

## Reflections on the NT Intervention—One Year On

It was nearly a year ago when I first wrote about the ‘National Emergency’ suggesting that it would prove to be another failed experiment in Indigenous affairs.<sup>43</sup> In amongst the moral panic and the crisis hype I now know that I got some things wrong. For example, I thought that the Howard Government took six days to develop its heavily paternalistic approach, but we now know it was actually 48 hours.<sup>44</sup>

I was also not aware that the Rudd Opposition would acquiesce to Intervention measures and then laws, fearful that with election victory tantalisingly close it might be wedged by a politically crafty John Howard. As a pre-election promise, then Opposition leader Rudd committed to review the Intervention at 12 months and true to most election commitments [the United Nations (UN) Declaration on the Rights of Indigenous Peoples has not yet been endorsed and an Indigenous national representative body has not yet been established] the review is to proceed from July to September this year.

One year on, I want to revisit the Intervention using the lenses provided by the emerging social sciences field of crisis research and a recent international comparative book *Governing after Crisis: The Politics of Investigation, Accountability and Learning*<sup>45</sup>

On 21 June 2007 using the Anderson/Wild *Little Children Are Sacred* Report and its chilling testimonies about child abuse, the language of emergency was evoked and with support from a mainly sympathetic media the frame of ‘National Emergency’ was created. The emotiveness of the issue and its timing during the prolonged 2007 election campaign meant that there was no significant counter frame provided by the Opposition. It was left to the minor political parties, a range of Indigenous and non-Indigenous non-government actors and the alternate media like *Crikey* to provide this counter frame.

The crisis meant that political business as usual was suspended and draconian laws were passed with minimal debate. These crisis-induced reforms were centralised and rapid, there was no on-the-ground consultation, and radical reform was unilaterally devised—the Opposition only saw the 500 pages of reform legislation as it was tabled.

Is a policy response devised over 48 hours to a deep and intractable policy

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<sup>43</sup> Altman, above n 11.

<sup>44</sup> In an interview on ABC Darwin radio Mal Brough admitted that the planning phase of the NTER took just 48 hours. See Sophie Black, ‘NT intervention leak: a year on, it’s a shambles’, *Crikey* (online), 18 June 2008 <[http://www.crikey.com.au/2008/06/18/nt-intervention-leak-a-year-on-its-a-shambles/?wpmp\\_switcher=mobile&comments=0](http://www.crikey.com.au/2008/06/18/nt-intervention-leak-a-year-on-its-a-shambles/?wpmp_switcher=mobile&comments=0)>.

<sup>45</sup> Arjen Boin, Allan McConnell and Paul t’Hart, *Governing after Crisis: The Politics of Investigation, Accountability and Learning* (Cambridge University Press, 2008).

problem likely to be enduring? Comparative crisis research suggests that the more radical the reform (income quarantining, abolition of permits, abolition of CDEP, compulsory acquisition of land, grog bans, linking income support to school attendance, abolition of the *Racial Discrimination Act*) the more likely that implementation will be problem-ridden and fail.

History in Australia also suggests that there can be quite a disjuncture between Canberra and the bush and that crash-through approaches rarely succeed.

At the time of the ‘National Emergency’ announcement, the Howard Government was careful to apportion blame to endogenous (past policies, including its own) and exogenous (the NT Government, ATSI, Indigenous community dysfunction) factors. But it was able to skilfully avoid any political fallout for its past performance and in particular its relative neglect of desperate and well-documented Indigenous need in successive budgets.<sup>46</sup>

Interestingly, the Rudd Opposition depoliticised the issue quickly for electoral neutralisation, although it was continually depicted as ‘progressive’ in the influential Murdoch media and liable to reverse Intervention measures if elected. From the outset the Rudd Opposition and now Government took an unusual defensive posture on the actions of its predecessor, although incremental changes were initially made to the more irrational elements of the Intervention package, such as the abolition of the permits system and CDEP.

As we have shifted from the crisis to the policy implementation phase of the Intervention broad problems have arisen. It is difficult to institute reform with a draconian ‘protection and preservation’ policy basis applied to all as was intended for the ‘stabilisation’ phase.

It has become clear that the capacity of the Australian and the NT Governments to deliver measures is severely constrained in remote prescribed communities—the financial resources allocated for 2007–08 cannot be spent fast enough despite the supposed emergency.

More and more questions are being raised about the internal consistency and sustainability of measures: inconsistency between the NT Intervention and less draconian ‘interventions’ elsewhere on Cape York, the Kimberleys and in the Anangu Pitjantjatjara Yankunytjatjara (APY) Lands; emerging inequities in the 2008–2009 Budget in resource allocations to the NT and elsewhere in Australia where there is also considerable need; and the lack of policy realism in the Rudd Government’s Closing the Gap goal, the aim of ‘normalisation’.<sup>47</sup>

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<sup>46</sup> Jon Altman, ‘Budgeting for all Australians, except the Indigenous ones’, *Crikey* (online) 10 May 2007 <<http://www.crikey.com.au/2007/05/10/budgeting-for-all-australians-except-the-Indigenous-ones/>>.

<sup>47</sup> Jon Altman, ‘Closing the gap rhetoric buys into Howard legacy’, *Crikey*, 15 May 2008 <<http://www.crikey.com.au/2008/05/15/altman-closing-the-gap-rhetoric-buys-into-howard->

Somewhat worryingly, we now will see a plethora of reviews either already underway or about to start. Again, crisis research theory suggests that independent expert review is the preferred way to assess what measures have worked and what measures need further adaptive management.

In this case even a more risky parliamentary inquiry would have been safe because there are no political scalps to be had given the disappearance of Howard and Brough and the bipartisanship in the crisis framing, although such bipartisanship can suddenly fracture as with the so-called war cabinet on Indigenous housing.

However, the post-crisis inquiry process will be intensely political because the Senate Select Committee on Rural and Remote Indigenous Communities will be shadowing the independent review with its opening term of reference to inquire and report on the effectiveness of Australian Government policies following the Northern Territory Emergency Response (NTER), specifically on the state of health, welfare, education and law and order in regional and remote Indigenous communities.

It is good to see Australia's democratic accountability processes having some traction, but in this cluttered review field it is hard to imagine what might be learnt from the first year of the NTER that will lead to innovative policy.

This is in no way to suggest that the status quo pre-June 2007 is acceptable; neglect of such magnitude in such a rich nation cannot be justified.

Equally, one wonders what the legacy might be for those responsible Indigenous citizens in prescribed communities who have lost their human rights. Democratic accountability seems to leave the Indigenous citizenry, rather than the state, bearing all the risk in the aftermath of this crisis Intervention.

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