

To: Senate Committee on Community Affairs
From: Dr H.C.Cairns.
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THE INCOME MANAGEMENT POLICY-EXTENSION PROPOSAL IN PARLIAMENT.

This policy will be destined to continue to fail if continued in Aboriginal communities, and if put into practice in other groups: it will fail for 3 specific reasons clearly displayed in the Intervention 2007; and, in the long term, in spite of adjustments under the current government, it will not solve the real problems of the communities themselves.

First, the Howard government was not able to make the Intervention work because the military-and-police leadership did not know Aboriginal languages or the particularity of the 73 cultures involved; and no scientific research had been undertaken to act as an intellectual substratum of knowledge, in any of the communities. *The Little Children are Sacred* Report had been researched separately, but it was anecdotal, and not one of its 87 Recommendations was undertaken by the Intervention forces. It is typical of Federal Government agencies that insufficient basic knowledge is available in its highest echelons, and in the public services and their various bureaucratic agencies, for accurate decision-making to take place in, up and down the hierarchical line. The failures that have followed the Intervention since 2007 include the Pink Bats, Solar Panels and Education Revolution initiatives, where good ideas have been subverted by inadequate data and then inadequate decisions, on tenders and other practical choices, often taking place far from Canberra,.

Bureaucratic inefficiencies and lack of management prowess will always ambush the initiatives of Government until the Australian public and its services become honest, transparent, and lacking in deceit and hidden personal graft: stronger and more moral networking is imperative, not least in times when subversion of bureaucratic process seems to appear as part of some opposing policy or force.

Second, quite why these failures take place when the hearts and sometimes minds of politicians give Parliament and goodness a Fair Go is not difficult to see: the structures of bureaucracies are fragile, and the good can be subverted rather easily – at worst, Fair Go disappears, and individual pockets fill up with loot. No better example of foiled initiatives exists than the lack of forward thinking and network honesty in the Income Management part of the Intervention: bureaucracy is surprised when individuals leave the community to find solace and victuals elsewhere, the numbers of homeless on the urban fringes increase, and the community has less of its men at home. The result of this unintended consequence in further destroy community by absenting men there, also increases the consternation of town councils at their lack of planning and forward budgetting, the housing of the now homeless, and the reliability of their financial teams to foresee the consequences of the larger picture known (or unknown) to Government.

More commonly, on the ground in the communities, the income-distributing agents do not know the community language, do not know the home situations, do not understand the cultural movements involved in the extended-family cultures, and do not learn these anyway because the overall bureaucracies seem to keep them faceless, ignorant, and without empathy, by often moving their working individuals regularly from place to place. The overall result is not satisfying to community people, the normally-white workers, or Parliament which is no doubt attempting under law to serve all its resident people, especially today in the many artificially-framed communities where families were virtually destroyed by the State with no compensation in the 20th century, and can be itinerant in various ways, within the culture

Third, beyond the failures, how can things be made better? How did a non-Aboriginal, non-language-speaking black African become the manager of one community, living in the only new house built in the region – an Intervention decision certain to fail? Is there no overall management of such government initiative, where common sense and sensibility work in emotional intelligence to bring success? Does the bureaucratic hierarchy do more than move people regularly to different positions, often sideways so that responsibility disappears as a duty, and take on new staff to fill the position they have now

themselves created by their ignorance and incompetence, given that staying in the job offers the opportunities of language, knowledge of culture, and examples of practices that actually work? How can the development of Income Management work when the agencies involved may be insufficient in knowledge, language, and personable persons.? Will there be able, secure and transparent methods and personnel probing the vital necessities of accountability – something currently failing the Intervention itself? The Senate holds firm to the Morality of Goodness to which it swears allegiance in the Oath to the Crown and the People, and maintains its hold on the exact carrying out of its Intervention and Income Management legislation by means of this authority; but how does the Parliament hold to this Oath if the processes of administration and bureaucracy (including law) do not admit of its accountability, and if its personnel all through its hierarchical power-stream do not prevent its decisions being fragile in practice, and therefore its duty of responsibility lacking in reality?.

There appears to be no follow-through when good decisions are made, which seems to the outsider, honestly, pathetic; and seems to mean that at worst the Parliament becomes hypocritical, in practice deceptive, and unreliable.

The story of pre-1960s Parliamentary and Governmental attitudes on and actions to Aboriginal people is, in global moral (including United Nations) terms, so awful; yet the same story is appearing in these years today. But today's story seems to be in the sphere of the incompetence of those administering and managing the Government's policies and practical works; and in my experience the lack of skills of many non-Aboriginal workers in the field itself is almost catastrophic – meaning that the training and basic education of the teams involved needs very intelligent application by Parliament, including in the Senate and its own processes and departments, not least in relation to understanding Aboriginal cultures and the peoples themselves.

Real financial-educational presentations, appropriations and budgets would be introduced, then, engaging with the totality of western commercial culture, so that the actual needs of the whole Aboriginal situation would begin to be appraised and assessed – perhaps for the first time ever. In real time, the knowledge would grow in relation to

the real needs of these communities: their health, growth in pastoral economy, urban education including skills in banking, accountancy and business planning, and the necessities relating to the re-development of traditional customary law – held Aboriginal people together in families for more than 53,000 years in Australia – would be needed in this. After all, the destruction of this Customary Law by imprisoning the men, domesticating the women, and separating the children has been a major factor producing the present situation, needing remedy now.

This Senate Committee will need to have Aboriginal members in it and on its committees for all these inquiries, assessments and interpretations: the world here works within the wider necessities of Aboriginal law in the modern Australian world, and much work needs to be done to reconcile these now.

With respect, you can see that on the ground I have experience that argues against both the Intervention and its development of Income management. But I also believe the background to the Intervention reveals an Australian prejudice and practice far deeper than the 2007 Election ‘feint’ or ‘bullying’ that was conceived to operate temporarily as as a conscience ‘let-out’, or a rock weighing them down until a new military/police action would clear Aborigines off all important land. The Coalition’s informal *Ten Point Plan* of 1996 was dedicated to freeing Defence, Agriculture, Mining (including Uranium) and Tourism from Aboriginal control – ‘in the National Interest’ (that is, mainly for economic reasons, under military security treaty). So the Intervention was aimed at furthering this ‘National Interest’, not the good of the Australian people and the Aborigines (albeit with some guilty conscience thrown in). With this context in mind, the idea of Income Management is also a pretend-goodness, further centering the indigenous people in the urban communities, and thus freeing up the land to be used – in time – for the other interests noted above. By not engaging with them in honest consultation and negotiation as part of a legal consultative process – the Muckatty Station uranium comes to mind as following in the false steps of the Comalco negotiations decades earlier – many relations with Aboriginal communities have been soured by the absence of what we see now as legal necessities under proper (including International) laws being absent in negotiations, by financial compensation or the sale of land at the

market price being bypassed, or by discussions of lands needed for Defence, for instance, being put on hold ,, into an uncertain future when yet more of the Aboriginal leaders will have passed on, and the progress to an assimilation made easier.

Behind the attempts to portray the Intervention and Income management as a Good, there is then the deceit that Aboriginal health, education and employment are their justifications and objectives. But further, the real geopolitical objective is Absolute Parliamentary (Canberra) Control over Aboriginal land and its uses, 'In the National Interest' – otherwise the Intervention would have been properly financed, planned and checked, its practices audited with highest standards of accountability in the Senate, and the whole taken to the Electorate on behalf of the indigenous people as a fulfilment of all constitutional requirement. In practice, the Intervention has been a left-of-centre Defence and National Interest swoop, unaccountable for its bullying behaviour and inefficiencies, its deceptions and false promises; and its financial wastes have been dishonestly relayed to the Australian public as an Aboriginal problem of chemical intake and biological chemistry, when in reality the immoralities of white history are coming home to roost within the complications of white bureaucratic managerial and planning incompetencies, and inefficient and/or corrupt tendering, and downright greed.

Therefore I reject the Income Management prescriptions as they are, and the wider intentions of government in this area, and call for their removal and the removal of the Intervention itself even in its adjusted state. I call for a more accurate and deep and sensitive involvement with the Aboriginal communities as well as the government-settled Aboriginal agencies, and the new Congress.

'Stop the Intervention and immediately start the new involvement' is my call, so that the Callum Park mess in Sydney is not paralleled by one plan being scrapped, and its replacement promised and then scrapped to the profit of developers.

As to this replacement, Parliament needs to address the basic legal and constitutional as well as moral need for full compensation, in regard to the 225 years in which Aboriginal land has been used without consultation and negotiation; and a First Peoples Fund can

be set up with black majority control, in the traditional mode of governance by Men and Women Elders together. Aboriginal culture with its spirituality and law, family-community organisation, and refusal of hierarchical power-base, was never allowed by the whites in power in Australia – even when democracy came here, and researchers found Aborigines democratic with their own checks and balances that organised a good life for them all; and even when their justice system worked better, it being more moral (in a Christian frame) and superior in practicality than what had come to Australian shores and is currently available.

So how can the Aboriginal situation be made proper and balanced today by our very unjust white society?

Our British prehistoric ancestors and the Romans worked it well. These conquerors of our tribal lands accepted our sovereignty and gave us total control of our lives and culture, while for our part we took on duties from them. After all, our customary laws were morally and (I now believe) intellectually equal to what the Romans brought; so I feel that the ordinary modern folk song line 'I gave her my heart but she wanted my soul' (Peter Paul and Mary) expresses my ancestors' inner reality, and Pat Dodson's 'Aboriginal essence' statement of his people's cultural and spiritual validity. This helps us to understand the problem of sovereignty. Aboriginal customary laws were (and are) good, and have never been bettered (for them) by the new invading occupiers whose imposed and arbitrary laws did not (and do not now) allow negotiated adjustments sufficiently. Aborigines work with, in and amongst the realities of the main Australian culture and its industries and businesses. If and when they desire this, the 2 cultures work together under Canberra's Sovereignty, as long as violence is not interposing itself by laws that are not explained, rules that do not make sense, or interventions that appear as military-police bullying, non-negotiated invasion, and untrustworthy actions that do not complete promises while taking away respect and dignity.

While Customary Law remains morally and practically good and original and constant in the Aboriginal non-urban world, the Australian Parliament is developing its legislation to channel the modern, different, other world in which continually-changing complexities are

created by the western, urban-industrial civilisation's technologies, into humanly liveable forms, for all Australians. Many Aboriginal people have moved into this Australian community, living and working: but others like Bill Idumduma Harney live and work successfully in both worlds, in what he calls the 'black' and the 'white' worlds and their cultures; and this is like the 'living in 2 worlds' that the Roman and British empires allowed to their conquered peoples.

To people like him it will surely make a difference – giving personal and tribal integrity, whole self-respect and spiritual wholeness – if Parliament and the Australian People were to grant 'Sovereignty' to the Aboriginal Culture, on the basis of the analogy of what the Roman Empire allowed, and which the British followed, for instance in India as well as Australia.

But '2 steps forward, one step back' seems Australia's history. The 'Noble British Empire' that followed Wilberforce's goodness into the 1870s was destined to fall into disuse when the 1901 Constitution undid those Evangelical idealisms which the British had tried to work (unsuccessfully) while Australia was still a colony. The worst excesses of 20th century treatment of Aborigines would and could not have happened if an honest, sincere, transparent and accurate concept of Aboriginal Sovereignty had been incorporated into the new situation. Perhaps, even, certain pseudo-scientific and crypto-racist concepts of 'superiority' that fired some producers of the (relative) evils found in the Intervention (and other injustices in recent years) would not be so present today, if a reinvigorated Commonwealth existed, where all the people are equal, 'and brothers' (as Robert Burns yearns for, and as Xavier Herbert finds 'in the Aborigine').

At a time when constitutional changes are being considered, it might also be an appropriate time for the Australian Parliament to place in the Constitution the true presence of its indigenous people, and to start work on the proper compensation of these people. The *ad hoc*, hand-to-mouth gifts and *fool's gold* that benefit white bureaucracies first and foremost do not show caring for the Aboriginal person. Although individual white professional goodness does at times provide Aboriginal people with worth-while results, examples such as the skimming by whites of \$600,000 out of the Government's \$750,000 cost for an Intervention house, shows an Australian natural

art or depravity that is simply continuing what was done to Aborigines in the hundred years after the honest governor Macquarrie. The local community in this example could and would build for a good house of a type chosen by the community, for only \$150,000: how can Parliament and its accountability projects desire such nonsense to be perpetrated? how is the data and evidence needed so absent?

The Intervention and its Income Management need to be hauled in and stopped, so that scientifically-gathered evidence is evaluated properly, and processes for data-gathering overhauled. True compensation needs to be delineated, education and health and business and finance need to be properly funded, and all in these data-gathering/teaching/accounting/managing processes clearly need special education in them, black and white together. A new Original Nation Foundation, majority-owned and -operated by the black communities not Government, then will be acknowledged as having their own Sovereignty over their own lives and culture – and all of this under British and All-Australian Sovereignty.

Aborigines have always lived peaceably when honoured and justly treated. They have always provided men and women for the Armed Forces (some eminent), and their artists and athletes and government and professional people have long been outstanding and crowd favorites, beginning with their cricketers in Britain in 1867. But this is not a sovereignty under the United States or the British Crown, or the London, New York, Paris or Beijing finance houses. Aboriginal overseeing of and power within their own finances, and business and legal and educational structures would operate in their own sovereign way; but the continental Sovereignty will be in Canberra's Parliament and Commonwealth as Aborigines always accept within the concept and structures of 'The national Interest', in spite of the abuses of this, and the deceptions perpetrated in its name.

The time is ripe not for (the second group of) pretend clauses in the Constitution: but it is for the legally, fair and reasonable compensation under law for which Parliament is liable in relation to the unjust violence and illegal occupations of their land, the immoral attempts to destroy their cultures and even their essence, and the harmful, inefficient and always dubious mismatches contained in and expressed in Government policies and actions 'on their (Aborigines)

behalf' without conversation, negotiation, compromise, treaty-like contract, or compensation. In Equity, Governments have been lacking, in relation to these people to whom they have basic parliamentaru duty.

Listening to the individual Aboriginal people in their own languages with honesty, and then with accuracy to produce delivery without deceit, would have served the settlers well in 1788 and later ... extremely well probably, as Aborigines were necessary actors in the theatres of work in 19th century Australia. Honesty as to overriding National Interest and underlying purpose for Government action would have massively helped understanding (as it would today). But today it is of real National Interest, even necessity, for every Aboriginal man and woman to be treated like any other Australian citizen, and with the same Equity in law. So, since the Intervention has not done and does not do this, and the Income Management scheme does not do this, no extension of the latter should take place; and both should be removed.

I therefore call for the non-renewing of the Intervention, the non-introduction of Income Management beyond the Aboriginal communities, and the granting of Sovereignty to the Aboriginal cultures and communities on the direct analogy of Roman and British Empire behaviour and legal foundation, as with the Romans' occupation of tribal lands. The presence of Aboriginal Members in the House of Representatives as well as the Senate perhaps needs to be legislated as of special interest, because permanent representatives of the Aboriginal people would always be valuable in the future, being a presence of particular wisdom for this continent, and for the pre-urban spiritual values so close to much scientific thinking in relation to earth and cosmos, and to the goodness within Nature which humans need.

The original people of Australia should take their place in the mainstream culture and organisation of the Australian Nation because the Whole Nation needs their wisdom, humour, intelligence, skills, loving and spirit.

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