



COMMONWEALTH OF AUSTRALIA

Official Committee Hansard

**HOUSE OF  
REPRESENTATIVES**

STANDING COMMITTEE ON ABORIGINAL AND  
TORRES STRAIT ISLANDER AFFAIRS

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

THURSDAY, 17 JUNE 1999

MANINGRIDA

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

**Thursday, 17 June 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 Haase, Mr Lieberman, Mr Melham, 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.



[11.33 a.m.]

**PARTICIPANTS**

**ARREN, Dean**

**BUNUK,**

**BURRUNALI, Isaiah**

**CHRISTOPHERSON, John**

**DALAJA, Peter, Principal Interpreter**

**GARNARRADJ, Andy**

**KENTISH, Leandar**

**LAMILAMI, Ronald**

**MANMURULU, Jenny**

**RIGBY, Trish**

**RIOLI, Maurice**

**SINGH, Joseph**

**WADBADJUG, Anne**

**YARMIRR, Mary**

**CHAIR**—I welcome you all here today and thank you for allowing us to visit your land. We appreciate very much the welcome you have given us. Today's meeting under the mangoes is a beautiful spot for us to meet and talk. I hope that we can have good talks together.

Can I just explain, firstly, that I am the chairman of the House of Representatives Standing Committee on Aboriginal and Torres Strait Island Affairs, a committee of the Australian parliament. My name is Lou Lieberman. I prefer to be called Lou, if you do not mind. I am being assisted today by my colleagues from the committee. I am going to ask each one of them to introduce themselves now. I will start with Harry Quick, who is the deputy chairman.

**Mr QUICK**—I am Harry Quick. I come from Tasmania, about as far away from your country as you could possibly get. Thank you for letting me be here.

**Mr MELHAM**—I am Daryl Melham. I come from Bankstown in New South Wales. I am the shadow minister for Aboriginal affairs. I come from Paul Keating country and Mark and Steve Waugh country.

**Mr SNOWDON**—I am Warren Snowdon and I am the member for the Northern Territory and I live in Alice Springs.

**Mr DALAJA**—I am the interpreter today. I work at the Bawinunga Abl Corporation. On behalf of the local people, we welcome you visitors here today. Thank you.

**Mr WAKELIN**—I am Barry Wakelin from South Australia, just below your southern border.

**Mr HAASE**—Good morning, I am Barry Haase, the member for Kalgoorlie in Western Australia. I thank you for allowing us to be here.

**CHAIR**—Thank you. I was going to introduce our interpreter, Peter. Peter is going to help me and I hope the community today. We may not need interpreting, but if we do and if you are happy, Peter will come in and rescue me. He will explain or help. If anyone is having trouble understanding the English, just call out and we will ask Peter to help provided you are happy with Peter being the interpreter. You can let me know on that. Mr Rioli, I should welcome you as the local member of the Northern Territory parliament, a parliamentary colleague. We thank you for being here today to represent your people. It is much appreciated.

I understand a lot of you have travelled a long way to be here. I have been speaking quietly to a few people and the general feeling is that we would like to get the meeting under way—we are a bit late now—get it over with, making sure we discuss what we want to and head off home. A lot of you are anxious to head off home as soon as you can. We will try and do that.

Why are we here? First of all, we are members of a committee of the parliament and, as you would have heard, members from the major political parties. We are not just from the government; we are from government and the opposition. Indeed, we have the shadow minister for Aboriginal and Torres Strait Islander affairs, Daryl Melham, on our committee as well—and the local member Warren Snowdon is a member of the Australian Labor Party, so we have a good mix of Liberal and Labor party members.

The Minister for Aboriginal and Torres Strait Islander Affairs, as you know, is Senator John Herron. John Herron has asked this committee to come to the Northern Territory to ask the people of the Northern Territory what you think the government should do about some recommendations made by a man called John Reeves QC. Mr Reeves did a report last year about the land rights act—your act—the one that has given you your land after many battles and has worked to get you your land. Many people still want some claims heard by the Federal Court.

Mr Reeves has made a number of suggestions about change for the future. The Minister, John Herron, spoke with Daryl Melham before the last election—Daryl was the opposition

alternative minister. It was agreed that the minister would not go to the Prime Minister or the parliament with any decision on what Reeves said until our committee came up, talked and got your advice on what you think. Our job will be to go back and write a report telling the parliament and the Minister what your advice is about Reeves and the report. We will also try to add some suggestions about what we think might help as well. That is why we are here. We are here to listen, learn and take your advice. Please take that opportunity to give us your advice on what you think we should do. None of us in this committee want to see anything happen that will threaten your land. Please understand we are all deeply committed to making sure that the land you have fought for, you keep. I think that is the basic bottom line that all of us on this committee are starting our job off on. But we are not perfect. We need advice. It is your land so you need to tell us how you think the future for your people should be unlocked in the Northern Territory. Is that fair enough? Are you all happy with that?

I should have said we have people from Hansard, the official reporting service of the Australian parliament. With your permission I hope you do not mind if they record the questions, answers and our discussion because that will become part of Australia's history. We will go back to Canberra and have a copy of that to study, plus if any of you here want to get a copy of today's record just let our staff know and they will send you a copy. So we will share that record with you. There are a couple of people filming. I ask you if you are happy with that and if there is any problem we will ask them not to film. We have a film cameraman who is recording today's proceedings as part of the committee's proceedings. We think a lot of Australians would be interested to hear your advice. There is another cameraman over there from one of the indigenous media. Is everybody here happy that the cameramen are here? If you are happy, fine.

Let us get on the way with questions. If there are people here who want to say something or ask a question, please start off. We have a roving microphone. So put your hand up and we will take the microphone to you and you could speak into it. Would you help us when you speak by telling us for the record who you are, your name. If you are a member of an organisation please say what organisation so that can go on the record. Because we are not that good at spelling some of the Aboriginal names would you please, if you are mentioning a place, say it clearly so that our Hansard reporters can pick that up. Is everyone happy? I want the meeting to be a friendly one but a very frank one. Do not pull any punches; tell us what you think. Do not hold back—it is very important. Let us relax and be friends. Thank you.

Does anyone want to kick off and break the ice? Is everybody in favour of all of the Reeves recommendations? We have been to a lot of committees and communities in the last few months and there have been a lot of people who have a lot of worries about some of his recommendations.

**RONALD LAMILAMI**—I am the chairperson of the Jabiru Regional Council. I am here to represent the people in the Jabiru ward and also the people in my own community, especially those living on remote communities and on the out-stations.

There are a couple of issues here that need to be addressed at this meeting. As the chairperson of the Jabiru ward, I am not too happy with the Reeves report. The existing

system should be left as it is, even though a lot of the recommendations have come from a lot of the communities in the Northern Territory about things that they see as not happening.

One of the targets here is to look at the land councils and the abolition of land councils. The land council is a statutory body to the Aboriginal people. Having four land councils should be left as they are. They might have regional councils within their own regions, but not according to the recommendation of the Reeves report, which is NTAC. We have been weakening because it is coming from the top and not coming from the grassroots.

I think the biggest worry in the Reeves report is the abolition of the permit system. With the existing permit system which is looked after by the land councils and is working with the traditional owners, or custodial owners, that should be left as it is.

It is not a new thing, everything has hiccups—parliamentarians, the Liberal Party, the Labor Party, everyone. It is common. It is the same thing with the land councils. We have our hiccups every now and again, but we do not want the system changed to somebody else's liking. We would like to see things come out from the people.

I had a look at the Reeves report with a translation. I do not know whether the translation is a true statement from the traditional people, of what they said in language, because a lot of things may have been left out which are more important to them. A lot of us take notes, we take shorthand and the main points, but not the nitty-gritty ones. The nitty-gritty ones are the ones that are really what the people are feeling.

I just kicked it off, and I will come up with something else later on. It hurts. At the moment we have our land rights act, and a lot of us are happy. We worked with the Country Liberal Party, the CLP, with the land rights, and I do not see why the big change now. I think this is where it is going to take away our self-determination. We are just going to be roaming around like a mob of yo-yos without any control. At the moment we are looking after our land, and preservation is a big issue for us.

One of the biggest protections we have is the permit system that protects our land. It is everybody's land, but we are the guardians of this land and we will make sure that the environment—whether it is from the sea or from the land—is not damaged. If we leave it open to the public it could end up polluted. We could also have the greenies coming in and having their say. It is a whole waste of money where people come in and start campaigning about pollution. You turn the tables around and ask where the money is coming from and everybody keeps on talking about taxpayers' money. We have to think about it very hard at today's meeting. This goes to all of our people here.

**CHAIR**—Thank you. There are two important points there—keep the land councils and keep the permit system. Has anybody got any ideas as to how the permit system may be improved a bit to make it a little more user friendly, or maybe try and avoid some misunderstandings that some people have that causes some friction between visitors and Aboriginal people? Does anybody have any thoughts on how it might be able to be improved—keep it but improve it?



While you are thinking about that, we did hear some evidence in Darwin a couple of days ago from the amateur fishermen. They spoke of their support for the continuation of the permit system. I think that was pretty right. They thought it was appropriate that it should continue.

They mentioned that they have been able to make arrangements with some people, and they told us about the Tiwi people at Bathurst Island where they can simplify the process and make it a bit simpler for amateur fishermen to apply for their permits and feel comfortable about doing that. They did say that they were having some problems in the Arnhem Land area in getting permits. Are there any comments on that, or advice? We would like you to tell us what you think. Is the system working well?

**TRISH RIGBY**—I work with the land council. I would like to say that landowners are not against people coming into their country for different reasons, especially fishermen and safari operators. For example, there are quite a few people here that have opened up their country to licensed operators. That is their way of controlling people on their land. Some of those landowners who are here might want to say whether those licence agreements are a good thing or not.

**CHAIR**—That is a good suggestion. I do not suppose you have got a copy of one of the types of licence agreements that you use in your area?

**TRISH RIGBY**—I do not have one here but west Arnhem is one of the biggest regions for tourism and the Jabiru Office handles bulk amount of permanent applications every day from Cahills Crossing right through to the King River, Goulburn, Minjilang, Coburg. Coburg is a national park and the public have access to that on a permanent system.

**CHAIR**—Thank you. Just to help the discussion, James, the secretary, said I might ask what you think about the Reeves proposal that the four land councils be broken up into 18 land councils so that the land councils are smaller and, as he said, closer to the people? Do you have any advice on that? I know you said that we want the land councils kept, and we have got that message loud and clear. Do you think it could be improved by keeping your land councils, but having more than just four—whether it is 18 or less than that? What about the idea of having a few more land councils?

**DEAN ARREN**—I am a local council member of Maningrida and also a Northern Land Council representative in the western Arnhem district. My main concern with that is that it is not so much the regionalisation of the land councils as such. It is the NTAC involvement with it. It takes what little control the landowners have at the moment totally away from them. The way it is set up is what the Reeves report recommends: leave the landowner at the bottom of the pile. This would make it more difficult to actually fight a battle. They are underresourced as it stands; they do not have the funding to get out to these larger areas. The western Arnhem district, for instance, is quite a large area and the Jabiru region does not have the resources at the moment. If it was set up under NTAC, the government would be able to distribute the funding wherever it felt it was needed. So if a political issue came up in one particular area and it was not in the government's favour, the government would be less inclined to send funding and resources in that direction.

**JOSEPH SINGH**—I represent Kunbarllanjja in the west Arnhem area. I am also a regional member for the area on the Northern Land Council and I work for the Public Service. You mentioned the four land councils and breaking them down, dividing them up. I do not agree with Reeves because Aboriginal people have come a long way. We have struggled through a lot of suffering and pain. We do not like to look back or be haunted by the past. We like to move with time and we like to move to the future. We know that there are changes taking place and the changes are going at a rapid pace. Some of these changes are for the best, some are for the worst.

All of you people who are sitting out the front are all politicians and behind you is a body and the people you represent—the people who elected you to be in those seats. So you have pressure from these sorts of people—maybe the farmers association, anglers association or whatever. At the end of the day, Aboriginal people are in the same boat, too. The main thing we have to look at is the land, as some of the speakers mentioned earlier. So we have to preserve what is very valuable. I will not go into it too much, but what I want to get at is that it is breaking down.

We do not like to look at centralisation. What we want to look at is the full main council being the strong representing body for the people. We are not talking about another mickey mouse plan or hidden agenda here. What we are talking about is that we want to be autonomous people. We want to be in power and in control. We do not want to be manipulated, divided and conquered. By dividing the four land councils—as Reeves said—and making them smaller, you are taking away the power, control and authority. I may be wrong there, but the elders and traditional owners have enough pressure on their plates to have to worry about it coming from the grassroots.

I have more to add, but I am going to leave this discussion open for other people. As young people, we are coming into the arena as educated people. We are spokespeople for the old people, because their literacy is not very strong. So we are here in their place. But the decisions are not made on our grounds. We can be spokespeople just like you politicians sitting in the chair for the people you represent. So we make the decision; it is not on our terms; it is from the elders. We can only talk. We are not making any conditions here. We will take the story back. Maybe some of the elders, the TOs, are here.

**CHAIR**—While we are on that theme, maybe you might like to tell me what role, duties, tasks or responsibilities you think the land councils should have as we move into the future. We know that they are responsible for making the land claims for Aboriginal people, so I am sure that you would say that should continue. We know that they are responsible for the general management of the land through the traditional owners. We are sure that should continue. Do you see the land councils as having other roles, both now and in the future? Can someone guide me and give me their thoughts on that?

Would someone else like to raise a new issue, talk about those issues or come back. Some of you said that you would like to add other information—for instance, the very important issue of whether the land rights extend beyond the title zones and all of those questions which are mentioned in the Reeves report. They are very important.

Are you happy with the way the royalties are distributed? Do you think that could be improved? Do you know enough about who gets the royalty benefits? Do you think there ought to be more information about how they are distributed and how the decisions are made? Do you think Aboriginal people get the best benefit out of it or do you think there ought to be more planning and talking about how to get more benefit out of them? There are lots of questions.

**Mr SNOWDON**—Mr Chairman, perhaps I can ask a couple of things. Already we have heard over here that people are saying that they do not like those recommendations from John Reeves on breaking up land councils. They do not like the recommendations from John Reeves on the permit system. I think what I heard you saying was that you did not like the idea of NTAC, the body which would be at the top.

The chairman just asked you about royalties. Under the proposal from Mr Reeves, the royalty associations would change a lot and the moneys that the royalty associations now get would be in the control of NTAC. The money would not be in the control of those people who now make decisions for those moneys; it would be in the control of NTAC—an appointed body, first up, although it might be elected later. Do you think it is a good idea that that happen, or do you think that the royalty associations should run as they are? You can tell us what you think. You can say yes, no, maybe, nothing, go home or something.

**BUNUK**—I am from Goulburn Island. I would just like to say that the answer to your question is that we would like to leave it as it is for the way the royalties are being handled. I do not know whether you want to record this, but what I would like to say for our mob first is that I am not too happy with us mob now because I cannot see too many people here from this mob here, our mob. Most of the people come from western Arnhem Land. This is a very important meeting. This is the only chance we have got now to talk to this mob and tell them what we think, not how we feel. The more support we have the better. We need it so that this mob, the bureaucrats here, see that we are genuine, we are fair dinkum about what we saying.

I am not too happy with the way you mob did not organise properly, because this is important. I am saying this here because this is my people too. I am not happy, because this is the only chance we have got now to talk to this mob. We do not have any other chance. That is just to say to this mob first that it is important that we should stand up and say what we feel, not what this mob is thinking for us—how we feel for our future, for our children. We are fighting for land rights, for our rights, human rights, for our future, not for what has happened yesterday and what has been happening now. We are fighting for future. That is just to open some of the ideas that we are thinking of.

We have been planning this for a long time now. I have been saying and I have been fighting for rights, human rights, land rights for a long time, but I am not a member of the land council. I have just been nominated on that council, the NLC. What I want to see is more people. I want to see people fighting, and talk to you mob and tell you what we think.

I am not too happy with John Reeves's report, because like what my brother here is saying I think it is going to put us back five years or 10 years. It is going to turn the whole thing back to what we were 10 years ago. What we want to see now is to go forward from

here and to go on to the future. I want to say to my children in the future, in five years time or 10 years time, 'This is our land. This is our forefathers' land.' I do not want to lose that land.

I want to see that kept, and I want to see the NLC and the present system kept, not destroyed. Some of those changes are hurting. I have heard some of the reports from what my brothers have been telling me and I have read a little bit about John Reeves's report. It is hurting me because having those 18 councils is just like separating us—'You mob move over there; you mob move somewhere else'—and that is weakening the whole thing. Not only that but I can see—this is my own feeling and I am thinking this—that the smaller the groups you set up, the weaker we get. We will not have any powers to have our say in running the future for our people.

I want to see our people stand up and I want to see the NLC, that present system, kept. I want to see it kept and I want to see the NLC exercising the present system—the permit system, the land rights act, the sea rights act. I want to see that. I do not want to see that new system, that new idea, that idea that wants to destroy our people. I am saying that from the bottom of my heart—destroying our people. I want to see it kept for our future.

I am not too happy. I am saying I think it is not a waste of time but it is good that you are listening to us. We are from the grassroots. We want to have our say. We want to plan for our future. We want to plan and tell people in the future that we are proud of our race, our culture, our nation, and we want to be part of this great land of ours. We want to be part of it. We do not want to see our people being destroyed by bureaucrats coming in with what they think. I know new ideas come up but the NLC and the present system now are good enough for us. Thank you.

**CHAIR**—Thank you. Does someone else want to add some comments? They were very powerful comments. Thank you very much, sir, for that. By the way, there is nothing wrong with bureaucrats. We are not bureaucrats. Some of them here are—I am not saying who—but we are elected members of parliament. We are not members of the Public Service, as maybe bureaucrats are. There is nothing wrong with bureaucrats. God bless them. Who is next?

**ANDY GARNARRADJ**—Thank you for inviting me. I am from Oenpelli. I am also a delegate for the western Arnhem Land region through another land council. One of my concerns, as Ronald Lamilami raised the point earlier, is about the permit system. My concern is that the permit system should remain as it is now. I do believe that especially the 1976 act of the Northern Territory land rights act should remain the same as it is. It is one of the strongest pieces of legislation we have in parliament. I reckon the permit system should not be destroyed or whatever. It should remain as it is. It protects our rights—our land rights, our burial grounds, especially in our boundaries where we have significant important regions. That is all I had to say. Thank you.

**CHAIR**—Thank you. Well said. Anyone else? We are going to have lunch together shortly, so we will be able to talk together more privately if you like. If anyone wants to talk to us without going through the microphone we will be here for lunch with you. It might be a bit more relaxed for some of you. Yes, Ronald.

**RONALD LAMILAMI**—I just want to go back in regard to royalties. As most of us know, whether we work with the land council or do other work associated with the land rights, we have read the land rights act and there is a clause in there in regard to minerals that are mined in Aboriginal land. The traditional owners do not get a great portion of that money. The money is being filtered right through the system but the distribution, with the land council or the land rights act, is up to be amended.

This whole issue on the Reeves report is reviewing us and the land rights. It is not reviewing their own system and how that can amalgamate into our system. Why us? We have been guinea pigs all our lives. Why are we being experimented on with our own rights? That is the most hurtful part. You can go and experiment with a fish—the hatchery, how they hatch, the sort of ecosystem they go into. It is the same thing as what we are. We are sitting here talking about things that are not our tradition. It is not culturally appropriate for us to sit here and talk about all this stuff, that a review has been done on our rights. The ball should be turned and turn the system.

Maybe there is something that I can recommend. Take this message back: traditional people are willing to work in with any system that you put in, but providing you come and negotiate, sit down under a mango tree and not in an airconditioned office, take off ties, come with slippers and thongs, sit with us, get sunburnt. We get sunburnt too. There is no difference. Talk to us. We are not going to bite you; we are not going to bite anyone.

This is what has happened. A lot of the Reeves report was done during the flooding and that is why a lot of the people were kept away from going to the centre places. There was no representation and too short a time. People were not given enough time to get themselves together to come in and sit. That is where the big fault is. You have got your mandates; parliamentarians have got their mandates; public servants have got their mandates; we have got our own mandates. But there has to be a time when we are bringing everybody. We are all Australians. Everyone has got rights. You have a property, you buy it. You do not want us to go in there and trespass on your land. I think the first shot we will hear is the warning shot over our head.

That is the sort of social system that we are talking about, the permit system. In regards to royalties, as I said before, the state and territory governments have their shares in some minerals and the federal government have their shares. So the money is being filtered. The system works. It is working, even though we have our ups and downs with the land council. That is just common practice. Can anybody tell me if the parliament—the system they have—does work? No, it does not. Why review us? Let us just look at the whole system. We are all people; we are all human beings.

**CHAIR**—Ronald, I just add some comments to what you have said very importantly and very eloquently. As chairman, through the last few months as we have travelled through Northern Territory, I have wondered very often myself: why am I sitting here asking my fellow Australians—in this case my Aboriginal brothers and sisters—about their land when, after all, it is their land and they fought for their land and they have got it? I have felt not uneasy sometimes, but I have worried about that.

I think you have opened up an important subject. Why are we here reviewing your land? We are trying, white and black people in Australia, to find the right partnership. I think there have been lots of mistakes made by both sides, and probably more by the white people, in the last 200 years. But we are trying to find our way to have a good partnership where we respect and we honour each other and we achieve good things for our country Australia: good health, good education, good opportunities, respect for sacred sites and for customs and for religion for all Australians. They are the sorts of things we try to do.

We are here today because Justice Woodward who wrote the report of the royal commission that led to your land rights act 26 years ago said in his report, 'It is very important that my recommendations to give Aboriginal people an act so that they can acquire their land are reviewed regularly. Make sure the act is working properly. Check. Ask people whether there needs to be change to make it work better to achieve those objectives.' That is what he said.

Over the last 25 years there has been one other review by Justice Toohey and since then there has not been one. Today we are here a few years late. But we are here today because the government did say that we had better do that review that both Woodward and Toohey said should happen. I think it is to make sure that it is serving the Aboriginal people well. If there are any changes to make it work better, let us talk about it. Can we improve the partnership between Aboriginal and non-Aboriginal Australians? That is why we are here.

I do acknowledge, with deep respect to your people, that it is sometimes a very uncomfortable feeling for me, as a whitefella, to have to go back to parliament in Canberra to write with my friends here a report about your rights. It should be you writing a report about your rights, shouldn't it? That is why it is a hard job for us, but it is one that we feel very proud to be asked to do. It is a big responsibility for us and, if we can do our job well for you and for Australia, then we will all be proud of the outcome. Do you understand what I mean? That is why we are listening very carefully to try to make sure it works right.

You mentioned one thing in your discussion about royalties. I think you, or maybe someone behind you, said that maybe the royalties do not always go to people that the traditional owners think they should go to. They are the sort of things we need to learn about so we can say that maybe that act is a bit too hard or could be more flexible or the traditional owners are not being heard well enough. Does that help you understand the situation?

**RONALD LAMILAMI**—With regards to the review, I appreciate that it has to be reviewed. It is good because things change. We are not going backwards, we are going forwards. But the problem, and my concern, is taking the heart out of the legislation in the land rights. It is just like ripping somebody else's arm off. You take the main artery and you make that group or organisation have internal bleeding. They then die of natural causes. They are the sorts of things that we are talking about. The central point has been targeted, and the central point that we have been talking about is the land council.

The land council is the representation of the people. As you are well aware, it is broken up into two parts—the Central Land Council and the Northern Land Council. The Northern Land Council has two other regional councils—the Tiwi Land Council and Anindilyakwa.

The people who are the representatives from our region sit there—and they are our voice in those land councils. But, as part of the review, to take out the heart and core of it, that is where people die. We are just going to wither. It is like a sand dune. The sand dune will change its formation as the wind changes. That is what will happen to us. We are just going to be blown from one direction to the other because the heart or the core of it has been taken away.

In regard to the royalties, it goes through certain channels and ends up with the land council. The land council takes its portion, then it goes to the ABR, then it goes to the traditional owners. The system works, but people are not happy about the percentage. That may be something that could be looked at, because it is their land—the people, the traditional owners. With respect to how it has been distributed through the channels, I am happy about that.

**CHAIR**—To give you an example, the other day in Darwin—Warren might help me because he knows the act so well—we were talking with the Northern Land Council. There was a section in the 1976 act that said that if the land trusts wanted to enter into a contract for the community and the contract was for more than \$100,000, they could not do it unless the minister back in Canberra agreed. It struck me as chairman: why on earth would the minister in Canberra have to be asked about that? Why wouldn't the traditional owners—the Aboriginal people themselves—have the right to decide whether or not they should enter into that contract? Why do you have to go to a white minister in Canberra to ask for permission to enter into a contract over your own land? That was an example, and I think, generally, the committee agreed with me, of where the act needs reviewing—to reduce the number of times that Aboriginal people have to go to Canberra to ask, 'Please, can we do something with our own land?' instead of you people saying, 'We have decided through our customs and laws to do something with our own land. We have decided to go ahead and do it.' That is an example of some of the reviews that we are looking at.

**JOSEPH SINGH**—When you said before that we are not bureaucratic, it clicked in my mind about red tape. And you hit the nail right on the head just then. The government puts in place policies. They say, 'We know what is best for all Australians,' no matter that we are Territorians. 'We know what is best for Aboriginal people.' As some of the speakers have already said, it is good to have a review and it is good to have an evaluation. But, on the other hand, there are two catch-22s. You can evaluate something and strengthen it or you can evaluate something and demolish it and make it weaker.

My feeling, like that of a lot of us here, is that we are not thinking about today; we are thinking about the future. We are not just talking about land; we are not talking about money; we are not talking about development and progress; we are talking about something which is very important. A catch-22 is that government is always telling us, 'We know what is best for you.' So if you demolish the four land councils and have 18, and all these other things, too, there are a lot of problems and hiccups.

**JOHN CHRISTOPHERSON**—I am the executive member for west Arnhem on the Northern Land Council. There are a number of things that need to be said about the review. It has already been said that the review needed to happen. We pushed for that to happen prior to Reeves and we should have done it internally. There are a number of things in there

which mean that we should not throw the baby out with the water. There are things in the Reeves report that we should look at and maybe take hold of. Not all of it; of course, there is a lot of tripe in there, but in amongst the tripe there are some good vegies. We should look at picking out what the good parts are and making use of them.

In relation to the land rights act, and people who are sitting down here in our own country because of the act, we have only got that country because of that piece of paper. Why is it that people cannot own their own land in their own right without a piece of paper? If a different government gets in and they want to change the act, they can go ahead, have a vote, sign a piece of paper, and then all of a sudden, we have got no rights again. The land is stolen again. It was stolen before by stealth. We are the only people in this country who have got to live under that rule. When the act gets reviewed, it is a matter of everybody else having a look at it. We are trying to tell people what we want to look at, but somebody else is writing it, which you have already said, Mr Chairman.

We have got a few other things that we want to talk about during lunch. I just want to let you know that there are some things in there that we should be looking at. NTAC, as it has been put in the report, is rubbish. It is not worth two bob. The idea of us, as Aboriginal people from West Arnhem, being part of one umbrella organisation, as part of the umbrella, not just covered by the shadow, makes sense to us, as our political voice. At the moment, as I see it, the Northern Land Council has run its course in some areas. It is of no use to us in West Arnhem in relation to land, because the land that is able to be got back in West Arnhem, we have got back. The land council has the responsibility in terms of native title.

When we look at the Croker Island claim, for the seas around Croker Island, of which we are part, the Northern Land Council has a role. Because the land council is working under the act, which is 26 years old, that means a lot of the people sitting down here—the young people are excluded—who were around when land rights first came in, are a lot smarter, a lot more mature and a lot more capable of dealing face to face with balanda, dealing face to face with businessmen, dealing face to face with politicians. We have got our own politicians. But we are capable of doing that. We do not need somebody to hold our hand and say, ‘Come with me and we’ll do this.’ So the time has come now to start adopting some things—change.

I will fill you in now, but after lunch I would like to talk a little bit about West Arnhem Regional Authority, of which the Northern Land Council is only one part because it deals with land. But bear in mind what has happened in Canada, America and New Zealand. Just recently—a couple of months ago—in Canada, the Inuit people got vast areas of land back, their own government, people making their own decisions, not only for land, but for health, housing, education, law and order, armed services—a whole range of things—of which the land council is a part of what we are talking about. But I will leave it at that until after lunch. Thank you.

**CHAIR**—Okay. We will look forward to those further discussions. I am just finding out when lunch will be ready. What I am going to float is we might have lunch, say, for half an hour and come back to finish the meeting so we can get you all back home not too late in the day. I am told that lunch will be delivered in about five minutes time. So what about a



couple of questions in the meantime? I think someone had a call over there. Mary, are you going to talk?

**MARY YARMIRR**—I am from Minjilang and I am the deputy chair of the Northern Land Council. I met you gentlemen in Darwin and I voiced my opinion there. In regards to the review of the land rights act, as everyone sitting around here knows, this is only an interpretation of our law, of our culture, which is interpreted in your language. In there, there are some things that need to be changed and some things to hold on to. One of them is the big councils. They are the political voice for the people. I just cannot agree that smaller councils be made up. The smaller we get our voice seems to be fading away and we are hardly recognised.

We were given back our land which was stolen from us. It was given back to us by the point of a pen. Today, we are talking about the future generation. What will become of our future generation? Will they lose all their culture? Will they lose their language? Those are the sorts of things that we need to talk about.

In regards to royalties that my nephew Ronald spoke about, there are some problems that we need to rectify. We need to really find out who are the traditional owners because in the land rights act it denies one landowner the rights to royalties. For, in that piece of paper, we have to consult all landowners. I feel that it is unfair that I or other landowners are discriminated against. We also need to talk about other matters regarding western Arnhem because, as Trish said this morning, this region holds a lot of people that come in and out and need permits, and that should be dealt with also. So those are the points that I would like to clearly identify with you gentlemen after lunch.

**CHAIR**—Mary, would you, for my benefit, elaborate before lunch—and then we can think about it over lunch—what you said about the royalties: the fact that you had to consult and you did not think that that was a good idea. Could you just explain that in a little bit more detail?

**MARY YARMIRR**—I think Warren can help me. The clause in the land rights act says that all traditional owners have to be consulted. It does not identify in there one traditional owner.

**Mr SNOWDON**—Traditional owners are those with an interest in the land.

**MARY YARMIRR**—I think we need to talk about that and also about the land trust.

**CHAIR**—Does that mean—and Barry Wakelin might come in on this one—that you have your traditional owners, then you have Aboriginal people who live on the land even though they are not traditional owners but they have lived there for many years and they are part of the community? Do you say that only the traditional owners should be consulted about royalties or do you say that both groups of Aboriginal people should be consulted?

**MARY YARMIRR**—With this current system, it is both groups that are consulted. In cases where an individual traditional owner requests royalties to be given to that person, the answer is always 'no' because the recognition of one individual person is not acceptable.

**Mr WAKELIN**—Thank you very much for that. What has concerned me through this whole inquiry is the balance between all Aboriginal people. You have just highlighted one point in the way the legislation acts, so thank you very much for that.

**CHAIR**—Would someone else like to say something before we adjourn for lunch? If there are no more comments to be made at this stage I will adjourn the meeting for lunch.

**Proceedings suspended from 12.40 p.m. to 1.30 p.m.**

**CHAIR**—There were a couple of speakers who foreshadowed that they wanted to add some comments. John, do you want to kick off? I do not want to put you on the spot.

**JOHN CHRISTOPHERSON**—I am not really happy. I would have preferred more people here so you could see that there is a bit more consensus about it. There were some things that were discussed this morning and one was in relation to permits. I recall the time when we were sitting down with John Reeves at Jabiru. We were talking about a number of these things and we mentioned permits. What has ended up in his report does not reflect what we were talking about at Jabiru. That is, the permit system as it is today is a creature that we do not have control over at the moment. Permits are issued by either the land council or the Northern Territory government. Generally, with the land council it is with traditional owners' consent. However, when it comes to controlling people who are on lands without permits, that is where we are having problems. If, for instance, we are sitting down at Murganella, we see somebody driving past and we have a chat to them and ask them if they have a permit. If they say they do not have a permit you cannot do anything. You can do bugger all. You sit down and you talk to them. The only people who can do something are the police. The police get their jurisdiction not through the land rights act but the Northern Territory lands act. So in relation to permits, the Northern Land Council issues permits on behalf of traditional owners. We are losing the control of our system. What we would like is that tightened up a bit more to give powers to landowners—not powers to arrest or whatever but powers to say, 'Look, mate, you're doing the wrong thing. Bugger off.' At the moment we can do that but they do not have to take any notice. There is that sort of thing.

**Mr QUICK**—We are here today to listen to you guys. If you have recommendations that you would like us to put in our report, now is the chance. I understand what you are on about but I would like you to be more constructive and firm in your recommendations and say, 'We'd like the land council or the community to have the power for on-the-spot fines, sort it out with the Northern Territory government. And if we catch you on our land without a permit you are up for \$100. No ifs, buts and ands—no permit, \$100. It is that simple.' That is at least doing something constructive so people know, 'If I go to that place and I do not have a permit, I'm up for \$100 or \$200.' But come up with those sorts of ideas if the system does not work so that we can put it in our report or at least think about it as we go round and talk to people. They say such and such a community said on-the-spot fines of \$500. Those sorts of things happen in other parts of Australia, why not here?

**JOHN CHRISTOPHERSON**—Exactly. I did not want to go putting words into you guys' mouths but if you are asking me to I will do it.

**Mr QUICK**—We are here to listen.

**JOHN CHRISTOPHERSON**—I understand what you are saying. In actual fact, that is something that we would like to pursue. We have had meetings with the Northern Territory government, the police superintendent and a few other people there. They have always come up with the answer that we can give Aboriginal people training and what have you in how to take note of infringements—that is, writing down the number plate, the time, the place and all those sorts of things, everything except taking GPS readings. But then it gets handed in and lost in the system somewhere. We have asked the Northern Territory government to give Aboriginal people the power and the training to, as you say, issue on-the-spot fines and make it so that, if somebody is seen trespassing, we do have on-the-spot fines. The fines should in fact relate to why the person is there. If it is a tourist who is bushed and you tell him and he goes off saying, ‘No worries, mate,’ that is okay. But if it somebody else who knows that they are not supposed to be there, if they are camping there and they do not have a permit, that may well be \$500.

**Mr MELHAM**—How often would this occur? Would it create more problems for you on the ground? Could it lead to incidents? For instance, I am director of a licensed club in Sydney, and there is a responsible service of alcohol code. When our staff say to people, ‘We can’t serve you because you are drunk,’ a brawl always occurs. I am just worried about how often this occurs and whether it might create other problems for you.

**JOHN CHRISTOPHERSON**—Do not get me wrong, but a lot of illegal entry to Aboriginal land is by local people. We have found that some of the biggest offenders are local police and public servants, because that is their patch that they can patrol. When they are out patrolling and they are on duty, fair enough, but when they are just out for a weekend’s fishing, they are of the opinion that they do not have to ask anybody to go there. What we are saying is that it does not matter who you are, if you want to go to a place, you should ask and get permission.

If we are just looking at tourists who are visiting some place without a permit and they get sprung, they may be fined \$500. The other situation is where somebody is carrying out commercial activities—whether it be fishing, tour guide activities, mud crabbing, hunting or whatever—and then the fine—if that is what it is going to be—should be higher. It should be on a system where it is one, two, three strikes and you are out, and you will never get a permit—or something like that. But these are things that need to be talked about in a bit more depth. I would just like to give a broad-brush view here if I can.

In relation to the land rights act, personally I have a vision of the future where West Arnhem will have something along the lines of self-government. The people of West Arnhem could be defined as a group of people who are capable at this point in time of governing themselves. We have our own peoples, we have our own lands, we have our own economic base, we have our own cultures and we have a number of other things that make West Arnhem right to become a self-governing territory. But what is happening in relation to the land rights act is that, within the act, there is a provision that mining companies be allowed to come back and ask people for permission to explore on their land every five years. Personally, I believe that that is undermining our negotiating position further down the

track, because we are being told that we have to give away something that we could use to negotiate with further down the track.

Personally, I think that if a mining company under the land rights act comes back every five years and has been told three lots of five years in a row, 'No, we do not want you,' that is it, it is out. It is up to those people who have said 'No' three times in a row to decide if at some point down the track—whether it is in five, 10, 15, 20 or 100 years time—they will turn around and say, 'Look, we might consider opening up our country now for exploration.' Then they will approach the mining company; not the other way around. But the way it is at the moment, it is undermining our capabilities to achieve self-government in the future.

Another thing that is of concern is that the ownership of minerals and the flora and fauna and everything is vested in the Crown. It is rather difficult for me to fathom that the Crown can own a goose that is flying over my country. Nobody can own that goose until it is dead, and then that is when the Crown say they own it. What we have, as Aboriginal people, is the right to hunt and gather. If that goose is on our country, we do not own it and nobody should own it. But, as soon as it is dead, then we should own it, not the Crown; and it should not be the Crown giving us the right to eat it when we kill it. Do you understand what I mean? In relation to the plants and animals that form part of our estate, it belongs to us; not to anybody else. In relation to the Northern Land Council and its—

**CHAIR**—Excuse me, John, what about minerals? You mentioned minerals. What is your position there?

**JOHN CHRISTOPHERSON**—I believe that minerals should belong to the landowners. I understand the situation in relation to uranium and the Atomic Energy Act and all that sort of stuff, and I am not averse to the Crown having some say over certain minerals. But in relation to passive minerals—gold and things like that, as opposed to uranium—those things should belong to the owners of the land.

**CHAIR**—Throughout the whole of Australia?

**JOHN CHRISTOPHERSON**—Throughout the whole of Australia, I reckon.

**CHAIR**—White and black?

**JOHN CHRISTOPHERSON**—Black and white.

**CHAIR**—These are just questions. How does the government pay for hospitals, defence and other things? Where does it get the money from?

**JOHN CHRISTOPHERSON**—The government receives taxes from the extraction of those minerals, not from the ownership of the minerals.

**CHAIR**—What about taxes from the landowner who receives the rent or royalty if the landowner owns the minerals?

**JOHN CHRISTOPHERSON**—There would be no problem with taxes from that—as opposed to the government owning the mineral and then instructing the miner to pay royalties, or royalty equivalents, to the landowner. We put it in reverse. We will then turn around and say, ‘Instead of the government being free with a bit of coin, pocket money, and giving it to us, we will be free with a bit of pocket money and give it to the government.’

**CHAIR**—You will pay taxes?

**JOHN CHRISTOPHERSON**—Yes. I am not averse to paying taxes. If we are going to be realistic and look at self-government somewhere down the track, we have to start instilling the idea of raising revenue to fund our own services. We cannot continue to rely on the federal government for health, housing and education. If you look at West Arnhem as a region in its own right, if we were to receive no more government funding tomorrow but were to keep the money being generated in West Arnhem Land, we would end up having a surplus to what is being provided to us today—if we were to take into account the mining activities, the tourism activities and the potential for joint ventures in marine activities.

The Northern Territory government goes to the federal government and asks every year for X amount of dollars to provide services for Aboriginal people. Part of those services is looking at West Arnhem Land, and I would be prepared to bet my bottom dollar—I do not have facts and figures—that of the money they ask for West Arnhem Land, we would be flat out seeing 25 cents in the dollar after everyone has taken their cut off the top.

I know that for a fact because I worked in the Aboriginal Development Commission when it came to building houses. To build a house out in the bush somewhere in West Arnhem Land, you are looking at \$100,000-\$150,000 to build it on the ground. The total cost all-up would probably double by the time you take into account all the organisations, the consultants and everybody else that takes a cut. We are getting ripped off.

**CHAIR**—So you would like to build your own houses for your own people from the community up?

**JOHN CHRISTOPHERSON**—Obviously, from the community up.

**CHAIR**—There is nothing wrong with that.

**JOHN CHRISTOPHERSON**—Nothing wrong with that at all.

**CHAIR**—Absolutely.

**JOHN CHRISTOPHERSON**—If we had the money to do it.

**CHAIR**—You would probably design them better, too.

**JOHN CHRISTOPHERSON**—You had better believe that, too. The full council of the Northern Land Council has a policy of regionalisation. The policy of the regionalisation is in relation to taking staff from Darwin, putting them out in the regions and making the land council, or the administration side of the land council, more accessible to communities. My

idea about regionalisation is that we devolve the power from the Northern Land Council to regions so that West Arnhem region can sit down as a regional council, make decisions with the people of West Arnhem, and then that decision is then actioned. Not waiting for three months—

**CHAIR**—And put the seal on it and sign it, with no head office.

**JOHN CHRISTOPHERSON**—Not wait three or four months until it goes to the full council for somebody else to agree with.

**CHAIR**—You do not need the head office.

**JOHN CHRISTOPHERSON**—It is similar to what you were saying in relation to the full Northern Land Council making a decision and we have to wait for the minister to put his seal on it. That way we are cutting out two lots of other people agreeing with what we have already agreed to. They are just a couple of things. I am sure there are other people who want to say something.

**CHAIR**—You did pretty well for a warm up, John.

**JOHN CHRISTOPHERSON**—If you want to ask some questions, I will be happy to answer.

**CHAIR**—Yes, thank you, John. It was very helpful to hear those ideas spelt out by John. Does anyone else want to add some comments? So I fly back to Mr Costello this afternoon and tell him to start taxing Aboriginal people in return for ownership of the minerals—I am only kidding, John, do not get excited.

**JOHN CHRISTOPHERSON**—The land rights act that we are talking about deals with the Northern Territory and it does not stack up that the federal government should recognise Aboriginal people in the Northern Territory with the Northern Territory land rights act, and not recognise Aboriginal people throughout the rest of Australia afforded the same piece of legislation.

There was an opportunity to do that in 1993 with the Native Title Act. However all the things that have happened since the land rights act in relation to the land rights act—native title, Wik, and all these other things that are going on, and indeed, in relation to the review that we are talking about, Reeves review—have been to the detriment of Aboriginal people. By that I mean that the Native Title Act that was introduced is less than the land rights act so therefore it is weakening Aboriginal people's rights. It is taking away rights. In fact, I am not too sure of any lands that have been actually given back under the Native Title Act at this stage.

**CHAIR**—Yes, there has been some in Torres Strait and also there was one in Queensland and another in New South Wales, I think.

**JOHN CHRISTOPHERSON**—To have Aboriginal people in the Northern Territory under the land rights act is going to create inconsistencies within the Northern Territory. If

we have got people who have got land under the land rights act and right next door you have got people who have land under the Native Title Act, what are they? Are they lesser citizens, lesser Aboriginal people? They should have the same rights, but it is not going to happen because of the sunset clause. To me, that is denying those people. If, after 1997, people win back land under the land rights act because they have got their claim in before the sunset clause, and right next door some people missed the sunset clause—but they might be the same group of people but their land next door is under the Native Title Act—they are going to have two different titles: one which gives certain responsibilities and rights and another with fewer rights. That can create conflict amongst communities and I do not think that should happen either.

**CHAIR**—You are saying that as a general principle it is undesirable to have different systems?

**JOHN CHRISTOPHERSON**—Yes. But having said that, I would not like to see that it becomes one law but down to the lowest common denominator. It should be up to the highest common denominator, if you know what I mean.

**CHAIR**—Thanks, John. What about someone else coming in now? Just give me a bit of a guide. I know there are some people here who have to fly back to their islands and other places.

**ISAIAH BURRUNALI**—I am from the DEMED Association. I just want to bring up this metaphor of the out-station. I went around last week and I told these people about this permit system. I described it to them. They said to me, ‘If you go to that meeting about this permit system, we want to stay on that old system. We do not want the new one. Otherwise, we know something might happen.’ That is what they told me last week. They already raised this matter this morning, I think. Thank you.

**CHAIR**—Thank you. Do any of the women wish to say anything at this stage? Mary, you said you had some other things you wished to say before lunch. Would you like to say something now?

**MARY YARMIRR**—I would like to focus on the land trust boundary itself because I am quite sure that our boundary extends to Eastern Arnhem. I think it will be understandable if Western Arnhem had their own land trust boundaries because of our culture and because we are so closely related to each other. In the olden days people intermarried and used the country itself. That is all I would like to say at the moment.

**CHAIR**—Thank you, Mary. Why isn’t the boundary of the land trust where you think it should be now? What happened? Whose decision was it that did not take it to where you think it should be?

**MARY YARMIRR**—I was not consulted and none of my people was consulted. As I have said, it may have been in the past where the land rights were born at the time they started drawing up boundaries to accommodate Aboriginal people, but as I have said, it would be wise and understandable if Western Arnhem had their own.

**Mr SNOWDON**—I think I am right in saying that historically this was all reserve lands and it was transferred as scheduled land into one land trust, and that is why it has happened that way. So there has been no analysis of how different land trusts might be created under the umbrella of the single land trust. That is the issue.

**CHAIR**—Thank you. That is very helpful.

**JOSEPH SINGH**—It would be nice if a lot of the other members shared this discussion too, otherwise I feel a bit like I am intruding or being rude. I have a lot of concerns and a lot of worries; and, looking towards the future, there are questions I want to address or put forward to this committee. I know it may be a bit hard for some of us to get up and say something, but I encourage you to have your say today because this may be the only opportunity that we have.

The thing that is worrying is why we are going around and trying to invent the wheel. I am trying not to confuse things but to put this in the right context. A lot of us do not agree with some of the changes that John Reeves is proposing, for the good, or maybe for the worse; some things we do agree on, some things we do not. But when we look at John Reeves's report, as I interpret it, why are we inventing the wheel and saying that we are putting in services or going to make things better in Aboriginal communities when we need to go right down to the grassroots? Looking at these four councils, we have got to demolish and go right down to the people. Why do we want to try and improve things or put in more services when we have got these services already in place? That is one thing.

The other thing that is worrying me also is that, as you mentioned, we have got a committee here that is writing up this report and it should be coming from the people. Isn't it a waste of effort or maybe a waste of funds? Who is paying for it—taxpayers, maybe Aboriginal people, the rest of Australia?

**CHAIR**—Taxpayers.

**JOSEPH SINGH**—All right. I will leave it open for anybody else to say something. But the thing is why are we inventing the wheel and saying, 'Well, we need to improve,' and we are telling Aboriginal people what we think is best for them when we know what is best for us and we have got these things already in place in our community? Some of the other speakers have said that if we got better control and better power we might fix things up in our community. A lot of things that come from federal to state governments get watered down to the community—fundings, power and control—so when we go to administrate or to manage those things it is very weak. That is why we are afraid about today: we are afraid of the hidden agenda or obstacles that we cannot see today that are going to affect us in 20 years time.

The other thing that I want to say is that, as a teacher, I am looking at the structure of the education. Mary talked about culture and how important the land is and links to Aboriginal people. There, again, we talked about and we looked at fundings; we talked about improvement for the better. We removed this because we do not need it—I am talking about bilingual education—then straight after that we brought out an education review and we talked about fundings. We talked about what do you Aboriginal people really want, what



changes? But they do not tell us the hidden agendas. What they are really talking about is the funding: how can we save here by fixing up this, this and this, cutting out this, this and this, and we will save megabucks? Are we doing the same in the review? Thank you.

**CHAIR**—There are lots of questions there.

**Mr QUICK**—You said we are talking about reinventing the wheel. What I think we are trying to do is improve the wheel. When I was a kid 50 years ago the bikes were a lot different from what they are now.

**Mr SNOWDON**—Still can't ride 'em!

**Mr QUICK**—It is a matter of improving the bike. What we are trying to say is that the bike you need out here is completely different from the bike I need back in Tasmania. Rather than me providing you with a bike that I think is suitable for you people without consulting you, we are coming out here and saying, 'John Reeves has written 1,000 pages. You might agree with 20. Okay, we will put those 20 aside, and argue about the 980 you do not particularly like.' It is our job to go back to Canberra and say that we have visited just about every Aboriginal community in the Northern Territory and they all think the 20 pages are fine but the other 980 are hopeless. But, as well as that, of that 980 they think are hopeless there are some possibilities, as the gentleman said, about looking 20, 30, 40 and 50 years into the future but giving you the control.

No-one tells me what I do on my land, apart from the local government if my trees are too big and I give the neighbours the grots. Basically, I can do what I like on my land; no-one tells me. I can have chooks, birds, swings and whatever I like. Why should I tell you? This is your land. It is thousands of miles away from where I live in Tasmania.

What should have happened, and the thing that gives all of us the irrits, is that, rather than give John Reeves the job and waste \$1.3 million, this committee should have come out and said, 'We've had this land rights since 1976. How can we improve it?' We would have listened to you guys and I can bet my bottom dollar that we would not have spent \$1.3 million, we would not have had a report of 1,000 pages, and we would have reflected your needs and aspirations as well as recognising your wonderful tradition. So the system was stuffed. It is our job to listen and then go back and write a report—hopefully paper thin—reflecting what you tell us. That is why I agree with you: everybody should have a say, not just one or two but everybody.

**LEANDAR KENTISH**—I am a taxpayer. I work for my living. I am not too happy about tax or the land rights act. One issue I want to bring up is about the Northern Land Council. Why did John say break it up in 18 regional parts? To me, if he does break it up into 18 regional parts, it is easy for the government to put their foot down, because Aboriginals now are like this dirt we stand on—we are not really recognised. For him to say whatever he wants to say is all right by him. But what we say is: is it really written down in black and white, is it really going down to Canberra? We do not know that for sure.

**CHAIR**—It is being recorded for Canberra. All of Australia can read the *Hansard* transcripts of our meetings with you. We will ask the secretary to get your address so we can send you today's transcript.

**JOSEPH SINGH**—I just want to add to the comments about inventing the wheel. Nobody wants to invent the wheel because that is going to take another 50 years and it is going to cost another billion dollars. What I meant by not inventing the wheel is that we already have the wheel there, it is already in place, but we want to try and maybe add the spokes or something else to the wheel. The thing is that when we look at all these things for Aboriginal people—and I will talk about education and the devolution package—they spend billions of dollars in trying to come up with a little parcel that will suit and give control and authority or power to the Aboriginal people in education and they say, 'We will give you this package called a devolution package for schools. Yet, meanwhile'—and call this the hidden agenda or whatever terms you want to use—'we will keep the strings hidden from Aboriginal people. We will still control you. We will tell you when to jump. And when we say, "Jump!" you will say, "How high do you want us to jump?"'

It is the same thing with land rights and everything else. We are going to try and fix something, and then we are going to still come back to it. I might be 60 by then. I hope I will still be alive. But my children will carry on and fight. We will still continue this and continue this. It is not going to get better, it is going to get worse, until we will end up losing all controls. We are fighting in education, we are fighting in health, we are fighting in politics, we are fighting with land rights, we are fighting with this. When is it going to stop? Are we going to achieve our goals and our ambition? Are we going to have self-determination as a race, as a people, so we can be proud? Or are we going to struggle and fight. I am not aiming the guns at you, and no way in the world am I aggressive or are we aggressive people. We are assertive people. Thank you.

**Mr QUICK**—I would like to answer that. In the current system you have probably 20 departments providing services to you, each with a bag of money. They do not talk to each other. They are in little boxes. My idea is that the community is 3,000 people; what does that community need in the way of resources? You set your own priorities. If bilingual education is pivotal to you maintaining your cultural identity, that should be funded first and then you set your priorities. They are your priorities, not ours. Our white system is stuffed because we still have this box-like structure and we do not have an interagency approach.

Mr Wakelin is the chair of the committee dealing with indigenous health. I am lucky enough to be on that committee. We have been looking at indigenous health for the last two years and we would like to think that when we write our report it will solve some of the short-term problems, address some of the medium-term ones, but also have long-term strategies so that, over a couple of generations, your life span and ours will gradually come together.

I am an ex-teacher and I understand all this devolution stuff. In my school, when I was a principal, we set our own strategies. We said to the department, 'You give us the money and we will set the strategies. We will follow the basic guidelines, but what our kids need in our disadvantaged areas bears no relationship to what the city school with the middle-class kids needs, so we will focus on what our kids need.'

You focus on what your community needs, and pressure governments—Northern Territory or Commonwealth—to give you a bag of money for your community, not for little departments. That is the way to go—the only way to go.

**Mr SNOWDON**—Can I add to that and give you an example of where it does not only apply to Aboriginal people. This is a relevant example for education. At the school that my kids go to in Alice Springs, the school principal is taking six months leave. The school council said they wanted a role in selecting the new acting principal. The department said, ‘You can have a panel, which will comprise two departmental representatives and a school council representative, and you can make the decision.’ That panel made the decision; it was then immediately overturned by the department. So it just does not only happen to Aboriginal people. You need to get that understood.

Secondly, the issue about funding is not to do with the land rights act, and this is where I think we have to answer Mr Reeves. Mr Reeves says that the land rights act has done its job: you have your land; that is all you need to do; that is what the land rights act is for. I personally do not think he understands what the land rights act is about, because it is about all those land management issues—the negotiating for mining and all those other things that take place. He then says that the land rights act should be changed so that it talks about health and education. I wonder about that. I think that is pretty dangerous. But I do think there is a lot to be done in relation to health and education and regional authorities—those sorts of things—which are not dominated by and do not dominate land rights.

With regard to the issue about funding, you need to be aware that there is a bill going before the federal parliament next week, at the initiative of Senator Herron, for a grants commission to do a review of the needs based funding of indigenous Australians. That opens up a lot of avenues. Immediately it should ring warning bells to the Northern Territory government, because the next step along that path is for the Commonwealth to say, ‘The funds which are being made available for the purposes of Aboriginal advancement are not being used for those purposes, therefore we are going to deal with you in terms of how you are getting your money.’ So there is a whole range of other things happening which are not related to this land rights act but which do relate to some of the things which you have raised.

**JOHN CHRISTOPHERSON**—We were going to touch on that. You raised the point—I think it was you, Chair—about all these different departments. We have the same situation in just about every community where, at any given time, we could have three or four different charters sitting at the same community with two or three different people from different departments all wanting to meet with the council about their own little thing. Not only does it cost money, but it drives everybody in the community up the wall. It could be said that the reason a mass of people are not here is a case of them thinking, ‘Here we go again’. That could be part of the problem.

One of the things we have difficulties with, after having said that, is that a good public servant who is interested, keen and wants to do things for Aboriginal people in communities can come out here, spend two or three years sitting down talking to people, getting their ideas, developing things, developing their own skills and then be transferred to another job and go somewhere else. We have lost that person and then we have to train another person.

So we, the most trained people in Australia, are training people who should be servicing us. But they get another job and go somewhere else. We then have to train another lot and they go, then more come and we have to train that mob, and we are still sitting here waiting for somebody who has heard our story to get to a position where they are able to help us achieve something in relation to our regional authority or whatever it is. We do not have anybody who hangs around long enough to do it. We have a lot of people sitting down in communities with all these ideas that we have established over a long period of time, but it does not really amount to much unless we are able to get somebody to push them further outside of where we are, if you know what I mean.

**CHAIR**—As we have travelled around the Northern Territory as a committee, we have been horrified—I think that is a fair word—at the number of different levels of government and bureaucracies, from Canberra, right through to the Northern Territory to here, that are between the taxpayers' dollar and the people who need the services on the ground that the taxpayers' dollar will buy.

I think that is the greatest tragedy that has ever occurred because that is, first of all, using a huge amount of taxpayers' dollar before it even reaches here. You cannot purchase as many good services—that is the great tragedy—and therefore your children are not getting all the things in education that you would want for them so that they are better equipped to get employment, housing, health care and all those sorts of things to make their way through life. There are also the delay, the frustration and the sapping of energy and enthusiasm because of all the extra meetings you have to have before you can get a decision made.

As a committee, we have been talking about maybe saying something strong in our report about the idea of bringing the taxpayers' dollar directly to the community as far as is possible. The community could then use that money to buy the services they want. That is the sort of struggle we are having with this inquiry: to see the terribly frustrating delay and waste that is occurring. It is quite extraordinary that you have to put up with all those layers of organisations. Do you think we are on the right track thinking this way?

**JOHN CHRISTOPHERSON**—Yes, you are on the right track. You are getting frustrated, but at the moment we are a bit further down the track than being frustrated with our 20 cents, or whatever it is, in the dollar. If I could just finish off, I will shut up for a while. In relation to the Reeves review of the land rights act and what it is that the land rights act is supposed to have given us, if there was ever a review needed—and I think that you guys in Canberra should mention this to people—it is a review of the Northern Territory (Self-Government) Act. Somewhere along the line that needs to be reviewed, especially since these characters in town seem to be abusing it. It gets back to the point you were making that we are getting 25 cents in the dollar.

**CHAIR**—It is less than that.

**JOHN CHRISTOPHERSON**—Yes, I am being fairly generous with that.

**DEAN ARREN**—I would just like to reinforce a few issues that were brought up before. The first one is that I found it very difficult this morning when I tried to organise as many people as possible to get here. When we were talking about so many charters coming in to

the airport at the same time and so many different meetings happening here, we have two different ones here at the moment, and when some of our strongest speakers have to represent their own organisation it makes it difficult for the community to be heard properly and honestly and for you to get a good picture of what is needed out here.

The second issue is that the government has a very sneaky way of distributing funds between organisations. So one organisation may get more funding, whereas the more needy may miss out. There will be less funding maybe for Aboriginal health and more put towards some other organisation within some other department that does less work when it comes down to human interest and community based interests.

The third issue I really want to raise is this whole thing about the Reeves report. It is pretty blatant—there is no hidden agenda or anything—in the compulsory acquisition of land. When you mentioned before about the permit being more user friendly, who was it going to be user friendly for? Landowners are reasonably happy with the way the permits are set up at the moment. When you said ‘user friendly’ and you were talking about fishing charters, tour operators and whatever else going through, I think that is the really big thing that you have to look at. When you put two and two together and you look at the compulsory acquisition of land, it is almost as though the hidden agenda is the development of land for capitalistic purposes.

I am just a little bit concerned that John Reeves has put a lot of things into his report that are unnecessary, that are wrong—that somewhere he got these facts and figures all incorrect. We should be trying to reinforce the Aboriginal departments and organisations that already exist and make them stronger instead of trying to establish new ones where it is going to take time and effort and be a waste of time, basically. We have got it already here.

**TRISH RIGBY**—I went to Waruwi earlier this week to give feedback on the Reeves report to those people living over there. Some of them had not even heard of the issue, but once we explained the major things that he was proposing they were really concerned. They were that concerned that they gave me 10 names and wanted two planes to bring them over. Today they rocked up with a list of questions they wanted to put to you but we explained that rather than putting the questions to you we have got to give them the answers. If you will just give them a bit of time, they would like to say a few words.

**ANNE WADBADJUG**—I am from Goulburn Island, Waruwi. I just want to ask about the name ‘NTAC’. Why is it called the Aboriginal council when it is obviously going to be run and controlled by balanda?

**CHAIR**—Mr Reeves wrote the report; we did not. This is not our report. We are here to listen to what you are worried about, what you think should be changed in it. That is our role.

**ANNE WADBADJUG**—We will not agree to balandas making decisions for us about the use of our land. That is all I have to say.

**CHAIR**—Thank you. That is a good, concise point and well understood.

**JENNY MANMURULU**—I am from Goulburn Island, Warruwi. We come here to support the NLC. Why does the Reeves government want to change to NTAC instead of the NLC?

**CHAIR**—Thank you. That is a message that is clear and concise. We understood what you were saying. Is there anyone else or have we reached the end of the road for today? Should we start our way back home? Is everyone happy? Do you think we have covered all the things you wanted us to hear?

**BUNUK**—Before we close at the end of the road, we want to give you this message to take down to Canberra. Go back and tell the government that we are not happy with John Reeves's report. We want to stay with the NLC. That is my message.

**CHAIR**—Maurice, would you like to say something to wind up? This is our parliamentary colleague from the Northern Territory assembly.

**MAURICE RIOLI**—Like you, the committee travelling around, I have been travelling around to some of the communities and hearing what people have been saying about the Reeves report and the recommendations. Certainly there have been different things said about the report. As Christo said earlier, there were some good things in the report but there were some bad things, and there were some things in the report that people are concerned about.

You heard today especially about the permit system. One wonders how the permit system was raised when even myself, in travelling through the communities and the central area of Australia, I have not come across anyone, not one Aboriginal person, who would think that the permit system should not be there. How that got into the report is a worry. There were things which have been said by John Reeves over the last couple of days and which I find confusing in view of what his report is saying. We do have already, as Dean mentioned earlier, existing services to try and help our own people. I believe we should be spending more money and more time on those organisations that are delivering these services and programs for their own people.

We have got the health centres, we have got the health workers within them and nurses, who are there to do the work that is required to improve the health of their community. We have the education department, the schools, to help our children become educated. The councils are there to look at the services to develop the community and the roads. So people are asking, when I am talking to them, why we want to set up these councils or new authorities which are going to require more money. The money should be pushed into the existing programs, looking at better ways of the money getting down to those existing services—okay, the money may be provided, but it is not getting out to the people themselves.

There are a lot of people I meet in my travels who I talk to and who are not happy with the Reeves report. They are saying some strong things about it, which you have heard today. I am basically hearing and travelling around and talking to them as to their feelings. It is an opportunity for me to hear more from the people here. Thanks for your time.

**CHAIR**—Thank you, Maurice. Ladies and gentlemen, it is time for me to close the meeting and to thank you once again for your patience, hospitality and friendship. Thank you for the advice that you have given us, the ideas, thoughts and challenges. We have a lot to think about and to take back to Canberra. We will do our best for you and for Australia to make sure that in your fight to achieve your land, in the new century about to begin, you can start with a good, bold look at the future. We hope that we can unlock the future for you so you do not feel threatened but you feel secure that your land is safe in your hands. That is what we would like to do. We will do our best. I thank you all.

I would particularly like to thank our Hansard staff, who have been working very hard to keep the record for Australia. It is pretty hard in these conditions to get all these technical services up and running. Our secretariat, headed by James and his staff, are the public servants. They keep us on the right track and do a very good job. I thank them. I offer my thanks also to all my colleagues of the committee, who have travelled with me over the last few months.

This is our last visit to the Northern Territory before we go back to Canberra to write the report. We hope to have our report finished for you by the end of August. We will do our best because we do not want to delay it; we want to have it on the table for everybody to look at. We hope that you will let us come and visit you again.

Before I ask for the formal resolution that I need to have the evidence today included in the public record, the deputy chair wants to say something and I think the gentleman over there has a final word to say.

**DEAN ARREN**—I would just like to thank all our visitors from Goulburn, Croker, Madbal, Kunbarllanjnja and everywhere else. Thank you for coming, and thank you to the committee for coming here. Thank you to the NLC representatives for helping us and representing us. Please go back to Canberra with the honest message you have heard from us today.

**CHAIR**—Thank you, that is very kind of you.

**Mr QUICK**—When we write our report and stand up in parliament and say what we feel, I would like to think that we can use some of your words, because today you have been great wordsmiths. Your ideas are put in simple terms that mean a lot to us and to you. If we have your permission, when we stand up in parliament we would like to read some of your actual words into *Hansard*. I would really appreciate it because you can say it far better, in a far more meaningful way, than we as balanda people can. If you do not mind that, I would be really happy to read your words into the record.

**CHAIR**—On that note, I will ask Harry to move that the committee be authorised to publish the evidence heard today at this public meeting in the official records of *Hansard* and the official history of Australia.

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

That this committee authorises publication of the proof transcript of the evidence given before it at public hearing this day.

**CHAIR**—I am about to close the meeting. Is there someone who wanted to say a word?

**JOSEPH SINGH**—Thank you for the nice, very brief sharing. I just hope also some of us might have shared something to you during the lunch break. We hope you can also share that. Thank you. That is all.

**CHAIR**—Thank you everyone, and a safe trip home. We hope to meet again in the not too distant future.

**Committee adjourned at 2.32 p.m.**



