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Trouble in Eden

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Abstract

In response to the Wild-Anderson Report, Little Children are Sacred (June 2007) that outlined a pattern of widespread sexual abuse of small children and chronic alcoholism among aboriginals in the Australians' N.T. (Northern Territory), the federal government launched a major Intervention there sending in teams of doctors and health workers to examine all aboriginal children for abuse and special police and army units to stabilise the situation in remote communities. Moving beyond the recommendations contained in the Report the Howard government announced it would use compulsory acquisition powers and appoint administrators over aboriginal townships and centres (about 73 of them) for five years. These officials would be charged with building up local infrastructures and could assign individuals to work for their welfare payments at jobs assigned to them. More disturbing to aboriginal leaders and communities was a government plan to allow individual aboriginals to lease small plots of land on traditional community owned reserves for the purpose, it was said, of owning their home and/or to start a small business. Furthermore, traditional owners would be allowed to enter into long term leases (for 99 years) on their lands in order to attract outside investment and capitol. There was considerable fear among aboriginals that these unilateral moves by the government would undermine the basis of aboriginal culture and lead inevitably to the loss by aboriginal people of real control over their traditional land.

Keywords

Land, Land rights, Australian Aboriginals, Intervention (or Intervention in N.T.), Traditional Ownership

Australia is having trouble in its Northern Outback. First there was a tough federal *Intervention* in June in the affairs of aboriginal communities in the Northern Territory (the N.T.) followed by a General Election (Nov. 25) which swept the federal government from office and cost the sitting minister for Aboriginal affairs his seat in

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Parliament (although for reasons other than the *Intervention*) and then (Nov. 26) both the leader and deputy leader of the N.T. government resigned as well. The situation in the N.T. has been something of festering boil which needed to be lanced, and had needed lancing for a long time. The issues are structural and not just a matter of personalities. The decision to act was announced suddenly on June 21th by the then Prime Minister at Question time.[1] What triggered his action, and that of his Minister, Mal Brough, was a report, *Little Children are Sacred,* on child abuse in the N.T. authored by Rex Wilde and Pat Anderson.[2] The Prime Minister called the findings a national emergency that demanded immediate and decisive intervention. Action should have been taken long ago, but let us look first at some of the symptoms of abuse in the N.T. and later at some of the solutions offered by the government to overcome the malaise. First of all, there was an accusation that child abuse was common, even rampant, especially in small Aboriginal communities in the N.T. The Report highlighted anecdotal cases of horrendous abuse where children had been sexually violated, had experienced physical abuse, had been beaten and subject to psychological fear, and to the passive abuse of being allowed to grow up without proper nutrition or adequate parental care. Secondly, the Report found that the main root of the problem was excessive drinking of alcohol, the *rivers of grog* drunk by the young, by adults and Elders alike. In some communities drinking problems had lately been compounded by the use of drugs and petrol sniffing. Even worse, these expensive habits, it was alleged, were being paid for by systematically diverting welfare monies (unemployment benefits, child endowment and pension funds), from what they were meant for to purchase of alcohol and other drugs.

A third cause fueling the malaise, something only lightly touched on in the Report, but in fact a major underling factor was chronic *idleness*. The unemployment rate of the workforce in Aboriginal communities in the N.T. was reported to be very high, especially 18 to 49 age group. This meant that adults, mostly men, are hanging around all day with nothing meaningful to do. This was a dreadful waste of personal initiative and loss of national productivity –if nothing else. Long term idleness combined with alcohol and drug use and a lack of concern for child welfare was the sore which had been festering for a long time. It was a potent formula leading

[1] Hansard, House of Representatives, June 21, 2007, vol. 8, pp. 73-4.

[2] Rex Wilde and Pat Anderson, *Ampe Akelyernemane Meke Mekarle, Little Children are Sacred, Report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse 2007*, (Northern Territory Government). Although the Report was commissioned and had been received by the Territory government, its response was sluggish and delayed.

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to social disintegration. Something needed to be done and right away.

The Prime Minister's call for action was popular because there had been suspicions for a long time in the general population of Australia that large sums of public money were being spent in the N.T. and elsewhere on aboriginal communities which were not being used wisely nor were they being very well targeted. As is the case with many popular suspicions there was some basis for them. Programs put forward to be implemented in the north had often been think pieces designed in Canberra, the national capitol, without enough consultation with the indigenous communities concerned, and in consequence, were not targeted to meet the various needs of small groups living in remote places in the Outback. What chance of success such programs might have had was lost because they had not carried out consistently due largely to the vagaries of annual budgeting process. A good deal of the money appropriated for aboriginals did not actually reach them at all because it was siphoned off to pay for non-aboriginal teachers, administrators and police, money which should have come out of ordinary consolidated revenue, not from the aboriginal budget. The salaries for these workers were high, certainly much higher than wages paid to aboriginal folk.

There was, without doubt, a serious and protracted problem in the N.T, but was it a *national* emergency? The answer to this question is yes and no. It was *national* in the sense that Australians felt that the reputation of the whole nation was affected, but it was not *nationwide* in the sense that it was to be found everywhere in Australia, not even in all Aboriginal communities.[3] In the N.T. Aboriginal people form about 30% of the total population and their communities come in all shapes and sizes. Some locations contain less that 100 people, many are a bit larger with perhaps 500 and there are a few townships of 1,000 to 2,500 or more. The inhabitants of small locations are usually tribally based, i.e., members of a single family, living on what they regarded as their ancestral Dreaming lands. In larger places two or three tribes might be living together on land near where they originally came from or sometimes in camps on the fringes of larger Australian cities, such as Alice Springs. Living together raises hostility about which group really has the best ancestral claims to the land they now live on and which group/s with weaker claims can be asked to leave and move to somewhere else. This is not the place to enter into these claims and counter claims, but what is clear is that a *one-size-fits-all*, a top down approach, which the federal government tried to implement in June was an unlikely remedy and would

[3] For Australia in general the unemployment rate (2007) is less the 5% and alcoholism is not universal.

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probably not be a lasting. But an emergency *Intervention* had been announced, so what is one to do?

In emergencies do we treat symptoms first or do we look at underlying causes? Symptoms are important and need to be tackled first and so, teams of doctors and nurses from outside the N.T. were called in to examine children to find any signs of abuse,[4] the army and extra police were assigned to put a stop, at least slow down, the *rivers of grog* running through the Territory and to stabilize these dysfunctional Outback communities. If the underlying causes of dysfunction in Outback communities remained, however, would anything really change after the *Intervention* was over? This obvious query suggested to the Minister that a long term approach would be necessary.

Continuing alcohol addiction (even where communities are legally dry) is a symptom of the deeper malaise affecting both personal and communal life. The broad ban on alcohol that the *Intervention* wanted was obviously a *good thing*.[5] But it would be a *very* good thing only if enforced without *whitefella humbug* to use a homey Aboriginal phrase. Whether officially dry or not, Aboriginal communities had long been supplied with grog on the sly through off-license sales at nearby pubs, at tourist venues and even from the shelves of local super markets. There is a great deal of profit and vested interest for liquor suppliers, virtually all of whom are non-Aboriginal. This fact is well known to Aboriginals and non-Aboriginals alike. Would the government and the licensing boards have the stomach to restrict sales of alcohol? Regulations closing down off-license sales were greeted with cheers, *They were finished, finished for good,* was the first reaction. Clarification came quickly, however. Within a few weeks (in September) relaxations of the new alcohol bans were put in place.[6]

[4] At a large town where I was present an *Intervention* team was visiting to test the children. It had set up its own operations separately from the existing clinic. The findings of the team did discover a high degree of deafness (something well known already) and poor teeth (a dentist attended once a month, but the waiting list was long). At one time the town's water had been fluoridated, but that practice had been discontinued, perhaps through simple carelessness, and the children's teeth had suffered decay. Sexual abuse was not publicly discussed, but then the team would respect privacy of local people since sexual abuse of children is regarded as something which very wrong.

[5] In his June speech the, Mr. Howard, the Prime Minister in June (Cf. Hansard, June 21, 2007, vol. 8, p. 74) spoke of banning the sale, possession, transportation and consumption of alcohol on Aboriginal land for six months; medical examination of all children under 16 years of age; control of townships for five years; introducing work for the dole programs; scrapping the current permit requirement to enter Aboriginal lands and blocking x rated pornography.

[6] Individuals were now allowed to buy a limited amount (up to $100.00) provided they gave their names and signed a statement saying it would not be consumed in a place which was designed as dry. One town like Tennant Creek banned off-license sales on one day a

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While alcohol does damage to steady drinkers, itself an expensive item in the health budget, the far greater social evil was the diversion of income to the purchase grog and other drugs. Unemployment benefits, child endowment money and pension of the aged, it was argued, were all being frittered away on it. Abuse of alcohol does not happen in every Aboriginal family, of course, nor in every town, but it did happen in too many of them and so a general restriction on purchasing it seemed appropriate. The, *Children are Sacred,* Report had gone out of its way to insist that children were not being properly or regularly fed, that they were growing up with poorer health and, in consequence, were not motivated to stay at school. The *Intervention* saw the quarantining of a portion of welfare payments as an effective measure for correcting parental delinquency. Parents or guardians who did not get their children to school were targeted. Accounts were set up, vouchers issued which could only be spent on food or necessities for the children in local stores which proved to be a complex process and hard to administer in the smaller settlements. Before the *Intervention* in many communities children who did show up for classes received a free lunch at school each day and, of course, children *were* fed at home. According to government proposals parents would now pay for the lunch service at school and perhaps for the cost of a communal breakfast too. If this becomes a pattern where feeding is routinely on school grounds or at a canteen, it will mark a return similar to what the missions and the stations used to do in the 1950's/60's before Aboriginals acquired free use of money. Feeding at school may be positive for children's health, but past experience suggests that it may also lead to diluting of parental responsibility and authority.

Another worry found in the Report was mistreatment of women, of weaker men and children by the *big men* in a community. (And the Elders are by no means the only big men in such communities.) Sending in more police and the army and giving more ready access to Courts was, again, a *good thing*, but it will be a *really* good thing only if the police are Aboriginal or at least aware of the local culture of a place.[7]

week. One result of the *Intervention* was to force Aboriginals to drive longer distances to find a pub or shop to serve them and risk longer drives back home. Some individuals simply walked to the outskirts of a town to drink there in less supervised and more dangerous situations.

[7] An example of crossed cultural signals can be found at the inquest recently concluded in Darwin concerning a police officer who fired into a group of Aboriginal men at the sportsfield in Wadeye, killing one person. The policeman was accused first of murder, but then downgraded to doing a dangerous act. The Officer had only arrived on the scene six days before and he had presumed that some sort of full scale *riot* was going on at the sportsfield, and so it was reported in the press. *Riot* itself is a cultural term which means one thing in newspapers in Darwin, in Los Angeles and quite another on the sports ground in Wadeye. For a fuller account of this tragic incident, cf., *Death in a Community on the*

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While the, *Children are Sacred,* Report outlined familiar abuses which could no longer be ignored, the plans of the government *Intervention* went far beyond recommendations in the Report. Beneath addiction and family violence, -hardly unknown even in non-aboriginal communities- lay the problem of rampant unemployment and of lives without direction. Idleness was touched on lightly in the Report, but became the focus of attention for the *Intervention*. Employment is notoriously hard to come by in small, unskilled rural communities. They have little they can sell, they are far from the routes of transportation, their market is distant. To help alleviate unemployment and poverty in addition to handing out welfare cheques local government had put in place a scheme called the *Community Development and Employment Program* (CDEP). CDEP arranged jobs with higher payments than the welfare cheque, wages to men and women working on the local infrastructure in small communities. In some quarters the CDEP scheme was routinely dismissed as offering merely make-work community service jobs, non-jobs without any future. The *Intervention* ordered the cancellation of the CDEP scheme and substituted instead a work-for–the-dole program for all unemployed. At the same time it called for new capital to create *real jobs* with a lasting future. A brave proposal, but clearly something for a distant future and not for an emergency. An outcry followed the cancellation of numerous CDEP jobs, particularly the *sea rangers* who monitored isolated northern coasts, assistants to park rangers, local garbage disposal, and the like. Outsiders began to realize what a valuable service CDEP performed and this action of the *Intervention* will probably be reversed. In the meantime cancellation of CDEP jobs not only meant a loss of dignity for local Aboriginal workers, -work-for-the-dole has not the same prestige as an earned salary- it also meant a loss of income since the salaries earned through CDEP were more than the dole payment. Aboriginals themselves had never been entirely happy with accepting government handouts. Unearned money breeds slow loss of self-respect and lack of interest in getting much of anything done. This was noted by an Aboriginal ex-stockman at Wadeye when welfare money was first offered who said that if he accepted it, he would become a nobody*, an irresponsible*. It should not be forgotten that there were, and are, self-sufficient communities existing in the N.T. Communities have cleared the ground to build their own air strips, put up their homes, had auto repair work shops and sewing rooms, operated their own station running stock. The movement toward self-sufficiency was more advanced in the 1980's and early 1990's than

Edge of the Law by Ashley Wilson in *The Australian,* 'Weekend Inquirer,' p 29, Oct. 13, 2007.

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it is now as was pointed out in the *Oxford Handbook of Global Religions*.[8]

The Intervention in June was presented to the public as something new and unprecedented, but it was hardly unique. There have been many interventions by the dominant culture into Aboriginal life bringing with them new programs and grand plans. They have been paternalistic, top-down affairs conducted by experts with a, 'we know better than you approach', and usually with little, if any, prior consultation with local people. Even aboriginals who had welcomed the deeply felt lament expressed in *Wilde/Paterson* Report, were sharply critical of the government *Intervention* on the grounds that no groundwork had been laid, the communities were not consulted beforehand, nor were local councils or the N.T. government. Successful communities were lumped together with difficult ones. Aboriginal people will listen politely to those who come to help them, but they have had long experience with *new* programs that seen them die away in a year or two when the sponsors find that they are too expensive to run and there are too few professional staff able to carry them out. The general criticism has been that interventions have been paternalistic and when *papa* leaves the local people remain as untrained as before, their self- respect damaged and their creativity unrecognized.

What will happen to the *Intervention* now that there is a change of government? A review has been promised although not an abandonment of the *Intervention*. In fact the incoming Minister has suggested applying some of the polities of the *Intervention* to the States. In any event the incoming government is left with a number of loose ends to tie up since there was much on the agenda of the *Intervention* which had little to do with the recommendations of the, *Little Children are Sacred,* Report.

To implement the *Intervention* the then Prime Minister announced that the government planned to take over the administration of certain Aboriginal settlements for a period of five years. (Eventually 73 communities were listed.) It would use its power of compulsory acquisition to take over the administration of these townships and settlements (although this would not include Outstations in the bush, small family places or any sacred sites). An administrator would be appointed who would have broad powers to take charge of communities. The administrator would be primarily concerned with improving the local infrastructure, such as building roads, bridges, refurbishing derelict buildings, constructing or repairing schools, clinics, community centres, but would also be empowered to direct people to specific tasks on a work-for-the-dole scheme. The traditional permit

[8] *The Oxford Handbook of Global Religions*, ed. M. Juergensmeyer (Oxford Univ. Press 2006) "Australian Aboriginal Societies" John Hilary Martin, pp. 575-585.

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system which had required visitors entering an Aboriginal township to obtain a permit from those in charge of local communities would now be abolished.[9] The power of police would also be broadened to allow them to enter private homes without a warrant where drugs (drinking) were suspected. The most significant aspect of the government initiative, however, was to allow private leases on communally owned lands under certain conditions, an issue we will need to return to.

Some of new government proposals clearly required enabling legislation for they affected serious changes in Australian law. How far reaching this legislation would be became apparent when three bills were tabled in the Federal Parliament on 7th of August (2007) barely three weeks after the June announcement. The three Acts were rushed through Parliament by August 17th (ten days) with curtailed debate. The legislation amended the terms of the Northern Territory Land Rights Act, N.T. (ALRA) which had been a stable fixture since 1976.[10] The Labor Party, then in opposition, did not oppose the Acts in principle either, but said it would have to review details later when more time was allowed.

A major departure from traditional approach to Aboriginal affairs was the proposal to allow Aboriginal individuals to lease small segments of their local land in order to build (and then to own) their own home and/or to establish a small business. The importance of *owning your own home* is a desire deep in the heart of the average city bred Australian, but the dream carries a certain romantic unrealism in the Bush although a number of individual Aboriginals do wish to have their own land within the terms of communal ownership. Allowing a lease to locate a small business on this leased property was more problematic. The phrase *small business* can cover various kinds of activity, including small manufacturing, buying and selling goods, or a service industry. Important questions needed to be answered. Where is the capital to come from to run a small business in a remote Outback location? Where was the market for the goods or services which may be produced? Will non-Aboriginals be allowed to run and operate the business for an absentee owner? For whose profit? But more important than these essentially business considerations is *ownership* of land. Normally for Aboriginal people, land (i.e., the land on reserves and on which native title has been established) is a Dreaming area and is owned collectively by the group who received that land from a Dreaming ancestor time-out-of-mind. As such, it cannot be

[9] An outcry from police and local residents will probably lead to reinstatement of the permit system, especially since both police and parents fear the movements of individuals who might molest children or be involved in the sale of drugs.

[10] Cf., Hansard, The House of Representatives, *Families, Community Services and Indigenous Affairs (Emergency Response Consolidation Bill)*, vol. 8, p. 2

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parceled out to individuals on a permanent, long-term basis without generating social repercussions. A lease, even if entered into voluntarily by particular individual/s, represents a loss of community control. The issue is complicated further by the fact that more than one community can have a traditional interest in the same land, boundaries are not geographic lines in the Western sense, but rather are limits of Dreaming influence. Tribal violence and vendetta are always the result when these matters are ignored. Traditional Aboriginal land owners will argue that land which has come to them from the Dreaming cannot be alienated from the collective ownership and have pointed out that attempts to do so meet with resistance if not in the present generation, then in the next. In aftermath of the *Intervention* Aboriginal people may enter into the modern, commercial way of doing things. Perhaps so, but does this respect the validity of Aboriginal culture? More importantly will the policy provide the next generation of Aboriginal youth with an identity or will it lead to further rootlessness? Instead of effecting reconciliation will the *Intervention* leave in its wake a group more marginalized in society than before still seeking for identity?

With discussion of land we return once more to the question of how to make a living? Idleness, or rather doing away with it, is the major issue which really faces Aboriginal communities at this time whether the communities be large or small. The isolated, peaceful life of a hunter-gathering clan with much free time left over after foraging to pursue leisurely conversations and conduct the ceremonies is a dream which Aboriginal peoples in the real world rarely, if ever enjoyed. Before the advent of Europeans their isolation was by no means complete. Communities had their exchange arrangements and a trading system. We all know about Moccasin traders sailing along the north coast who had contacts with coastal Aboriginal groups from the 1600's, but, long before that, Aboriginals had inland trading routes among themselves for exchange of spear points, axe heads, wood, ochres and medicines. The walking paths are stamped in the land and can still be found if you look for them. 'Passports' in the form of a 'Message Stick' were necessary equipment if a runner wanted to pass safely through one clan territory to another. They were carried from what is now Darwin to Broome, from Broome to Perth and along the southern coasts. Making a living and engaging in trade is very different now. Aboriginal people have long recognized that a hunter-gathering way of life is no longer viable and it would be naïve in the extreme to suppose that Aboriginals or Aboriginal communities wish to return to a life of hunter-gathers. They quite accept products such as, autos, TV's, washing machines, computers, hospital health care. Since Western Contact there have been *village industries* in Aboriginal communities that were operated by the people themselves. They have built their own houses, designed and tailored

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their own clothes, engaged in large-scale fishing, ran cattle and improved their herds, repaired cars, made bread, created new styles of painting and music which sold well, entertained visitors and tourists. What happened to all of this vibrant activity of the 1940's, '50s, to '70's since we find only remnants of it left today? Two factors can be singled out. Small local industries, as we have already noted were flattened by the globalization process which has eliminated so many small businesses in non-Aboriginal Australia. Secondly in the Aboriginal case their initiative was undermined by the well-trained outside experts and helping hands that deluged these small communities. Use of outside workers and volunteers is a delicate matter, but needs to be brought up if only to be looked at. In Aboriginal communities nowadays a lion's share of skilled and semi-skilled work – beyond sorting and sweeping- is being done by non-Aboriginal employees sent in and hired for the purpose. The teachers, the medical professionals, the miners, plumbers, electricians, road workers, mechanics, grocery clerks, book-keepers, even the tourist guides are predominantly from outside. They are paid salaries in many cases a lot higher than work-for-the-dole wages offered their aboriginal colleagues.[11]

Western economy is dominated at present by the market and is driven by market forces. Aboriginal individuals and communities are knowledgeable of that reality. They make use of money, of credit, savings, of interest, of the building up of capital. The work force itself is expected to be mobile as labour has become interchangeable, and they, too, have to travel spending some years working in cities and towns. While the market dominates Australian economy, Aboriginals are only too well aware of the fact that they are living largely *outside of* that market. Theirs is a kind of remittance economy – *i.e.,* it is an economy generated and dominated by gratuitous external payments coming from the government. To be frank, Aboriginals find themselves placed in a position of living largely off welfare payments with some royalties, income from subsidized CDEP earnings, and occasional sales of art works. It is a vulnerable position to be in and not a very comfortable one.[12] Land and its environs is the one stable, tangible asset that they have left.

A living on the land can still be made in Australia by wise management. Aboriginal groups not infrequently are living on lands that possess quite valuable resources. There are coasts for fishing, land

[11] Rosalind Kidd, *The Trustees on Trial*, (Canberra: Aboriginal Studies Press, 2006) speaks about Queensland but parallels with the N.T. are unmistakable.

[12] Cathy Small reports a similar type of economy that has developed in the island kingdom of Tonga where money is provided externally by remittances from family and friends living overseas in New Zealand, Australia and America. She analyses the decline of local culture. Cathy A. Small, *Voyages,* Ithica and London: Cornell University Press, 1997.

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for running cattle, mining for exotic minerals, natural gas, petrol with petro-chemical possibilities; there are commercial openings for tourism, art and ritual; niche industries like pottery, cloth or leather working. While it is true that only some communities have access to a wide range of resources, – and good luck to them- even small groups have access to at least some resources. The existence of a diversity of resources reinforces the truism mentioned above that, 'one-size-does- not-fit-all.' Before any truly beneficial *Intervention* will succeed in promoting and supporting Aboriginal livelihood, local consultation is essential. A general template is not likely to work everywhere in the Outback. Best results will occur where there is lots of sitting down and talking (it need not take a long time). When the local community decides what it will do on its own land, it can then decide what it can do in co-operation with other communities.

The most radical item on the government's *Intervention* agenda was the introduction and promotion of leasing arrangements. During the five year period under an Administrator individuals would be encouraged to apply for a lease that would excise small pieces of land to enable them to build a house or to start a small business. This move can be seen as an attempt to address the chronic issue of Aboriginal unemployment and under-employment using a market driven economic model. As leaseholders, it was hoped, individuals would develop their own property as they saw fit, promote their small business and learn to enter into competition. While this arrangement might be a benefit to some, it would effectively transfer collective ownership of community's property to the long term control by a particular individual. More worrying still was the offer of allowing a community to lease larger areas for 40 years, or even for 99 years. Long term leases over property are always a serious matter and their legality need be looked at carefully, especially where significant areas are at stake. A lease (whether for 5 or 99 years) turns control of a property and its future over to the hands of the leaseholder, (except for restrictions that might be written into the lease). Once the lease is granted there is little that a local community can say or do about what goes on in the property under leasehold. A lease for 99 years effectively takes control of a property out of the hands of a community for three lifetimes. Who is the holder of the long term lease is obviously of critical importance. If the lessee is a corporation created by the government and with an appointed board or "director" responsible to the Commonwealth of Australaia, we have one set of arrangements (and one set of likely economic policies); if the lessee is a corporation that remains in Aboriginal hands, we have another set of directors (and likely a different set of policies). In the N.T. leases have already been gained where the lessee is a corporation created by the government, and another model where the lessee is a

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corporation in the hands of an Aboriginal group, and still another where the local community's plan of an aboriginal holder of the lease was rejected.[13] This suggests that the regulations for leases are not being applied evenly across the Territory, if so, this will inevitably leave a feeling of confusion. This is a matter which the newly elected government will no doubt look into in the course of its promised review.

At this juncture one cannot forget the experience of American Indians in the latter part of the nineteenth century, following the Dawes Act in 1887, when the American government allowed tribal land to be divided into parcels and sold to individual tribal members in order to help them work into farming and into raising livestock. The ultimate effect (and perhaps even the intention) was to dilute tribal structures and encourage Indian assimilation. In this and later instances where Indian tribal lands were divided up, the lands they were sold and resold until ownership eventually found its way into the hands of non-Indian people.[14] In Australia land will always be returned to Aboriginal people, but after 99 years of leasing and sub-leasing that land may have assumed a very non-aboriginal character. The policies introduced through the *Intervention* seem to have forgotten that a market based economy is not easily compatible with a clan based cultural pattern.

The *Intervention* has begun by looking at symptoms, but to be truly worthwhile it must resolve the malaise in the N.T., or at least begin a process that will take time. Curing an alcoholic or drug user requires many steps -the *drying out*, the counseling, the confrontation by family and friends, the restructuring of a sick life style, drawing the community around them. These efforts go beyond symptom control and require continuing support with adequate money and personnel but, above all, they will require time. More important than all of these for the recovering alcoholic and the drug abuser there must be a change of *will*. After a long series of counseling sessions, after the causes of an addiction are displayed, after the options are laid out both to the patient and by the patient's own self-insight, a therapist will often conclude that the patient must *decide* to do something

[13] The first model is the lease negotiated with the Tiwi at Bathhurst Island, the second is that of Galarrwuy Yunupingu at Gunyangara, and the third which is pending in Wadeye. (Wadeye's initial request for lease to an Aboriginal entity was knocked back).

[14] For a quick overview of U.S. government policy and toward its indigenous and their present legal position, cf., Pevar, Stephen L., *The Rights of Indians and Tribes*, 2nd ed., Carbondale and Edwardsville: Southern Illinois Univ. Press, 1992; S.L. Tylor, *A History of Indian Policy*, Washington D.C: The Government Printing Office, 1973, pp. 95-104, and its extensive bibliography. Admittedly there is a significant difference here since leases are from and to the aboriginal community where the American scheme amounted to sale of freeholds. Businesses run collectively by Indian tribes in the U.S. have been quite successful but that is another story.

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about their problem themselves. If they do not, nothing will happen, a conversion, *their* conversion.

Putting a dysfunctional community back together again requires something *more than* restoring public law and order. On an emergency basis law and order must indeed be restored, the police called in, but that activity will only deal with symptoms. To recover a dysfunctional aboriginal community first needs to identify who its community members really are, then sort out what it *can do* with its resources and later develop the peculiar plan of procedure that will enable it to find its niche in a larger Australian community. The main street of many an Aboriginal town is lined with derelict buildings that were built one after the other in the course of fifty years. These expensive structures, still standing, are haunted by the ghosts of past outside programs and interventions. The buildings stand either empty and locked up, or if used at all, are being used for some quite unplanned purpose. Beyond planning and external supervision dysfunctional communities need to come to their 'collective conversion'.

Whether a top down *Intervention* that can penetrate below the symptoms is problematic, especially when the spirit of its proposals does not seem to be aware of cultural differences. All too much of the discussion surrounding the national emergency has been talk of regulations, limitations, examinations, management of new administrative structures. A wise Aboriginal Elder in discussion with a government official recently said, '*it is not fundamentally about policy, it is about how you value Aboriginal people as human beings*'. There has been too little discussion of Aboriginal people, about their culture and life of the spirit.

In a curious way the *Intervention* has put Australia at a crossroads of national life. The *Intervention* will affect only a small percent of her total population (less than 2.5%), but it touches on the much wider issue of a serious approach to multi-culturalism. The spirit and the policies of assimilation and integration were rejected by Australia in the 1950's after the WWII in favour a new spirit designed to promote *multi-culturalism*. This is not the spirit evident in the *Intervention*. It was undertaken in the name of *protecting the child*, but many other items have been added to that agenda. The long range policies of the *Intervention* carry the clear imprint of assimilation. As such the *Intervention* is a reversal of what was assumed to be a national understanding – that Australia was to become a multi-cultured entity with each culture contributing something to the total Australian community but at the same time each preserving and nourishing its own identity within the whole. Perhaps a return to an earlier policy of assimilation, of integration *is* in fact the best road for Australia to take -there are now many more ethic and cultural minorities in the country. The multi-culturalist or the assimilationist roads are both possible lines of approach for Australia, standing at the cross-

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road the nation cannot have it both ways at once, at least not for very long.

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