# Containing Aboriginal Mobility in the Northern Territory: From 'Protectionism' to 'Interventionism'

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In Arnhem Land, when the white people came, they wanted us to move off our homelands, into the missions and government settlements. Some people did, and some people always stayed on their homelands. In the larger communities, there was often fighting between clans because they didn't live like that before. Some of the people who had moved to the communities decided to go back to their homelands … We are very confused by what the Government has been doing to us lately. Has the Government changed its mind again, to stop treating us like people? ... We want both governments [Australian and Northern Territory] to recognise that there is a Land Law here that was here before either of them, and is still here (Our Home, Our Homeland 2009: 5).

This quote captures how two Indigenous policy approaches in Australia — 'protectionism' in the early 20th century and 'interventionism' in the early 21st century — have sought to contain and settle traditionally mobile peoples.[1] The earlier part of the statement refers to the effects of protectionism. As the lynchpins of protectionism, the *Northern Territory Aboriginal Act* 1910 (SA), *Aboriginal Ordinance* 1911 (Cth) and *Aboriginal Ordinance* 1918 (Cth) provided for the forced removal of Aboriginal peoples of the Northern Territory from their homelands and their containment in reserves and government settlements from the 1910s through to the 1950s.[2] The latter part of the statement

concerns the impacts of the Northern Territory Intervention and five interrelated Northern Territory National Emergency Response laws enacted between 2007 and 2009.[3] The ensuing legislative reforms of Aboriginal land management and ownership re-constructed Aboriginal townships, town camps and homelands, and re-ordered Aboriginal mobility. By restricting funding to Aboriginal homelands, Aboriginal peoples were forced to either permanently occupy homelands or move to the new regional economic 'hubs' or 'growth' towns.

The paper provides a postcolonial critique of the legal bio-political and disciplinary effects of interventionism on Aboriginal homelands, focusing on issues of Aboriginal mobility. In so doing, it draws parallels with the legal bio-political and disciplinary mechanisms used to displace and regulate Indigenous peoples in the Northern Territory under protectionism in the early 20th century. The similarities between protectionism and interventionism are striking: both have tried to colonise the Aboriginal domain (Paine 1977, Bernardi 1997), and facilitate the integration of Aboriginal peoples into the mainstream citizen body via the market economy. Both can be categorised as racialised biopolitical and disciplinary regimes that aim to problematise Indigenous cultures and relationships with country, 'erase' Indigenous political agency (Rose 1996), subordinate the Aboriginal citizen, and create/continue a cycle of dependency of Indigenous people on the state.

In order to present a history of the present in relation to the past, we apply a postcolonial analysis of protectionism and interventionism to provide what Foucault called an 'effective history', one which uncovers internal relations of particular 'regimes of truth' and their related technologies of power (Foucault 1977b, Carter 1997: 131). A Foucauldian analysis of protectionism and interventionism allows us to explore how both operated as biopolitical and disciplinary technologies that were productive and constitutive (Foucault 1976, 1977, 2003). The objective of this paper is to make visible the persistence of the colonial in the concrete and material conditions of everyday life, unpacking not only the settler colonial practices circulating through the Northern Territory Intervention, but connecting them to the long history of

normalisation, discipline and regulation of Indigenous subjects.

## Why Postcolonial Theory?

Postcolonial theory is distinguished from other approaches to the study of colonialism by the analytical primacy it gives to the enduring social structures and knowledges of colonialism. In the postcolonial tradition, this paper posits that settler colonialism is a continuing process that underlies the contemporary governance of Indigenous affairs, and that settler colonial practices are inextricably linked with modern state building. As Patrick Wolfe has so succinctly put it: 'Settler colonies were (are) premised on the elimination of native societies. The split tensing reflects a determinate feature of settler colonisation. The colonisers come to stay — invasion is a structure not an event' (1999: 2). The processes of settler colonialism reproduce the structures of settler colonialism. In the contemporary context, interventionism is indicative of ongoing practices of settler colonialism and it is in this settler colonial form that its structural features resemble aspects of protectionism.

Building on Deborah Bird Rose's (1991: 46) observation that Indigenous people get in the way of settler colonial interests just by staying at home, Wolfe (1999, 2001, 2006) argues that settler colonialism is structured by invasion and governed by a logic of elimination. It 'destroys in order to replace' and is primarily motivated by access to and control of territory (Wolfe 2006: 388). From this perspective, the continuity between such settler colonial practices as frontier homicide, child abduction, the breaking down of native title into alienable freehold title — and the discourse of 'repressive authenticity' (Wolfe 1999: 179-90) which seeks to impose limits on the recognition of Indigenous status — becomes apparent. They all endeavour to eliminate the Indigenous presence from coveted territory in order to clear a space for the construction of a modern, liberal, settler colonial society.

As Rose (1996) demonstrates the logic of elimination extends even into so-called decolonising institutions such as the *Aboriginal Land Rights (NT) Act* 1976 (Cth) (the ALRNT Act). Rose refers to this as

'deep colonisation'. To paraphrase Rose, 'deep colonisation' concerns the 'colonising practices embedded within decolonising institutions . . . this embeddedness may conceal, naturalise, or marginalise continuing colonising practices' (Rose 1996: 6). In congruence with Wolfe's (1999, 2006) insistence that invasion is a structural element of settler colonial society, Rose argues that 'deep colonising is a contemporary form of conquest' (1996: 7). Where Wolfe ascribes both 'negative' (i.e., the 'liquidation of Indigenous people') and 'positive' (i.e., productive and transformative) aspects to the logic of elimination (2006: 388), Rose positions elimination — or in her formulation, *erasure* — as the underside of settler colonialism's logic of progress (1996).

Colonisation proceeds, Rose (1996) asserts, according to this logic of progress — from nothing (*terra nullius*, savagery, stagnation) to something (citizenry, civilisation, productivity) and, in doing so, necessarily involves processes of erasure. As Rose states: 'According to the [logic or] concept of progress, that which exists on the "other" side of the frontier is an object waiting to be transformed' (1996: 7). Before being transformed, however, it must be erased, and Rose describes this erasure as covering 'a range of practices and intellectual strategies from massacre to denial to economic rationalism'. Such practices seek to facilitate 'the process of removing or marginalising the autonomous power and presence of the living systems (human and non-human) that are being colonised' (Rose 1996: 7).

We draw on both Wolfe's (2006) 'logic of elimination' and Rose's (1996) 'logic of progress', and position them within a Foucauldian framework. What Rose (1996) refers to as 'processes of erasure' are treated as manifestations of the logic of elimination. The various biopolitical and disciplinary technologies deployed by settler colonial authorities in order to 'protect' or 'intervene' in the welfare of Aboriginal peoples are understood as manifestations of the 'logic of progress'. By pointing to parallels between the ways in which the twin logics of elimination and progress manifest in two ostensibly distinct eras of federal Indigenous law and policy, we seek to demonstrate their enduring embeddedness in the political rationality of settler colonial

government.

## Protectionism and Colonialism's Evolutionary Rationality

Engagement with Foucault's (1976) ideas about biopolitical and disciplinary technologies of power is useful for exploring settler colonial spatial arrangements and the western colonisation of the Indigenous subject and their bodies. In the Australian context, the colonial repertoire provided justification for colonial practices in western settler contexts and facilitated a settler colonial preoccupation with subjugation, regulation and discipline, and the colonisation of space (Harris 2002: 269). Land is an essential in the regulatory and disciplinary equation of settler colonialism (Harris 2002: 270). Let us consider this further in the context of protectionism in Australia.

Protectionism was essentially a legislative and policy framework that sought to transform a resistant Indigenous population into one amenable to liberal techniques of government. To that end, it facilitated the deployment of an array of technologies in 'the liberal government of unfreedom' (Hindess 2001). As Hindess (2001, 2008) points out, the liberal view of society as comprised of a variety of self-regulating domains — epitomised by the market — has, from its earliest expression, distinguished between those deemed suitable for liberal techniques of government, and those beyond the pale. In the Australian context a social evolutionary narrative, which posited that races move through different developmental stages from the primitive to the civilised, abounded in political, academic and media discourses and allowed for the construction of a binary distinction between the primitive 'Aborigine' and the civilised 'white' (Howard-Wagner 2007a). This narrative positioned Indigenous peoples as deficient, in temporal terms, in norms of civilised autonomous conduct.

The colonial repertoire in Australia was inextricably linked with the development of a prevailing settler colonial political rationality that presumed the obligation of white authorities to diagnose Aboriginal problems and prescribe white solutions. The nature of the diagnosis and the technology prescribed to address it depended on whether Indigenous

deficiency was constructed as beyond improvement, improvable, or the result of external conditions (Hindess 2001). The early stages of the colonisation of land in the Northern Territory for pastoralism proceeded as though Aboriginal peoples were, at least within the confines of the availability of suitable instruments of government, beyond improvement and incapable of being integrated into market and setter colonial administrative relations. Under the Australian Colonies *Waste Lands Act* 1842, by 1885 most of the Northern Territory was divided into pastoral leases, which marginalised Aboriginal peoples on their own land. Livestock devastated the Indigenous economy, wiped out countless species of plants and animals, and damaged important water sources. Pastoralists, occasionally aided by police, often employed violent and deadly measures to combat Aboriginal resistance and, as a result, many Aboriginal people were forced to 'move onto pastoral stations established on traditional Aboriginal lands or to the fringe of non-Aboriginal settlements and missions' (Growing Them Strong 2010: 101).[4]

Later, under the *Northern Territory Aboriginals Act* 1910 (SA),[5] Aboriginal people of the Northern Territory were deemed wards of the state and thereby denied access to citizenship rights or benefits afforded to 'white' Australians. The objective of the Act was 'to make provisions for the better protection and control of Aboriginal inhabitants of the Northern Territory'. Here, Aboriginal peoples in the Northern Territory were re-framed as capable candidates for training in suitable autonomous conduct. Protectionism targeted Indigenous peoples as the subjects of improvement, as 'those whose conduct [fell] below the civilised norm [and] must be subjected to improvement through more or less extended periods of discipline before they [could] sensibly be left to manage their own affairs' (Hindess 2001: 104). The Act contained provisions for the removal, detention and relocation of Aboriginal people on reserves (Bringing Them Home 1997).

In 1911, a Proclamation by the Governor General of Australia declared certain Crown lands under the *Aboriginal Protection Act* 1910 as Aboriginal reserves, resulting in the establishment of nine reserves

(Commonwealth of Australia 1911). Aboriginal people were further displaced and many were removed from their homelands to reserves, missions and settlements. Protection laws, reserves and missions were about containing autonomous Indigenous movement in and between territories that people(s) have traditional connection, rights and/or responsibilities over to clear territory for the pursuit of settler colonial interests. The law as a bio-political and disciplinary technology of power sought to transform the Aboriginal population by regulating and disciplining the Aboriginal population and body. The ultimate aim was to consolidate the operation of market relations across Indigenous domains and territory and to incorporate Indigenous people into the conquering state (Beckett 1988).

Effectively, a juridical combination of laws and regulations emerged that brought about a binary type of division in society (Foucault 2007; Howard-Wagner 2010b). Biopower and disciplinary power coalesced to deal with the problem of exclusion by seeking to modify the biological destiny of the Aborigine and limit the multiplication of a hybrid population. It attempted to produce an economically 'productive' Aboriginal population while managing problems with alcohol, opium and 'inveterate loafers' (Report of the Administrator 1913: 36).

The Aboriginal Protection Act appointed a Chief Protector of Aboriginals of the Northern Territory who was responsible for the administration of the Northern Territory Aboriginals Department, which was established under the Act, and who was legal guardian of all Aboriginal children under the age of 18 in the Northern Territory. Under section 16(1), the Chief Protector also had the power to compel any 'Aboriginal person or half caste to be kept within the boundaries of any reserve or Aboriginal institution'. Essentially, the Chief Protector was appointed to manage the Aboriginal population in accordance with dominant principles of social control.

Baldwin Spencer, an influential Australian anthropologist, was central to the development of these technologies of social control in the Northern Territory. In 1911, prior to taking on the position of Aboriginal Protection Commissioner, Spencer furnished the federal

Minister for External Affairs with a *Report of the Preliminary Scientific Expedition to the Northern Territory*, which included quantifying and classifying the health, productivity and living conditions of the Aboriginal population. A more detailed *Preliminary Report On the Aboriginals of the Northern Territory* was presented to the Honourable Minister for External Affairs by Spencer and was tabled and considered in Federal Parliament in 1913. The embedded colonial rationality of the *science of 'race' difference* (Howard-Wagner 2007a) and its complicity in the colonisation of the Northern Territory are apparent throughout his work. To begin with, Spencer constructed the mobility of Aboriginal peoples according to the discursive logic of *terra nullius*:

> Perhaps the point of most important in regard to the Aboriginal is that he is a pure nomad with no fixed abode. There is no such thing as any village or compound in which the natives live permanently or in association with one another. At most they have favourite camping grounds … (Spencer 1913: 7).

Here the settler colonial logic of elimination is particularly salient. Rather than reflecting networks of rights and responsibilities to country and kin over a particular set of territories, the mobility of Aboriginal people is constructed as random and pointless.

As well as constructing the Aboriginal in their state of nature such that their rights to property, in Lockean terms, were erased, Spencer classified the colonised Aboriginal into two categories: '(a) Aboriginals living in and about townships, and employed in the later; (b) those living more or less in their wild state, and leading a nomad existence' (Spencer 1913: 23). For those Aboriginal people living in and about townships, he argued that 'these natives have so completely lost their old customs that there is no difficulty in gathering them together into a village or compound, as is now being done in Darwin, at a convenient distance from town' (Spencer 1913: 23). Spencer recommended that each Aboriginal family be given their own home and that those Aboriginal people living on the compound be either employed to grow vegetables and fruit in the compound garden or in business places or private homes (Spencer 1913: 11).

In the case of those 'living more or less in their wild state', Spencer recommended that because ' … of the settlement of the country for which provision is now being made, there is no other practicable policy but that of the establishment of large reserves, if the Aboriginals are to be preserved, and if any serious effort is to be made for their betterment' (Spencer 1913: 23). Earlier, in his *Report of the Preliminary Expedition to the Northern Territory*, Spencer declared:

> As the country becomes settled it will be necessary to establish missions in various localities. The objective of these should be primarily industrial and the superintendent of each, whatever his other qualification may be, should be selected with this end in view. Trained agriculturalists should be associated with the stations, which, in the course of time, if properly administered, will become self-supporting (Spencer 1911: 10-11).

Spencer proposed that the twelve smaller reserves established in 1892, and re-gazetted in 1912, be replaced with seven new reserves to be established under section 13 of the *Northern Territory Aboriginal Act* 1910 and *Aboriginal Ordinance* 1911. The seven reserves to be established to segregate and isolate the Aboriginal population from the white and Asiatic populations were: Alligator River Reserve, Daly River Reserve, Roper River Reserve, Bathurst Island (Wongoak) Reserve, Groote Eylandt Reserve, Lake Woods Reserve, and Hermannsberg Mission Station Reserve (Spencer 1913: 25-6). The betterment of the Aboriginal population on reserves was considered in terms of a basic education or training, and integration into the broader economy via the contribution of menial labour because, as Spencer noted, the primary objective was to 'train the natives in industrial habits'. That is, 'simple agricultural work and carpentry and work among the stock for boys and domestic work and gardening for the girls' (Spencer 1913: 27). As Harris observes in relation to Canadian reserves, reserves in the Northern Territory were similarly re-oriented away from custom and toward the market (Harris 2002: 266).

The Aboriginal body was to be 'transformed and improved' (Foucault 1977) using disciplinary and bio-political technologies

via a heterotopic space in the form of reserves and missions. Such technologies were evident in reserve and mission architecture. Disciplinary technologies and surveillance inculcated an economically productive Indigenous subject in the context of a dominant white western conceptualisation of productivity. This regulated and controlled environment sought to produce dependent peoples whose affairs and every decision were managed by state appointed Aboriginal protection officers and administrators under Protection laws. Dependence on the settler colonial state was to replace autonomous Indigenous systems until the disciplined sedentary lifestyle of the reserve had instilled the civilised habits required for autonomous dependence on the settler colonial and global market. An assortment of tightly regulated missions and reserves were funded by the state to this end.

With Indigenous autonomy and interests erased from the settler colonial imagination, the ongoing behavioural manifestations of autonomous Indigenous living systems were now constructed in terms of deviance from the norms of the white settler colonial population. From within this regime of truth, the persistence of distinctly Aboriginal ways of life, and the development of strategies in what Scott (2009) has termed 'the art of not being governed', were perceived as an enduring deficiency and indicative of a failure of settler colonial government. Eventually, the failure of segregation of Aboriginal peoples on reserves began to attract criticism. After 25 years, Spencer's (1911) hope, that the disciplinary and bio-political technologies deployed on reserves under the protection regime would produce self-sufficient stations, had not come to fruition. Instead, reserves had come to be viewed as cultural museums. In 1937 the Northern Territory Chief Protector Cecil Cook, for example, stated that inviolable Aboriginal reserves had failed in their endeavours to reconstruct a new social order and had the effect instead of giving:

> an area of land the status of a sanctuary, within the boundaries of which the aboriginal lives and moves and has his being as a museum specimen, with the difference that theoretically there should be no observers to study him. It is debatable whether there is any moral justification for this arbitrary exclusion of the aboriginal from the benefits of modern

social organisation (Cook 1937, in McGregor 1997: 235).

Cook was a proponent of individual biological assimilation and argued in favour of assimilation technologies that operated at an individual, rather than a group, level (see Moran 2005). By the mid 20th century the technological infrastructure developed and deployed to civilise and integrate Aboriginal peoples as peoples had been re-organised to facilitate the physical erasure of Aboriginal settlements and integrate Aboriginal individuals into the white economic and social 'mainstream'. This was reflected in *Assimilation of Our Aborigines*, a public information booklet produced by the Commonwealth Government in 1958 which stated: 'The settlements aim, amongst other activities, to provide aborigines with suitable employment skills. They are a necessary, but passing phase. As assimilation progresses the settlements will disappear' (Australian Department of Territories 1958: 12).[6]

Like protectionism, assimilationism was a product of settler colonialism's twin logics of progress and elimination. With Indigenous interests and autonomy erased, assimilation was to progress the socially and economically deficient Aboriginal individual towards the norms of white settler society. The erasure and re-coding of Aboriginal autonomy in terms of deficiency left settler colonial techniques of assimilation, like the protectionist techniques that preceded them, unable to efficiently account for the effects of Aboriginal resistance. The township of Amoonguna, south-east of Alice Springs, for example, which was established in 1960, was 'rationalised as a training ground and conceived by government as producing westernised citizens who could live in houses and aspire to permanent work, a settled, urban life …' (Heabich 2000: 23). Yet, as Haebich notes, such 'assimilation projects failed because people rejected the carceral regime which endeavoured to enforce institutional housing and living patterns, to prevent the use of alcohol, and break the strength of residents' (2000: 23).

With both protectionism and assimilationism, authoritarian measures that limit the liberty of Indigenous peoples were implemented in order to cultivate the civilised habits, pre-requisite liberal techniques

of government within a market economy. The white civilising lens through which life is viewed here is the paternalistic lens of white western modernity and industrialisation in which regional economic centres in the form of reserves and missions are set-up to be primarily industrial and eventually self-supporting. On their failure to do so, the individual Aboriginal subject was now to be assimilated into the mainstream economy and Australian way of life.

Interventionism, on the other hand, has created a neoliberal space of economic and social exception. Comparatively, the Northern Territory Intervention and the passing of the *Northern Territory National Emergency Response Act* 2007 (Cth) (the NTNER Act) re-regulated Indigenous spaces and Indigenous citizens of the Northern Territory who were now subject to greater control and surveillance via, for example, punitive welfare reforms. The army was sent in to conduct compulsory health checks of children. Welfare payments were quarantined. Alcohol and pornography were banned from 'prescribed areas'. Policing was increased. So, rather than disciplining offenders, punishing offences or dealing with the community/individual experience of violence, abuse and neglect, whole communities and townships were subjected to new regulatory, disciplinary and pastoral regimes (Garland 2001, Meyler 2006).

Systems of surveillance, discipline and pastoral care were diffused into the social body (Lattas and Morris 2010, Howard-Wagner 2010b). This was and is a normalising mission aimed at training/disciplining the sedentary Aboriginal citizen, who will be required to access services like all other citizens, and incorporating them into the mainstream neoliberal economy and society. To paraphrase Ong (2006: 6), neoliberalism works through interventionism as a biopolitical mode of governing that centres on the capacity of individual Indigenous citizens and Indigenous land as living resources that can be harnessed and managed.

## Interventionism and Deep Colonisation

Where anthropology and evolutionary biology previously played a prominent role in settler colonialism, statistics have gained traction as a way of thinking about settler colonial relations in concrete and morally unambiguous ways. Since the 1970s, the segregation of Indigenous peoples into a statistically constructed race has operated to justify state programs targeting the management of the Indigenous population and their 'way of life', just as anthropological and evolutionary-biological categorisations did under protectionism. Like evolutionary science, statistics are government apparatuses: they interpellate and problematise Indigenous people who are mirrored 'back in ways that reinforce mainstream critiques and judgements that nowadays focus not on race but on poor cultural practices' (Morris and Lattas 2010: 16). Cultural practices still have racial undertones, so what is different is not the move from 'race' to 'culture', but a shift in rhetoric.

In 1996 the election of the conservative Howard Coalition government into federal office was accompanied by an intensification of the statistical surveillance of Aboriginal peoples, and their 'cultural practices' and 'ways of life'. The greater focus on Indigenous and non-Indigenous differences in the areas of health, housing, education and employment invariably found the former to be wanting. Since then, a settler colonial racism inherent in the political rationality of contemporary settler Indigenous Affairs discourses and programs has become increasingly apparent at the federal level (see Howard-Wagner 2007b, 2008, 2010b). The uniformity of discursive effects of 'deep colonisation' of settler colonial norms is, for example, evidenced in the discursive construction of Aboriginal 'ways of life' in the Northern Territory as problematic in contemporary Federal Government discourse.

Utilising discourse as a way of problematising Indigenous affairs and the law as a technology of government, the state has largely sought to erase those limited Indigenous domains of autonomous power that were (re)constructed to accommodate post-settler colonial relations. The political technologies of public speech and press releases have

been deployed, particularly by Federal Governments (Liberal and Labor), to discursively construct decolonising institutions of Indigenous autonomy as 'failed experiments' that hinder the progress of Indigenous Australians towards acceptable norms (Howard-Wagner 2007a, 2008, 2010a, 2010b).

While federal Indigenous law, institutions and programs (such as Native Title legislation, the former Aboriginal and Torres Strait Islander Commission, Reconciliation, and Indigenous service delivery in education, housing and health) were heavily scrutinised and restructured in the first two terms of the Howard government (1996-2001), over time Indigenous regional and remote communities increasingly became the focal point of the state's attention during its last two terms in government from 2001-2007. Concerns about the economic viability of Aboriginal communities, Aboriginal ways of life, and the dysfunction of Aboriginal townships, town camps and homelands in the Northern Territory, for example, came under scrutiny and were mentioned increasingly in government reviews, policy and media statements. The Review of the ALRNT Act, known as the Reeves Report, in 1998 questioned the economic viability of homelands and argued that the provision of Aboriginal traditional ownership and 'provision of this land to Indigenous groups was facilitating the maintenance, rather than amelioration, of Indigenous economic marginality, at least as measured by standard social indicators' (Altman 2002: 39).[7] Reeves' views reflected the dominant objective of Federal Government Indigenous affairs policy, which reportedly aimed to incorporate Aboriginal people into the mainstream neoliberal economy (Altman 2002: 39). This neoliberal agenda had a bio-political objective that would operate alongside certain disciplinary techniques to create economically productive Indigenous land as well as politically non-rebellious and economic productive Indigenous citizens.

In 2005 the Federal Government again questioned the economic viability of Aboriginal homelands and socioeconomic functionality of large Aboriginal townships in the Northern Territory. The then Minister for Indigenous Affairs, Amanda Vanstone, echoing Chief

Protector Cecil Cook 68 years earlier, referred to Aboriginal homelands as 'unviable cultural museums', 'leaving Indigenous Australians without a viable future', and argued that major townships needed to be 'normalised' (Vanstone 2005a). In a subsequent media statement Vanstone portrayed homelands as small, uneconomic and impractical townships for service delivery:

> That's what we have to be honest about and say, look, we're not going to double up. You can choose where you're going to live. That's a choice everybody has. But we're not doubling up. We don't for anybody else and we're not going to for you (Vanstone 2005b).

Vanstone went on to argue that 'it is time to start treating Indigenous Australians like every other citizen' (Vanstone 2005b). Vanstone's rapidfire criticisms produced a lasting rhetoric that has been equated with neoliberal policy language and has now manifested in the legal technologies used to govern homelands within 'prescribed areas' covered by the NTNER Act. Like Spencer and Cook before her, and despite international human rights law and Indigenous dissent, Vanstone's rhetoric reveals a settler colonial rationality that both subsumes and actively attempts to erase the autonomy of Indigenous peoples, cultures and countries (Rose 1996; Wolfe 1999, 2001).

This construction of homelands as problematic foreshadowed the underlying interventionist discourses and practices that were to shape the restructuring of infrastructure and service delivery to Aboriginal townships, town camps and homelands in the Northern Territory during the Intervention. Following the passing of five interrelated Northern Territory Emergency Response laws in 2007, the Federal Government has continued to represent homelands as random settlements that are no longer economically viable.[8] Settler colonial legacies continue to inform contemporary settler colonial practices imposed by the Federal Government in its attempt to dispossess and disconnect mobile Aboriginal peoples from their homelands.

Contemporary settler colonial rationality differs from that of the early 20th century however in that the state now situates the debate about such issues within the logic of market driven politics of

neoliberalism or market fundamentalism (Howard-Wagner 2010a, 2010b). While settler colonialism and protectionism worked in tandem to remove Indigenous people from their land and replace Indigenous land management regimes with agriculture, particularly pastoralism, the biopolitics of settler colonialism and neoliberal intervention work hand in hand to assimilate Indigenous citizens and their land into the mainstream neoliberal economy. Indigenous communal land is re-oriented away from custom toward the market and the distinction is that contemporary market rationalities are underpinning the incorporation of Indigenous land and citizens into the mainstream economy and society are neoliberal in nature. Deirdre Howard-Wagner's growing body of work considers the Northern Territory Intervention and associated NTNER laws as well as, more broadly, the contemporary federal governance of Indigenous affairs as a neoliberal agenda (Howard-Wagner 2007b, 2008, 2010a, 2010b). As Howard-Wagner (2010b) notes, the NTNER Act turned to the regulation of 'prescribed areas', which encompass 500 Indigenous settlements including large townships, town camps and small homelands. Again, this is not only an exercise in neoliberal state building, but also an assimilating and normalising mission.

## Working Future and Aboriginal Homelands in the Northern Territory

Federal and Northern Territory government reforms that sought to re-order Aboriginal mobility and land tenure pre-dated the NTNER Act. In 2006 the Northern Territory Government announced its intention to amend the Northern Territory *Local Government Act* (the LG Act) to amalgamate 60 Indigenous Community Councils into eight 'bush' shires. The ALRNTA Act (*Aboriginal Land Rights (Northern Territory) Amendment Act* 2006 (Cth)) included provisions for the creation of head leases over Aboriginal land, which allowed for the establishment of 'secure tenure' under five year leases in 64 of the 73 'prescribed communities' identified later in the NTNER Act. The legislative amendments also later allowed the Gillard government to establish

40 year Housing Precinct Leases and 99 year whole-of-community leases under the Strategic Indigenous Housing and Infrastructure Program (SIHIP).

The Federal and Northern Territory governments' legislative measures paved the way for major policy changes in the restructuring of Indigenous service delivery to remote areas of the Northern Territory. Critical policies included the Federal Government's SIHIP,[9] the Northern Territory Government's *Working Future* program,[10] and the Northern Territory Government's Homeland Policy.[11] The latter policy was enabled via the passing of the Northern Territory LG Act. This had the effect of rezoning local shires and creating eight new regional 'bush shire' areas, each comprising a number of regional 'hubs'. This reordering allowed service delivery to be focused on large Indigenous townships that formed the hubs.

A series of interrelated events then occurred that served to contain Aboriginal mobility by rendering Aboriginal homelands unviable and encouraging Aboriginal peoples to move off homelands into 'growth towns'. Shortly after the passing of the NTNER Act, the Federal Government and Northern Territory Government signed a Memorandum of Understanding (MOU), which transferred responsibility for homelands from the Federal Government to the Northern Territory Government.[12] The new regime nominated 'proper towns', or what are commonly referred to as 'growth towns', in 20 key remote areas in the Northern Territory. As the Northern Territory Chief Minister Paul Henderson announced, the towns would function as economic and service delivery 'hubs' for the regions by providing 'services and amenities available in similar sized rural towns anywhere in Australia' (Henderson 2009).

This policy reflected the Federal and Northern Territory governments' broader commitment to assimilate Indigenous peoples and communities into the mainstream economy via the development of regional growth 'hubs', 'normal' suburbs, and individual home ownership in Aboriginal townships and town camps. Such measures would facilitate economic growth and business in Indigenous townships

and private property would replace Indigenous communal ownership (Chase 2002: 2). As with the previous Howard Government's policy, economic viability would form the basis for Federal Government funding — and Indigenous townships, town camps and homelands would now be considered in this context rather than in terms of their importance for connecting Indigenous people to country or cultural practices, or providing places of communal living. To illustrate, when unveiling the new homelands policy in May 2009, the Northern Territory Chief Minister Paul Henderson declared: '[Indigenous townships] will be towns like anywhere else in Australia and, like elsewhere, they will service the surrounding areas of smaller communities, properties, outstations and homelands' (Henderson 2009). According to Henderson (2009), towns in the bush would have 'proper town plans, private investment, targeted government infrastructure and commercial centres'. Here the logic of economies of scale (as in new 'super' shires) would be applied to Indigenous land to contain Indigenous mobility; an approach that came through strongly in the Coalition of Australian Governments' document *Closing the Gap* (COAG 2008).

As Peck and Tickwell (2002: 394-5) observe, neoliberal governance promotes and normalises a 'growth first' approach to economic development on Indigenous land, and within Indigenous townships and town camps. It operates under the assumption that social disorder in Indigenous townships and town camps can only be addressed through economic development — including jobs, houses and investment. Funding will then flow, it is argued, to these Indigenous townships and town camps on the 'basis of economic potential and governance capacity rather than manifest social need …' (Peck and Tickwell 2002: 394). As a neoliberal regime, interventionism is unforgiving of economically unproductive components of Indigenous societies such as homelands and marginalises homelands from services.

A settler colonial paternalism permeates such strategies. For example, in releasing the Outstations/Homelands policy, Chief Minister Henderson affirmed that: 'We have real aspirations for

Indigenous people to live life like other Australians' (Henderson 2009). This statement reflects the paternalism of a settler colonial whiteness that has persevered throughout Australian history from protectionism through to neoliberal interventionism. It replicates the dominance of power relations that have been long existent in Australia: the 'good' white knows what is best for the deficient, 'dysfunctional' Indigenous 'other'. This neoliberal intervention seeks to colonise and dominate Indigenous worldviews (Bargh 2007:15) — and Indigenous land tenure, knowledges and cultural considerations are not simply marginalised, but erased. Thus, such logics about planned settlement and economic growth are deeply rooted in settler colonial imaginaries and assumptions about settlement, progress and development that epistemologically and ontologically privilege whiteness (Howard-Wagner 2008).

The epistemological and ontological privileging of whiteness is evident in what Cheryl Harris (1993: 1719) refers to as 'the valorisation of whiteness as treasured property'. In the case of Alice Springs, for example, converting Indigenous town camps into mainstream urban suburbs ignores the fact that Alice Springs town camps are Aboriginal Communal Living Areas covered by special leases under the ALRNT Act. Indigenous townships and homelands are on Aboriginal land that has *inalienable* freehold title obtained under the ALRNT Act. Indigenous freehold land was granted as territory rather than a means of economic production. This resituating of Indigenous land within a neoliberal logic perpetuates the logic of 'whiteness as property' (Harris 1993).

The management of population mobility as defined in Northern Territory government's *Working Future* initiative and the Northern Territory Government's Outstation/Homelands policy also operates to contain and remap Aboriginal mobility. Both documents identify, for example, a new funding disbursement methodology for service delivery in homelands based on population mobility — the greater the degree of Indigenous mobility, the lesser the funding (COAG 2008: A-52). The policy documents also have the objective of 'facilitating voluntary

mobility by individuals and families to areas where better education and job opportunities exist, with higher standards of services' (COAG 2008: A-26). The notion of Aboriginal mobility is thus inverted and the law facilitates changes in government policy aimed at relocating and redefining a mobile population.

In both contexts population mobility is constructed as highly impractical for service delivery. Indigenous mobility represents what Vanstone termed 'doubling up' or double dipping via movement between homelands and townships. Community viability forms the basis of government funding — therefore homelands deemed to be economically unviable by the Federal Government do not qualify for certain government funding. This new model essentially re-orders Indigenous mobility by seeking to re-locate them to polyglot, diasporic townships where they can 'live like other Australians' alongside non-Aboriginal people and other Aboriginal groups. The discursive construction of failed communities, aspirations for Indigenous people to live life like other Australians, and western assumptions about settlement and economic growth, operate in tandem to justify intervention, domination and control.

The construction of particular truths or knowledge about Indigenous homelands and mobility involves what Mills (2007) refers to as 'the manufacturing of white ignorance' which serves as contemporary acts of settler colonisation and erasure. Here the 'manufacturing of white ignorance' obscures the fact that 'homelands are at the centre of Aboriginal economic, cultural and spiritual life …' (Altman et al 2008: 2). It ignores, for example, that one of the factors influencing homeland movement was 'a desire to escape social problems at polyglot townships located on other Indigenous people's traditional lands' (Altman 2002: 37). As Altman et al point out, 'Homelands provide opportunities for Aboriginal people to pursue healthier lifestyles through the reduced reliance on store-brought foodstuffs and lower rates of substance abuse and domestic violence' (2008: 2). To that end, homelands (versus townships) are more often the sites of productive, even market-oriented, activity (2002: 38). Homelands also:

provide for greater community autonomy from often restrictive or destructive outside forces. Living on country allows Aboriginal people to live closer to sites of significance and enables the intergenerational transfer of customary law and Indigenous ecological knowledge — vital ingredients in the maintenance of healthy people and healthy country' (Altman et al 2008: 2).

The manufacturing of white ignorance also obscures the *culture of mobility* among Aboriginal peoples of the Northern Territory (and Australia more generally) which is 'motivated by a distinct range of socio-cultural, economic, and political factors and aspirations', including the maintenance of relationships to places and kin in Aboriginal Australia (Memmott et al 2006: 1). This Aboriginal mobility has been maintained despite 'government employed strategies to disrupt traditional Aboriginal social and geographic patterns' (Memmott et al 2006: 1).

With the legitimacy of Indigenous autonomy erased from the discursive field of Indigenous affairs policy, state officials find themselves diagnosing the same problems, similarly constructed, as their predecessors during the protection era and prescribing the same solutions, albeit reformulated in neoliberal terms. Protectionist concerns about the self-sufficiency of Aboriginal compounds re-emerge as concerns about the economic viability of Aboriginal homelands. The amalgamation of Aboriginal reserves is echoed in the amalgamation of Indigenous Community Councils. Cook's (1937) assimilationist vision for Aboriginal people in the Northern Territory to discard their traditional rights and responsibilities in order to 'share in the benefits of modern social organisation' re-emerges as Chief Minister Henderson's 'real aspirations for Indigenous people to live life like other Australians'. The contemporary form of Aboriginal nomadic life is re-presented as random Aboriginal settlement and disciplinary regimes for the 'betterment' of Aboriginal people are reformulated as disciplinary regimes to promote 'educational and economic opportunities'. In each case the autonomy of Aboriginal mobility is problematised and solutions are devised in order to refashion autonomous Indigenous mobility into individual economic mobility.

Interventionism is thus protectionism in a neoliberal, deep colonising form. As settler colonial objectives, both set out to erase Indigenous autonomy and promote a discursive field wherein the problem of assimilating Indigenous peoples emerges — it is almost impossible to miss the similarity between the discourses of assimilation and associated normalisation of whiteness presented above. Where the deep settler colonial agenda of interventionism differs from protectionism is in its commitment to neoliberal rationalities. This neoliberal intervention sets out to erase and replace Indigenous communal systems of land via productive centralised Indigenous market economies and the incorporation of Indigenous peoples into a mainstream neoliberal economy and society.

It also differs in terms of the formal, documented resistance of Indigenous organisations. Take, for example, the objection to the Northern Territory Government's Homeland Policy. One month prior to signing COAG's (2008) *Closing the Gap*, the Northern Territory Government released the *Outstations (Homelands) Policy Discussion Paper* in October 2008 to 'stimulate consultation and discussion over the development of a Northern Territory Government policy on outstations' (Kerins 2009: 1). The document set out the Northern Territory Government's approach for the provision of services and infrastructure to communities living on Aboriginal owned land (Kerins 2009: 1). While the Report did contest the idea that homelands 'represent random settlements' and acknowledged the mobility of remote Indigenous peoples, it elicited resistance and criticism from homeland residents (Kerins 2009: 1). The notion that Aboriginal communities can be likened to remote country towns was contested in the Ramingining Homelands Resource Centre Aboriginal Corporation (RHSCAC) submission to the Federal Senate Inquiry into Remote and Regional Indigenous Communities in 2009. The submission argued:

> Living and working in a remote Aboriginal Community is not the same as living and working in a remote western dominated society country town; it is chalk and cheese. At the very least the western dominated country town was established for an economic purpose, be it pastoral, or mining; whereas a remote Aboriginal community was established

because it was seen at the time as a way of allowing Aboriginal people to live on their traditional lands while providing them with basic services. Any economic considerations were not entertained at the time. There is a difference between the communities, and Government continues to fail to recognise or accept this fact (RHSCAC 2009: 1).

Similarly, in 2009 the Senate Community Affairs Committee invited Indigenous community organisations, among other stakeholders, to provide written submissions on the Bills before the Federal Senate, which proposed amendments to the NTNER laws. The amendments were met with resistance and the Laynhapuy Homelands Association Incorporated (LHAI) made the following comments on the proposed changes to the NTNER laws in their submission to the committee:

> There are far more pressing issues for those of us on the ground, than tinkering with 'special measures' of dubious benefit. Some of these are: our homelands being unable to access affordable nutritious food due to lack of stores; ongoing over-crowding and associated health problems because of the 'ban' on new housing for established homelands; our members being pushed onto 'welfare' and the undermining of a functioning CDEP; many homelands still having no reticulated power or power that is unaffordable … insufficient access to literacy & numeracy training; insufficient funding to maintain our 24 airstrips in good condition; the fact that 130 of our 152 community houses rely on 'pit toilets, and the lack of any funding program to address this … When we look around our homelands it is very hard to see positive outcomes from the NTNER … (LHAI 2009: 1).

Here the request for services and infrastructure does not relate to specialised services such as paediatric surgeons or kidney dialysis, but basic services such as power, water and sewerage systems and the capacity to get food into the community, and those in need of health care out during rainy seasons.

While the two Aboriginal homeland organisations whose submissions are cited above represent only a tiny sample of Aboriginal homeland organisations, they represent the consensus about the effects of 'interventionism' on Aboriginal homelands. The latter inquiry sought to assess the effectiveness of the NTNER amendments for a range of

issues including improving the social and economic conditions, social inclusion and the life outcomes of those affected by the measures. The amendments were seeking to deliver measurable improvements in protecting women and children, reducing alcohol-related harm, improving nutrition and food security, promoting community engagement, and strengthening a personal and cultural sense of value in all affected communities including, but not limited to, Indigenous communities in the Northern Territory. Clearly, the submissions of the Indigenous organisations indicate the measures implemented under the five interrelated NTNER laws (and recent amendments), which has enabled the new approach and funding model identified in Northern Territory Government's *Working Future* and the Northern Territory Homelands Policy, will not achieve these objectives.

## Conclusion

By examining the parallels between the legal biopolitical and disciplinary mechanisms used to regulate and control Aboriginal peoples in the Northern Territory under protectionism in the early 20th century and interventionism in the early 21st century, we have sought to reveal the persistence of settler colonialism in the present. Both are united by a settler colonial rationality that presumes white superiority and an obligation to erase Indigenous deviation from white modernity's economic, social and cultural indicators. Both operate to refashion Aboriginal mobility.

The privileging of white beliefs, practices and epistemologies reimposes deep and longstanding settler colonial practices of superiority, intervention, control and management over Aboriginal people by expecting Aboriginal people to once again conform to Eurocentric presumptions about progress (Howitt and Suchet-Pearson 2006: 324-5). The conquest and deep colonisation of both discursive and material spaces continues (Rose 1996). This is highly problematic because, as Howitt and Suchet-Pearson point out, the persistence of deep colonisation 'limits the transformative possibilities in the new discursive and political spaces that have emerged' (2006: 323). Yet,

despite the discursive strategies that state authorities in Australia have deployed to erase Indigenous peoples, the words of the Mala Leaders at Galiwin'ku cited at the beginning of this paper give expression to the ongoing existence of Indigenous agency and living systems. Regimes such as interventionism, which operate to discursively erase Indigenous autonomy, are bound to repeat the mistakes of the past.

## Notes

1   Inverted commas have been used here to denote the contentious nature of 'interventionism' and 'protectionism'.

2   The Federal and Northern Territory governments use the terms 'outstations' and 'homelands' interchangeably. We use the term homelands throughout this article, in line with the language of Aboriginal organisations. Homelands were defined in the *Return to Country Report* in 1987 as 'small decentralised communities of close kin established by the movement of Aboriginal people to land of social, cultural and economic significance to them (Parliament of Australia 1987: xvi).

3   In July 2007, the Australian Federal Government declared a state of emergency in 73 Aboriginal townships in the Northern Territory in response to the release of a report on Aboriginal child abuse and neglect. In August that year, it introduced five interrelated Northern Territory National Emergency Response laws. One of the two main statutes, the *Northern Territory National Emergency Response Act* 2007 (Cth), applies to land scheduled under the *Aboriginal Land Rights (Northern Territory) Act* 1976 (Cth); community living areas which are located on a form of freehold title issued by the Northern Territory Government to Aboriginal corporations; and, town camps in the vicinity of major urban areas held by Aboriginal associations on special leases from the Northern Territory Government (Brough 2007: 10).

4   In 1877 the Lutherans established the first Aboriginal mission in the Northern Territory at Hermannsburg.

5   In 1863, Letters Patent of Her Majesty Queen Victoria annexed the Northern Territory to the colony of South Australia. It was not until ten years after federation that the *Northern Territory Acceptance Act* 1910 (Cth) was passed, setting out an agreement between the Commonwealth of Australia and South Australia for the surrender and acceptance of the

Northern Territory. The *Northern Territory (Administration) Act* 1910 (Cth) was also passed that year.

6   Protectionism was abandoned in 1953 and replaced with welfarism and assimilation. Around this time the struggle for formal recognition of Aboriginal town camps and the reclaiming of Aboriginal homelands in the Northern Territory commenced. However, it was not until 1972, when the Whitlam government abandoned the assimilation policy, that Federal Government support emerged for the Homeland movement and the establishment of town camp organisations. Federal Government funding and support was not only directed at providing much needed basic services in town camps, including housing, but also establishing Aboriginal governance structures to oversee the delivery of services to town camps and homelands. In the Northern Territory, thousands of Aboriginal people moved back to their homelands from mission towns. While not unproblematic, the passing of the *Aboriginal Land Rights (Northern Territory) Act* 1976 (Cth) also facilitated the transfer of ownership of such lands back into the hands of traditional owners. Today, there are over 500 homelands with over 10,000 people living on homelands and over 40,000 linked to homelands in the Northern Territory (Altman, Kerins, Fogarty and Webb 2008: 2).

7   While there was a change in Federal Government in December 2007, the Northern Territory Intervention and NTNER laws and policies remained in place. The newly elected Federal Government turned its attention to focus specifically on the sustainable future of Aboriginal communities, townships and homelands in the Northern Territory. In 2008, it was widely rumoured that the Federal Government would 'shut down Aboriginal outstations and shift people from their lands' (Robinson 2008).

8   The Memorandum of Understanding between the Northern Territory and Federal Government transferred responsibility for homelands from the Federal Government to the Northern Territory for a period of three years and was signed in September 2007 and preceded Working Future by 18 months.

7   In 1997, the federal Howard government commissioned Justice John Reeves (a prominent Northern Territory barrister at the time) to conduct a Review of the Aboriginal Land Rights (Northern Territory) Act 1976 with a view to amending the Act.

9   The Federal Government's SIHIP was established in 2008 under the National Partnership Agreement on Remote Indigenous Housing agreed at the Council of Australian Governments (COAG).

10  The Northern Territory Working Future program is an initiative of the Northern Territory government that was established in 2009 in accordance with the Overarching Bilateral Indigenous Plan between the Northern Territory and federal governments, which was developed as part of the objectives of COAG's National Indigenous Reform Agreement.

11  The Northern Territory Governments Homeland Policy was released in 2009 as part of the Northern Territory Government's Working Future program.

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