboriginal people that the Intervention represents. It is not just a crime against Aboriginal people in the Northern Territory. It is a crime against all Aboriginal people in Australia, who now know that their government is willing to racially discriminate against them.

The Government is currently proposing to expand compulsory income management nationally, possibly targeting Aboriginal communities across Australia. It will simultaneously brand all the other aspects of the Intervention as “special measures”. This will represent a new legalisation of racially discriminatory legislation. In a way, it is more sinister than the previous suspension of the Racial Discrimination Act, in that it provides a framework for the government to pretend that racial

discrimination is not racial discrimination. If alcohol bans and so on can be applied only to Aboriginal people supposedly in their own interest, without their consent, then surely many more measures could be justified in the same way. Perhaps the Federal Government could begin removing Aboriginal children from their parents in their own interests, without their consent. Perhaps the Government could entirely scrap the wage system for Aboriginal people and completely return to paying them in rations. They could say this would be to prevent wages being spent on alcohol. Or perhaps we could disfranchise Aboriginal people entirely, as we know which politicians can represent them best.

These hypothetical scenarios may sound outlandish. Yet they are all part of a sinister mindset that regards racial discrimination as legitimate. The Federal Government has posited some sort of clash between political rights and economic rights in the context of redressing Aboriginal disadvantage. This supposed clash is spurious. No white Australian has ever been asked to choose between the two. No Australian government has ever proposed to secure our social and economic rights by removing our civil and political rights. It is galling to hear this sort of rhetoric from either of the two major political parties. It is especially ironic, given the famous attempt by the Liberals to ban the Communist Party, presumably because of its opposition to this doctrine. It is also ironic to hear it coming from the Labor Party, who strove to protect the rights of communists in Australia, presumably because they used to believe that political and economic rights were both worthy of defence.

We call for an immediate and unconditional reinstatement of the Racial Discrimination Act. We call for the reinstatement of all civil and political rights of Indigenous communities in the Northern Territory, and the immediate abolition of all Intervention measures.