



COMMONWEALTH OF AUSTRALIA

Proof Committee Hansard

HOUSE OF REPRESENTATIVES

STANDING COMMITTEE ON ABORIGINAL AND
TORRES STRAIT ISLANDER AFFAIRS

**Reference: Inquiry into the Reeves report on the Aboriginal Land
Rights (Northern Territory) Act**

FRIDAY, 16 APRIL 1999

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HOUSE OF REPRESENTATIVES
STANDING COMMITTEE ON ABORIGINAL AND TORRES STRAIT ISLANDER
AFFAIRS

Friday, 16 April 1999

Members: Mr Lieberman (*Chair*), Mrs Draper, Mr Haase, Ms Hoare, Mr Katter, Mr Lloyd, Mr Melham, Mr Quick, Mr Snowdon and Mr Wakelin

Members in attendance: Mr Katter, Mr Lieberman, Mr Quick, Mr Snowdon and Mr Wakelin

Terms of reference for the inquiry:

The Committee shall inquire into and report on the views of people who have an interest in the possible implementation of recommendations made in the Reeves Report. In particular the Committee will seek views on:

- (1) the proposed system of Regional Land Councils, including
 - (a) the extent to which they would provide a greater level of self-management for Aboriginal people, and
 - (b) the role of traditional owners in decision making in relation to Aboriginal land under that system;
- (2) the proposed structure and functions of the Northern Territory Aboriginal Council;
- (3) the proposed changes to the operations of the Aboriginals Benefit Reserve including the distribution of monies from the Reserve;
- (4) the proposed modifications to the mining provisions of the Act including the continuing role of government in the administration of these provisions;
- (5) proposals concerning access to Aboriginal land including the removal of the permit system and access to such land by the Northern Territory government; and
- (6) the proposed application of Northern Territory laws to Aboriginal land.

The Committee shall make recommendations on any desirable changes to the proposals made in the Reeves report in the light of the views obtained.

[11.04 a.m.]

PARTICIPANTS

BOWDEN, Sean

FLOREANI, Enzo

FRENCH, Alison

HUNT, Alison

McCARTHY, Francine

MILLER, Dominic

WILLIAMS, Gus

CHAIR—I declare open this public meeting on the Reeves report on the Land Rights Act. I think everyone knows that the Minister for Aboriginal and Torres Strait Islander Affairs, Senator John Herron, has asked this committee to seek the people's opinions and views about the recommendations in the Reeves report before the minister decides on the recommendations he would like to take to cabinet and to the Commonwealth parliament. This inquiry has been initiated by the minister with the express objective of making sure that the people in the Northern Territory have an opportunity to have their say and give their advice on the Reeves report.

The Reeves report is a controversial report, there is no doubt about that. The committee has been listening and carefully noting the views of people. We have an open mind. We do not want you to be expecting us to give you what we will be saying in our report to the parliament in August because we have not yet made our final decisions. We have a lot more people to hear and to listen to.

The hearing is open to the public and I would like members of the public who are expecting to make submissions to us to know that for logistical reasons the committee will not be able to sit beyond 12.15 p.m. today. We have already had a number of meetings starting at 8 o'clock this morning.

The proceedings today are being recorded by Hansard as this is a public meeting. The transcript will be made available to people making submissions. Any member of the public who wants a copy can seek it and we will be happy to send it. Before we proceed, I have to read a statement that all parliamentary committees read. Although the committee does not require you to speak under oath, you should understand that these hearings are legal proceedings of the Commonwealth parliament. Giving false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. Hansard reporters will be recording what is said today. Transcripts will be sent to you to read. We would like other people to be able to read a record of what is said at this meeting. Mr Miller, I understand that you are happy for your statements to be made public record. Is that correct?

DOMINIC MILLER—Correct.

CHAIR—I understand you have a written submission headed ‘Submission to the Standing Committee on Aboriginal and Torres Strait Islander Affairs in person by Dominic Miller’. It is several pages. It will not be necessary for you to read it because we will study it. Over to you, Dominic.

DOMINIC MILLER—Good morning. Thank you for taking the time. I know you have a very busy schedule. I will be as brief as I can. The Reeves report deals with the situation I find myself in on pages 291 to 294 under the heading of ‘Sacred sites on freehold land in a town’. I agree with Mr Reeves’s recommendations and I request that you have those recommendations implemented. A sacred site declaration on a suburban property places enormous strain on the owners of that property. Their rights to enjoy the normal use of a property are severely diminished, as is the value of the property. By the time the sacred site declaration was made on my property in November 1993, my wife and I had owned the block for eight years. We had excavated hundreds of tonnes of rock, a home was partially built on the property and we were living in it whilst we continued to complete the house.

Prior to buying the block of land, my solicitor went through the normal checks. Planning and building approvals were sought and granted, and the Sacred Sites Authority had investigated and did not object to the development of the street that I am in.

Since November 1993, my wife and I—my fiancée at that time—have gone through quite a bit of stress and financial hardship because of this problem. We have cooperated at all times with the Aboriginal Areas Protection Authority. They requested that I immediately cease work on the property, which I did. With hindsight, my life would have been a lot easier if I had not done that; if I had excavated everything that I wanted to develop on the property, which I had the legal right to do. However, I cooperated with them. All this has happened after a prominent Canberra politician said that no Australian’s backyard would ever be under threat from an Aboriginal land claim. That statement is incorrect because I find myself in exactly that situation.

The unbelievable situation in which I find myself, with a sacred site declaration on a backyard, has been covered by Australian and overseas newspapers, radio, et cetera. They were all, understandably, surprised that such a situation could occur, but it has occurred; it is a fact. Under the current legislation, the Aboriginal Areas Protection Authority has the right to claim sacred sites on freehold property at any time, even after they have cleared an area for development. They can come back again and again. The sacred site claim that I am involved with was extended again in 1997. One thing that is really poor in the procedure at the moment is covered on page 4 of my submission, where I have copied a letter. I have blanked out the names to give confidentiality to the people who received the letter. People who make a submission to the Aboriginal Areas Protection Authority to find out if there are any sacred sites on a property are told, in paragraph 1, that there are no registered sacred sites on that land. Paragraph 2 says: ‘This does not mean that there will be no sacred site declaration in the future.’ It is anything but concise. That sort of information is totally unsatisfactory when people want to protect themselves against future problems. That procedure is disgusting.

There is an acceptance by Aboriginal groups that compensation can be paid to demolish sacred sites. I have given a newspaper heading to show where that has happened. It has happened on a number of other occasions. Since this is the case, situations like mine should be covered by legislation and compensation paid by government to claimants where it is justified.

I made a six-page submission to the Reeves inquiry. I ask you to read that. I ask that you endorse Mr Reeves's recommendations and that they be made retrospective so that I can get on with my life and enjoy the normal development rights that anyone else would have on a freehold property. Thank you for your time.

CHAIR—You have been very succinct, Dominic. I appreciate that. I have a couple of quick questions, which you can take on notice. I do not expect you to respond now. Your case does present some interesting factors that I am sure the committee would want to get more information on. Would you be able to send to us in the near future a copy of the file that you and your solicitor feel able to give us relating to the inquiries you made prior to purchasing the property, the inquiries and applications you made when you commenced your project and its development, and any other relevant correspondence that you and your solicitor would like us to see.

The reason I ask those questions is that I want to get a base to start with, for the committee to look at, which will give us what the law put up for you, as a purchaser of property and a developer of property, so that we can understand it better. Once we have got that, we may contact you if we need to have elaboration on that by way of a supplementary written submission. Would you be able to do that for us?

DOMINIC MILLER—Yes, I would be happy to provide everything I can. The solicitor I used—it was 1985 when I purchased the land—is no longer in town.

CHAIR—You could use your current legal adviser. I just did not want you to produce parts of your file without your own legal advice, that is all.

DOMINIC MILLER—I can do that.

CHAIR—So you can give us whatever you are comfortable giving us, subject to your legal advice. Thank you for that. We will be in touch. Thank you for your submission. I must apologise; in the rush, I have not introduced my colleagues. I ask them to introduce themselves and to tell you where they are from.

Mr KATTER—I am Bob Katter. I am the member for Kennedy, which is at the top half of Queensland. I share a common border with the Northern Territory for about 500 or 600 kilometres. My home town is Cloncurry, which is a town where about 50 per cent of the people are of Aboriginal descent. There are about 4,000 people.

Mr WAKELIN—My name is Barry Wakelin. I am the member for Grey, which shares a common southern border with the Northern Territory. It is 92 per cent of South Australia. I have the Pitjantjatjara country. I come from Kimba, on Eyre Peninsula.

CHAIR—I am Lou Lieberman. I am the Chair of the committee. My electorate is called Indi. It is in the best country in Australia, in north-east Victoria along the Murray River and in the alpine high country.

Mr QUICK—I am Harry Quick, the Deputy Chair. I come from the southernmost electorate in Australia, Franklin.

Mr SNOWDON—I am Warren Snowdon, member for the Northern Territory.

CHAIR—Other members departed this morning, as their flights left earlier. Are there any people who would like to raise any issues with us? If you do, we would just like you to say your name and where you are from, so it is there for the record. Would anyone like to make some brief comments to us, bearing in mind the time problems?

ALISON FRENCH—My name is Alison French. I work as a freelance curator. I have worked in Alice Springs for the last seven years as curator of the Araluen Centre for Arts and Entertainment. I have a particular concern about the inadequate focus in the Reeves report on the implications of the removal of the permit system for the Aboriginal arts industry. I cannot see in the report any evidence of appropriate consultation that would leave the committee in a position to be briefed about the implications of such a change.

Mr KATTER—What is the position now? I am not familiar with what the position is now.

ALISON FRENCH—At the moment in Central Australia there are a large number of community based Aboriginal arts organisations. I have dealt with at least 32 and have worked in exhibitions of the work of over 600 people. These organisations get a great deal of their advice from an extremely underresourced organisation called Desart. That organisation has the role to brief on matters such as intellectual property rights and contracts, and it functions as a liaison if they need advice.

At the moment, the permit system, I believe, enables Aboriginal people to invite or to consult in their own time with whomever in the Aboriginal arts industry they wish to. When I read chapter 14—and being aware of the limited number of interpreters in Alice Springs—I cannot see any evidence that the police have been consulted or that they believe they could, in fact, do what is being claimed there. I cannot see how Aboriginal people can have increased autonomy and determination over decisions that relate to their industry, as recommended in the report, if you remove the permit system.

However, that is a specific point that I am making. The broader point I am making—and this is just one report—is that I believe the report has not consulted with the appropriate organisations. In the sections where you refer to ‘other industries’, you do not refer to the arts industry. There has been quite extensive work done by John Altman and others on the Aboriginal arts economy, and what needs to be considered is not only the direct impact of the money that goes to Aboriginal people in the immediate time frame when their work is sold but also the flow-on effect from auctions. I think many people would be aware that the economy of Australia is very much enriched by the Aboriginal arts industry, so consultation needs to be much wider than that which has taken place here.

The permit system, as it functions at the moment, does allow for some degree of control or autonomy which enables Aboriginal community based organisations and artists to deal with issues to do with the quality of the work, et cetera. It is your time frame; it is not appropriate for me to go into all of this detail. But, if you invited me to do so, I would be very happy to give you a written submission with a proposed strategy for consultation, which would address this aspect which has been ignored in the report, possibly because the organisations that you would need to consult with are very underresourced. I know for certain that Desart have not had a chance to read the report, and they were very concerned when I showed them this morning the particular chapter that was going to impact on them.

CHAIR—You have been very helpful, and the committee would welcome a written submission on the consultative process. That is a very important part. Can we have it before 30 April, because after that time the committee will not be able to receive any further written submissions due to our very tight timetable in reporting to parliament?

ALISON FRENCH—Would it be appropriate for other organisations that wish to address that issue to also give you a submission by 30 April?

CHAIR—Yes, indeed. Thank you. You have been very helpful.

ALISON FRENCH—Thank you very much. I appreciate you hearing me.

Mr KATTER—In the wool industry we have a woolmark, and it is not a woollen garment unless it carries a woolmark. Do you think that the Aboriginal arts industry should have a similar certification mark?

ALISON FRENCH—The background for my comments is that right at this very moment the organisations that I am talking about are engaged in a very complex negotiation to do precisely that. In fact, a great deal of Commonwealth resources are assisting them in doing that. So if in the interim you inadvertently pull out from under the rug a major strategic resource which enables them to address those industries, you are going to find that your results are not what you want. That is just a very general comment. Is that all right?

Mr KATTER—That is all right. I have one follow-up question. How big is the Aboriginal art industry?

ALISON FRENCH—I am very bad on figures. John Altman could tell you. Without being privy to the private business figures of individual groups, there are at least three groups here who have an annual turnover of certainly more than \$1 million. If I have personally dealt with or sold the work of 600 Aboriginal artists—and that is a conservative figure—it is an enormous industry.

A very small amount of the returns actually goes to the artists. So I may be speaking from the concerns of the individual artists. If I was wearing my gallery-person hat, I would say that the whole quality of Aboriginal art is under threat if the people who are dealing with Aboriginal artists do not have the integrity to provide interpreters and do not have knowledge. A large number of people who sell Aboriginal art know nothing about art. They are simply retailers who have gone into it to make a quick buck.

Mr SNOWDON—Like Rinso.

ALISON FRENCH—Yes. They have moved from Rinso to selling squares of canvas. The issue is very complex and I cannot find evidence in the report that addresses those issues.

Mr KATTER—That answers my question, thank you.

CHAIR—Thank you. You have been very helpful. The group with the scheduled time for submission to us has now assembled.

GUS WILLIAMS—My name is Gus Williams. I am from Hermannsburg, 130 kilometres west of Alice Springs. I am the Chairman of the Ngurratjuta association in Alice Springs.

CHAIR—Do I understand that you will be speaking for your group today?

GUS WILLIAMS—Yes.

CHAIR—Thank you, that is fine. Your group has prepared a written submission which you have tabled and you seek that that be included in the public record as a submission to this inquiry.

GUS WILLIAMS—Yes, Mr Chairman.

CHAIR—There is no need to read the submission. You are free, in the constraints of time, to offer your observations about it.

GUS WILLIAMS—Thank you. I would like to present to you the submission from Ngurratjuta. I would like to say a few words. I have been Chairman of Ngurratjuta since it started 14 years ago. We have run Ngurratjuta as a family and are really proud of what we have achieved. We have a board of 13 members representing different areas in the Ngurratjuta and approximately 2,000 people. We have one of our Aboriginal men as CEO of Ngurratjuta. We have a highly skilled staff headed up by our general manager, Mr Floreani, who is here today.

We are standing on our own, and we seek advice from experts like our adviser who is here today—Mr Sean Bowden is the legal adviser. We have trained a lot of Aboriginal people in the past: two helicopter pilots, two managers and 20 to 30 young Aboriginal people who now hold down jobs in other places. We have never had a negative audit report. Our organisation has been reviewed by Neville Jones of the University of New South Wales and by Mr John Altman of the Australian National University.

We have three planes and service eight different communities each day. We do accounting work for eight major Aboriginal communities and for 30 small communities. We own Retravision premises, our own offices, three residential houses for our pilots and have a half-share in a subdivision in town. We own a tourist resort called Glen Helen. We have a

resource handler which provides services to 14 of our out-stations. We have a major Albert Namatjira art collection.

I believe we have handled our royalty moneys well. We decided at the start to put half the money aside for future generations, and this is why we have our investments. Half went back to communities under certain tight rules. You can see why we are proud; I am also proud of being the chairman of Ngurratjura. I must say to you that I cannot believe that Mr John Reeves has recommended that you transfer all our assets elsewhere and stop our royalty money. Fourteen years ago, we needed help and, through the land rights act, we received it. We really appreciate this. I see a great future for our kids and grandkids through Ngurratjura and ask you not to destroy what we have built up over the last 14 years.

Our final point is that Reeves recommends certain boundaries which would split our area into five different land council jurisdictions. If you decide to go down this path, we request that you redraw the boundaries to leave existing Luritja communities and western Aranda people together. I would be happy to answer any questions.

CHAIR—That was a very good overview. I was listening to you and having a speed read of some of your submissions as well. I noticed that one of the proposals that you made to the Reeves report inquiry—and I believe you still make this proposal—is that the economic development prospects of your members could be enhanced if a larger proportion of mining royalty equivalents, beyond the current 30 per cent, were to be paid in the future with respect to oil and gas production, and if a larger proportion were returned to the NAC. Would you like to give me some idea of what proportion you were suggesting would be more appropriate in the future?

GUS WILLIAMS—Can I ask our adviser to answer for us?

SEAN BOWDEN—I might point the chair to dot point 3 of the summary in the recommendations of the report on page 6.

CHAIR—I had not got to that in my speed reading, so I apologise; thank you for that. I notice that you are calling for 60 per cent, so that is a 100 per cent increase on the 30 per cent that you currently get. I am not saying one way or the other—I have to keep an open mind—but could you give me a quick run-down of what benefits you would see for Aboriginal people, and for the Northern Territory as a whole, if your request were agreed to? Can you demonstrate how you would be able to fund specific projects or types of projects which you believe would have a practical and enduring benefit for Aboriginal people?

GUS WILLIAMS—We see, over the future, that if it gets bigger and bigger, it would offer more jobs to Aboriginal people. That is our aim. If it all comes through and we are successful, I think for everybody nationally we are looking at occupying our people with work. The Aboriginal population feels very strongly that if royalties become greater, occupation would be strong for our people.

CHAIR—We are all concerned, as I know you would be as a leader in your community, to see the health, education, employment prospects and general wellbeing of Aboriginal people improved. Tragically, the reality on the ground is that there are serious problems. I

know there is a very strong debate from Aboriginal people; we have heard many times this week that it is not the role of the royalties to be used for projects which should be paid for by the taxpayer through their governments for education, health and the like. Are you familiar with that statement that has been made repeatedly?

GUS WILLIAMS—Yes.

CHAIR—Are you saying that your group of members believes that the 60 per cent royalty should not be used for the social, educational and health benefits of your community in any shape or form? Or do you see some basis on which it should be invested to achieve those objectives?

GUS WILLIAMS—I agree with all that. As an Aboriginal body we want to build all that.

CHAIR—Might I say that that is a refreshing statement that has not been made clearly by many submissions so far to this committee—quite the reverse. Would you like to elaborate on why you would like to see that direction pursued using royalty funds?

GUS WILLIAMS—We have funding. People use the terminology ‘money’ a lot, but I think funding is the main thing. I think we can do a lot. I am talking about Aboriginals. We can go somewhere and we can build things and achieve things, which we already have done. Because the funding is not greater than what we receive now, we are not getting anywhere. We are looking to achieve independence.

CHAIR—In putting my question to you, I have not got in my mind that the obligations of governments to provide for all Australians, for their health and education, should be diminished. I am not in any way suggesting that. I was just wondering whether there was a mutual obligation vision that you have, which I would hope all Australians would have—Aboriginal or non-Aboriginal—that everyone should help each other to try and achieve a better outcome for all Australians.

GUS WILLIAMS—I think we would look at independence strongly.

CHAIR—I congratulate you on your leadership and look forward to reading your submission in great detail.

Mr QUICK—On page 4 of your documentation, you state that it is unclear why the issues raised in the substantial NAC submission to the Reeves review were not addressed and that you do not need a new form of organisation—the regional land councils—to do this for you. Why do you think, despite giving detailed evidence to John Reeves, that he took no notice of what you were talking about? A common theme that we are hearing right across the Territory is that, despite considerable evidence, he seemed to have veered off on a different tack? Why has he neglected the things you are talking about?

GUS WILLIAMS—Bodies like the ones John Reeves is talking about have already been established in our area. Our bodies are big already; we have proved that. We do not need bodies to be created now.

Mr QUICK—Why does he suggest that NTAC is going to be better?

GUS WILLIAMS—I do not know.

Mr QUICK—You have obviously had discussions with other Aboriginal communities in the Northern Territory. Are they giving you the same message?

GUS WILLIAMS—You realise that the people of the Centre and the Top End are all different.

Mr QUICK—I know that.

GUS WILLIAMS—We do not think along the same lines as the Top Enders think we do.

Mr QUICK—Why do you think that this important man in this huge report has not listened to you? You are on the ground; you are doing it well.

GUS WILLIAMS—Can I get assistance?

Mr QUICK—Yes, sure.

CHAIR—Before you do though, I want you to tell us your name, your position and the basis on which you are now speaking. You are most welcome.

SEAN BOWDEN—My name is Sean Bowden and I am a lawyer. I assisted Gus with the submissions. What they put was a scenario which basically looked for a better working relationship with the CLC, for better mechanisms, basically to make things run better. In answer to your question, I think Reeves was not interested in that and just, therefore, ignored it.

Mr QUICK—Can I also follow on from that. We have heard that some people were told of meetings and other people were not aware of the opportunity to talk to John Reeves. You obviously had plenty of opportunity, but he still did not listen. Is that right?

GUS WILLIAMS—Even though there were opportunities, a lot of us live out of town.

Mr QUICK—How were you made aware of John Reeves coming up here, and did you have any idea of what he wanted to do?

GUS WILLIAMS—Circulars and pamphlets were going out about a public hearing with Mr Reeves. I do not think he had time to visit our community. Our community—Hermannsburg—is very large. We did make a submission.

Mr QUICK—John Reeves suggests that the 15 members for NTAC are to be chosen by the Chief Minister and Senator Herron. Do you think it would work?

GUS WILLIAMS—No, not elected or appointed by the government. We are against that. I do not think the Northern Territory Aboriginal Council is going to work.

Mr QUICK—What if John Herron and the Chief Minister chose you as one of the 15—it still would not work?

GUS WILLIAMS—No, not for all the money in the world. I will manage my own affairs, which I have and I will.

Mr QUICK—Are you happy with the permit system staying?

GUS WILLIAMS—I would be very sad if the permit system is taken away from us. We have learned to manage and control our land. We are already controlling it by the permit system, and it is really working well. I see it from where I live—not in the city or the town. I am against the idea of losing our permit system. I think the permit system should continue—that we have control and manage our own lands.

Mr QUICK—Why do you think John Reeves suggested that we abolish that and introduce a Northern Territory trespass act with heavy penalties and fines?

GUS WILLIAMS—I do not know. I do not know if he even discussed the permit system. But I feel that the permit system, from where I live out in the bush and not in town, works very well. We have control of our land, and we want to continue with that.

Mr QUICK—One last question: when John Reeves spoke to your mob, did he ask questions about the permit system, royalties and NTAC—were those three things mentioned?

GUS WILLIAMS—He never mentioned NTAC at that time. It only came in later when the report was made. We saw what was going to be set up as NTAC—the NTAC in Darwin. When he was going around, he never ever mentioned NTAC.

Mr WAKELIN—I want to follow up on Mr Quick's question on the permit issue. We had, as you would expect, supportive views of yours on the permit system, but there has been other evidence to suggest that perhaps the permit system from time to time could be abused or used in a way which would seem to be unreasonably restrictive. Do you have a view about the times where the permit system might appear to be a little bit too tough or not give fair access to the wider community?

GUS WILLIAMS—You have got to remember that we are all different from where you come from. Your area runs in the Pitjantjatjara council just down on the border. I think we are different and we manage our land differently.

Mr WAKELIN—This is within the Territory.

GUS WILLIAMS—Yes.

Mr WAKELIN—It is a hard question.

GUS WILLIAMS—Yes, it is.

Mr WAKELIN—I do not expect a receptive answer. It seems now and again to be a bit tough in terms of access to recreational areas and things like that.

GUS WILLIAMS—I am talking about my area where we approve a lot of permits. The system is working really well. We also manage the loop road around to Kings Canyon. That is working very well.

Mr WAKELIN—Thank you very much.

Mr KATTER—I have three questions but I think they are important questions. If you go to 60 per cent of the royalties, as far as I can see—and I am not entirely familiar with the funding of the land councils, but I would think that if you went to a doubling of the royalties to you people—the land councils would fairly well crumble; because they need that money to continue to exist. So if we were to agree to what you are saying, then we would also be agreeing to tearing a hole a mile wide in the land council operations. You know what I am saying. Obviously, if you are going to get more money, the land council is going to get less. In the meeting before this, it was explained to us that most of the land councils' money, if not all of it, comes from mining royalties. So if the local councils get double that amount of money, clearly, the land councils must get half that amount of money. We have been told that, if the land councils are starved of money, they will cease to exist and the shield of protection you now have will go.

GUS WILLIAMS—Yes, but Mr Chairman, the CLC already gets 40 per cent.

Mr KATTER—Yes, at the present moment. But if you get more money, if your royalty payments of 30 per cent go up to 60 per cent—you see what I am saying?—if you get more money, the land council must get less money.

GUS WILLIAMS—The council would get 40 per cent and the ABTA 30 per cent.

Mr SNOWDON—No. Instead of the ABTA getting money, it would go back to the traditional owners.

Mr KATTER—I am just a simple human being. Obviously, if the local councils are going to get twice as much money that means the land council must get half as much.

ENZO FLOREANI—I am the general manager of Ngurratjuta.

CHAIR—Just give us a quick thumbnail sketch of how it works now.

ENZO FLOREANI—The way it works now is that 30 per cent goes to ABTA, 40 per cent goes to the Central Land Council and 30 per cent, at Central Land Council's discretion, comes to us. Our submission is saying, 'Give us 60 per cent.'

Mr KATTER—That 30 per cent is discretionary?

ENZO FLOREANI—Yes, absolutely; so we are saying in our submission that we get 60 per cent. In other words, nothing goes to ABTA and 40 per cent goes to Central Land Council. So we are not destroying Central Land Council, they are getting what they are getting now.

Mr KATTER—You are saying that it does not go to the ABTA. Who is the ABTA and where does their money go?

ENZO FLOREANI—I am not really sure but it is Aboriginal Benefits Trust.

Mr KATTER—And where does that money end up? You may not know, Enzo. Warren might know.

Mr SNOWDON—It is the Aboriginal Benefits Reserve. It used to be the Aboriginal Benefits Trust Account. The monies in it go back to Aboriginal people and a proportion of it is invested under the guidelines set by the minister.

Mr KATTER—Which minister?

Mr SNOWDON—Aboriginal Affairs.

Mr KATTER—Federal?

Mr SNOWDON—Senator Herron. Yes.

Mr KATTER—So what you are saying—

Mr SNOWDON—So if I can interpret, please Enzo—if I am wrong, tell me—what the association is saying is that, instead of money going to the ABR, the money would go back to the traditional owners through their associations and would go to the land councils for their administration costs.

Mr KATTER—And the 40 per cent will still go to the land councils?

Mr SNOWDON—Yes.

ENZO FLOREANI—In our original submission to Reeves, we said that 100 per cent of the money should come to Ngurratjuta and then Central Land Council can present a case to us. In the first three years, we would give them the 40 per cent they are accustomed to, and the 60 per cent stays with us to do what we choose with, always following correct procedures. That was our original submission. In the paper we have just presented we are saying: ‘Okay, give us the 60 per cent and we will keep the land council.’

Mr SNOWDON—So you have actually got a bottom line which is, ‘If you are going to change it adversely, keep it as it is.’

ENZO FLOREANI—Yes.

SEAN BOWDEN—Could I elaborate on that a little bit as to what—?

Mr KATTER—I have had my question answered, I do not need anything further. I am not trying to cut you short, but I do not need any further elaboration.

SEAN BOWDEN—What I want to put is what the original submission was.

CHAIR—Mr Katter is happy with your answer, but I thought you wanted to add something anyway, did you?

SEAN BOWDEN—What I wanted to point out was that Ngurratjuta was basically looking for an enhanced role. It was not looking to take anything away from the Central Land Council which it saw as an important shield in the process, but it was looking for an enhanced role. That was the rationale of the breakdown.

CHAIR—I understood what you meant. That is fine.

Mr KATTER—My final question is this. The proposition that is being put by the Aboriginal community—for the sake of a better word—is that you have traditional tribal ownership. That tribal ownership belongs to that tribe. That is the proposition that is going forward, not that it belongs to any Aboriginal nation, but that it belongs to a particular tribe. They are the traditional owners, the money should go to them. So, in actual fact, if there is any consistency in law and government decision making, then I would have to agree with the point put by Mr Floreani that 100 per cent should be going to your council. I am a supporter of the land councils, I think, so I do not mean that to be a reflection upon them. But, all the same, it seems to me that if government and the law is going to be consistent here, then that is right—100 per cent should go to the local people.

ENZO FLOREANI—We are reflecting three solid days of discussion with all our board members and, clearly, the submission that we put to Reeves was that Ngurratjuta wants to retain the Central Land Council as a shield because of distrust of the Northern Territory government—clearly. Secondly, 100 per cent of the moneys would come to Ngurratjuta and, for the first three years, Central Land Council would retain the 40 per cent that they are accustomed to. From then on, there would be dialogue with Ngurratjuta as to what their requirements might be. Ngurratjuta would retain the 60 per cent and deal with it in a correct manner. That is a clear reflection of what the people wanted.

CHAIR—Yes, I understand that very clearly.

Mr KATTER—I think this is a very important point that is being made here, Mr Chairman—a very important point indeed.

CHAIR—Yes, absolutely.

Mr SNOWDON—I will just make an observation before my questions. I am pleased to see my colleague from the National Party in Queensland is supporting the land councils. That is a good start.

Mr KATTER—But—

Mr SNOWDON—I am not trying to verbal you, Bob.

Mr KATTER—Yes, but I do not want to prejudge the outcome of this discussion. I said, ‘I think.’

CHAIR—Furthermore, the chairman will try and persuade members to keep an open mind.

Mr KATTER—And I have an open mind still on this issue.

Mr SNOWDON—I want to make an observation about the last point of discussion, that it was a matter given considerable study by Justice Woodward. Justice Woodward’s recommendations on this were very specific, and I commend them to the committee, because what he foresaw was exactly this situation. What he established, through his discussion, was that because we have got resource rich areas in the Northern Territory and others which are resource poor, if you did as Enzo suggested, what you would end up with would be a group of Aboriginal people who would have substantial benefits and a lot of Aboriginal people who would get no benefits. That is just background and I think people need to read Woodward and understand what the royal commissioner said when he did his inquiry.

But my questions—if I may, Gus—are about some points which were made by Harry, because I think they are very important for us in terms of the public record. As I understand your submission, you are saying that you support the role of the Central Land Council, albeit with its needing to improve its arrangements. You are saying that you do not support the break-up of the land council. Am I correct in those two things?

GUS WILLIAMS—Yes.

Mr SNOWDON—You are saying that you are concerned about the NAC. I want to ask this question in following up what Harry said: were you given an opportunity to comment on any of the draft recommendations which may have been prepared by Mr Reeves before his final report?

GUS WILLIAMS—No.

Mr SNOWDON—You were given no feedback from Mr Reeves’s inquiry at all, subsequent to your submission?

ENZO FLOREANI—We were asked to send John Reeves a copy of our trust rules, and that is the only interplay we had.

Mr SNOWDON—So the issue of permits, the issue of NAC, in particular, and the issue of the transfer of your trust money to someone else’s ownership were not discussed with you by Mr Reeves?

ENZO FLOREANI—No.

Mr SNOWDON—NTAC was not discussed with you by Mr Reeves?

ENZO FLOREANI—No.

Mr SNOWDON—Permits were not discussed with you by Mr Reeves?

ENZO FLOREANI—No.

Mr SNOWDON—So none of the key elements of his recommendations were discussed with your association?

ENZO FLOREANI—No.

Mr SNOWDON—Thank you.

CHAIR—I want to clarify a point—and you can do this in a letter as a supplementary submission if you do not want to do it today. With regard to your proposal to receive the 60 per cent—the distribution of the 60 per cent and the benefit of its investment and wise use—would that be for the general Aboriginal population in your area, even though some of them are non-traditional, or would it just be for the non-traditional?

GUS WILLIAMS—That would be up to the board.

CHAIR—Let me pick up the important core element of the Woodward report that my friend has referred to. Would your corporation be prepared to embrace the principle—if the 60 per cent was recommended—that there be enshrined in the agreement recognition that the distribution would be guaranteed to be for the benefit of all Aboriginal people living in your area, traditional or non-traditional? You can take that question on notice if you wish; I do not want to trap you. But it is a very important matter and I want some advice and input on that.

GUS WILLIAMS—Yes, we will Mr Chairman.

CHAIR—Could you give me your advice on that question before 30 April, if you would not mind?

ENZO FLOREANI—Gus will answer that.

CHAIR—Yes. Take some time if you want to confer.

GUS WILLIAMS—I just want to clear that; I did not quite understand because the hall is—

CHAIR—It is hard to hear in here, isn't it?

GUS WILLIAMS—Yes. We would look after all Aboriginal people, not just those in the Ngurratjuta area.

CHAIR—So you are confirming the principle?

GUS WILLIAMS—Yes.

CHAIR—I think that is what Woodward had in mind, whatever the percentage. I think he foreshadowed that down the track it would need to be reviewed, that it would not be fixed in concrete for time immemorial and that the benefits of the royalties had to recognise the traditional landowners and not undermine. However, at the same time, benefits had to be given to permanent non-traditional Aboriginal residents to ensure that a cohesive society was able to be continued and developed.

ENZO FLOREANI—I have no doubt that our board would consider all Aboriginal people within our area. I do not think it is a question of some saying yes and some saying no.

CHAIR—I appreciate the candour of your comments there, because it is an important issue. So that you don't think I am curtailing your submission, because I think it is very helpful and valuable, the committee would welcome further written submissions from you if you wish.

Mr SNOWDON—Just to follow up from what the Chairman has said, it would be true to say, would it not, that Ngurratjuta operates for the assistance of all Aboriginal people who live within the Ngurratjuta area already? Whilst the TOs might be the board, effectively decisions affect all Aboriginal people who live in the region. That's right, isn't GUS it?

GUS WILLIAMS—Yes.

SEAN BOWDEN—Mr Williams has just asked me to summarise one matter. This is a broad brush approach to what Ngurratjuta had to say in its submission. It is looking for a bit of an enhanced role. It finds the land council a little remote. It wants it there but things haven't been perfect. It is not looking to destroy anything. It wants the system to work better. It feels that it has a long history now of operating effectively and properly. It distributes royalties in a manner that is accepted and has gone without too many problems. That is the thrust of its submission. It says it is an organisation that has done well and wants to continue on and possibly have an enhanced role.

CHAIR—Mr Wakelin had a question but because of time he is going to thank you all on behalf of the committee and weave in what he wanted to say to you.

Mr WAKELIN—I was going to commend you for your candour. In the few minutes we have had to look at it I have found it an excellent explanation of what we are trying to understand about this whole issue. So I wanted to acknowledge the candour, the honesty and, I believe, the integrity of what you have tried to do here this morning. So in my closing comments I wish to thank you very much, and previous witnesses.

CHAIR—That is on behalf of the committee. You are free to stay while we hear the other two people.

FRANCINE McCARTHY—I work for the Central Land Council. I want to clarify the comments that Desmond made about the distribution of the moneys from ABR. I am not quite sure whether the committee is familiar with the distribution of the royalty equivalents.

CHAIR—Let us assume that you might like to enlighten us.

FRANCINE McCARTHY—The royalty equivalents get paid from the Commonwealth into the Aboriginal Benefit Reserve. Then 40 per cent is set aside for the land councils. That is for the land councils to operate with. The Northern Land Council gets 22 per cent of those moneys. Central Land Council gets 15 per cent and I think Tiwi gets two per cent and Anindilyakwa gets one. So we don't actually get the 40 per cent just for us as the Central Land Council. The Ngurratjuta was set up as an affected area association. The affected area association is set aside and that is where the 30 per cent comes out of. So all the affected area associations, that is where the 30 per cent comes from. The other 30 per cent gets distributed throughout the Northern Territory.

CHAIR—We will put you on the lecture circuit to explain that succinctly. That is a good one.

FRANCINE McCARTHY—It took me about four years to understand it.

CHAIR—Thank you, Francine. I now welcome the last person to make a submission.

ALISON HUNT—My name is Alison Hunt. I am a Pitjantjatjara woman from south-west Petermann and I am also an Aranda adopted woman from western Aranda, Hermannsburg, through my adoptive parents. I would like to take this opportunity to tell the committee that I am a long-term member of the Central Land Council. I have been a member all my adult life. I have been involved in a lot of issues and worked and represented as well. I am also a long-term member of the ABTA, which is now called ABR.

I must say that we, as Aboriginal people, did not really read all of the Reeves report. So for me to stand here and make a judgment or a statement on the Reeves report, which I am not very familiar with, would not be truthful.

CHAIR—You have only three minutes anyway.

ALISON HUNT—I just want to speak on the experience of working with Aboriginal people and what their concerns are about royalty payments. Aboriginal traditional owners would like to have their royalty negotiation payments come to them, and they want to have a say because the money, first and foremost, came from their land. Their land is theirs. Although the whitefella's way is that the money is taxpayers' money and they have to be answerable, Aboriginal people are saying that because it is their land they want the control and the say on future developments as they see fit.

Also I think the Reeves recommendation to put the money into an Aboriginal council would just see another big council set up. This would still lose Aboriginal people the say and the control. It would not achieve what the Aboriginal people's goal or aim is. They want to spend the money that belongs to them on the development of infrastructure on their land and

to have the representative appointed by traditional landowners make the decision on how the money is spent.

I am a member of a royalty association for the Hermannsburg area. It is my mother's royalty association. It is a trust which is administered by the Central Land Council. I want to tell the Central Land Council this: the royalty association has worked very well for us because we have the say and the control. They do not tell us how to spend our money. We are the committee that determines how the money is spent on our people.

Mr Chairman, we do not want to lose control of the royalty association. We want to maintain that. If we do support a bigger bureaucracy, it is going back to what we have today. We, as traditional landowners, want to have full support and control and to maintain that.

I also want to state that four minutes is such a short time. I could have a week to talk about the history, the frustration and the changes that Aboriginal people want. The land council, under the land rights act, has got Aboriginal people's land back—and it did very good work on that but the time has come when traditional Aboriginal owners want to work on their land and to set up infrastructure and businesses themselves. Those people who have land should have the opportunity to work on their country, on their traditional land.

CHAIR—Thank you very much.

ALISON HUNT—That is all I want to say. As I said, I would like to say more, but I have run out of time. Thank you, Mr Chairman.

CHAIR—We have met already on a number of occasions this week as well. Thank you for that final message. Ladies and gentlemen, before I close the public hearing, I want to record the committee's appreciation to the communities in the Northern Territory who, up to now, have given us their time and advice. I have not taken a head count but, this week alone, starting from Monday, the committee has been able to meet with communities and speak with people representing those communities, representing many thousands of Northern Territorians—mainly, of course, Aboriginal Northern Territorians. We have had face-to-face meetings and contacts with hundreds of people this week in various parts of the Territory. I express my gratitude, on behalf of the committee, to those good people for their efforts to keep us informed and to make sure we are listening and taking the message back—which we will.

I would also like to thank the Hansard reporters from parliament, those quiet achievers at the back, for their wonderful technical skills and ability. Through this week, in very arduous conditions, they have kept the record for the history of Australia. That record will be published. It will be a valuable record, I think, for all of us and it will be helpful to us in our deliberations.

We could not be here today without our secretarial staff—James Catchpole and his assistants. We thank James and his staff; they are wonderful people. I acknowledge publicly the contribution made by the Royal Australian Air Force, which managed to get us in various ways to various outback places. I must say, we are all very proud of the way they go about their work. They are multiskilled, let me assure you. I thank you all.

Resolved (on motion by **Mr Quick**, seconded by **Mr Wakelin**):

That the committee authorise publication of the evidence given before it at public hearing this day.

Committee adjourned at 12.12 p.m.

