

## **The Wasted Years**, Greg Marks , 19 June 2020.

An overview of the changes in Government policy impacting on Aboriginal communities in the Northern Territory , Australia, over the past 15 years

Delivered to an on-line forum, “13 years of failed Northern Territory Intervention - First Nations people demand their solutions” 19 June 2020.\*

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Tonight I will provide an overview of the changes in Government policy impacting on Aboriginal communities in the Northern Territory over the past 15 years.

There has been a tsunami of change – coming from different directions, but causing a lot of damage to the lives of Aboriginal people. These changes actually started just *before* the Intervention of 2007.

**2004 is the first critical date** – the abolition of ATSIC. With ATSIC out of the way the Government had a clear run. There was no large, resourced, independent body to call the Government out.

So what are the main strands of this tsunami?

**The first strand is the so called land tenure reform.** This is where Aboriginal townships are leased back to Government for 99 or 40 years. That started in **2006** with changes to the Aboriginal Land Rights (Northern Territory) Act 1976.

That reform is all about control. It is the Commonwealth Government taking back control of major Aboriginal communities across the Territory. The Government needed an excuse – the excuse is security of assets. The Government will not fund houses, schools, infrastructure without a lease.

But what is the motive?– it is to get the Traditional Owners out of the decision-making process. This is the main objective. No matter what level of consultation might go on, it is the Government that makes the decisions for the next 99 years. That is probably 4 generations. Control of the land is effectively alienated, lost to Aboriginal people. And these communities are where the majority of Aboriginal people, outside the regional towns, live.

Another object was to break up communal ownership, so that residents could own their homes under sub leases. The Government was hooked on individuals owning homes, because that is what white people do.

**The second strand**, and the most dramatic, was the Intervention itself in June 2007, with it changes to a whole lot of stuff – social security, 5 year compulsory leases, police stations, scrapping customary law in legal proceedings etc etc.

For public consumption any excuse would do. And of course the Little Children are Sacred Report provided perfect cover. Here we had the army, the Government Business managers. It was a massive roll back of the right to self determination. It imposed discriminatory measures, got rid of the protections of the Racial Discrimination Act, used the bogus excuse of Special Measures, which basically said we are taking your rights away so we can give you more rights.

But I don't need to go on – everybody knows about the Intervention, Aboriginal people have lived it and Aboriginal people will talk about it tonight. Aboriginal people have been to the UN about it. Two UN Special Rapporteurs have come to the Territory to see it and have been highly critical of it. And of course Stronger Futures was just mark 2 of the Intervention.

**The third strand** in this tsunami is the one I want to emphasise tonight, because at least to the wider public it is the one least known.

It is the attempted slow death of the outstations movement. This time the excuse was that outstations and homelands communities were not viable. The Government from about 2005 on wanted to get rid of outstations and homelands. There is no doubt about that. But they were too smart just to try to close outstations down. For one thing there were too many people living in outstations. To close them down straight away would have been too difficult.

So they went for the slow strangulation approach – the starving of funds and services approach. They were prepared for older Aboriginal people to live out their lives in homelands communities. What they were after were the younger generations, to get them into the larger communities or towns, to break their connection, their attachment to their traditional country.

So the approach was to give the outstations no future, to stop them growing, to make life a daily battle just to keep things going. And this is where the defunding of outstation housing comes in.

The key agreement was a **Memorandum of Understanding** between the Commonwealth Government and the NT Government about accommodation, infrastructure and related services. This was in September 2007 (a couple of months after the Intervention).

With this MOU, the NT Government was over a barrel when it signed. No Aboriginal organisations were consulted. The arrangements for outstation and homelands funding since self government in 1978 were completely overturned.

The Commonwealth said that there would be no more Commonwealth funding for new, rebuilt or refurbished housing, and related infrastructure, on these communities. They just threw the outstations to the NT Government, knowing that it did not have the resources to take up this responsibility. The MOU specifically ruled out support for 500 communities across the Territory. That was a lot of communities and a lot of people. This is a fact of fundamental importance.

Outside the Territory hardly anybody knows about this. And even inside the Territory most people find it difficult to figure out just what has gone on. The Commonwealth Government tried to keep the MOU secret, but fortunately it fell off the back of a truck. It is now publicly available.

**The question is, what has happened to outstations and homelands as a result of these policies?**

In 2006 there were 10,000 people living in approximately 560 hundred homelands. If we look at the population stats we find that today there are approximately 6500 people living in 380 homelands communities.

That is some decline.

People have simply gone to the larger communities or to town.

Why? Basically because the housing stock is now very old, overcrowded, dilapidated. The NT Government has provided money for repairs and maintenance and improvements, but this is a fraction of what is needed. There is no room for growth, for aspirations for the future. As well other services have been reduced - schools, health etc.

Without the chance to have new houses, or to rebuild and refurbish existing houses, the future prospect must look bleak for many people living in homelands and outstations .

Of course, Aboriginal people have shown independence and initiative, living in sheds, in caravans etc , in order to stay on their lands, but it should not be like this.

### **What about the future?**

The key thing to know now is that the NT Government has had a major review of Homelands Policy running for over a year. The consultant's report is finished and with the NT Government. This Report could be *very* important, depending what is in it, and what the NT Government does in response. But there may be some hope here, and it will be important to keep a close eye out for it, when it becomes public.

One problem is that the Report and the next NT elections might overlap, and who knows what that might mean.

### **Summary**

The essential goals of Aboriginal policy settings in the Northern Territory have been sidelining traditional ownership in the townships; reasserting control over the lives of Aboriginal people; and slowly emptying the countryside of the myriad of small to medium sized communities referred to as outstations and homelands.

The major objective *now* has to be to bring the Commonwealth back into the story for funding support for homeland housing and infrastructure. It is not been good enough for the Commonwealth to wash its hands of this responsibility, and to marginalise homelands and outstations .

There may be hope. The days of the hard-line Ministers might be over. The times might again suit homelands and outstations to take their rightful place alongside other Aboriginal communities in the Territory.

When you put the three separate but intertwined strands – the township leases, the Intervention, and the attack on homelands together, the negative impact of the last 15 years comes into clear focus. This is the lived experience of Aboriginal people in the Territory. This is the tsunami that has to be turned back for people to regain self determination and dignity. These have been the wasted years.

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About the author, [Greg Marks](#) is a Canberra-based consultant and researcher specialising in international human rights law, Indigenous rights, native title and land rights. Greg has lived and worked in the Northern Territory, Australia and retained a close interest in NT issues.

\*He spoke at a forum marking the 13<sup>th</sup> anniversary of the Northern Territory Emergency Response /Intervention , facilitated by Larissa Behrendt AO and organised by 'concerned Australians' (cA), the Stop The Intervention Collective Sydney (STICS) and the Intervention Rollback Action Group Alice Springs (IRAG)