

03

## The NT intervention and human rights





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Cover: A group of young people in one of the regions affected by the NT intervention.  
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*While large sections of Australian society can indulge in contemporary grief about past injustices inflicted on Indigenous peoples, there is a pervasive silence about the policies of national, state and territory governments.*

Patrick Dodson (a Yawuru man) Chairman,  
Lingiari Foundation<sup>1</sup>

*We feel, here, that the intervention offers us absolutely nothing, except to compound the feeling of being second-class citizens. The only thing we have gained out of the intervention is the police. We had had dialogue in the past about having a police station here.*

*But that is all, and also, we are still reeling from the way the Federal government wheeled out, or dealt out, the intervention, in a military fashion, when Major Chalmers sent out the army, in uniform, and they did the health check, which is a duplication of our clinic here, and we still feel that you are breaking some human rights points, in the way you have addressed our needs.*

*I've just come back from listening to the Top End communities in the Arnhem Lands, and people are dissatisfied with what's at the front of our Sacred Lands, those blue signs. I have spoken to Jenny Macklin's advisor. I have asked them to remove that. There is this morning on the news, just for your information, sly grog running between Geelong and Ballarat. Why hasn't the intervention signs gone up there?*

*...If this Intervention was so good for us, why did you remove the Racial Discrimination Act?*

Rosalie Kunoth-Monks, President of Urapuntja Council and Barkley Shire President<sup>2</sup>

# The Northern Territory intervention: overview

**In 2007, the Federal Government announced far-reaching policies affecting Aboriginal communities in the Northern Territory. Using a report documenting child sexual abuse in these communities as justification, the Federal Government launched the Northern Territory Emergency Response, also known as the intervention.**

Aboriginal leader Pat Dodson, known as the 'father of reconciliation', reflects on the events that took place:

June 21, 2007, may well be seen as a defining date in Australian history. That day changed government/indigenous relationships profoundly.

The stated aim of the intervention was to protect children, however while it included some positive initiatives, it also included a range of policies that discriminate against Aboriginal people. Describing government policies as "a regime of coercive paternalism," Pat Dodson continues:

There is no argument that the urgent immediate priority is to protect children. The welfare of our children and our families remains the key to our lives and future. But this priority is undermined by the Government's heavy-handed authoritarian intervention and its ideological and deceptive land reform agenda.

The agenda is to dismantle the foundations of the Northern Territory Aboriginal Land Rights Act. It seeks to excise residential community settlements from the Aboriginal land estate under special Commonwealth Government five-year leases, and the abolition of an authorisation entry protocol called the permit system.

The Government has not made a case in linking the removal of land from Aboriginal ownership and getting rid of the permit system with protecting children from those who abuse them. What is becoming increasingly clear is that the Howard Government has used the emotive issue of child abuse to justify this intervention in the only Australian jurisdiction in which it can implement its radical indigenous policy agenda.<sup>3</sup>



A banner at a rally in Melbourne calling for an end to the Northern Territory intervention in June 2008. Aboriginal leaders have called for urgent and decisive action by the Federal government to improve living conditions for Australia's Aboriginal communities. (AAP Image/Simon Mossman)

## SOME POLICIES INTRODUCED AS PART OF THE INTERVENTION

- **Management of people's income**  
Indigenous people in areas affected by the intervention who receive payments, such as Newstart Allowance or the Baby Bonus now have 50 per cent of their income controlled by the government. This policy has been applied to people whether they manage their income well or not and targets all Indigenous people regardless of need.
- **Compulsory leases of Indigenous-owned land**  
These leases give the government “exclusive possession” of land which is owned by Aboriginal people. The five year leases allow the Government to demolish, repair, or replace any existing building without the consent of the owners.
- **Blanket bans**  
Alcohol, gambling and pornography are banned in prescribed communities and signs announcing these bans are placed at the entrance to Indigenous communities.
- **Abolishing the permit system**  
The permit system gave Aboriginal people control over who entered their land. The Northern Territory Land Rights Act recognised Aboriginal land as private property, and the permit system ensured Aboriginal people had the same rights as other owners of private property to decide who can and cannot enter.
- **Offering government services in exchange for leases**  
Under the intervention, prescribed communities are offered government services, such as housing and housing maintenance on the condition that they sign away their property rights by leasing land that they own to the government.

No other group in Australian society receives services on this basis. To make it legal to implement the intervention, the Racial Discrimination Act and Northern Territory anti-discrimination laws were suspended. Australian and international law prohibits discrimination on the grounds of race, however, the governments claimed that it was necessary to override human rights in order to protect children.

## AMNESTY INTERNATIONAL'S VIEW ON THE INTERVENTION

- Many policies did not protect children or were not related to achieving this goal (including the compulsory acquisition of land, the abolition of the permit system and offering housing and other services in exchange for giving up rights to land).
- Many policies did not relate to the goals expressed in the media to justify the intervention.
- Many policies offered benefits (such as health services or anti-violence programs) that could have been provided without breaching human rights.
- Many policies reflect a return to the paternalistic approach of the past and policies of ‘assimilation’. Paternalism involves a ‘father-child’ relationship between governments and Indigenous people, where governments act on their view of what is ‘best’ for Indigenous people. Under policies of assimilation, the lifestyle and values of ‘mainstream’ Australia were treated as the model that everyone in Australia should fit into.

This approach was followed in an era where Indigenous people were not recognised as citizens, were not counted in the census, had no rights to traditional land, had their wages stolen and had their families torn apart.

Some positive initiatives offered as part of the intervention include:

- more doctors, nurses, police and health professionals and more health checks.
- measures to reduce alcohol-related violence
- improved domestic violence programs
- resources to refurbish housing
- school nutrition programs.

However, it is the job of governments to address these needs and governments had neglected them for decades. Governments can deliver all of these services in partnership with the communities that need them – and without discriminatory laws.

## Indigenous elder Rosalie Kunoth-Monks speaks out against the intervention

**The following comments were made during a visit by a government official to the community of Arlparra in the Utopia homelands. Government representatives met with Indigenous community members across the Northern Territory. Transcripts of the discussions are available online in the document *Will They Be Heard?*<sup>4</sup>**

If this intervention was so good for us, why did you remove the Racial Discrimination Act?

We are human beings, and we also have our own culture, which we're not about to roll over and hand over ... Now I want you to answer and tell these men, and these women and myself, why we are being punished by the Federal Government and by the Northern Territory Government ...

You gonna babysit us, you going to hand feed us? We're capable people. We are capable of looking at future directions for ourselves ... You heard it loud and clear ... Future directions of the Australian Aboriginal persons will come at our pace. We'll own that journey. We'll not be dictated to from edicts coming down like bullets from Canberra.

Our authority has been usurped.

We, on this place here, have always controlled alcohol coming into this place. If there are any of our young people come back here, we, we discipline them. We say, 'You do not drink, where there's children, women, and older people like, like myself.'

We have a good community here. But there has not been any investment, financially or otherwise, into our lives here.

The only beautiful thing that has happened to us lately is that we now have the secondary school ... And once again the government undermined the interests of our young people and they have understaffed that school. There are people wanting to go in there and we have not got enough teachers.

Once again the government has assumed, assumed, that assumption has to stop, and a real dialog has to begin, and it has to begin very soon.

So [to government official] there's a lot of things that we want to hear from you, and we will tell you whether it's good or whether it's bad for this community. We have survived this long and we will continue to survive, under our Law, not under the whiteman's law. We will obey the whiteman's law because it runs parallel to how we feel anyway. But our rituals and so forth, that's our business, nobody else's. Not any whiteman has a right to tell us how we live or how we speak.

White Australia has not bothered to meet us halfway. We've met you more than halfway.<sup>5</sup>

Rosalie Kunoth-Monks, President of Urapuntja Council, Barkly Shire President and resident of Arlparra in the Utopia homelands.

Protests in Sydney about the intervention policies adopted in the Northern Territory. From an early stage of the intervention, there were proposals to extend this approach to other areas of Australia.  
© AAP Image/Dean Lewins



## Didn't the *Little children are sacred* report call for urgent action?

**The intervention policies pursued by the government bear little relationship to what was called for in the *Little children are Sacred* report. In fact, the entire approach taken by the government contradicts a central message of the report. Its recommendations begin with a detailed statement on the importance of working *with* Indigenous communities in order to ensure that government policies will be effective:**

We have been conscious throughout our enquiries of the need for that consultation and for Aboriginal people to be involved ... The thrust of our recommendations, which are designed to advise the Northern Territory Government on how it can help support communities to effectively prevent and tackle child sexual abuse, is for there to be consultation with, and ownership by the communities, of those solutions.

In the first recommendation, we have specifically referred to the critical importance of governments committing to genuine consultation with Aboriginal people in designing initiatives for Aboriginal communities ...<sup>6</sup>

In contrast, the intervention was imposed on Indigenous communities without respect for the perspectives of the communities themselves, without talking with community leaders and without community ownership of solutions.



"We moved away from the controls and measures. We walked off to where it is about freedom." Richard Downs at the opening of the Protest House, the Walk-off Camp, Ampilatwatja, NT. 2010 © Jagath Dheersekara

*Human rights do not dispossess people. Human rights do not marginalise people. Human rights do not cause problems. Human rights do not cause poverty. Human rights do not cause life expectancy gaps. It is the denial of rights that is the largest contributor to these things.*

Professor Mick Dodson, Indigenous leader and former Australian of the Year<sup>7</sup>



*There is certainly nothing dignified about losing your human rights as a human being, based on being an Aboriginal citizen. We are asking you to stop the intervention, protect our human rights and dignity and lead us to unity.*

Yananymul Mununggurr, Councillor, East Arnhem Shire and Chief Executive of the Laynhapuy Homelands Association<sup>8</sup>

### **THE AMPE AKELYERNEMANE MEKE MEKARLE (LITTLE CHILDREN ARE SACRED) REPORT**

The *Ampe Akelyernemane Meke Mekarle (Little Children are Sacred)* report drew attention to the violence and abuse that is entrenched in many Aboriginal communities. Indigenous children are more likely than other Australian children to be in out-of-home care and, in the case of substantiated abuse, protective care. The report says rates of sexual abuse reflect the fact that Indigenous children are likely to be raised in circumstances where risk factors associated with neglect and abuse are common. These include alcohol and drug abuse, poverty, housing shortages and unemployment.

The report made 97 recommendations advising the Northern Territory Government on how it could help support communities to effectively prevent and tackle child sexual abuse, address underlying poverty and return strength to the Aboriginal people. Genuine consultation with Aboriginal people in designing initiatives for Aboriginal communities was highlighted as critically important.

Emphasising the need for consultation with Indigenous communities, the authors of the *Little Children Are Sacred* report prefaced their recommendations by quoting former Liberal Aboriginal Affairs Minister and co-Chair of Reconciliation Australia, Fred Chaney.

Interviewed on the ABC's *7.30 Report* on 19 April 2007, Chaney was asked why successive governments have "failed so comprehensively to turn the story of Aboriginal deprivation around." He replied:

One of the things I think we should have learned by now is that you can't solve these things by centralised bureaucratic direction. You can only educate children in a school at the place where they live. You can only give people jobs or get people into employment person by person. And I think my own view now is that the lesson we've learned is that you need locally-based action, local resourcing, local control to really make changes.

But I think governments persist in thinking you can direct from Canberra, you can direct from Perth or Sydney or Melbourne, that you can have programs that run out into communities that aren't owned by those communities, that aren't locally controlled and managed, and I think surely that is a thing we should know doesn't work ...

I am very much in favour of a model which ... builds local control in communities as the best of those Native Title agreements do, as has been done in the Argyle Diamond Mine Agreement, as is being done in Kununurra. Not central bureaucracies trying to run things in Aboriginal communities. That doesn't work.<sup>9</sup>

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The majority of the recommendations of the *Little Children are Sacred* report have not been addressed or implemented, despite the fact they were well-evidenced, grounded in communities' experience and build on communities' strengths and capacities.

The full report can be found at [www.inquirysac.nt.gov.au](http://www.inquirysac.nt.gov.au).

## What's wrong with the Intervention?

The Australian Government has claimed that the Intervention is necessary due to urgent needs in Aboriginal communities. These needs, including protecting women and children, clearly have to be addressed, but Amnesty International believes that the Intervention is the wrong answer.

### TARGETING A WHOLE GROUP, REGARDLESS OF NEED

Aboriginal people in areas affected by the Intervention who receive government payments have 50 per cent of their income controlled by the government. Those who manage their income well and those who do not have all been treated in the same way. Following protests, people can now apply to be exempt from this policy. However, the process is lengthy, complicated and bureaucratic. This policy is offensive to Aboriginal people. It reminds many older people of the days when they had to apply to native welfare officials for permission to travel, marry, study or visit their families.

### LEGALISED DISCRIMINATION

The Intervention has targeted people based on their race. For more than two years it has been applied exclusively to Aboriginal people. This would have been illegal because of protections provided by the Racial Discrimination Act (RDA) and NT anti-discrimination laws. These laws, however, designed to give legal power to values of respect and human rights, were suspended by the Federal Government.

Positive measures included in the Intervention, such as increased funding for health services and anti-violence programs, could all have been implemented without racial discrimination.

Following protests in Australia and around the world, the government has now reinstated the RDA. As a result, income management is now applied to some non-Aboriginal groups as well as to Aboriginal people. However, the Intervention is still discriminatory: the people who are affected by its policies are overwhelmingly Aboriginal. There is therefore a question of whether this amounts to indirect discrimination, which would breach the RDA. The government continues policies of compulsory acquisition of Aboriginal land and blanket bans on alcohol that are not applied to other groups in Australia, and still deny Aboriginal people the right to decide who enters their private property.

*How is a compulsory system of money management supposed to give people the skills to manage their money?" Communities are not all the same; one size does not fit all...*

*The government has just branded us all a problem. It should only be compulsory for those who cannot manage their own money; it shouldn't be compulsory for everyone.*

Comments from Aboriginal people in Katherine<sup>10</sup>

*If this Intervention was so good for us, why did you remove the Racial Discrimination Act?*

Rosalie Kunoth-Monks, President of Urupuntja Council, Barkly Shire President and resident of Arlparra in Utopia homelands<sup>11</sup>



### WOULD YOU LIKE IT?

How would the general public react if the government declared that some war veterans manage their money badly, so they will take control of 50 per cent of every war veteran's income unless they can prove that this is not needed? Imagine this policy being applied to other groups, such as students, young people receiving Centrelink payments, single mothers, disabled or age pensioners.

*The government took five-year leases over our land. Is the land ours or the government's? We want this land for ourselves and for our kids' future.*

Member of the Indigenous community in Katherine<sup>12</sup>

*No way. We don't want lease in our community. Give our land back.*

Nhulunbuy community member<sup>13</sup>

*Why are you coming here? What for? What next? Can you tell me? ... You should close the gap first then come and visit ... You try to go and talk to people, getting a five years lease ... a land grabbing thing. That is what you people are doing – land grabbing.*

Member of the Bagot community<sup>14</sup>

*We've come a long way from being controlled by the government; we want to break free from this control ... They have given us back our communities to run and take control, but now they have come back and taken control in another way.*

Resident of Katherine<sup>15</sup>

## UNDERMINING RIGHTS TO LAND

In the wake of the Intervention, Aboriginal communities that urgently need government services such as housing, schools and policing have been asked to trade their property rights for these services.

Aboriginal and Torres Strait Islander communities across Australia are being offered basic services on the condition that they lease their land to the Federal Government for periods between five and forty years.

The government could negotiate agreements to build houses while keeping Aboriginal land in Aboriginal hands. No other Australians are asked to give up their property rights to receive these services. Land rights took many years to regain but these rights are now being undermined by the policies of the Intervention.

Furthermore, a significant amount of Aboriginal Peoples' land in areas affected by the Intervention has been compulsorily acquired by the government under renewable five-year leases.

And the permit system, which allows community elders to control who enters their traditional lands, has been abolished. These policies undermine Aboriginal Peoples' land and property rights. None of the 97 recommendations of the *Little children are sacred* report call for these changes.

**For more details, see Section 04: Land and Indigenous rights of this resource.**

## REPEATING 'WHITE PEOPLE KNOW BEST' PATTERNS OF THE PAST

The story of the Stolen Generations and the history of the 'native welfare' and 'protection' systems are evidence of the destructive result of governments imposing their idea of what is best on Aboriginal and Torres Strait Islander communities. The *Little children are sacred* report, which was used to justify the Intervention, emphasised the importance of working with Aboriginal people but the Federal Government ignored its advice and imposed the Intervention on Aboriginal communities without their consent. As a result, the skills and know-how that Aboriginal communities possess for dealing with their own problems are ignored.

## IMPOSING POLICY INSTEAD OF WORKING IN PARTNERSHIP

Many of the issues the Intervention is meant to address have needed an urgent response from the government for decades. These needs could have been addressed with approaches that recognise Aboriginal peoples' right to self-determination (see p 22) and by working in partnership with Aboriginal communities. Instead, the Intervention has imposed solutions on Aboriginal communities with little or no consultation.

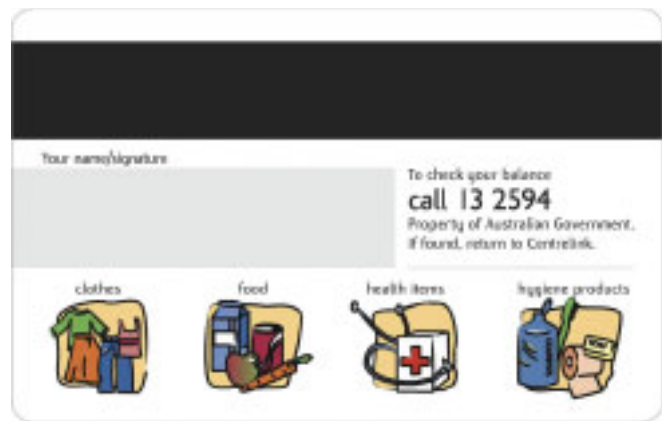
# Income management: how it works

The intervention introduced compulsory income quarantining for all people living in the 73 'prescribed areas' in the Northern Territory, all of which are Indigenous communities. Within those communities, income quarantining applies to all people who receive government payments – including the Baby Bonus, the age pension and Newstart Allowance – regardless of whether they manage their money well or not.

This system of income management does not change the amount of support and payments that people are entitled to but it changes the way people receive their money. Under income management, funds are put onto a BasicsCard and can only be used for buying everyday items like food and clothing or for paying bills, such as rent. The money transferred to the BasicsCard equals 50 per cent of most income support and family assistance payments.

Outside these prescribed areas, income management can be applied in instances of neglect or abuse of a child or inadequate school attendance. These are assessed on a case-by-case basis rather than being applied to whole groups in society.

BasicsCard. © AAP



## “EXACTLY LIKE IT WAS FOR OUR PEOPLE IN THE OLD WELFARE DAYS”

Banjo Morton Petyarr is a senior member of his community. His income is managed because he lives in Ampilatwatja (pronounced um-blud-ah-watch), a remote community 300 km northeast of Alice Springs.

I grew up, you know, droving, station work. Fencing, building yards, dropping bores and droving. Working the stock. Station work we did. All of our lives. I've been working hard all my life ... We like to see everybody go forward ... but we're going backward. We don't want to go backward.

A member of the Bagot community observes:

The income management, it's very extreme, everything about the intervention is just full-on extreme ... all you need is to ... instigate a program that ... can help people budget their money.

It's a simple thing. That's all you need, you don't need people to be, you know, to have income management forced upon them to make them do the right thing. That's the intent of it but you know the real content of it, it just makes people angry, you know.

Their privacy's been disrupted ... they don't have the readily available funds that other people ... have access to, freely, without any government intervention stopping them from access to their monies you know, and we shouldn't be under that kind of threat ...<sup>16</sup>

Richard Downs, elder and leader of the Ampilatwatja walk-off says:

Living [in the area affected by the Intervention is] exactly like it was for our people in the old welfare days of the sixties and seventies. People's income is quarantined and controlled.<sup>17</sup>

## SCHOOL DISRUPTION

Some Indigenous children attending boarding school cannot complete their schooling because their parents can no longer access money to provide them with the support they need.

Parents from the town of Elliot who have teenage children at boarding school have said:

It's not only our daughter getting upset, half of these kids in Elliot too, they're ringing back, up to the parents, 'Why aren't we getting our money for this and that' [school activities and pocket money]. Well that's how it goes. It goes right through all them kids. It's really stuffing everything up.

When we had the ANZ we knew where the money was, how much was in there and how much we'd send to her. And we'd ring her straight away ... and she was really happy. But when the BasicsCard came along it ruined everything.

"We can't get money out of BasicsCard to send to our daughter in college. This really knocks things around and sometimes she just feels like walking out of school. But we tell her don't do that because you're at college to learn."<sup>18</sup>

## MOST SUBMISSIONS TO GOVERNMENT OPPOSE INCOME MANAGEMENT

The Jumbunna Indigenous House of Learning at the University of Technology, Sydney reviewed submissions made to a Senate inquiry conducted in 2009 and 2010 to determine whether submissions made to the inquiry supported government proposals to extend income management more broadly.

The inquiry received 95 submissions. Only two submissions – those from the Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council and the Northern Territory Government – were fully supportive of compulsory income management and its extension to other groups in future. Seven submissions did not state a position. Arguments in favour of income management included that it increased the funds available for the necessities of life, and reduced the funds available for alcohol, drugs and gambling.

The submissions opposing income management expressed deep concern with the government's proposals, arguing that:

- There was no evidence that such schemes work.
- There was no thorough evaluation of this scheme.
- Most welfare recipients, including in the prescribed communities, do manage their money very responsibly and do not need such interference.
- The extension of the model has serious implications for vulnerable groups, such as those with limited English, literacy and other barriers to understanding the process.
- The complexity of suggested applications for exemption will shame and confuse many recipients.
- The risks outweigh any possible benefits.<sup>19</sup>



Community member at Muckaty, NT checking BasicsCard balance.  
© Jagath Dheersekara

# Does the intervention still breach human rights?

Following protests from Aboriginal groups and human rights organisations, the Federal Government introduced laws which changed the intervention. While there are some welcome changes, most of the fundamental issues remain unresolved.

## RACIAL DISCRIMINATION ACT REINSTATED BUT DISCRIMINATORY ELEMENTS OF THE NT INTERVENTION REMAIN

The Racial Discrimination Act (RDA, 1975) is one of Australia's most important laws for protecting human rights. In order to implement the intervention, the Federal Government suspended the operation of the RDA. This is because the intervention's measures specifically targeted Aboriginal people and were therefore discriminatory. The RDA remained suspended for three years before the Federal Government restored its operation. However, many aspects of the Intervention remain discriminatory.

While the government has reinstated the operation of the RDA, it also needs to:

- end the policy of offering government services on the condition that Aboriginal people give up their property rights by leasing their land to the government for up to forty years
- provide compensation for discrimination that people have already been subjected to while the RDA was suspended
- remove the power of the Federal Government to compulsorily acquire Aboriginal owned or controlled lands
- end compulsory income management, which is still discriminatory, as the people who are affected by these policies are overwhelmingly Aboriginal. There is therefore a question of whether the provisions constitute indirect discrimination in breach of the RDA. A more human rights compatible approach would be to remove the compulsory nature of the income management scheme and replace it with voluntary income management.

## INCOME MANAGEMENT

Compulsory income management (IM) continues in the Northern Territory. It has been applied to other groups as well as to Aboriginal people, such as people receiving Newstart and Parenting Payment for more than three of the last six months. However, because Aboriginal Peoples are among the poorest groups in Australian society, they are disproportionately affected.

Under the new approach, Aboriginal people whose income was managed in the past automatically remain part of the IM system. All people whose income is managed are assumed to need it unless they successfully prove to Centrelink staff that they manage their money well. Applying for exemption remains a difficult process. It is also embarrassing for people to be asked to prove that they do not need their money controlled by the government in order to spend it properly.

As a 2010 report from the Commonwealth Ombudsman has noted, there is a "steady stream of complaints" relating to the government's new approach to IM.<sup>20</sup> This report, published as part of the government's own evaluation into its policies affecting Aboriginal people in the Northern Territory, indicates that the Ombudsman will be conducting an investigation into arrangements relating to the new IM policies.

The whole IM system is blind to historic and current abuses of human rights and how they cause poverty. The government could see poverty in Aboriginal communities as the consequence of colonisation and dispossession, and as the result of Aboriginal people being locked out of the economic benefits that others have reaped from the lands that were taken from them. Instead, the government places the responsibility for poverty solely on the shoulders of people who are poor. Taking the impact of history out of the equation means that governments avoid responsibility for addressing problems that they themselves have caused or legitimised.

## GOVERNMENT ARGUMENTS ABOUT SUSPENDING RIGHTS

Indigenous Affairs Minister Jenny Macklin has responded to critics of the intervention by saying: "When it comes to human rights, the most important human rights that I feel as a minister I have to confront is the need to protect the rights of the most vulnerable, particularly children, and for them to have a safe and happy life and a safe and happy family to grow up in."<sup>21</sup>

Amnesty International believes that the situation of Indigenous people in Australia today highlights the need to strengthen the protection of Indigenous people's rights rather than diminish them. The needs of women and children, which have been used to justify the intervention, can be addressed without diminishing human rights.

Human rights belong together as a package. They are interdependent and mutually reinforcing. Human rights need to be respected and celebrated as the conditions in which all people can flourish, rather than be treated as obstacles in the way of government action. Governments can only limit human rights in extremely rare circumstances, and if they do, they must follow the standards and principles specified by international human rights law.

Under international law, it was never legitimate for the government to suspend the RDA to implement the intervention. International standards require that any actions that suspend the right to be free from racial discrimination must comply with being a 'special measure'. A special measure is a form of affirmative action that enables particular groups of people to enjoy human rights on an equal basis with other people. In order to classify as a special measure, such actions must:

- involve the consent of the affected group of people
- be temporary
- be limited in scope
- be for the benefit of the people affected, not to their detriment.<sup>22</sup>

For background on suspending human rights and international human rights law, see "The NT intervention: the media debate"

### POSITIVE CHANGES

Some positive changes in the government's 2009 amendments include:

- the removal of some discriminatory clauses in intervention legislation
- plans for community-developed initiatives to deal with alcohol, replacing blanket bans
- incentives for people to undertake financial literacy courses and to save money.

### LACK OF EVIDENCE IN SUPPORT OF GOVERNMENT POLICIES

The evidence being used to justify the continuation of the intervention is completely inadequate. There is no clear evidence that it has improved the situation of Indigenous women and children in the Northern Territory.

The intervention was introduced without an evaluation framework and without processes that would allow the government to assess the impact of its policies. In the absence of this framework, the government has measured 'outputs', such as the amount of spending and services provided, without measuring the impact on the wellbeing of community members. Without evidence of positive outcomes for communities, the government is in no position to claim that the intervention is necessary.



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## A tale of three interventions

### COLONISATION

**1860** John McDouall Stuart searches for land that European pastoralists can take. Stuart and his party enter Kaytetye country, in the area of modern Tenant Creek in the Northern Territory, where Stuart records that they “gave three hearty cheers for the flag, the emblem of civil and religious liberty, and may it be a sign to the natives that the dawn of liberty, civilisation and Christianity is about to break upon them”<sup>23</sup>. The brutal dispossession of the Aboriginal Peoples of the Northern Territory begins.

### COMMONWEALTH CONTROL

**1911** The Federal Government takes control of the Northern Territory, taking over from South Australia. Under the *Aboriginal Ordinance 1911* Aboriginal Peoples are placed under the direction of the Protector, who is made the legal guardian of every Aboriginal child, whether or not the children have parents or other living relatives.

**1918** Under a new Aboriginal Ordinance, the Protector and police can arrest Aboriginal people without a warrant. Regulations made in 1919 mean that Aboriginal people who worked and live in towns cannot be ‘at large’ one hour after sunset without written permission.

Forced off their land, Aboriginal people move to pastoral stations or the edges of non-Indigenous centres.

### THE NORTHERN TERRITORY INTERVENTION

**2007** The Northern Territory intervention is introduced by the Federal Government. The intervention continues a long history of governments imposing policy on Aboriginal Peoples.

While the Federal Government offers more doctors, nurses, police, health professionals and anti-violence programs, it also acquires Aboriginal-owned land, undermines rights to land by abolishing the permit system and manages Aboriginal peoples’ income, regardless of whether they manage it well or not.

These measures are applied on the basis of race. To make it possible to implement the intervention, the government suspends the *Racial Discrimination Act* (RDA).

**2009** Following campaigns by Aboriginal leaders and human rights organisations, the RDA is reinstated, however the intervention continues to discriminate against Aboriginal Peoples.



John McDouall Stuart planting the Union Jack on Central Mount Stuart, 1860. © NLA



Aboriginal children at a government institution near Alice Springs, 1934. © NLA



Banner at a rally calling for an end to the NT intervention, 2008. © Simon Mossman/AAP image

### CONTROL OF ABORIGINES.

#### Formulating a Policy.

CANBERRA, June 24.— Requests for a complete overhaul of methods now used to control aborigines in the Northern Territory are expected to be made in the Federal Parliament when it resumes this week. Experiences in the last year have convinced the Minister for the Interior (Mr. Perkins) that modifications of existing methods might be made with advantage, but before any extreme changes are made it is claimed that a complete investigation should be made so that an enduring policy of control could be formulated.

Source: The West Australian Monday 25 June 1934  
 Reproduced from the National Library of Australia’s digital newspaper archive, “Trove”: <http://trove.nla.gov.au/ndp/del/article/32956075>

*Today, and since the introduction of the ‘intervention’ in 2007, Indigenous people across the Northern Territory are facing a renewed and sustained level of destruction and denial of our basic human rights ... Release the chains of control; give us our freedom ...*

Richard Downs, Alyawarr elder and leader of the Amperlatwaty walk-off



# The NT intervention: case studies and voices

## The Amperlatwaty walk-off

**To protest against the NT intervention, 300 people walked from their community at Amperlatwaty (pronounced um-blud-ah-watch, also spelled Ampilatwatja) and set up camp at Honeymoon Bore. The walk-off is a significant event in the Indigenous response to the intervention.**

The leaders of the walk-off explain the background in a statement to supporters:

On 14 July 2009, the elders from the Ampilatwatja community, three hours northeast of Alice Springs, walked out of our houses and set up camp in the bush. We are fed up with the Federal Government's intervention, controls and measures, visions and goals forced onto us from outside ...

The intervention has meant more hardship and shame for our people. We're suffering under the welfare quarantining system – 50 per cent of Indigenous peoples' welfare payment is converted into BasicsCards, which we can only use at certain shops. Elders who have gone through earlier welfare days are feeling degraded – it's same old ration days of flour, tea and sugar and some clothing.

We have written to Jenny Macklin with our concerns and she has ignored us. A recent intervention 'consultation' session was an embarrassment, with our concerns being completely ignored. We no longer have confidence in her, her government, or the government business managers (GBMs) installed in our communities as part of the intervention. Under the GBM, our community fell into disarray and dysfunction. For us, the last straw was when the government took over our independent, community-controlled store ...

We demand the federal government:

- stop the NT Intervention
- genuinely consult with us on any plans that will affect our lives now and for the future
- reinstate the full Racial Discrimination Act without conditions or measures
- fund housing and community development, not intervention
- stop the compulsory five-year leases and restore Aboriginal land rights.

Until these demands are met, we are asking for the help of trade unions and any other organisations to establish and maintain our new camp.<sup>24</sup>



Alyawarr man with alyayl (boomerang) made at Amperlatwaty walk-off camp at Honeymoon Bore, August 2009. © AI/Rusty Stewart

“We are determining our own future ... without governments telling us what we can and can't do.”

### INTERVIEW WITH ABORIGINAL LEADER RICHARD DOWNS

In this interview, Alyawarr leader Richard Downs describes the background to the Amperlatwaty walk-off and what motivated his community to protest against the government.

He begins by telling the story of his upbringing: his interest in driving, his schooling, his role models, and his knowledge of Aboriginal traditions and customs.

He then comments on the intervention: we had tried to engage with the Intervention, the Government Business Managers ... “they pretty much shut us out. They didn't even want to listen to me or the old people here.”

Downs compares conditions under the intervention with “the old welfare days ... when they used to put Aboriginal people under the ‘dog license’, where they had to grovel to the government for permission to do all kinds of things.”

Commenting on the walk-off as an act of self-determination, he states,

“Aboriginal people have talked about self-determination and self-management for a long time and that is what is happening here. We are determining our own future, the way we want to go, what we want to set up here and how we are going to do that. Without interference from governments, without the NT and Federal governments telling us what we can and can't do.”

Asked why the rest of the country should be worried about what is happening at Ampilatwatja, (Amperlatwaty) “a small town four hours drive from Alice Springs”, he replies,

“Well, it is very important. It is about having your rights and the freedom to decide what you want to do. People down south and all across the country also have to realise that Aboriginal people here are the guinea pigs right now. We are the first ones that they trialled here with Income Quarantining. They have already flagged that it will start going right across Australia shortly ... People need to stand up and say “No, this is not right for Australia. What kind of country are we living in?”<sup>25</sup>

The interview was published by journalist Bob Gosford on [www.crikey.com](http://www.crikey.com) as one of a series of blog posts called the ‘Northern Myth’.



Read the full text of this interview among the articles listed at:

<http://blogs.crikey.com.au/northern/2010/02/>(see “The Ampilatwatja walk-off – Richard Downs on the new ‘dog-licenses’ and more.”)

Aboriginal people together with non-Aboriginal supporters at the Walk-off Camp, Ampilatwatya, NT, 2010. The Walk-off represented a significant political step by Aboriginal people in response to the NT intervention.

© Jagath Dheersekara

## WORKSHEET 3.1

## The Amperlatwaty walk-off

*[It's] exactly like it was for our people in the old welfare days of the sixties and seventies. People's income is quarantined and controlled.*

*People need to stand up and say "No, this is not right for Australia. What kind of country are we living in?"*

Richard Downs, Leader of the Amperlatwaty walk-off<sup>26</sup>

### Activities

1. What motivated the Ampilatwaty walk-off?
2. How does Richard Downs describe the impact of government control on Aboriginal communities?
3. What was the 'dog license'? Why does Richard Downs compare the intervention with "the old days when they used to put Aboriginal people under the 'dog license'?"
4. Explain the link Richard Downs makes between the intervention, old people in his community and the contribution they have made to the economic development of the NT. What is his view?
5. When you think of Indigenous self-determination, what do you think of? What does self-determination mean to Richard Downs?
6. Richard Downs concludes, "This is not right for Australia. What kind of country are we living in?" Discuss his views of the intervention. Why does he think people around Australia should care about what is happening at Ampilatwatja, a small town four hours drive from Alice Springs?

### Research project

Read more about the walk-off in online media coverage and at the intervention walk-off website: [interventionwalkoff.wordpress.com](http://interventionwalkoff.wordpress.com).

What makes the Ampilatwatja walk off a significant event?

The Gurindji walk-off of the 1960s is celebrated in the song, *From little things big things grow*. What happened in the Gurindji walk-off and why was it important? What does the Ampilatwatja walk off have in common with this earlier event?

In small groups select two of the questions below for further research. Share your findings with the class.

What does the Ampilatwaty walk-off tell you about the following?

1. Living conditions in Aboriginal communities today.
2. What governments are and are not doing.
3. The policies of the intervention.
4. How Aboriginal people have responded to protect their rights.
5. How understanding historical events (in this case, the past experiences of Aboriginal Peoples in the NT) can change our perspective on what is happening today.
6. How movements for human rights go about campaigning to gain support for their aims.
7. What self-determination means to Indigenous Peoples.
8. The aims and hopes that Aboriginal people in this community have for their future.

## The debate about the NT intervention: voices

*Community dysfunction is now understood as the fault of the colonised and their persistent cultural practices, rather than as a result of violent dispossession, brutal colonisation and authoritarian state intervention ...*

*In the absence of any consultation with affected communities or any real debate ... the Government took control of communities, compulsorily acquired land and imposed administrative and statutory management over people's lives that no other Australians, free from prison, endure.*

*The suspension of the Racial Discrimination Act, which accompanied the intervention, hardly ruffled the nation's conscience ...*

Patrick Dodson, (a Yawuru Man)  
Chairman, Lingiari Foundation<sup>27</sup>

*In response to the national emergency confronting the welfare of Indigenous children in the Northern Territory, the Australian Government today announced immediate, broad-ranging measures to stabilise and protect communities in the crisis area ... All action ... is designed to ensure the protection of Aboriginal children from harm.*

Mal Brough, Former Minister for  
Indigenous Affairs<sup>28</sup>

*It was all about 'protecting the kids'. But was it? It is as if the second intervention has given the Commonwealth permission to enact a great undoing of our lives. Indigenous Territorians are being herded back to the primitivism of assimilation and the days of native welfare.*

Marion Scrymgour, Indigenous Labor MP<sup>29</sup>

*In the end, these sorts of interventions will fail because they don't belong to the people; they have no ownership of them because they are imposed from above.*

Professor Mick Dodson, Indigenous  
leader and former Australian of the Year<sup>30</sup>

*We try our best to learn white man culture, and you don't try in your heart and your best to learn our culture ... We came from 40 or 100,000 years back here. And now you set up this intervention in Australia, amongst Australian Indigenous people, only Indigenous people, not white people. And we Indigenous people say that we should be living together, one country, one Prime Minister, and seeing each other and treating each other equal. But nothing happening like that. You are dividing the nation into two ... And that is very wrong. You should be shame for yourself for that, you know.*

Community member from Bagot, NT<sup>31</sup>

*On what basis do these self-appointed 'urbanised saviours' of Indigenous people presume to condemn the intervention on behalf of those living in poverty and abuse in remote communities?*

Editorial, 'Let them eat rights',  
*The Australian*, 26 October 2007<sup>32</sup>

*To describe it as a series of measures protecting children was a smokescreen for what was really being attempted ...*

*[The government's approach to income management] bears a startling similarity to earlier provisions where particular Aboriginal people were able to obtain permits from white officials to carry out some act eg. purchasing and drinking alcohol. Here these people are being given the option of obtaining a permit to manage their own money and property ...*

*The legislation ... significantly overrides the rights of many Indigenous people in ways that would not be tolerated by the ordinary Australian community. It is discriminatory and racist ...*

*Alcohol abuse in the wider community is rife to the point where it is one of the major problems confronting Australian society... Why then should Aboriginal people be singled out for special treatment?*

Alastair Nicholson, Former Chief Justice  
of the Family Court of Australia<sup>33</sup>

*For me, when it comes to human rights, the most important human right ... is the need to protect the rights of the most vulnerable, particularly children and for them to have a safe and happy life and a safe and happy family to grow up in ...*

*I've got a responsibility to provide a better life for these women ... I've got a responsibility to do better by the vulnerable children who are subjected to abuse because of alcohol ... I intend to get on with it.*

Jenny Macklin, Indigenous Affairs Minister<sup>34</sup>

*The people on the ground ... have given me the inspiration to do this. [They] said, you know, treat us like white fellas, in other words, if our kids don't go to school let's have a cause and effect. Get rid of the excessive money, get rid of the grog, give us police ... So they're the people who I've actually listened to ...*

*It's not just about me or the Government or votes. It's about partnership, about people on the ground who have said, "Thank God, something tremendous is going to happen to us ...*

Mal Brough, Indigenous Affairs Minister, 2007<sup>35</sup>

*[Indigenous Affairs Minister] Macklin said women in some Indigenous communities had pleaded with her to maintain quarantining as a compulsory measure ... But, as the ANU's Jon Altman pointed out: "Anecdotal evidence is one thing and we have to recall that Mal Brough also based this intervention on a comment he had from women in remote communities ... that does not constitute evidence and it's not transparent."*

Irene Fisher, CEO of the Sunrise Health Service in Katherine<sup>36</sup>

*I would say that it's achieved what it set out to do. It's also achieved a huge awareness ... Aboriginal people have been neglected by governments of all persuasions for decades. Now, governments are saying, "Okay, we're going to give you the services that you should have as an ordinary citizen of Australia". So it's the recognition of the rights of Aboriginal people that I'm happy about.*

Chairwoman of the intervention taskforce, Aboriginal magistrate Sue Gordon, 2008<sup>37</sup>

*In introducing welfare quarantining as part of the intervention ... communities were identified and everyone within that boundary, whether their children went to school or not, whether they were parents or not, even if they had managed their own money their whole life, [was subjected to income management]. If people, black or white, engage in abusive or destructive behaviour, we should address that, not use punitive measures on everybody in the hope of catching the bad people while punishing the good and indifferent.*

*And in order to apply it in this blanket way, the protections of the Racial Discrimination Act ... were suspended ... There have only been three times that the Racial Discrimination Act has been stopped from applying: from the Northern Territory Emergency Response, from the Hindmarsh Island bridge area during the dispute and from the Native Title Amendment Act in 1998. The three times it has been suspended have been to deprive Aboriginal people from its protection and seemingly at moments when they needed the protection the most ...*

*Do we want a society that is guarded, fearful, backward looking, insular and intolerant? Or do we want a society that is forward looking, inclusive and generous?*

Professor Larissa Behrendt, Professor of Law and Director of Research at the Jumbunna Indigenous House of Learning at the University of Technology, Sydney<sup>38</sup>

# A better way forward

**Amnesty International believes that it is essential to address the real needs in Aboriginal communities but not in the way Australian governments have imposed as part of the NT Intervention. Meeting the needs of Aboriginal women and children does not require an approach that undermines their rights.**

Amnesty International opposes the extension of the blanket and discriminatory Intervention policies to other Aboriginal and Torres Strait Islander communities in Australia.

Amnesty International calls on Australians to take action to stand with Aboriginal people like Rosalie Kunoth-Monks, Richard Downs and Pat Dodson, who have pointed to a way forward that is based on human rights standards.

Amnesty International believes that Australian governments need to:

- Remove discriminatory aspects of the NT intervention, demonstrating respect for human rights as a foundation for lasting, effective and respectful policies.
- Provide basic services such as housing, healthcare and education to all citizens and stop offering these services to Aboriginal people on the condition that they give up their rights.
- Recognise and support the principles of free, prior and informed consent and self-determination, which are affirmed in the internationally-agreed Declaration on the Rights of Indigenous Peoples. This means that Indigenous Peoples are active participants in the design and implementation of policies that affect them as well as recognising Indigenous leadership and support for Indigenous-led solutions. Although Australian governments have talked about self-determination and have sometimes supported aspects of it at a local level, they have never genuinely attempted to implement it as national policy.
- Implement the recommendations of the *Little children are sacred* report, very few of which have been implemented. This report called for an integrated approach to child protection in the NT – something available to communities in other parts of Australia. Significantly, it called for a ‘collaborative partnership’ with Aboriginal communities, stating: “It is critical that ... governments commit to genuine consultation with Aboriginal people in designing initiatives for Aboriginal communities.”<sup>39</sup>
- Address issues of violence in Aboriginal communities as part of the National Plan to Reduce Violence against Women and their Children.
- Base their actions on evidence of what works. There is a wide range of successful Aboriginal-led programs that governments can learn from. Without an Intervention-style approach, Indigenous populations fare much better in New Zealand, Canada and the United States than they do in Australia.<sup>40</sup> We need to learn from successful case studies, both from other countries and from within Australia.



*This is not a time ... for you to talk, you need to listen ... we demand that the Racial Discrimination Act be fully reinstated. The problems our people face can be addressed through programs and funding targeted on a needs basis alone, under the Closing the Gap policy. We should not be subjected to special measures that separate us out or impose things on us without agreement.*

Laynhapuy Homeland Mala leaders at Yirrkala<sup>42</sup>

## SELF-DETERMINATION

Aboriginal leader Professor Mick Dodson explains the right to self determination: “At its core, it involves people making decisions about policies and programs that directly affect their lives, and having those decisions respected and supported”.<sup>41</sup>

Self determination means recognising Indigenous leadership and supporting Indigenous-led solutions. For governments, it involves abandoning any return to policies of assimilation and paternalism. Instead of imposing policy on Aboriginal communities, governments need to support empowerment of Indigenous communities, so that they can realise their own aspirations as the First Peoples of Australia. Although Australian governments have talked about self determination, and have sometimes supported aspects of self-determination at a local level, they have never genuinely attempted to implement it as national policy.

Richard Downs at the opening of protest house at the Amperlatwaty walk-off camp, Northern Territory, 2010. © Jagath Dheerasekara



Donald Thompson Kemarr at Honeymoon Bore camp, Northern Territory, Australia, August 2009. Donald is a senior kwerternerl (manager) for Amperlatwaty community and a renowned tools and weapons maker. He was part of a walk-off from Amperlatwaty to protest the Australian Government's policy of compulsory, blanket welfare quarantining in Aboriginal communities in the Northern Territory, which they say is discriminatory. © AI/Rusty Stewart

*There is certainly nothing dignified about losing your human rights as a human being, based on being an Aboriginal citizen. We are asking you to stop the intervention, protect our human rights and dignity and lead us to unity.*

Yananymul Mununggurr, Councillor, East Arnhem Shire<sup>43</sup>

*We are sick of the intervention. We want to have control over our own lives. We want to manage our own affairs.*

*They made promises for extra police but we've never seen any. Nothing has been done; no houses have been built. The government has violated the law by taking our human rights away. We have had enough – we want our human rights back. The government has to take this intervention away.*

Aboriginal people from Katherine<sup>44</sup>

*Look, we want a full say in our community, on everything that happens about the way forward with the intervention and so on. Because what's happening ... is the enforcement of someone's visions and goals onto people and that is what we are up against. And this blanket cover and accusations and categorising and all that, you know. It's wrong.*

Richard Downs, Ampilatwatja community elder<sup>45</sup>

## WORKSHEET 3.2

## The intervention and human rights

## Activities

## Tuning in to the issues

1. A number of key Indigenous leaders have criticised the NT intervention on human rights grounds.  
What do you think? To begin with:
  - a. Write down your responses to the following statements.
    - When I think of Indigenous communities in the Northern Territory, I think of ...
    - When I think of the reasons for poverty in Indigenous communities, I think of ...
    - When I think of the Northern Territory intervention, three things that stand out to me are ...
    - When I think of Indigenous rights, I think of ...
  - b. Discuss your responses as a group.
  - c. List three or four key aspects of the intervention:
    - as seen from the point of view of the government
    - as seen from the point of view of critics of the government's actions.
  - d. What is Indigenous elder Rosalie Kunoth-Monks' position on the intervention? Reading her comments, what comes through to you about:
    - her key concerns
    - her view of the relationship between governments and Indigenous people
    - her view of what is at stake in the debate about the intervention.
  - e. Use the resources in the section 'Indigenous Peoples' rights in Australia today: starting points for discussion' – see [www.amnesty.org.au/wheredoyoustand](http://www.amnesty.org.au/wheredoyoustand). These include stories, cartoons, interviews and activities.

## Where do you stand?

2. Research the views of supporters and opponents of the intervention. To do this, you can use the resource 'The NT: the media debate' – see [www.amnesty.org.au/wheredoyoustand](http://www.amnesty.org.au/wheredoyoustand). Beginning with the points you have listed above, create a chart outlining the views for and against government policies.
3. Read about the issue of income management. Summarise what it is, the goals it is designed to achieve, how it works and its impact on Indigenous people. Should it be extended to other people and regions in Australia? Should it be abolished? Why?

4. How would Australians react if the government declared that some war veterans manage their money badly, so they will take control of 50 per cent of every war veteran's income unless they can prove that this is not needed? Or consider a scenario where intervention-style policies were applied to young people receiving Centrelink payments, single mothers or age pensioners.
5. Aboriginal Peoples' land in areas affected by the intervention has been compulsorily acquired by the government. Imagine there were problems in your local community because some people got involved in drug or alcohol-related violence and the government decided to respond by taking control of your suburb. Imagine your suburb is acquired by the government using a renewable five-year lease that gives it exclusive possession of the land while the lease is in force. Describe what might happen.  
  
Why do you think the government's actions in the Northern Territory have been accepted by many in the non-Indigenous community?
6. Read the section 'Government arguments about suspending rights'. Are human rights absolute or are there situations where it is legitimate to suspend them? Explain the statement: "Under international law, it was never legitimate for the government to suspend the Racial Discrimination Act to implement the intervention".
7. You can read about these issues in more detail in the section 'Suspending some rights so that others can be protected?' in the resource 'The NT intervention: the media debate'. Use this material to reflect on the scenarios in questions 4 and 5 above.

## "An entire culture is at stake"

8. Pat Dodson, Director of the Indigenous Policy, Dialogue and Research Unit at the University of NSW, is strongly critical of the intervention. The article quoted in this section is called 'An entire culture is at stake'. Why would the policies of the intervention be seen as threatening Indigenous culture as a whole? Read the full article by Professor Dodson in *Section 05: The media debate* in this resource.

Select some of the questions listed below to discuss the significance of the intervention.

## Current issues in the news

10. Collect current articles about Indigenous issues from media, including Indigenous media, such as the *Koori Mail*, *National Indigenous Times*, *Living Black* and *Message Stick*. What are some of the key issues that these articles describe?





" I think they're saying something about wanting to maintain the integrity of their border."

© www.cartoonstock.com

11. Choose one current issue and a goal that Indigenous people are calling for (eg. Indigenous people are recognised in Australia's constitution, land is returned to Indigenous communities, discriminatory policies of the Northern Territory intervention are abolished).

Write the goal at one end of a large sheet of paper. What challenges or obstacles are involved in achieving this goal? Draw a series of 'stepping stones' that Indigenous people and supporters of Indigenous rights might take towards achieving the goal.

Looking at the goal and the stepping stones, describe where you stand on these issues.

Alternative:

Form small groups, each of which chooses a goal.

Write down the goal on one sheet of paper, and spend five minutes writing down stepping stones towards this goal on separate sheets of paper.

Arrange the stepping stones and goal on the floor.

When each group is ready, walk around the room to read the goal and the stepping stones. Discuss the results. What are the challenges? What are the ways forward?

12. Create a diagram which shows a current Indigenous rights issue as the hub of a wheel.

Draw spokes from the wheel listing key related issues that stand out to you.

Below your diagram, write a paragraph that summarises where you stand.

## Endnotes

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## Appendix

### THE PROCESS OF DISPOSSESSION IN THE NORTHERN TERRITORY: SOME ONLINE READINGS

The events which occurred during the dispossession of Aboriginal people in the Northern Territory and around Australia provide a context for thinking about what Aboriginal and Torres Strait Islander rights mean in Australia today.

In a 1936 book 'North Australia' CP Conigrave, who worked as Chief Clerk of the Government Resident's Department in Darwin wrote about the process by which land was taken from Aboriginal people, describing the "peaceful conquest, let us say, if we forget for the moment the shameful and deplorable incidents as outlined in early Australian history, of the use of the rifle, gun and poisoned flour that helped exterminate the native from these southern lands."

(source: CP Conigrave, 1936, 'North Australia', quoted in Wells S, 2003, 'Negotiating Place in Colonial Darwin: Interactions between Aborigines and whites 1869-1911', PhD thesis, available at <http://epress.lib.uts.edu.au/dspace/bitstream/handle/2100/244/02IntrotoChap1.pdf?sequence=2>)

Contemporary newspaper accounts which are available online at <http://trove.nla.gov.au/newspaper> provide valuable sources for the history of frontier conflict. Below are some examples.

In 1874 Aboriginal people attacked Barrow Creek Telegraph station, killing two postal workers. The Colonial Chief Secretary announced the need to "to teach the blacks the consequences to themselves of such wanton and cruel acts of aggression." An unknown number of Aboriginal people were killed in reprisals lasting months. The Northern Territory Times and Gazette reported, "Speedy retribution was demanded, it being felt that only by striking terror into the hearts of the natives, can the lives of the white men along the whole line be rendered safe." See: OUR ADELAIDE LETTER. (1874, April 10). Northern Territory Times and Gazette (Darwin, NT : 1873 - 1927), p. 3, available at <http://nla.gov.au/nla.news-article3142624>

These events were discussed in other media articles such as

- The Attack on Barrow's Creek Telegraph Station. (1874, March 10). The Brisbane Courier (Qld. : 1864 -1933), p. 4. <http://nla.gov.au/nla.news-article1380214>
- The Barrow Creek Natives. (1874, September 12). Northern Territory Times and Gazette (Darwin, NT : 1873-1927), p. 3. <http://nla.gov.au/nla.news-article3143233>
- The Argus. (1874, July 2). The Argus (Melbourne, Vic. : 1848-1956), p. 4. <http://nla.gov.au/nla.news-article5873275>
- SOUTH AUSTRALIA. (1874, July 4). The Argus (Melbourne, Vic. : 1848-1956), p. 5. <http://nla.gov.au/nla.news-article5873390>

The Barrow Creek Massacre is also discussed in Kimber, RG (1990) The End Of The Bad Old Days: European Settlement In Central Australia, 1871-1894, Fifth Eric Johnston Lecture, State Library of the Northern Territory, available at [http://www.ntl.nt.gov.au/\\_\\_data/assets/pdf\\_file/0014/25052/occpaper25.pdf](http://www.ntl.nt.gov.au/__data/assets/pdf_file/0014/25052/occpaper25.pdf) and in Office Of The Aboriginal Land Commissioner (1999) Barrow Creek (Kaytetye) Land Claim Report And Recommendations Of The Aboriginal Land Commissioner Justice H.W. Olney, available at [http://www.facs.gov.au/sa/indigenous/pubs/annualreports/aboriginal\\_land\\_comm\\_reports/barrow\\_creek/documents/58.pdf](http://www.facs.gov.au/sa/indigenous/pubs/annualreports/aboriginal_land_comm_reports/barrow_creek/documents/58.pdf).

In 1884, Aboriginal people killed a number of whites at the Daly River copper mine. Corporal George Montagu of the NT police led reprisals. An official Inquiry was chaired by the leader of one of the reprisal parties (see THE NORTHERN TERRITORY ENQUIRY. (1886, February 20). Northern Territory Times and Gazette (Darwin, NT : 1873 - 1927), p. 3. <http://nla.gov.au/nla.news-article3159062>).

Its report stated, “In conclusion the Board wish to state that they are unanimously of opinion that the natives were treated with leniency, and that there is no evidence to show that slaughter or cruelty was practiced by the Police.” See Corporal Montagu’s Report. (1886, January 23). Northern Territory Times and Gazette (Darwin, NT : 1873 - 1927), p. 3, available at <http://nla.gov.au/nla.news-article3158919>.

Newspapers differed in their views of the events. The South Australian Register was critical of Montagu:

“We have no hesitation in saying that the cold-blooded manner in which Corporal Montagu and his associates murdered these unhappy wretches is a disgrace to him, a disgrace to the community, and an outrage upon the civilization about which we boast. The story of the expedition reads like an extract from the history of the Spanish conquest of Mexico.” TWO WAYS OF CIVILIZING NATIVES. (1885, November 14).South Australian Register (Adelaide, SA : 1839 - 1900), p. 4, available at <http://nla.gov.au/nla.news-article44543040>

The Northern Territory Times and Gazette was dismissive of those who wanted him called to account:

THE DALY RIVER MURDERS. (1885, December 26). Northern Territory Times and Gazette (Darwin, NT : 1873 – 1927), p. 2, available at <http://nla.gov.au/nla.news-article3158800>

“We have no sympathy with the unreasonable growlers, who from the security of their cheerful fireside, can quietly smile at the fate of their fellow workers who have been slaughtered by the cowardly natives, and exhaust all their wondrous Christian sympathy in pity for the poor blacks, and violent condemnation of those officers who have meted out a well-deserved punishment to the tribe whose guilt has been amply demonstrated. The thanks of the community are due to Corporal Montagu and his party for their prompt action...”

See also articles including:

- OUTRAGE BY BLACKS IN THE NORTHERN TERRITORY. (1884, September 8). The Argus (Melbourne, Vic. : 1848–1956), p. 5, available at <http://nla.gov.au/nla.news-article6056943>
- THE NORTHERN TERRITORY ENQUIRY. (1886, February 20).Northern Territory Times and Gazette (Darwin, NT : 1873–1927), p. 3, available at <http://nla.gov.au/nla.news-article3159062>

Violence on the frontier in the Gulf Country is discussed in a detailed article by Tony Roberts in ‘The Brutal Truth: What Happened in the Gulf Country’, The Monthly, November 2009, available at <http://www.themonthly.com.au/monthly-essays-tony-roberts-brutal-truth-what-happened-gulf-country-2127>