



The Intervention and Constitutional Change – What does this really mean for Reconciliation? – Summary of Jeff McMullen’s Sunday Seminar address on June 16th 2013

A big crowd heard Jeff McMullen speak passionately on an issue he spends major parts of his time, both professionally and personally. Jeff presented, through first hand examples, the injustice that the Intervention has imposed on Aboriginal people, how it has adversely affected their daily living, health, nutrition, work prospects, and the future prospects of their children



Jeff said that Aboriginal people are upset by what is happening to their people through policies that are decided by people over a thousand of kilometres away. It isn't enough to have solidarity with them but that Australians need to understand their pain and work with them. Jeff noted that no-one asked Aboriginal people if they wanted the Intervention, it was imposed on them.

“So today really I ask you to make it personal, on your part, when you try to work out in this season of politics what is true? and what is a hollow promise by government where on the one hand we have all the rhetoric that government, state, territory and federal is doing all of these things to benefit the wellbeing of Aboriginal people and yet in the same breathe they are crushing the human rights of those people – families and children – in extremely damaging ways.”

Jeff said it shames our nation that the Racial Discrimination Act has been suspended three times, and each time to implement policies in relation to Aboriginal peoples and each time it has meant a loss of control for Aboriginal peoples which still remain in force today. Despite UN disapproval, this discrimination continues in the form of the Stronger Futures legislation. Things are being done to people, without their prior informed consent, against our own laws and the international covenants and yet we say we believe in the rights of peoples and children.

Indeed there is a pattern in government dealings with Aboriginal & Torres Straits Islander peoples – raise their hopes and then betray that trust. The 1967 legislative change which gave the Commonwealth power to make laws was hollow because it has been used to betray them. The Apology was a magnificent moment which raised Aboriginal people’s hopes but the Government persisted with the Intervention and failed to work with them. The proposed Constitutional change to recognise Aboriginal & Torres Strait Islander peoples is important to them, the election is important to them but they do not trust that it will mean improvements for them.

It is founded on the 19th century theory of white supremacy, we have one of the few democratic constitutions still around that even has the concept of race in it, a concept that is scientifically discredited. But in our wonderful diverse culture in Australia, a blending of so many peoples, it is an absurd piece of paper to try to define humanity and civilisation and a value system that pointedly excludes Aboriginal people and which allows governments to discriminate against them. Some States have preambles which recognise Aboriginal people as our first people but this does not promise a solution as they explicitly have no judicial force.

We have trapped Aboriginal communities in poverty, children too often lacking food, reading materials and play equipment. The declaration that the ‘gaps are closing’ is a falsehood. The claim that the Intervention was imposed as a way of protecting children is a falsehood. It was based on the falsehood that there were paedophile rings in all communities. Since the Intervention the well being of children on all measures has collapsed. Taking away local control has damaged programs. The removal of children is increasing. Of the 40,000 children who have been removed, 30,000 are Aboriginal. Youth suicide rates



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have sky rocketed with 80% of 14-24 year old suicides being Aboriginal. Infants are suffering malnutrition. The Intervention has forced people to move closer to sources of poor nutrition and grog.

It's exasperating for Aboriginal families to try to understand why the government and our system can do to their families what none of us would stand for to happen to our own families. Then the disempowerment goes to the whole reason for constitutional change. There is nothing in the constitution to protect any of us from discrimination – no bill of rights, no charter of rights. But for Indigenous people pointedly, the constitution excludes them, it always excluded them.

Since the intervention social services have collapsed and so the drinking, the marijuana, the atrocious nutrition, the card playing with the Basics Card. Prohibition has never worked, all we've done is further confuse, confine, control and bewilder people, left with a collective depression.

"In my work I see a very cruel unfairness; if you walk in the shoes of an Aboriginal or Torres Strait Islander person and you look across to the bounty that comes out of their land, that comes from the wellbeing of this country where we have a big island so far from the strife of many other parts of the world; and yet it seems that we can't share what was always there for the first peoples."

The National Congress, charged with polling Aboriginal people's opinion on changes to the Constitution, found that the change that is most wanted by Aboriginal people is to control their own destiny. But there would be great difficulty in getting it passed. There is a need to find common ground and the constitutional change also must speak to Djiniyini Gondarra's advice, a Yolngu Elder, - *don't just stand there and watch us fall down, we want you to work with us*. What we need to do is work with the communities, giving them what they say they need – enabling and supporting but not controlling them.

Getting them what they say they need to get the job done; building up the capacity of their Aboriginal community controlled organisations. Government policy is positively funding competing government agencies and NGOs that undermine the strengths of those community organisations.

Currently there is a collective trauma, similar to what Jeff saw in war zones and refugee camps. The answer is to work on the injustice that is taking away their sense of control and the constitutional recognition process could be part of this - if we have it in our hearts to act on it, not just on paper.

Some things that need to be done are – 1) Scrap section 25 of The Constitution (the race power); 2) Take away the power of the Federal Government to make laws irrespective of whether it is helpful or it hinders; 3) introduce affirmative provisions that requires Governments to implement laws that have positive impacts for Aboriginal people (and which acknowledge their prior ownership of the land); 4) recognise Aboriginal languages.

Sometimes it is simple and commonsense things that are needed. Roger Corbett, when he was the CEO of Woolworths, contributed by sending managers up to the communities who worked with local people on inventory, on stocking the shop with fruit and vegetables; or a Paul's milk to carry fruit and vegetables for a small extra payment. So a lot of it is commonsense but Government's tend to make a catastrophe of the problem and then make Aboriginal people feel they have to change because it is their behaviour that is causing the problem.

If we had put a fraction of the money of the Intervention into a subsidised, urgent improvement of the nutrition of young mothers and children, we would have seen a far more dramatic change in overall wellbeing. The truth is many children still wander out of classrooms with rumbling bellies that are hungry.

CCJP wishes to thank Jeff for an extremely passionate and personal address.

For a full transcript of the presentation or to read other Sunday Seminar reports visit our website www.ccjpoz.org or why not come along to a monthly Sunday Seminar.