

Stop the Intervention Collective Fact Sheet: Summary of Macklin's New Legislation

-Under mounting domestic and international pressure about the human rights abuses of the NT Intervention, the minister for Indigenous Affairs, Jenny Macklin, has announced the planned reinstatement of the RDA.

-However, the government is not reinstating the RDA until December 31 2010. This will give the government time to pressure Indigenous communities into signing over their land on 40-year leases. For example, the Alice Springs town camp residents were unable to challenge threats of compulsory acquisition of their land due to the suspension of the RDA. As a result, they were forced to sign over their land on 40-year leases.

Income Management:

-In an attempt to make income management compatible with the RDA the government is expanding it to cover certain welfare recipients throughout the Northern Territory.

-In prescribed areas the transition to the new system will take place over 12 months starting from July 2010.

-The broad groups who will automatically have 50% of their welfare quarantined include:

-Disengaged youth - all those on Youth Allowance, Newstart, special benefits and parenting payments who are 15-25 years and have been receiving payments for 13 out of 26 weeks.

-Long-term recipients - all Youth Allowance, Newstart, special benefits and both parenting payments of people who are over 25 but under the pension age and have received payment for 52 weeks out of past 104 weeks.

-Vulnerable welfare recipients (on any income support payments) - can be individually declared 'vulnerable' or 'at risk' by the secretary, following guidelines made by the minister.

-The government will have the power to label a

region as a "declared income management area". Within these areas anyone who falls into one of the above categories automatically has their welfare quarantined.

-The entire NT has been categorized as a "declared income management area".

-An opt-out system will be set up but this will not come into effect until individual communities are transitioned to the new system. For some this may mean they have no legal right to claim exemption until July 2011.

-Despite these changes it will still be Indigenous people who are most affected by welfare quarantining. The Human Rights Commission explained in a recent paper that a law breaches the RDA if it has a disproportionate impact on a particular racial group.

-Macklin has claimed that the continuation and expansion of welfare quarantining is supported by people living under the Intervention based on consultations carried out by the government. However, these consultations were inherently flawed (see "Consultations" section below).

-A recent government report found that malnutrition rates in children have risen by 13% since the Intervention and income management began. The Sunrise Health Service in Katherine reported that child anemia rates trebled in the first two years of the Intervention.

"Special Measures"

-The other measure of the Intervention will also continue with the government re-branding them as "special measures", again in an attempt to make them compatible with the RDA.

-Under the RDA a "special measures", or positive discrimination, are allowed if they promote the interests of a particular racial group and have that groups consent.

-These measures include:

-Alcohol Restrictions- A report commissioned by the government found that alcohol restrictions in prescribed areas had led to, "dangerous

drinking outside of town boundaries, increased road accidents and personal injury due to unsafe drinking practice and a deterioration in relations between the community and the police.” Alcohol restrictions will continue, although people will be able to appeal for changes in the conditions of the restrictions in their specific community. However, a complete ban in prescribed areas is the default position.

-Five-year land leases- The stated reason from the government for obtaining five-year leases of Aboriginal land at the start of the Intervention was to “cut through red tape and get housing and infrastructure built quickly”. However, not a single house has been built for Indigenous people since the Intervention began.

-Government Business Managers- Government Business Managers will continue to have powers which allow compulsory acquisition of assets and control over local staff and community organizations.

-Australian Crime Commission Powers- Police with the ACC retain “star chamber” powers, including the right to hold people for interrogation without the right to silence. Failing to answer ACC questions can result in six months gaol. Community organizations including health services must hand over confidential files to the ACC on request.

Consultations:

-The government has stated that the changes to the measures of the Intervention are the result of a thorough consultation process and are what Indigenous people living under the Intervention want.

-Yet two reports have revealed this “consultation” process to be a complete sham.

-The consultation process was divided into four “tiers”. Tiers 3 and 4 were meetings with Indigenous leaders and peak Indigenous organizations. According to the government accounts tiers 3 and 4 opposed compulsory income management. Tier 2 meetings were public meetings. Three transcripts of these consultations

have been made public and were analysed by legal experts, including former chief justice of the family court, Alistair Nicholson, and Larissa Behrendt in the Will they be Heard? report, which found that these communities were outraged by the Intervention measures. Tier 1 meetings were private meetings between small groups and individuals from communities and government authorities employed to administer the Intervention (Government Business Managers and Indigenous Engagement Officers). The content of these consultations has not been made public. Attempts by community members who participated in these meetings to gain access to the government reports have been ignored and a Greens’ motion in the senate calling for the public release of these reports was voted down by the government.

-The government employed the organization CIRCA to monitor the consultation process - and the contents of their report reveal a highly dubious process. The report states that the consultations were carried out by public servants who delivered “key messages” to those being “consulted”, including describing the benefits of the Intervention and in some cases openly defending the Intervention from criticism. CIRCA also noted that a number of government accounts of the consultations were distorted in favour of the Intervention, for example government accounts “did not clearly indicate the extent of negativity towards income management that CIRCA consultants observed in the meeting.” Additionally, no interpreters were present at a third of all public consultations.

-The community outrage that came through in the consultation process is a continuation of the strong protest against the Intervention that has come from those living under it since it began, represented by such actions as mass meeting by the Prescribed Area Peoples Alliance and the recent Ampilatwatja Walk-Off.

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