

Amy McQuire

Sydney Launch of NT Consultations Report 2011

First of all, I'd like to pay my respects to my elders past and present, and also acknowledge that we are on the land of the Gadigal people.

Thank you all for being here, and thanks to 'concerned Australians', for inviting me to help launch this book. Before I get into anything else, I want to stress how incredibly important the *NT Consultations Report 2011* is. It harnesses the voices of the previously unheard, and the presently ignored.

I've actually been trying to get my hands on it for quite a while. I have an irrational aversion for filling out any sort of form, that includes flex sheets, surveys, even my lunch order, so instead of actually ordering the book, I've been chasing Sabine from event to event to buy a copy off of her. It took me about two Stronger Futures rallies, but I was finally able to get my hands on one at, ironically, another book launch.

What I've found while reading through its glossy pages, is an overwhelming theme running through each comment – that we need control back in our hands, that we haven't been properly consulted, and if we have, then we haven't been listened to, and that overwhelmingly the promises – for new houses, for better education, for safer communities, have been broken.

The sad thing is, these comments are not new. Aboriginal people have been calling out for greater self-determination over their own affairs since invasion. We've been advocating for the same basic human rights as other Australians for just as long. But we've been continually let down by governments using our issues as political footballs. And instead of kicking goals for our people, they've been constantly incurring penalties.

This Intervention, now re-badged as "Stronger Futures", is just the latest in a long line of human rights abuses perpetrated on the first Australians.

I can't actually bring myself to call it Stronger Futures. To me it is a Stolen Future. Because you can't have a strong future which is built on a weak past.

So let's go back to the start - the foundations of this policy. I'm sure all of you are by now aware of the circumstances that lead to the NT Intervention.

But let's refresh your memory.

In May 2006, NT Crown Prosecutor Nanette Rogers burst into national prominence whilst delivering devastating and horrific examples of child sexual abuse in Aboriginal communities. The claims were made in an interview with Tony Jones on ABC's Lateline program.

The sexual abuse claims were not new, they were in some cases decades old, and had already been raised by several Aboriginal women in a number of different reports.

But this interview which involved a prominent white woman and a white journalist speaking about the devastating issues Aboriginal communities grapple with, with no Aboriginal input, set the environment that ultimately justified the Howard government's Intervention. It led to a moral panic about 'saving the children', one I hope we never see again.

This was not a discussion initiated by Aboriginal people. It was fueled by politicians and the media, a combination that has so often proven to be a dangerous alliance for our people.

In the fury of media that followed, Aboriginal communities were demonized as hotbeds of depravity and degradation. Aboriginal men were targeted as immoral pedophiles. For example, Indigenous affairs minister Mal Brough came out and made completely fabricated allegations of pedophile rings in Aboriginal communities, which he was forced to retreat from, and then returned to after one of his own staffers appeared on ABC's Lateline program under anonymity to validate his comments.

That is a long story, for a different time. To tell it, about how the community of Mutitjulu, which sits in the shadow of Uluru, had their reputation dragged through the mud, would take longer than I have time to tell you.

Back in 2006, those who wanted to bring sense back into the debate were targeted as protectors of pedophiles. It was a modern form of McCarthyism, which was so rightly pointed out by Aboriginal politician Marion Scrymgour shortly following the Intervention. It helped placate what should have been rigorous scrutiny about these laws, which involved discriminating against one group of Australians solely because of their race, and their geographical location.

Howard launched the Intervention in the Blue Room at Parliament House alongside the Intervention architect Mal Brough, both men flanked by non-Indigenous journalists. He was going to send the army into Aboriginal communities, because child sexual abuse was a “national emergency”.

Never mind that it had been a national emergency for a full decade while Howard had been Prime Minister. Never mind that there had been no prior consultation. Never mind that while child sexual abuse was definitely a problem in Aboriginal communities, it was not isolated from the other deep-rooted social issues in communities that come as a direct result of dispossession, and a hundred years of government neglect.

The common theme running through coverage at the time was that finally, something had been done. It made good TV. It appealed to white Australia, many of whom did not know of the complexities within Aboriginal communities, and saw only children in crisis.

The Labor opposition did no better. Fearing being wedged on a black issue, Kevin Rudd continued on his Me-Too campaign and approved a policy that really should have been subject to far more scrupulous examination.

The Howard government claimed that the Intervention was in response to the NT government commissioned *Little Children Are Sacred* report, which had been commissioned following the Lateline stories. But for anyone who had actually read the *Little Children Are Sacred* report, it was obvious that the interests of Aboriginal people were not first and foremost on Howard's mind.

The day before, Howard had been handed an internal Liberal party dossier that recommended he intervene in the affairs of state Labor governments in order to make them look incompetent. The Intervention into the Northern Territory was the first. It was by far his most successful.

Within seven weeks, the suite of policies under the NT Intervention would be passed through Parliament, with barely a whimper, save for a one day consultation with Aboriginal people from the Territory, who had made their way down to Canberra to protest.

The paternalistic nature of the laws – which involved compulsory acquisition of Aboriginal townships for five years, compulsory income management, blanket porn and alcohol bans, compulsory child health checks, scrapping the permit system and removal of customary law in bail and sentencing decisions, amongst other planks – were passed despite concerns raised by those who would be affected.

It is so telling that the Racial Discrimination Act had to be suspended in order to pass these laws. Why else would you bypass the RDA if the laws weren't racist?

Needless to say, this was not the Australian media's finest hour, although they'd have you believe the opposite. The complacency by media I believe, is a major factor in this devastating political bipartisanship which could potentially deliver us another 10 years of Intervention.

Really, the only media outlets that properly scrutinized this legislation were the Aboriginal media. My old paper – the National Indigenous Times – lead with a picture of John Howard as Napoleon Bonaparte, with a sledgehammer in one hand and a box of band-aids in the other. The article's main thesis was that this was an ill thought out, devastating Intervention which bypassed the rights of Aboriginal people with little consultation. The commentary in that paper was at the time, one of the few criticisms on the Howard government's punitive, racist agenda.

It was the lack of consultation that really illustrated just how blatant the disregard and disrespect was for Aboriginal people. The Rudd government's own NTER review makes it clear just how disempowering it was for those subject to the laws:

I quote:

"People opened their hearts revealing their grief, anger and stories of trauma, placing the Intervention as an episode within the longer history of their communities".

“People spoke about the position they occupy within the Australian nation. How much a part of our nation they felt. How shocked they were by an Intervention that approached them as though they were alien and repugnant to the rest of the country. How they were singled out for special treatment.”

“In all communities the importance of customary law and language, the strength of kinship ties and responsibilities, were evident. We saw, not for the first time, the appallingly overcrowded housing that no other Australians would tolerate.”

“Most people deal day to day with the ravages of alcohol and cannabis abuse, violence, poor health and plain poverty. The rate of death means that sorry business is an ever present part of community life.”

“Experiences of racial discrimination and humiliation as a result of the NTER were told with such passion and such regularity that the Board felt compelled to advise the Minister for Indigenous Affairs during the course of the Review that such widespread Aboriginal hostility to the Australian Government's actions should be regarded as a matter for serious concern.”

“There is intense hurt and anger at being isolated on the basis of race and subjected to collective measures that would never be applied to other Australians.”

“The Intervention was received with a sense of betrayal and disbelief. Resistance to its imposition undercut the potential effectiveness of its substantive measures.”

Five years on, it is obvious that that anger and hurt has not subsided. You only have to read this book. It is incredibly distressing that Labor has continued this policy, even extending it.

The Liberals have been banging on about Labor watering down the Intervention. But I believe in many ways, Labor has been more dangerous on Indigenous policy than the Coalition. Although they aren't as brazen, they have deceptively continued this policy in the form of Stronger Futures, whilst claiming that its winding back its most contentious planks.

I was recently watching a YouTube video of the African American civil rights activist Malcolm X. He was comparing the situation of South African black people to his own people in America.

He said:

"The only difference between (America) and South Africa: South Africa preaches separation and practices separation."

"America preaches integration and practices separation. This is the only difference. They don't practice what they preach."

"Or as South Africa preaches and practices the same thing."

"I have more respect for a man who lets me know where he stands, even if he is wrong, than one who comes up like an angel and is nothing but a devil."

When I heard this, I immediately thought of the Gillard government. They claim they are making change. They claim they are consulting. They claim they are moving forward with a non-discriminatory policy. This is all spin. And I think it's worse than what the Howard government did, which was blatant in its racism. This is undercover racism, and it is just as bad, even worse.

In her second reading speech for the Stronger Futures bills, Jenny Macklin claimed that Stronger Futures is a step being taken *"in partnership with Aboriginal people"*.

Labor claims it has reinstated the racial discrimination act. It claims it has introduced a form of non-discriminatory compulsory income management in NT prescribed communities, which fits in with the RDA. That means it is going to simply roll out the income management scheme to five other disadvantaged centers, despite their being little evidence of its effectiveness.

Labor claims that the draconian aspects of the legislation fit the definition of a special measure. But it can't claim these planks are special measures, because if a special measure is discriminatory, it must have been developed with the prior consultation and participation of beneficiaries. If it does involve curtailing the right of a person, then it must have the free, prior and informed consent of those people.

If you read the book, and if you hear the testimony of those at the consultation, I think you would come up with the same conclusion– and that is that the discriminatory aspects of this legislation could not possibly be justified as special measures. That is because the government hasn't appropriately consulted with communities.

In her second reading of the bill, Macklin claimed that “*The consultations ... were fair, open and accountable.*” She said that “*The outcomes of these consultations... forms an important part of this Government’s policy statement on our path forward.*”

I don’t believe the government has consulted in good faith with Aboriginal communities.

I repeat the concerns of several prominent Australians, many involved in this book, who claim the consultations were a sham. I acknowledge that the former Family Court chief justice Alastair Nicholson has said he believes if the Stronger Futures were to go to the High Court, based on the transcripts of consultations contained in this book, a court would not agree that it amounted to free, prior and informed consent. For the government to claim that it has obtained the free, prior and informed consent of Aboriginal people is deeply deceptive.

From what I can gather, based on interviews and media reports from Aboriginal people on the ground, most of the time, the complexities of the Stronger Futures paper was not discussed. Many were not even given the discussion paper before the meeting. And the outcomes of the consultations were predetermined.

In a separate report, *Listening But not Hearing*, a host of flaws are given to reject the notion that these were appropriate consultations. Amongst them was the fact there was no Aboriginal control over the design or implementation of the process. The terminology and material used to deliver it was complex. Most of it was not translated into language. Many of the people consulted are speaking English as their third, fourth and even fifth language.

Other problems included the fact there were so many themes covered that each plank did not receive a proper, in-depth discussion, that there were no mechanisms for reaching agreement, that there was no clear process for feedback and there was inefficient time to look at the proposed measures.

This isn’t fair. This is not consultation. This is not the first time Macklin has been guilty of pretending to consult.

In 2009, Macklin embarked on a six-week period of consultations with communities about the future of the NT Intervention, focusing on the reinstatement of the Racial Discrimination Act. Labor had promised to reinstate the RDA before the election, and it was on a deadline.

My old paper, the National Indigenous Times, and my editor Chris Graham was leaked a copy of internal government advice which had been signed off by Macklin, advising her against properly consulting with Aboriginal communities in order to build up a case for a potential legal action when the RDA was reinstated.

The suite of documents, leaked to NIT, found that Indigenous Affairs Minister Jenny Macklin was advised by her department against formally consulting with Aboriginal people over the compulsory acquisition of their land — because it would be too expensive, tie up too many resources and was unlikely to achieve the government's desired outcome.

Macklin was also warned that if she reinstated the Racial Discrimination Act to the NT Intervention legislation, there was a “significant risk” the compulsory acquisition of Aboriginal land for five years would not survive a court challenge.

NIT was also leaked a copy of the powerpoint slides the government was using in the consultations. They were a complete sham. They were infantile. They treated Aboriginal people like school kids. It was more about telling them what was going to be done, rather than truly consulting with them.

I remember that there were few media present during these consultations. The true nature of the consultations was largely kept under wraps until a video by Ellie Gilbert of three of them revealed the deep anger within communities.

I always remember being astounded by that footage, and the strength and resilience shown by strong Aboriginal men and women. This was not the picture of the consultations the government wanted to portray.

Nevertheless, the government continued in its charade to “reinstate the RDA”.

This is why the work ‘concerned Australians’ and its allies have done is so important. This is why I urge you to read this book.

This is where you hear the voice of those who have been ignored, and yet who have the biggest stake in this.

I just want to read out one quote from the book. It's actually the first one, which I think is very telling because it sets the tone for the rest of the book. It's from an Alice Springs town camp consultation. The person says:

"... it's good for you to sit there and listen to us, but I want to know really truly are you hearing what we're saying?"

It's okay for you to have this consultation, but at the end of the day, is there going to be any changes?

Because, I've been over-consulted, I've been poked, I've been probed, ... I've had ministers in my house for coffee, I've been making scones.

... and the message is not really getting through. So I see this as another way for the government to come in and tell us how to live our lives and how to do what we're going to do whether we like it or not."

I urge you to read this book, and I urge you to take note and understand the deep level of disempowerment still felt in Aboriginal communities about this re-badged Intervention.

In ten years time, will we have a stronger future? Or will it be stolen from a people who have already lost so much?