



Intervention Queensland-style

MARGARET WENHAM

The Bligh government in Queensland has recently passed legislation that will see the cornerstone of so-called welfare reform measures trialled in four Cape York Aboriginal communities. From July 2008 the innocuously titled Family Responsibilities Commission will determine, among other things, whether individuals or their partners should be referred to support services for mandatory counselling and other treatments; or whether they should have up to 100 per cent of their welfare payments 'managed' for things like rent and food vouchers, or paid to another person who might be caring for their child. The explanatory notes for the Family Responsibilities Commission Bill are alarming reading in human rights and rule of law terms — something that has not escaped the notice of people like Queensland Council for Civil Liberties president, Michael Cope, and respected Aboriginal academics Larissa Behrendt and Boni Robertson, among others.

Firstly, the notes say that the Commission, which is clearly in breach of the Commonwealth Racial Discrimination Act and the Queensland Anti-Discrimination Act because it targets Aboriginal people, has already been exempted from those two (obviously optional) laws courtesy of Commonwealth social security law amendments passed to facilitate the controversial Northern Territory intervention. Obviating these hard fought laws, which were introduced to prevent precisely the sorts of attitudes and laws that paved the way for such things as the Stolen Generation policies, is a dangerously backward step.

The notes set out how, under the legislation, individuals can be reported to the Commission — comprising one legally qualified commissioner and one or more local deputy commissioners — by people working for a range of government agencies. These include school principals, who might advise that a child missed three days of school in a term without a

'reasonable' excuse; the chief executive of Child Safety, who can pass on that a report of suspected child abuse has been made about a person; public housing officials, who can report things like a person being behind in their rent; and the courts, who must supply notice of any convictions recorded against community residents to the Commission.

The notes go on to state that a person may be denied natural justice when an unproven allegation of child abuse involving them is passed on to the Commission. However, that denial is 'considered justified as it does not affect a person's liberty or deprive a person of income'. This is untrue, as the latter is precisely what this Commission will be constituted to do.

It is enormously disappointing to see a Labor leader ... trot out the 'save the children' argument as ends justifying draconian means ...

Still on denials of natural justice, the only allowable appeal against the Commission's decisions (the hearings preceding which will be in camera, thereby offending the notion of open justice) will be to a magistrate, but only on a question of law. This renders the Commission something unpleasantly akin to a star chamber. The notes also acknowledge that the Commission will receive 'sensitive and confidential' information about people over whom, it may go on to find, it does not have jurisdiction. To deal with these privacy breaches, the Commission will be empowered to destroy evidence provided to it.

The notes state, as well, that there has been no public consultation about this Bill. This is not surprising. An inconvenient hornets' nest of angrily buzzing human rights advocates would have been stirred up, including the largely unsuspecting inhabitants of at least two of the four communities in

question, where community consultation was limited or, in the case of Far North Queensland's Aurukun, almost non-existent.

Finally, it can only be speculated as to what support and/or counselling services or programs the Commission will be referring people to. Certainly the type of services one imagines might be necessary — drug and alcohol detoxification clinics and rehabilitation clinics, parenting and other family support, psychiatric and psychological counselling, financial counselling and so on — are either non-existent or very thin on the ground in remote Indigenous communities in Queensland.

Premier Anna Bligh has attempted to justify the Commission, and the

policy underpinning it, by saying, 'What we know is that despite many attempts by well meaning governments of the past, we are not seeing the progress in these communities that we want to see — far too many children are being failed and we cannot afford business as usual any more'. But it is enormously disappointing to see a Labor leader — with the Federal Labor government's Jenny Macklin a willing accomplice — trot out the 'save the children' argument as ends justifying draconian means. It is doubly disappointing to hear a Labor leader blame the very people who have been consistently failed by successive governments whose Indigenous policies have been at best ineffective, if not wholly incompetent, and discriminatory and socially and culturally destructive to boot.

This policy is the brainchild of self-styled Aboriginal spokesperson Noel Pearson, the director of the Cape York

Institute for Policy and Leadership — a largely publicly funded entity supposed to be a policy think tank, but which appears mainly to promote Pearson's theories. He is often described in the media as an Aboriginal leader. The connotation is that he is representative of many Aboriginal people, particularly those in Queensland's Cape York region. But

Pearson and his ideas for tackling Indigenous disadvantage are not necessarily welcomed by the majority of communities and Indigenous peoples.

Premier Bligh should be aware of this, and the fact that Pearson's solutions lack empirical evidence that they will reduce Aboriginal socio-economic disadvantage. She might also like to ponder the prospect that a

Labor government is poised to impose the most repressive and regressive policy on Queensland's Indigenous peoples since those that heralded both the Stolen Generation and the Stolen Wages.

Margaret Wenham is a journalist with the Courier Mail.

Iraq: Obama's Quagmire Too?

GERALD NAGTZAAM

The issue of the continuing US occupation of Iraq is currently off the front page in the United States, replaced with domestic economic considerations. President Bush's strategy seems to be 'running out the clock' and handing the ongoing mess to a new president to handle and to blame. However, the issue will still have an enormous impact in shaping the next US presidency, whichever candidate wins, since the issue of when to withdraw threatens to become a bigger quagmire than Vietnam for both men.

As Secretary of State Colin Powell once opined, 'you break it you bought it', and both nominees, Senators McCain and Obama, might well have their domestic agendas derailed by still having to focus on Iraq, with its ongoing costs over pressing domestic considerations. Currently the United States is paying for the war on the credit card instalment plan but the bill will probably start to fall due in the lifetime of the next presidency. While both candidates have different timetables for leaving Iraq, as can be seen from examining their relative positions on leaving, they will both face some hard truths on the first day of their presidency.

Senator McCain maladroitly intimated that he could see the United States with a presence in Iraq for a hundred years. Such an unpalatable truth has forced him to dramatically scale down the projected US commitment, and he now argues on his website that the earliest the United States can leave is 2013, when he

believes the war will be won and Iraq will have become a functioning democracy. He further promised to try to reduce troops in Iraq by half in his first term but is maintaining that he will keep them there as long as it takes. Given that 70 per cent of the American people want US service personnel out of Iraq within two years, this is still an enormous gamble for him to undertake.

When asked on NBC's Today show in June if he could nominate a date when American troops could start

permanent bases to advance Middle Eastern policy goals, or in the event of military conflict with Iran. How Senator McCain would pay the potential trillions of dollars for the ongoing occupation is beyond a vague commitment to cut down on 'earmarks' on Congressional bills, which would have a negligible effect

A careful reading of Senator Obama's position may disappoint many anti-Iraqi war voters who assume that he will leave Iraq on day

Currently the United States is paying for the war on the credit card instalment plan but the bill will probably start to fall due in the lifetime of the next presidency.

Obama's foreign policy adviser has stated that leaving Iraq in 2009 is a 'best case scenario' that 'he will revisit when he becomes president'.

coming home, he stated: 'No, but that's not too important. What's important is the casualties in Iraq'. McCain proposes the same illogical argument on troops as Bush. Either 'things are going so badly in Iraq that we cannot leave' or 'things are going so well in Iraq that we cannot leave'. McCain has also stated rather baldly for a presidential nominee that 'I do not want to keep our troops in Iraq a minute longer than necessary to secure our interests there'. He does not go on to enumerate what these interests are but they are, presumably, ensuring access to oil and establishing

one of his presidency. He is of course famous for opposing the war virtually from the beginning. However, it should be borne in mind that Obama was not in the Senate when the Congressional joint resolution authorising the Iraq war was voted on. In January 2007 Obama introduced the *Iraq War De-Escalation Act of 2007* into Congress which sought a phased drawdown of US troops with all units removed by 31 March 2008, a date recommended by the bipartisan Iraq Study Group. In the July–August 2007 edition of *Foreign Affairs*, Senator Obama argued again for the phased withdrawal of US forces