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***'The Intervention':
Some Reflections Two Years On***

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Abstract

This week marks the second anniversary of the 'National emergency response to protect Aboriginal children in the Northern Territory', announced by the former Federal Government on 21 June 2007. 'The Intervention', as it has become known, was supposedly in response to an Inquiry into the neglect and abuse of Aboriginal children in the Northern Territory co-chaired by Pat Anderson.

In this social justice lecture, Pat will reflect on her experience with the Inquiry that led to the *Little Children Are Sacred* report, and on the Intervention that used it as a justification, but failed to implement its recommendations.

She will explore the differences between Aboriginal and non-Aboriginal perceptions of the issue, and argue that effective action to protect and nurture Aboriginal children is undermined when Governments put their own agendas and priorities ahead of the evidence and the lived realities of Aboriginal life.

Good evening ladies and gentlemen, brothers and sisters,

I acknowledge and pay respects to the traditional owners and custodians of the land on which we are meeting tonight.

This week marks the second anniversary of the ‘National emergency response to protect Aboriginal children in the Northern Territory’, announced by the former Federal Government on 21 June 2007.

As you know, the ‘emergency response’, soon to become known simply as ‘The Intervention’, was announced supposedly in response to an Inquiry that I co-chaired with Rex Wild QC into the neglect and abuse of Aboriginal children in the Northern Territory – although I should say out the outset tonight that the Intervention did not address any of the recommendations from our Inquiry.

Tonight, two years on, I would like to share with you some of my own reflections on both the Inquiry and the Intervention.

Along the way, I want to puncture some of the myths and assumptions that seem to float in the background of the public and policy debate, subtly but powerfully influencing the story that gets told about Aboriginal child neglect and abuse, the Intervention, and the relationship between black and white in this country.

But let me start by taking you back to 2006.

In May of that year, following a number of stories in the media about sexual abuse and violence on Aboriginal communities, the ABC TV *Lateline* program screened an interview with Alice Springs Crown Prosecutor, Nanette Rogers, in which she described in horrific detail some of the cases of abuse that had come before the courts.

While the details were both shocking and real, in a general sense much of what she had to say was not new.

The issue of Indigenous family violence – and especially of the abuse and neglect of children – had been raised for many years at the highest levels by concerned Aboriginal people, communities and organisations.

For example, the Royal Commission Into Aboriginal Deaths in Custody, in its landmark report almost twenty years ago stated:

The history of disruption, intervention and institutionalisation to which Aboriginal and Torres Strait Islander families and children have been subject has left many of those families confronting severe difficulties in securing the adequate care and control of their children ... it is apparent that many Aboriginal families are in crisis.

In 1997 the Human Rights and Equal Opportunity Commission's *Bringing them home* report went further, highlighting the alarming numbers of notifications and substantiations of child abuse and neglect in our communities.

And in 2001, the National Aboriginal and Torres Strait Islander Health Council, formed to give advice at the highest level to Australian Governments, made 'the protection of children from abuse and violence (including sexual abuse)' the second of nine priority areas for action by governments.

So, it is a myth that Governments did not know about Aboriginal child neglect or abuse until the storm of media and public concern broke in 2006: our communities and organisations had been alerting government to the facts and calling for action for years.

But It seemed that our calls for action fell on deaf ears.

But when the mainstream media take up an issue, that apparently is a different matter.

The *Lateline* program started a media frenzy, especially when the following month, it aired another program alleging the existence of paedophile rings in a Central Australian community.

Suddenly, it seemed that every newspaper and every television news report contained a shocking story about the abuse or neglect of Aboriginal kids.

The issue became front-page news, and now Governments were under the kind of pressure they understand, and to which they react.

Of course, the serious health and social issues faced by Aboriginal communities need to be brought out into the open, need to be debated, and where there is abuse and violence, this should be exposed and the perpetrators need to be brought to justice.

The media can play an important role in this process.

But the media's quest for drama and conflict can also be destructive.

I believe that much of the reporting at this time and after, even if well-meaning, ended up reinforcing damaging mythologies about us, our lives and communities.

Aboriginal families felt that they were all being accused of mistreating or neglecting their children.

Our men in particular found this a difficult and distressing time.

All too often the media merely picked up the old stereotype of 'the violent black man', amplified it, and played it back to the public at full volume.

I know good men, men who care for their communities, families, and children, who felt shamed walking down the street, who felt that people were looking at them thinking "there goes one of those paedophiles".

This tended to put some people and communities on the defensive and make the real issue – the welfare of children – more difficult, and not easier, to address.

I shall return to this point later.

Much of the public attention was focused on the Northern Territory, and when Mal Brough, the Federal Indigenous Affairs Minister, weighed in to the public debate, the pressure on the Northern Territory Government to address the issue became intense.

So in August 2006, the then Chief Minister of the Northern Territory, Clare Martin, announced the formation of the “Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse”.

I was asked to co-Chair the Inquiry, along with former Federal Police commissioner Mick Palmer.

Unfortunately, Mick had to withdraw soon after the announcement, and Rex Wild QC, a former NT Director of Public Prosecutions, was named in his place.

I want to take a few minutes to describe the Inquiry and how we went about producing its report, *Little Children Are Sacred*.

The terms of reference of the Inquiry broadly asked us:

- i. to look at what contributed to the sexual abuse of Aboriginal children;

- ii. to identify barriers to the provision of effective responses to and protection against that abuse;
- iii. to look at how government and non-government agencies might contribute to a more effective protection and response network; and
- iv. to look at how the NT Government could help support communities to prevent and tackle child sexual abuse.

So, how we were going to go about getting the answers to these questions?

The answer was by talking to Aboriginal people and organisations, and by talking to service providers and government agencies.

Over the course of a year, we travelled to over 40 Aboriginal communities around the Territory and held extensive community meetings to get Aboriginal people's views on how to ensure that their children grow up safe, healthy and ready to be part of their community and the nation.

We took the time to establish a relationship with the communities we were to visit, particularly because, as I mentioned before, the media and public debate had left many feeling cautious and defensive to say the least.

And overall, this approach worked.

There were of course some troubled places where few people turned up to talk to us.

And, even in those places with a good turn-out, not everyone would speak to us: some people stayed away.

In other places – and I am thinking particularly of that Central Australian community that had been the subject of massive TV and media reporting – we were met politely but with some suspicion, as a lot of people there obviously still felt pretty pissed off by being targeted, as they saw it, by the media and the politicians.

But overall I was very heartened by the response.

In some places the public meetings were attended by up to 100 people – and this is in places that might only have a total population of a few hundred men, women and children.

It is particularly positive and significant that where people did turn up, a high proportion of men participated.

What struck me most in these talks with the Aboriginal communities was their attitude.

They had suffered much as a result of the historical processes in this country, and many of them had suffered violence and abuse themselves.

Many were sad, distressed and shamed by what was happening in their communities and in their families.

But they were owning the problem, they were not turning away and saying it was too hard.

They wanted to work with the professionals, they wanted to work with the government and with the service delivery organisations, they wanted to be part of the solution.

Throughout, there was a sense of great concern about children and young people, and the threats they face.

People were worried about kids not going to school, about girls having babies too young, about drugs and alcohol, the lack of jobs, and the presence of pornography.

And while we did not uncover individual cases of child abuse, we found all the conditions present under which it happens: poverty, overcrowding, drugs and alcohol, pornography, and perhaps most disturbingly of all, a breakdown of structures of authority and meaning.

We found, too, that many who came forward and spoke to us were child victims of abuse and neglect, who had never had their trauma acknowledged and dealt with.

Throughout our conversations with Aboriginal people, we were often received with openness and trust.

There were daily reminders, up close and personal, about the complexity of people's lives and situations; we felt that we had been invited into an intimate space, that people trusted us, and believed that we would be the initiators of some action.

Both Rex and I felt a huge burden of responsibility to faithfully record these concerns, ideas, and life experiences.

But alongside this open attitude, we found a huge lack of government services.

For example, many communities had no police presence.

Child protection workers were few, far between, and often burnt out, so overwhelmed with the most acute cases of abuse that long-term prevention work with families and communities was an impossibility.

As for family therapists, child psychologists, social workers, and all the other specialists you would hope to see as part of a system for effectively dealing with child abuse and neglect, they simply did not exist for remote communities – and wasn't much better in the towns either.

Clearly, the warnings of the *Royal Commission Into Aboriginal Deaths in Custody* (from, let me remind you, 1991) and the *Bringing Them Home Report*, and the National Aboriginal and Torres Strait Islander Health Council and all the other reports and studies – clearly these warnings about family breakdown and abuse in Aboriginal communities had been largely ignored.

Perhaps this failure to act contributed to the attitude of some of the senior bureaucrats we consulted during the process of the Inquiry.

Because the sense of urgency about the protection of children that we found in Aboriginal communities was, I am sorry to say, in stark contrast to some of the government agencies to whom we spoke.

I don't want to point my finger at any particular agency, nor do I want to over-generalise: there were some agencies which clearly had been putting thought and energy into how to deal with child abuse and neglect.

I want to mention the police, in particular, who seemed to have put some effort into thinking through the problem.

But there were other government agencies who showed little sense of urgency, understanding or purpose when we came to talk to them about the plight facing Aboriginal children.

There seemed to be a lack of an intellectual framework, and little idea of what they should be doing, how they could be doing better, and what they would need to do a better job.

There were no practical, forward-thinking plans.

These agencies seemed reactive and passive.

They seemed to have become places where the problems were all just too big, and where the Northern Territory was not seen as a place where things could happen, a place that could come up with solutions.

I was and still am puzzled and shocked by this attitude.

Where does it come from?

Maybe the Inquiry that Rex Wild and I were conducting was seen as a threat, not an opportunity.

Maybe some of those we spoke to were being 'good public servants' and they thought that being too open with us would lead to criticism of them, their Department or the Government.

Maybe an ethos had developed in these agencies where we Aboriginal people were seen essentially as 'a problem': I got the sense that some of these agencies were blind to the positives of Aboriginal life and culture and didn't see the sheer potential of our people that was being lost.

I want to emphasise that this attitude was not universal – there were always public servants with energy and commitment.

But this other attitude of passivity and reaction was common enough to shock me, especially after meeting with Aboriginal communities where people were determined to recognise and deal with the issue.

After Rex and I had finished the consultations, we sat down to write the Inquiry report for the Northern Territory Government.

We called it *Little Children Are Sacred* because this reflected what some of those communities told us, from Arrernte people in Central Australia to the Yolngu of Arnhemland.

Our main finding was consistent with what many Aboriginal people had been saying for a long time, namely that:

there is a significant problem in Northern Territory communities in relation to sexual abuse of children. Indeed, it would be remarkable if there was not, given the similar and significant problems that exist elsewhere in Australia and abroad.

We put forward almost one hundred recommendations to address the issue.

These recommendations covered a whole range of areas – child protection services, health services, policing, rehabilitation, prevention, family support, education, housing, alcohol, employment, and more.

But for me the very first recommendation was the most significant. It said:

It is critical that both [the Northern Territory and Federal] governments commit to genuine consultation with Aboriginal people in designing initiatives for Aboriginal communities [to address child sexual abuse and neglect].

This recommendation was strongly informed by the willingness and determination of many in the Aboriginal community to work with the authorities to address the problems they faced.

Of course, we recognised that these recommendations would take a lot of money to implement, and we knew that the Northern Territory budget is tiny in comparison to the resources of the Commonwealth.

So, although we called for the Northern Territory Government to show leadership, we were explicit that this required national action and that the Federal Government needed to provide much of resources for the solution.

Hence our call for Aboriginal child sexual abuse in the Northern Territory to be designated as an issue of urgent national significance by both the Australian and Northern Territory Governments.

We delivered the *Little Children are Sacred* report to the Northern Territory Government in April 2007.

Now maybe Rex and I were naive.

We sincerely thought that given the level of public concern, and the fact that they had commissioned the inquiry, the Northern Territory Government would want to act urgently to address the issues we found.

We thought they would ask themselves: what can we do within our current resources? what more resources do we need?

And we expected, and were ready to be part of, an urgent and formal approach to Canberra to get a Federal commitment to a joint effort to address the issues raised in our report.

But nothing seemed to be happening.

The inertia and lack of interest that we had noted during our consultations with some government agencies seemed to have struck again.

I ask myself, once again, as an outsider to those Government processes, why did the Government find it so hard to act?

Why did the NT Government commission a report which they must have known would identify areas of long-term neglect where money – and large amounts of money – would need to be spent?

Was our Inquiry merely a way to deal with the media and political pressure that had built up during 2006?

Were we just supposed to be part of the Government's efforts to 'manage' the issue?

These are cynical thoughts perhaps, and to counter-balance them I remind myself that I know that there were also people in Government who were pushing for real action on the basis of the report.

But before that internal struggle between action and inaction could be resolved, before the inertia could be overcome, the Federal Government beat them to the punch.

On 21 June 2007, the then Prime Minister and his Federal Minister for Indigenous Affairs announced the ‘emergency intervention’ into the Northern Territory.

This announcement was firmly predicated on the Northern Territory Government’s lack of response to *Little Children are Sacred*.

But in actual fact, there was almost no relationship between what we recommended and what the Northern Territory Intervention encompassed.

Our key recommendation about working with Aboriginal communities was ignored.

Where we emphasised the need for resources and for flexible processes of engagement with Aboriginal families and communities, the Intervention emphasised external control and ‘blanket’ provisions affecting all Aboriginal people.

There were many elements of the Intervention announced that day.

Not all of these were wide of the mark: there were moves to restrict alcohol availability, enforce of school attendance for children, increase policing, and ban pornography.

However, no one needed an inquiry to tell them that these measures were needed – there had been broad agreement for a long time about exactly these kind of actions, and numerous recommendations from studies and reports to act.

But the majority, and the 'headline' elements of the Intervention, were deeply problematic.

They included compulsory health checks of Aboriginal children to check for evidence of abuse, blanket quarantining of welfare payments to all Aboriginal people leading to the suspension of the *Racial Discrimination Act*, plus the compulsory acquisition of Aboriginal townships, and the scrapping of the permit system that allowed Aboriginal people some control over access to their land.

All this was accompanied by a 'get tough, quick fix' rhetoric that clearly implied where the problem lay: it was with us, it was Aboriginal people who were to blame.

Never mind the years of reports to Government identifying the problems and suggesting solutions, never mind the consistent neglect and under-resourcing of services to Aboriginal communities, never mind the inaction and complacency.

No, in the end, it was clear that we were to blame, and that John Howard and Mal Brough were now going to give us a good shake, sit us down, and get it all sorted out for us since we obviously were incapable of doing it ourselves.

The paternalism inherent in the Intervention seemed to escape most media commentators, but it did not escape Aboriginal people.

The difficulty was, the Intervention presented a real dilemma for Aboriginal people, at the local community level as well as at the national level.

For some, this was a long overdue recognition of the continuing disadvantage of Aboriginal communities and the need to act decisively to end it.

On the other hand, there those who opposed the Intervention for its attack on rights that had been hard won by the Indigenous peoples of Australia over many years.

And there were many on the continuum in between these two positions: people who were trying to get more information about what was being proposed and how it would work, or those who opposed some of the elements of the intervention, were unsure of some, and saw potential in others.

However, driven by the media's appetite for conflict and drama, and by the Government's own 'black and white' rhetoric, the debate quickly became polarised.

We were divided, whether we liked it or not, into 'those in support' of the intervention versus 'those against', between those who adopted a 'rights based' approach or those who focussed on the need to protect women and children – as if these were opposing principles.

In my view it is a real problem when public debate about such an important issue becomes polarised in this way – yet this was inevitable given the way the Intervention was presented to the Australian people.

The question remains: what did the former Government want to achieve?

I don't think we'll ever fully understand the process by which Federal Governments decided on the Intervention: the key decisions were taken behind closed doors, and little effort went into uncovering exactly how they were made and who made them.

Accordingly, there was lots of speculation about 'why' the Intervention was announced.

For some, the Intervention was a cynical political exercise to 'wedge' the Labor Party and gain narrow political advantage in an election year.

As is well documented, the former Prime Minister was practiced at finding exactly those issues, such as immigration, which resonated with a large proportion of the Australian public while dividing his political opponents.

According to this view, *The Intervention was Tampa Mark Two*, and although we are unlikely to ever know for sure, I would certainly not discount this as part of the motivation.

Second, some have seen the Intervention as an ideologically driven attack on Aboriginal rights.

Under this scenario, the NT Government's inaction gave Howard the opportunity to advance his agenda in Indigenous Affairs, central to which was the undermining of Aboriginal rights to land.

(Clearly, the blacks were getting uppity, they were getting too much control and too much land, and it was time to put them back in their place: the Intervention as the counter-revolution to Wik and Mabo.)

This, I think was central to the Intervention, and explains why so many of its elements had nothing to do with children and why almost none of the recommendations of *Little Children Area Sacred* report were included.

However, some saw the Intervention as a genuine attempt to address the suffering and neglect of Aboriginal children.

Many of our people would have difficulty with this, and indeed looking at our former Prime Minister I find it hard to see in him much compassion for Aboriginal people.

Nevertheless, perhaps for others in Government at the time, this was part of their motivation.

But whether this was true or not, I would argue very strongly that concern by itself is not enough.

I remember once seeing a small poster in an Aboriginal Medical Service which someone had made and put on the wall and which simply said “CONCERN PLUS IGNORANCE EQUALS PATERNALISM”.

This sums up neatly to me some of the atmosphere of the Intervention which so many of us found so frustrating and demeaning – the assumption that somehow, all these years, no one had been doing anything for the health and welfare of Aboriginal children until suddenly Mal Brough rode over the hill on his white charger.

This ignorance of the history and realities of Aboriginal life, and the disregard of the evidence of what works in such situations of disadvantage, seemed to me to be key feature of the Intervention and those who led it.

But whatever the real motivations behind the Intervention, one thing I know for sure: it was not the welfare of Aboriginal children and communities alone that drove it.

All sorts of these other agendas were at play: political positioning, ideology, electoral advantage, and good old-fashioned arse-covering.

And this seems to me to be a continuing theme in the history of the relationship between black and white in Australia: that action on Aboriginal disadvantage gets continually caught up in other, contradictory agendas.

This perhaps has been the biggest barrier to genuine progress.

Because, you would think that if Government was really serious about addressing the disadvantage so many Aboriginal communities suffer, there would be a rational process to sit down and look at what the problems were, to look at what has already been tried and what we know works, to look at the kind of principles that we know should underpin action – and then, a commitment to action and of resources.

Yet as far as we know, the whole Intervention was almost literally designed on the back of an envelope, over two or three days, in some offices in Canberra, by people who took little account of the evidence, and had no understanding of the historical realities of Aboriginal life.

Now some people have said to me: “But something had to be done!”

Of course, I agree: “something” had to be done.

But if you are seriously ill in hospital and “something has to be done” you expect the “something” that the hospital staff do to be both aimed at treating the illness, and to be based on good evidence.

Doing something that is neither well-intentioned nor well-evidenced is unlikely to be helpful.

and the Intervention was neither well-intentioned nor well-evidenced.

I have argued strongly that urgent action was needed, but that it needed to be based both on the evidence of what we know works and on our rights.

I don't have the time tonight to go into detail about these, but I do want to say that I think that the artificial distinction that the previous Government set up between "rights-based" and "practical" approaches is false.

An approach to addressing Aboriginal disadvantage that is based on respect for our established rights is necessary because in the long term it is the only one that, practically speaking, will work.

You cannot address endemic social problems without the collaboration of the people affected.

You certainly cannot pretend that the state can intervene in a sensitive and difficult area such as the relationship between families and children without the community fundamentally accepting this approach and endorsing it.

My experience tells me that our people are more than ready to support an intervention to create better, safer futures for their children.

But if this is at the expense of their rights, rights that historically have been hard won – people, even those with the most goodwill, won't cooperate.

I know there are some communities where Aboriginal people – and especially Aboriginal women – support some of the aspects of the Intervention that others of us see as violating our rights.

There are a number of places, for example, where Aboriginal women have spoken out in support of the compulsory quarantining of welfare payments, which although it necessitated the suspension of the *Racial Discrimination Act*, they say has led to improvements in their communities.

If those communities want to collectively make the decision to restrict welfare payments in their community or for particular families, we need to respect those wishes and learn from their experience.

Such a model is being trialled in Cape York – the Family Responsibility Commission there is enforcing standards of behaviour and helping people resume responsibility for the wellbeing of their community and of the individuals and families who live there, especially children.

They do this in a way that aims to encourage and support local authority and justice – not undermine it with blanket, externally imposed solutions.

And I ask myself too – what is being put in place to assist those communities and families to resume full control of their welfare payments?

Or is the welfare quarantining permanent?

Is this how all Aboriginal families are now going to have to live, on into the future?

Because with the Intervention in the Territory, there are many places where the welfare quarantining measures in particular have caused much resentment, and led to people 'disconnecting' from services and processes to address disadvantage.

They have stirred up memories, memories not that deeply buried, of times when the State believed it had a role in the personal lives of all Aboriginal people, and exercised control over them in a way that it never attempted to do for non-Aboriginal citizens.

This is part of my family history – a history shared by many, many Aboriginal families – when it was taken for granted that Aboriginal and non-Aboriginal families should be treated differently, and that the state and its institutions had a right to be present, as it were, around the kitchen table.

Acknowledging this history, and working with the complexity and diversity of Aboriginal life across the Territory and across Australia, accepting that what will work in one place may not work elsewhere, or at least not without adapting it to the local community, its priorities and capacities – this is one of the key policy challenges that Australian Governments must take up.

I have been speaking so far of the Intervention as it was announced and implemented in those first months after its announcement in mid-2007.

But much has changed since then.

In November of that year, a new federal Government was elected.

We have a commitment to Closing the Gap.

An Apology was delivered.

The Intervention was reviewed – but has remained in place.

But it has changed.

This change has been driven by an enormous amount of work at the local level in the Territory to transform the Intervention into something positive.

Aboriginal communities, medical services and those in government with good will and energy have been working sometimes literally day and night for two years not to waste the opportunity of national attention, to hold Governments to their rhetoric.

They have persuaded government that compulsory health checks were an unworkable violation of rights – and they were dropped.

They have used the evidence to show that the kind of fly-in fly-out medical teams that the Intervention gave such prominence to might be good TV, but they are not good health policy – now, long-term, sustainable funding for health services is being rolled out.

Some of the more problematic attacks on Aboriginal rights to land have also been rolled back.

All this is due to the commitment and knowledge and work of those at the grass roots level.

I want to leave you with some words from Barack Obama, whose election at the end of last year has given hope to so many. In his book, “Dreams From My Father”, he says:

I know, have seen the desperation and disorder of powerless: how it twists the lives of children on the streets of Jakarta or Nairobi [or] on Chicago’s South Side, how narrow the path is for them between humiliation and untrammelled fury, how easily they slip into violence and despair. I know that the response of the powerful to this disorder – alternating as it does between a dull complacency and, when the disorder spills out of its proscribed confines, a steady, unthinking application of force – is inadequate to this task.

This describes so well the very process we have experienced in Australia when it comes to the welfare of Aboriginal children.

But there is another process at work, too.

This is the power of the community, to argue, to persuade, to use the evidence of their own experience, and to transform the world.

It is my firm belief that those who so generously spoke to us during the consultations for the *Little Children are Sacred* report did not deserve a response that was so heavy-handed and so lacking in basic human respect.

This still weighs upon me, as I know it does upon Rex Wild, the co-author of the report.

We feel that what people told us, what they trusted us with, and what we reported, was then used by those in power to pursue entirely different aims.

Over the last two years, the Intervention has been very divisive for the Aboriginal community.

But, the process has opened up an opportunity for change.

The Aboriginal community, and their organisations, and those who support them, are using that opportunity to achieve something permanent and positive.

They are continuing their long struggle to improve the lives of Aboriginal families.

And, in the end, despite everything, I am hopeful that they will succeed, and that Aboriginal children will live safer, happier and more fulfilled lives.

Thank you.