

Standing Committee On Community Affairs Legislation Committee

The Rev. Dr. Djiniyini Gondarra OAM
Address to the Standing Committee at Maningrida Hearing
On behalf of combined Yolŋu Nations Representatives
22 February 2012

My name is Djiniyini Gondarra. I hold the title of Djirrikay from my Bāpurru clan the Golumala. This means that I am recognized as a statesman with doctorate level knowledge of my clans guiding songs, legislation and law. I am privy to the inner workings of my people's legislative parliament and judicial court. I am also a Ŋalapaḻmirr Elder, which makes me an equal decision maker with the other men and women Elders of my clan.

As a leader I have also been delegated the role of spokesperson for the Dhurili Riŋgitj Clan Nation, which is a federation of clans including the Golumala, Ŋaymil, Dātiwuy, Maraŋu and Marrakula. We together have our own parliament, economic alliances and army.

Today I also sit before you as a founding member and the 1st spokesperson for the Yolŋu Wāŋa Gulyunnayŋu Makarr Dhuni, or in English, the Yolŋu Nations Assembly. The Yolŋu Nations Assembly seeks to bring together the ancient nations of Miwatj, Laynha, Raminy, Marthakal, Garriny, Gumurr-Rawarraŋ, Gaŋtjirrik and Miḋiyirrk, covering the length and breadth of Arnhem Land. We have begun the process of forming this body of government to meet those other governments of recent history, namely the Australian Government and the Northern Territory Government.

Dear Members of the Senate Standing Committee on Community Affairs. I give my heart felt welcome to you and I am very pleased that you have travelled here to Maningrida to listen directly to those affected by the Stronger Futures in the Northern Territory Bill 2011, and the two related bills. Please forgive my lengthy self-introduction, but I thought it necessary to avoid the Honourables the embarrassment of addressing me without the proper respect required for someone of my position.

My introduction also serves to politely point the committee to the fact that we the peoples of Arnhem Land have our own pre-existing nations, system of law, citizenship, and our own governments. This knowledge is central to my critique of the Stronger Futures Bills, which of itself represents a continued Interventionist policy.

Intervention by another government cannot co-exist with the primary policy of Yolŋu Nations, which is greater self-determination.

I will now outline my position on the bills divided into 7 parts and then conclude.

- The Stronger Futures Bills extend section 91 of the current NTER law. This means that Judges won't consider our laws or culture in court. Not only do I consider this racist, since all other citizens of Australia have their culture considered in court, but I also consider it a direct attack upon my people's identity and sovereignty.

Historically the Australian and then Northern Territory governments have restricted our justice systems and courts by forcing my people into mainstream courts where they are rarely judged by their peers and are presided over by foreign judges. To make matters worse the Northern Territory Emergency Response took away any sense of collaboration with indigenous jurisdictions by introducing section 91 of NTER law. Now the Government wishes to extend this law for another 10 years.

Our law is just as active against crime as Australian law, so why is this sanction necessary?

Is it because you believe the myth that we have no law... or that we are barbarians, preying on the weak in our society?

- The Stronger Futures Bills will also continue powers for police to take people away from our towns without telling anyone, and to interrogate our citizens without representation.

Once again I consider this racist, as it does not apply to any other Australian citizens. It is also a major disrespect to the jurisdiction of Yolŋu nations, while at the same time limiting my people's individual rights.

I believe the extension of these powers must represent the failure of your police to do their job effectively- to be able to communicate with the people around them and win their confidence.

- The Stronger Futures Bills will continue the basics card regime of welfare.

My objection to the compulsory nature of the basics card is summarized in the following quote from a letter written to the Minister for Indigenous Affairs Jenny Macklin in August last year. I said:

"Maḏayin *Traditional* laws do not allow the control of an individual's personal possessions or property by another person. For us molu rrupiya, tax monies taken through official processes, become the individual's personal possession when they receive it. Therefore in the light of Maḏayin Traditional Law compulsory quarantining of Centrelink payments breaks the right of an individual to control their own life.

The solution the Yolŋu people seek is for the Australian Government to remove compulsory quarantining of Centrelink payments and instead respond to the needs of our children with education for parents about budgeting. It would also be applicable to provide voluntary quarantining services. Otherwise Yolŋu people are completely capable of providing for their children without the dehumanizing and humiliating Basics Card.”

- The Stronger Futures Bills centralises powers concerning alcohol and pornography restrictions.

Giving more power to the Minister of Indigenous Affairs and her department is once again against the Yolŋu Nations own policy of self-determination.

For decades all communities in East Arnhem Land have been alcohol free because of negotiated agreements with the Northern Territory Government and our peoples. In the Gove area, where the white population refused prohibition, a recent agreement allows regulation. Here in West Arnhem Land Maningrida has a different arrangement again.

Historically the only fault in this situation has been non-cooperation from police in enforcing such arrangements. Although not perfect this has been rectified in recent years and we are largely happy.

Pornography is not something we want in our communities, however this should be a matter controlled by Yolŋu authorities not an unelected leader thousands of kilometers away in Canberra.

- The Stronger Future Bills addresses Food Security by once again granting more powers to the Minister of Indigenous affairs and her department.

We object to this on the basis that it is again a backwards step from self-determination, nor does it address underlying problems to people eating well, like cost and appropriate education.

I want to note here that long before the NTER our own community stores, run by Arnhem Land Progress Association, were addressing issues like healthy food, cost and education for wellbeing. It did not require a ‘telling off’ by the Australian government. The answer for food security is more community controlled stores.

- The Stronger Futures Social Security Legislation Amendment Bill 2011 will fine the parents of children who do not attend school.

Once again this is top down policy undermining self-determination. People from afar will again judge our people and punish them from their idea of appropriate.

There is a reason that children don’t go to school and it is not because parents are lazy or selfish. It is because the government schools in our communities are

dominated by mainstream culture and systems. These schools are not properly bilingual or bi-cultural and are subsequently foreign places set up for the repeated failure and teasing of students.

- Finally the stronger futures bills also have new powers for the Minister to take control over decisions for Aboriginal community living areas.

These laws will not affect many people in Arnhem Land, however for those indigenous people it will affect this is yet another disempowering development. Disempowerment leads to passivity, which in turn leads to declines in economic development, not advancements.

In regards to other land use issues from the NTER, we are happy that the Australian Government will not continue with more compulsory leases, however we note that the new bills do not amend the Land Rights Act which was changed by the previous government to allow such take overs of land.

We object to measures that allow compulsory acquisition or control of our lands and we want these powers removed. These powers only destabilize land tenure and limit my people from making economic gain from our lands.

In conclusion I want to say the federal government is always talking about helping indigenous peoples overcome the barriers of disadvantage. The barriers they name are alcohol abuse, violence, sexual abuse, disease, chronic illness, child mortality, life expectancy, overcrowding and poverty. I wish to correct the record.

The issues of alcohol abuse, violence, sexual abuse, disease, chronic illness, child mortality, life expectancy, overcrowding and poverty are not barriers they are symptoms. Instead the barrier is external control, either on a systemic level or by the domination of mainstream culture over indigenous culture.

The difference is important because the answer to alcohol abuse, disease, chronic illness, life expectancy ECT. is leadership and guidance into a better way. If these symptoms were the real barriers it would make sense that the Australian government could provide the needed leadership. However if the barrier is external control, which limits Indigenous leaders and governments from leading, then the Australian Government is currently pursuing the most detrimental road.

Since the beginning of the intervention the Federal and Territory Governments have combined to compulsory acquire our lands, compulsory acquire millions of dollars of our assets, replace our community councils with centralized local governments, downgrade our languages to second rate in schooling, limit the way we choose to develop our towns- prioritising old mission towns over homeland communities, and have placed unelected General Business Managers in our towns to secretly report on the state of our society.

Ultimately over 5 years of intervention we have taken an unprecedented stride backward. My people now have fewer rights than for three decades and the Stronger Futures policy seems to be only more of the same.

My people have one policy for our own development. Self-determination. We await the day when the Australian Government meets our various invitations and negotiates a treaty with our tribal governments. From that day forth we can then begin our journey together as true partners.

I thank the Senate Committee for listening to my words. I reiterate my thanks for meeting us in an accessible place closer to our homes.