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Howard's NT Intervention promises: a progress report

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By Chris Graham, Chris Munro and Amy McQuire of the *National Indigenous Times*:

On June 21, 2007 John Howard and former Minister for Indigenous Affairs Mal Brough called a press conference to announce the NT emergency response intervention, purportedly as a response to the *Little Children Are Sacred* report.

Here's an analysis of what Howard promised and what was delivered.

THE PROMISE: "Firstly, in relation to alcohol, the intention is to introduce widespread alcohol restrictions on Northern Territory Aboriginal land for six months. We'll ban the sale, the possession, the transportation, the consumption and broader monitoring of takeaway sales across the Northern Territory." -- John Howard, press conference, June 21, 2007.

THE DELIVERY: The roll-out of alcohol restrictions occurred in September last year. Under the NTER legislation, there were bans on the sale, consumption and purchase of alcohol in prescribed communities, with strict penalties being placed on those who broke the rules.

In order to curb the amount of alcohol brought into communities, outlets throughout the Territory who sell alcohol quantities of \$100 or more or over 5 litres of cask or flagon wine without taking ID and recording the name, address and place of consumption, can be fined.

If you are caught consuming, possessing, supplying or bringing in any alcohol to a prescribed community you face a fine of up to \$1,100. People who are found with 1350mls or more with pure alcohol could fare even worse, with a fine of up to \$74,800 or 18 months imprisonment estimated.

The grog bans, however, quickly came unstuck.

Tourism operators and fishing groups argued the laws unfairly impacted on them, so the Howard government introduced changes to allow alcohol to be consumed on Aboriginal land during recreational fishing trips, and when you're in the company of licensed tourism operators.

In other words, champagne-sipping busloads of whites and blokes in boats with fishing tackle can wander onto black land and get as p*ssed as they like.

THE PROMISE: "We will provide the resources and we'll be appealing directly to the Australian Medical Association to assist, but we will bear the cost of [compulsory] medical examinations of all Indigenous children in the Northern Territory under the age of 16 and we'll provide the resources to do with any follow up medical treatment that will be needed." -- John Howard, press conference, June 21, 2007.

THE DELIVERY: The mandatory health examinations were supposed to detect evidence of s-xual assault. They turned out to be neither mandatory, nor were they of a s-xual nature.

Instead, the Howard government began delivering voluntary standard health checks which all Australian children routinely access. The Rudd government has continued that process.

To date, around 11,000 Aboriginal children have been checked. The Rudd government claims to have reached around 64 percent of children in prescribed communities (it claims a total population under the age of 16 at around 17,000 children).

In reality, the number of children in the areas is closer to 21,000, which means the government has more likely reached just over 50 percent.

As reported late last month by *The Courier Mail*, following the completion of 7,433 children, just 39 were found to be at risk of serious neglect or abuse.

THE PROMISE: "We're going to introduce a series of welfare reforms, designed to stem the flow of cash going towards... alcohol abuse... to ensure that the funds meant to be used for children's welfare are actually used for that purpose. The principal approach here will be to quarantine as from now, through Centrelink, to be supported by legislation, 50 percent of welfare payments to parents of children in the affected areas..." -- John Howard, press conference, June 21, 2007.

THE DELIVERY: Contrary to Howard's promise, his government legislated to control the welfare payments of ALL Aboriginal people in prescribed areas, regardless of whether or not they have children.

According to leaked NTER Situation Reports for June 2008, 'Income Management' has been rolled out to 49 communities, associated outstations and seven town camps. A total of 12,414 people are subject to the controls, which represents about one third of the total population.

THE PROMISE: "We're going to enforce school attendance by linking income support and family assistance payments to school attendance for all people living on Aboriginal land." - John Howard, press conference, June 21, 2007.

THE DELIVERY: No welfare payments have been linked to school attendance. A spokesperson for Jenny Macklin said: "We have a pilot program in place to implement trial programs into WA and Queensland -- the information can be found on our website."

THE PROMISE: "We'll be ensuring that meals are provided for children at school with parents paying for the meals." -- John Howard, press conference, June 21, 2007.

THE DELIVERY: FaHCSIA has advised that the Rudd government has established a school nutrition program in 49 of the 73 prescribed Aboriginal communities, plus seven town camps. The program provides breakfast and lunch to school aged children, and received \$7.4 million in funding in the recent federal budget.

It appears parents are not yet being charged for the meals -- FaHCSIA advised that the cost of meals will be met by parents through their income management contributions.

The Rudd government has promised to provide assistance for infrastructure and other costs, including salaries for program employees.

THE PROMISE: "We're going to ban the possession of X-rated p-rnography in the prescribed areas and we're going to check all publicly funded computers for evidence of the storage of p-rnography." -- John Howard, press conference, June 21, 2007.

THE DELIVERY: Prior to the election the Howard government legislated to make it an offence if a person in control of a publicly funded computer fails to:

- install, and keep in place, a content filter;
- maintain an acceptable use policy;
- keep records that identify each user;
- undertake regular audits; and
- provide to the Australian Crime Commission the outcome of any audit undertaken.

General bans on p-rn began on the 14th September 2007 in all prescribed communities as part of the intervention.

There are two levels of prohibited material now banned in prescribed areas.

Level 1 prohibited material covers:

- publications classified Category 1 - Restricted or Category 2 - Restricted
- unclassified publications that would be likely to be classified Category 1 - Restricted or Category 2 - Restricted
- X18+ films
- unclassified films that would be likely to be classified X18+, and
- prohibited advertisements.

Level 2 prohibited material covers:

- Refused Classification (RC) films, computer games or publications, and
- unclassified films, computer games or publications that would be likely to be classified RC.

It is the classification, or likely classification, of material that will determine whether it is banned.

R18+ classified films are permitted in prescribed areas.

'Category 1 -- Restricted' and 'Category 2 -- Restricted' publications that only contain depictions and descriptions of violence - with or without s-xual content -- are also banned.

Similarly, material that contains matters of drug misuse or addiction, crime, cruelty, violence or revolting or abhorrent phenomena is classified RC and will be prohibited material.

Pay TV p-rn has not been banned from NT Indigenous communities. Austar spokesperson Emma Van Der Aa told NIT: "As it stands right now, adults only channels are still available in Aboriginal communities in the Northern Territory. There's proposed legislation at the moment regarding this issue, and the outcome of that has yet to be confirmed. We will obviously be required to act according to the legislation when it is passed."

Ms Van Der Aa said it was difficult for Austar to provide a breakdown of Aboriginal subscribers in the Territory.

"It is extremely hard to match our programming data with the maps that we have when it comes to remote communities. But I can say that our subscriptions in the NT are quite low, and as for adults only services, they are virtually non-existent," she said.

In relation to the audit of publicly funded computers, schools contacted either didn't return calls, or declined to comment, confirming that they had been instructed not to comment to media about the matter.

One school confirmed that filters were in place on the publicly funded computers and that it wasn't a problem in many of the smaller communities.

Labor's 12 month report card on the intervention, handed down on June 18, claimed that an audit of all publicly funded computers for traces of pornography had been completed at the start of June, and was now being analysed.

THE PROMISE: "The Commonwealth Government will take control of townships through five year leases to ensure that property and public housing can be improved and if that involves the payment of compensation on just terms, as required by the Commonwealth Constitution, then that compensation will be readily paid." -- John Howard, press conference, June 21, 2007.

THE DELIVERY: On August 18 last year, the Howard government compulsorily acquired land in and around 47 communities, 16 specified 'community areas' plus Canteen Creek and Daly River.

Land that was previously covered by a lease were exempt from the takeover.

Contrary to Howard's promise, the legislation did not require government's to provide 'just terms' compensation for the compulsory acquisition, a breach of the Australian Constitution.

This discriminatory legislation is currently subject to a legal challenge by the Maningrida community.

THE PROMISE: "We'll require intensive on-ground clean-up of communities to make them safer and healthier by marshalling local workforces through Work for the Dole arrangements." - John Howard, press conference, June 21, 2007.

THE DELIVERY: The leaked Situation Reports from June claim that community clean-up operations are underway in 66 of the 73 prescribed communities. A total of 2905 properties had been surveyed and had "make safe repairs completed", in addition to 2234 minor repairs.

Asbestos surveys of community properties have been completed in 54 communities.

THE PROMISE: "We will scrap the permit system for common areas and road corridors on Aboriginal lands." -- John Howard, press conference, June 21, 2007.

THE DELIVERY: This was a promise the former Howard government have definitely wanted to keep, but which has been hindered by a little thing called a federal election.

Under the legislation, the permit system (regulating who could enter Aboriginal land in the Territory) was scrapped, with the abolition officially coming into play on February 17th this year.

But federal ALP had a promise of its own to keep. The party had made an election promise to Aboriginal Australia, saying they would reinstate the system, albeit with some changes.

It would mean journalists and government officials would not need to seek a permit to enter Aboriginal land. Within four days of the permit system scrap being implemented on the ground, draft laws reinstating it were tabled by the ALP in the House of Representatives.

The bill is still yet to be passed by the lower house and the Opposition is refusing to back it, meaning that it will be very unlikely it is passed before July, considering the Coalition still have the numbers in the Senate.

Meanwhile, land councils such as the Central Land Council, are requesting that visitors to Aboriginal land continue to apply for permits, saying that a "permit is legally required to visit any Aboriginal land outside of communities".

THE PROMISE: "Law and order will be a central focus of the measures I've announced. There will be an immediate increase in policing levels. They're manifestly inadequate. The existing laws, even with their shortcomings, are not being adequately enforced. We'll be asking each state police service to provide up to 10 officers, who will be sworn as police in the Northern Territory." -- John Howard, press conference, June 21, 2007.

THE DELIVERY: The leaked Situation Reports claim night patrols are operating in all 73 prescribed communities.

A total of 55 communities have still received no extra police resources. 51 additional police have been deployed across just 18 communities, comprising 33 interstate police and 18 from the Northern Territory.

THE PROMISE: "We're going to provide additional resources to set up an Australian Government s-xual abuse reporting desk. And we'll appoint managers of all government businesses in all communities." - John Howard, press conference, June 21, 2007.

THE DELIVERY: The reporting desk was formed by the Howard government in the early days of the intervention. It still operates today, and is charged with distributing leads and information derived from Australian Federal Police and Northern Territory police.

THE PROMISE: "And there are two other very important actions. Next Thursday, there will be a meeting of the Inter-Governmental Committee on the Australian Crime Commission to formally -- and at that meeting, I'm sorry, our minister will ask the ministerial council to formally refer this issue to the Australian Crime Commission to allow the Crime Commission to locate and identify perpetrators of s-xual abuse of Indigenous children in other areas of Australia." - John Howard, press conference, June 21, 2007.

THE DELIVERY: As a result of the NTER, the Australian Crime Commission was given a substantial budget and special coercive powers to compel people in Aboriginal communities to give evidence to investigators about child s-xual abuse.

Late last month, The ACC reported to parliament that it had generated about 1,100 reports across the Northern Territory, and in Aboriginal communities around the nation.

"We would need to go through each of the 1,100 reports. I think we would be able to say that the issue of underage s-xual activity would probably be present in the vast majority of the reports..." the ACC reported.

The ACC was also asked specifically if it found any evidence of organised p-edophile rings, a claim initially made by Mal Brough.

The ACC responded: "Based on the visits we have conducted-which have been quite extensive-we have not uncovered any information to substantiate that claim."

THE PROMISE: [The involvement of the ACC] will be a precursor, we hope, to the effective prosecution of [offenders] by the relevant state and territory law enforcement authorities." -- John Howard, press conference, June 21, 2007.

THE DELIVERY: No single person has yet to be prosecuted for a child s-xual assault as a result of the NTER.

THE PROMISE: "I should indicate that, if necessary, Parliament will be convened during the winter break for a special session to deal with the legislation that will be needed to give effect to the announcements I have made." - John Howard, press conference, June 21, 2007.

THE DELIVERY: Parliament was not recalled for the winter break because the legislation to support the intervention could not be completed in time. It was delivered upon the resumption of parliament after winter.