

# 10 YEARS OF THE NORTHERN TERRITORY INTERVENTION

2007 - 2017



In 2007, after years of neglect and despite reports over the years into problems in remote communities, and just before a federal election, the Howard government announced the Northern Territory Emergency Response (Intervention). After 5 years the NTER was supposed to: "Stabilise, Normalise, Exit".

Community members were shocked. They had told their stories for the "Little Children Are Sacred" report in good faith and trusted the report would be used to help them deal with the important issues. Instead a national emergency was announced with plans to send in the army. A package of laws was introduced to bring in the emergency response and several laws were affected including:

Racial Discrimination Act 1975, Aboriginal Land Rights (NT) Act 1976, Native Title Act 1993 (Clth), NT Self Government Act, Social Security Act 1991.

## The Intervention powers included:

- . Takeover of 73 'prescribed communities' for 5 years
- . Legal powers to seize community assets
- . Banning customary law as a defence in court sentencing
- . Banning of alcohol and pornography in the prescribed communities
- . Branding of all those communities with huge blue and white signs: "No Alcohol No Pornography"
- . Regulation of community stores
- . Quarantining of social security entitlements (Basiccard)
- . Compulsory child health checks
- . Phasing out CDEP (which provided most work on communities)
- . Putting police in many communities, "Star Chamber" powers for police to invade homes without warrants
- . Government business managers to oversee government business in all prescribed communities and report back to government



### Negative Effects of the NTER

- . Giving all Aboriginal communities in the Northern Territory a bad name which had a flow-on effect to other Aboriginal people around the country
- . Demonising of men as abusers and perpetrators
- . Increase in racism in the NT particularly, and around the country
- . Aboriginal communities and organisations no longer running their own affairs
- . Huge increase in prison rates for Aboriginal people mainly because of non-criminal offences such as unroadworthy vehicles and non-payment of fines etc
- . Unfairness in the justice system as customary law no longer allowed in sentencing
- . Huge increase in attempted self harm/suicide rates
- . Big rise in numbers of bureaucrats and NGO workers in prescribed areas.
- . Increase in mental illness and loss of sense of wellbeing (hopelessness)
- . Increase in alcohol consumption
- . Increase in numbers of children being taken from families, due mainly to neglect and tough living conditions

### Other Effects of NTER

Some positive health outcomes through 'Closing the Gap' programme, due to massive injection of funding (could have happened without an intervention)

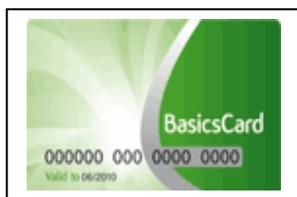
## **KEY MEASURES OF THE INTERVENTION**

### Government Business Managers

Were appointed to be based in all remote prescribed Areas. Special secure compounds were built and the GBMs were given the power to attend community meetings, report back to government on government and community business and seize control of community assets.



### Income Management



Social Security laws were amended and the Racial Discrimination Act set aside so that Centrelink in the NT could quarantine the income support payments of Aboriginal people. This at the start was 50% and applied to everyone but was later changed so that some aged and disability pensioners were exempt but were under considerable pressure to stay on the scheme.

Whilst supposing to protect vulnerable people and help with budgeting, in fact life became harder for many as not all shops could cater for this card. People were made to line up in separate queues in some shops which led to them being singled out for racist comments and feelings ashamed. When the Centrelink system was not working, people to buy the goods they needed.

### Alcohol and Pornography

Huge blue and white signs were put up at entrances to all prescribed areas in the Northern Territory saying that having alcohol or pornographic material was illegal and would bring heavy fines. These signs caused great shame to many people and some had to explain to young children what pornography was. People began to travel long

distances to buy alcohol and would then drive back to the boundary of their community and drink there. Black market sales of alcohol increased. People were worried that family members might have driving accidents. Bottle shops were policed, first with the Banned Drinkers Register, and then through strict policing of Aboriginal people.

#### Legal (Statutory) Powers to seize community assets

This measure tied in with the NT government's introduction of the Shire system of local government, and many community assets such as computers, road maintenance equipment, buses etc. were given over to the new shires or in many cases sold.

#### Increased Police Powers

Police were given extra powers to randomly search houses in prescribed areas to check on alcohol possession and consumption. This could happen any time of the night. Communities where there had previously been no police stationed now had police compounds erected and police installed. Much police time has been spent doing vehicle checks and imposing fines for minor driving offences which impacted deeply on low income people and has led to an increase in the number of people going to jail.

#### Scrapping of CDEP

The phasing out of CDEP, along with the setting up of the shire system throughout the NT, led to increased unemployment in communities. CDEP had been a community-driven program with jobs that communities decided needed to be done. Working hours were flexible which suited many community members as it helped with their cultural and family business. It was rapidly phased out after the Intervention started. The shire system took away community control and had its base at a centre hundreds of kilometres away. Work that had been done by community members was now contracted out.

#### Compulsory 5-year leases

Compulsory 5-year leases saw the take-over of prescribed areas which included buildings and housing stock. The Northern Territory government now took control of all community housing and higher rents were imposed whilst managing of maintenance became a slow and unsatisfactory process. Eventually rent was paid to compensate for the 5-year leases but this funding came from the people's own money – their ABA or royalty funding.

#### Regulation of community stores

Outback Stores, a government agency, set up or took over stores in remote communities and became the only place where residents could use their BasicsCard.

#### Banning of customary law in sentencing

Customary law could no longer be included in the court system for bail or sentencing, which made this unfair for many Aboriginal offenders. For example, driving grandmothers to a funeral in an unlicensed car could not be taken into account.

#### Compulsory child health checks

Compulsory child health checks were included in the NTER laws. The health checks duplicated the good work that was already being carried out by the clinics at huge cost. The checks initially were going to be for evidence of sexual assault, which would have been assault in itself.

After much community protest and objections from the Australian Indigenous Doctors' Association, these compulsory checks did not happen.

## **Stronger Futures**

In 2012, after 'gammin' consultations, Minister Macklin introduced Stronger Futures laws which continued the Intervention for another 10 years.

The Stronger Futures laws included harsher penalties for parents whose children didn't attend school every day, over-riding powers for the Minister to allow development on Community Living Areas without following proper process, and continuing banning of customary law.

Unemployment has not improved on communities and many people now have to work for CDP, that is they work for the dole which is below award wages with no top-up or other benefits. The 'employment programmes' are run by job providers who benefit from workers being penalised. There are strict penalty measures if workers fail to turn up for 'work' or job interview, a situation which is putting many in even more debt with unpaid fines.

Billions of dollars have been poured into Stronger Futures but very little is hitting the ground, that is supporting communities and empowering people to run their own affairs.

In 2013 the Parliamentary Joint Committee on Human Rights found that although Stronger Futures legislation had repealed the NTER legislation it had retained 3 key policy elements:

- Tackling alcohol abuse measures
- Land reform: amendments to community living areas and town camps
- Food security

Stronger Futures expanded income management through the BasicsCard and increased it to 70%. It increased penalties relating to alcohol and pornography. It expanded the policy linking school attendance and continued welfare payments. It introduced 'licences' for community stores.

**There was criticism that proper consultation did not take place before these measures were brought in.**

In 2014 Abbott supported continuing the intervention and stressed the importance of 'closing the gap' with a focus on school attendance. However, this was followed by massive budget cuts and the reducing of 150 Indigenous programs into 5 core programs with cuts to Aboriginal legal and health services, early childhood education, and child care.

In March 2016 the most recent Parliamentary Joint Committee on Human Rights Review into Stronger Futures recommended (1) a review of customary law (2) evidence-based review of alcohol restrictions (3) streamlining of approval of AMPs and amendment of legislation to remove power of Minister to refuse approval (4) income management found not to be effective and should require formal request by a particular community (5) doubts as to effectiveness of SEAM (school attendance measures) – this needs redesigning and needs social worker support.



## Where to from here?

Stronger Futures is planned to continue for another 5 years. In the meantime the situation is becoming worse for many Aboriginal people in the Northern Territory.

**Housing** has not kept up with community needs.

Repairs and maintenance are not carried out on a regular or timely basis and are expensive (even though all tenants now pay rent).

**Jobs** for many people are 'working for the dole' and people are fined if they miss an interview or don't work for some reason. This means less income for people already struggling.

The **land** is still under threat from exploration and other issues. Native Title is being threatened – the government wants to be able to over-ride traditional owner decisions.

More people are going to **jail**. Often people are fined for traffic and other minor offences such as unroadworthy cars. They can't pay their fines and end up going to jail. Life can be a struggle when income is low and costs are high.

More and more **children** are being removed from families. Lack of understanding by government workers and authorities means wrong assessments are made, or are made from whitefella eyes and mind, without looking at other ways of caring for children such as other family members and support that family needs.

**Government and independent reports over the ten years of intervention keep saying the same – that things won't improve until Aboriginal people are running their own affairs.**

The United Nations Declaration on the Rights of Indigenous Peoples (which the Australian Government endorsed in 2009) says in part:

"Article 3: **Indigenous people have the right to self-determination** ... freely determine their political status and freely pursue their economic, social and cultural development."

"Article 4: **Indigenous peoples**, in exercising their right to self-determination, have **the right to ... self-government** in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions".

"Article 5: **Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions.**"

"Article 7(2): **Indigenous peoples** have the collective right to live in freedom, peace and security as distinct peoples and **shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.**"

There are many rights within this Declaration including the practise and revitalise cultural traditions and customs, teaching of religious traditions, customs and ceremonies, the right to remain on land and not be forced to move, and people's right to their own education systems, to have their own media, the right to be involved in decisions and policy-making that affects them, and the right to compensation.

## STAND UP 2017 CAMPAIGN



### **Standing Up! Standing Strong! Standing Together!**

The Intervention Rollback Action Group, led by Barbara Shaw, has been working since 2007 to help people deal with the effects of the intervention and speak up on their behalf. People lost energy when Labor and Liberals passed the Stronger Futures laws but now, realising that life for most people living in prescribed areas right through the Northern Territory is not getting any better, a big gathering will be held in Mparntwe-Alice Springs from 24<sup>th</sup> – 26<sup>th</sup> June 2017 to bring together people from communities and others struggling with Intervention issues to map out a way forward, work out where they want to be and plan how to get there.

### **CRUNCH TIME**

This is crunch time. We are losing too many people to ill health, suicide, jail, children being taken away, mental illness, drug abuse and so on.

We need communities to choose at least two people, man and woman, young people or elders, to come to Mparntwe-Alice Springs at the end of June to join in respectful talks to give their community's ideas and help with this plan.

We hope to workshop most of the main issues and are also putting Treaty on the agenda.

**The Intervention/Stronger Futures laws aren't working for people, they are making things worse.**

**IT'S TIME TO TAKE BACK THE POWER**

*This information sheet was prepared by the Intervention Rollback Action Group for the Stand Up 2017 Campaign. Inquiries to 0457 574 419*

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