To the Senate Community Affairs Committee,

I am writing to express my belief that the proposed *Stronger Futures in the Northern Territory Bill 2011* represents a continuation of punitive, colonial measures that revoke Aboriginal people's human rights. This Bill, set to form the latest in a suite of legislation aimed at continuing the fundamentally flawed approach of the Northern Territory Emergency Response[1], must be withdrawn and abolished for three reasons:

1. The Government's failure to consult Indigenous communities
The Government has failed to consult Aboriginal communities targeted by the Northern Territory Emergency Response. In the first instance, Prime Minister John Howard and Indigenous Affairs Minister Mal Brough neglected to include those living within 'prescribed' areas in the development of the policy itself. Just seven days after its details were announced, the military, bureaucrats and additional police entered Aboriginal communities in Northern and Central Australia. Any pretence that such actions were motivated by the findings of the *Little Children Are Sacred* Report (Wild & Anderson 2007) have been rejected. Pat Turner and Nicole Watson (2007), Larissa Behrendt, Chris Cunneen and Terri Libesman (2007) and Irene Watson (2009) argue that Howard exploits *Little Children are Sacred* as a 'Trojan horse.' They cite the neglect of Pat Anderson and Rex Wild's (2007) recommendations in favour of long-term Coalition policies to assert that the report is used to justify Howard's actions to the electorate.

In the second and third instances, consultations carried in 2009 and 2011 were both inadequate and disrespectful. Concerns expressed by Nicholson et al (2009) in 2009 regarding the Government's failure to provide interpreters, adequate explanation and impartial facilitation are echoed in analysis of the consultations that took place in mid 2011 (Harris & McKenna 2011). Moreover, the provision of the *Stronger Futures* discussion paper in English – rather than Indigenous languages – and the hasty rollout of the consultations themselves demonstrate the Government is not committed to considerate and productive dialogue with Indigenous communities.

2. The failure of reporting mechanisms
The ability to scrutinise the proposed legislation, and the four-year operation of the Emergency Response, is made difficult due to the lack of reliable data. Peter Yu and the Review Board have found 'little evidence of baseline data being gathered in any formal or organised format which would permit assessment of its impact' on residents (2008, p. 16). Concerned Australians echoed this concern most recently, as they argue that 'current data collection management is inadequate in reaching definitive

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[1] The argument that follows is drawn from aspects of my Honours Thesis completed in Critical and Cultural Studies at Macquarie University in 2011 entitled 'Protecting White Australia: John Howard's announcement of the Northern Territory Emergency Response and the ongoing Colonial Project.' This thesis attempted to challenge the asymmetries of power reproduced by Howard's Emergency Response. I argue that his announcement and execution of the policy (re)deploys recursive discourses to violently recast this continent, never ceded by its Indigenous owners, as the possession of white 'Australians' such as myself. It forms the latest in a continuum of state technologies that work to produce and maintain the 'originary violence' of white invasion and the asymmetries of power initiated by it (Watson 2009).

conclusions' (Harris 2011, p. 5). Available information is also selectively interpreted. Tom Calma cites, for example, a monitoring report used by the Government, on the one hand, as evidence of their successes and Jon Altman, on the other, to argue that 'rates of suicide, self- harm and mental illness' have increased under the policy (Calma 2010, p. 33). This misrepresentation continues. The most recent Northern Territory Emergency Response Evaluation Report inserts data within figure 6.4 that demonstrates an increasing number of attempted suicide/self-harm incidents (FaHCSIA 2011, p. 60). This reflects the argument of the Australian Indigenous Doctors' Association that any possible improvements in reported 'health outcomes' may be 'outweighed by the negative impacts on psychological health, social heath and wellbeing and cultural integrity' of Indigenous people targeted by the Emergency Response (2010, p. ix).

3. The proposed *Stronger Futures Bill* perpetuates – and exacerbates - the colonial violence and breaches of human rights that are currently taking place under the flawed approach of the Northern Territory Emergency Response:
While many overt signigiers of paternalistic and colonial policies were abolished in the 1970s, the proposed Bill, coupled with the rising rate of Indigenous incarceration, introduction of economic policy that prevents the provision of infrastructure in Homelands communities and paradigms of 'mutual obligation,' suggest they have merely been reconfigured for the contemporary 'Australian' landscape. The treatment of the *Racial Discrimination Act 1975* (Cth) (RDA) explicates this premise (Behrendt, Cunneen & Libesman 2009; Calma 2010). This Act attempts to break down institutionalised racism (Behrendt, Cunneen & Libesman 2009). Its assertions that 'everyone should be equal before the law' and that 'it is unlawful for a person to do any act involving a distinction, exclusion, restriction or preference based on race' are particularly relevant (*Racial Discrimination Act 1975* 1975, p. 7&6). They come into conflict with many of the actions prescribed under the original *Northern Territory National Emergency Response Bill (2007)* (Cth) that exclusively and explicitly target Aboriginal people and their property, such as the sequestration of income and entitlements, the licencing of community stores and the compulsory five-year acquisition of Aboriginal land (Behrendt, Cunneen & Libesman 2009; Calma 2010). At the time, Senator Nigel Scullion normalised the Government's power to *legally* invalidate the law, as he told the senate:

> *The laws that we are bringing in here … do not discriminate against people; they simply discriminate in a way that treats one class of people differently from another… If we do not exempt some of these areas from the Racial Discrimination Act, [the Intervention] will be unlawful and they will not be able to proceed. That … does not suit our purpose/We are definitely not being disrespectful of the Racial Discrimination Act.*
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> *(Senate Official Hansard: Thursday, 16 August 2007, p. 115&117)*

In this phrase, Scullion's assertion that his actions do not discriminate against 'people,' rather, they 'treat a class of people differently' dehumanises each Aboriginal person targeted by the Intervention. Further, his admission that he must suspend the RDA demonstrates the Government's assumption of colonising and paternalistic power in order to determine what and who falls inside and outside the law and to invalidate legislation that 'does not suit [his] purpose.' With this statement, he strips

35,783 targeted Aboriginal people of their fundamental human right to freedom from discrimination and illegally takes possession Indigenous land (DoFHCSIA 2009).

Despite the so-called reinstatement of the RDA, the proposed *Stronger Futures in the Northern Territory Bill 2011* is not immue from the discrimination embedded within the legislation that proceeds it. The proposal to introduce policies similar to SEAM and *Every Child, Every Day* throughout the Northern Territory – without any indication that such programs increase school attendance – is a simplistic and highly punitive response to falling attendance rates. If the Government is committed to ensuring school attendance increases, it must not avoid the complex reasons that account for why Indigenous children do not go to school. As a recent report from Concerned Australians (2011) suggests, one of the first steps must be reinstating the bilingual education program. The abolition of this program under the Intervention, and the subsuquent mandate that the English language must be taught for the first four hours of the day, has led attendance rates to fall. Their research demonstrates that support for the reinstatement of this program was widespread throughout the *Stronger Futures* consultations, despite very few references to it in the final report: 'this raises genuine concern as to the Department's ability to interpret correctly the messages from the community consultations particularly as there was a strong, and expressed, belief that the removal of the bilingual learning programs from schools was one of the reasons for the drop in school attendance' (Harris & McKenna 2011, p. 3). Additional barriers to school attendance must also be broken-down. *Children of the Intervention* (Harris, M. & Gartland 2011) reveals the disempowerment and discrimination Indigenous children in the Northern Territory experience on a day-to-day basis. For instance, the failure of the curriculum to acknowledge Aboriginal Culture, the disempowering nature of English language mandates and the schooling system, the lack of public transport, a severe shortage of funding, the inadequate provision of teachers should be addressed. Further, Indigenous children who attend Homelands Learning Centres should be provided with the resources to fund full-time teachers, airconditioning and flushing toilets (Harris & Gartland 2011; Harris & McKenna 2011). The government must also carry out genuine consultations and empower each Indigenous community to take ownership of their land, culture, customs and establish schools, determine how schools operate and determine the curriculum and languages taught. It must resign from its violent – and colonising position – that denies Indigenous communities infrastructure funding unless they sign over their land under fourteen to ninety-nine year leases.

A few days after announcing the Northern Territory Emergency Response, John Howard told Northern Territory Radio that 'there is nothing to be achieved by any of us wasting energy on finger pointing about the past' (2007, para12). On the contrary, I believe that equity and justice cannot be 'achieved' without studying the 'past' to which he refers. The Northern Territory Emergency Response, and the colonial violence it entails, must be abolished. Future policies must break-down the infrastructural racism which pervades Australian legislation, law and everyday life - the foundations of which were laid with that of the nation-state: in the illegal declaration of this continent as *terra nullius*.

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