

**Submission
to the
House of Representatives Standing Committee
on
Aboriginal and Torres Strait Islander Affairs
Inquiry into the recommendations
on the
Review of the Aboriginal Land Rights (Northern Territory)
Act 1976**

Is Anyone Listening?

"We other people, we do certain things connection with land. Land is part of our life, we are part of the land ... even until the world ends."

"Don't come with your hard law to make us fight you again."

**THE POSITION OF THE ABORIGINAL PEOPLES
OF
CENTRAL AUSTRALIA**

**Alison Anderson & Alexis Wright
for
COMBINED ABORIGINAL NATIONS OF CENTRAL AUSTRALIA
(CANCA)**

INDEX

	<u>PAGE</u>
Introduction - This Is What We Say	2
This is what we said at our three major forums in 1998	3
2. Talking about self determination	6
3. Talking about reconciliation in regards to the Reeves Report	7
4. Talking about the Northern Territory Government	10
5. What we have said about the Reeves Review into the Aboriginal Land Rights Act	13
6. The Reeves proposals to change the Aboriginal Land rights act	16
6.1. Exploration and mining provisions	16
6.2. The operations of the Aboriginal Benefits Reserve and the operations of the royalty associations	18
6.3. Establishment of NTAC	20
6.4. The compulsory acquisition powers over Aboriginal Land	24
6.5. Application of NT laws to Aboriginal Land	26
6.6. The role, structure and resource needs of the land councils - establishment of 18 regional land councils	27
6.7. Sacred Sites	34
6.8. Permits and access	36
7. Conclusion	37

THIS IS WHAT WE SAY

The problem with the Review into the Aboriginal Land Rights Act is that Mr Reeves did not listen to the majority of Aboriginal people in Central Australia who told him that they wanted to keep the Land Rights Act strong and that they did not want small, weak land councils, and that they wanted the Central Land Council to be made stronger.

Mr Reeves did not tell us what he had in mind, nor would he answer our questions regarding our concerns about giving the NT Government any functional responsibility for the operations of the Aboriginal Land Rights Act.

Not only did Mr Reeves not answer our questions or listen to us, he never came back to tell us how he was proposing to change the Land Rights Act.

These are the reasons why it is very important that you hear the voices of Aboriginal people reflecting the views of our people. When you read this document you will find that we speak with one voice, and our views fully support all of the other submissions prepared by professional support staff of the Central Land Council.

We feel it is also important for you to understand that the majority of Aboriginal people have already responded twice to the Reeves Report. We did this by voting "No" in the last Federal Election and the Referendum for the Northern Territory to become a State.

The proposals for weakening the Land Rights Act, by taking control of our land and traditional law from traditional Aboriginal landowners, and the breaking up of the two major land councils as contained in the Reeves Report, were major factors why the majority of Aboriginal people voted against the Northern Territory government's push for statehood in the referendum of Territory voters held in October 1998.

During the lead up to and until the Federal election held at the same time as the statehood referendum, the sitting Northern Territory Member of the House of Representatives, Mr Nick Dondas, openly campaigned in Aboriginal communities for smaller land councils. This was overwhelmingly rejected by the vast majority of Aboriginal people, nearly 80%, who voted against breakaway land councils. Mr Dondas failed to retain his seat.

1. THIS IS WHAT WE SAID AT OUR THREE MAJOR FORUMS IN 1998

In 1998 there were three major forums held by and attended by the Combined Aboriginal Nations of Central Australia where the Reeves Review was discussed in connection to our long held concerns about the governance of the Northern Territory, the long standing bad relationship of the Northern Territory Government with Aboriginal people, the need for proper accountability by the Northern Territory Government and that government's proposal for Statehood and a Constitution for the Northern Territory.

1.1 THE CENTRAL AUSTRALIA ABORIGINAL NATIONS CONSTITUTIONAL CONVENTION (AUGUST 1998) (KALKARINGI CONVENTION)

The Kalkaringi Convention held in August 1998, prior to the release of the Reeves Report, was attended by over 800 Aboriginal people representing the Combined Aboriginal Nations of Central Australia (CANCA). The Convention was organised by a committee of community representatives of CANCA.

One of the most important elements of the Kalkaringi Convention was that everyone there agreed to speak with one voice and the recommendations made at this Convention became the Kalkaringi Statement. The document was signed by senior traditional law bosses from across Central Australia. The Convention elected the CANCA Assembly to develop its own Central Australia constitution based on the Kalkaringi Statement.

The Kalkaringi Statement calls upon the Commonwealth Government to establish an independent Commission of Inquiry to consider the experience of Aboriginal peoples under the Northern Territory Self-Government Act 1978, to review financial arrangements for the provision of services to Aboriginal communities and to make recommendations for future relationships between the Northern Territory Government and Aboriginal peoples.

The Convention rejected the establishment of a new State of the Northern Territory based on Shane Stone, then Chief Minister's Draft Constitution. The Kalkaringi Statement said that CANCA would withhold its consent for statehood until there are good faith negotiations between the Northern

Territory Government and the freely chosen representatives of the Aboriginal peoples of the Northern Territory.

In terms of Aboriginal Self-Determination and Self-Government, the Kalkaringi Statement outlined the requirements for a commitment by government to negotiate a framework agreement, by setting out the processes for the mutual recognition of our respective governance structures in the Northern Territory, the sharing of power and the development of fiscal autonomies and for direct Commonwealth funding of Aboriginal communities and organisations.

The Kalkaringi Statement affirms that the Aboriginal Land Rights (Northern Territory) Act 1976 must remain Commonwealth legislation administered by the Commonwealth. The rights of Aboriginal peoples in relation to land, including our common law and statutory rights, must be respected and afforded effective Constitutional protection. The arbitrary time limits on the capacity of Aboriginal land owners to assert their rights over land and waters must be removed.

The Kalkaringi Statement has been endorsed by the ATSIC Regional Councils in Central Australia and the Central Land Council.

1.2. THE CENTRAL AUSTRALIAN ABORIGINAL HEALTH SUMMIT (OCTOBER 1998)

The Central Australian Aboriginal Health Summit was held at Iipurla Outstation in October 1998, and was attended by 150 delegates who endorsed the Kalkaringi Statement.

The Summit reaffirmed the holistic notion of health, including the link between land and health, and that an essential requirement for the health of Aboriginal people was the free and legally recognised access to our land. The proposals in the Reeves Review were condemned because they were designed to reduce the control that Aboriginal people have over our land and life.

A further resolution rejected the recommendations to centralise control of the economic and social well-being of Aboriginal people in the proposed Northern Territory Aboriginal Council (NTAC) because,

"This proposal ignores the specific expertise that our people have developed over many years in a range of sectors such as land management, health service delivery, education, infrastructure, legal services and other areas vital to the health and well-being of our people."¹

1.3. THE NORTHERN TERRITORY INDIGENOUS CONSTITUTIONAL CONVENTION (DECEMBER 1998)

The Northern Territory Indigenous Constitutional Convention held in December 1998, consisting of 100 elected Aboriginal delegates, developed a set of *Standards For Constitutional Development*. The standards required for Aboriginal land rights and the Land Rights Act Review in particular states:

"That the Indigenous Constitutional Convention rejects the findings and recommendations of the Reeves Review of the Land Rights Act which diminish or destroy the inherent rights of Indigenous peoples in the NT to their traditional lands, and to the control and management of their lands.

The findings and recommendations of the Reeves Report and the processes undertaken during the course of the Review illustrate clearly the need to develop constitutional measures to protect Aboriginal rights.

That research should be undertaken to examine the processes and findings of the Reeves Report, including analysing the primary sources, expert opinions and advice relied on by Reeves and ATSIC to fund it."²

¹ See the Resolutions from the Central Australian Aboriginal Health Summit, Ilpurla Outstation, 25-28 October 1998. The Summit was hosted by the Central Australian Aboriginal Congress, and supported by the Aboriginal Medical Services Alliance of the Northern Territory (AMSANT), and the Central Land Council. Attended by delegates from Aboriginal Community controlled health services across the Northern Territory and the NPY Women's Council and delegates from the Central Land Council region.

² Standards for Constitutional Development, Northern Territory Indigenous Constitutional Convention, Batchelor College, December 1998.

2. TALKING ABOUT SELF DETERMINATION

Sandra Armstrong, a senior traditional landowner and councillor for Imanpa Council explained that, *"The government has to realise we have been governing our lands for thousands of years. We are a government. Our old people are our Ministers."*³

In a meeting attended by two hundred traditional landowners at Yuendumu, Mr Reeves was told, *"We do not want the Land Rights Act changed."* Mr Williams, a senior Warlpiri traditional landowner at Yuendumu explained that they needed better communication about their need for self determination to achieve economic independence for their children. He said their royalty money was set and he didn't want to see it go down the drain with the Reeves Review. He summed up his feelings on how this Review was conducted by saying, *"We just like third world war overseas, that we are treated like that, right Yappa people, we are treated like that, like people in overseas."*⁴

Mr Rangiari, a senior Gurindji traditional landowner reflects the views of the majority of traditional landowners in their response to the Reeves Report: *"They talking about, this government mob, they don't see, we not kid no more. ... We have to stand up very strong if this mob come from Canberra, we got to talk to them, if they going to read that paper from John Reeves, we say 'no.' We not going to listen, we not kid no more. We got to stand for our rights too, you know. ... We been here more than white people came, because this - our land, before it been stolen away. A lot of our land been stolen away. Lot of our people been get shot. We got to remember all that. We not going to listen no more. We got to keep it (CLC) how it is now."*⁵

*"We can't change it no more because what this bloke (Reeves) talking about along a Darwin he never been facing blackfella yet, talk to him in the face, never face him because he is in an air conditioned house. He's talking about a lot of things there for you and me. He want to put us right back and make our people weak and he will come to you and me after."*⁶

³ Aborigines Unite on Self Government, Media Release, CLC, 18 August 1998.

⁴ Reeves hearing at Yuendumu and Papunya, 2 March 1998, page 39.

⁵ Full Central Land Council meeting, Limbla Homestead (Loves Creek Station), 10 November, 1998.

⁶ Full Central Land Council meeting, Three Bores Outstation, 9 and 10 March, 1999.

It is important to note that Aboriginal people throughout Central Australia are still waiting for the NT Government to respond to the Kalkaringi Statement and resolutions from the NT Indigenous Constitutional Convention, before they are prepared to talk about the future of the Northern Territory. On many occasions Aboriginal communities have expressed this view to the NT Government via the Statehood committee consisting of Territory politicians. On this matter, Mr Rangiarri, rightly expressed the views of the majority of our people:

*"That statement from 7 mile (Kalkaringi Statement), we still got em and we go by that one. We not going to talk about anything more then what we think. We not going to change it no more. We had enough headache with the Vesty's. We had enough headache with the welfare mob in Darwin. They been make us troublemaker. We not going backward, we want to go forward. We got to keep it how it is now. We boss for this mob we got to keep it the same. We can't change it no more. Lot of worker here for you and me (CLC) we got to keep it. ... We had humpy in Vestey time caught with the knee inside, no light, he (Reeves) trying to make us the same way."*⁷

Harold Nelson, a traditional landowner from Utopia, asked how will we ever come to some understanding with government about Aboriginal land rights. He asked, *"All this Aboriginal land ... (language) How this government going to listen when he just come in from somewhere else, from across the sea?"* He said of the Reeves Report, *"We not too frightened of that one white man, face em up em, make him come, make him talk. Make him come and face up to all the people. ...He rubbish for me, I been telling him (Reeves). Just making his own idea. He not suppose to do that. ... Telling a lot of bullshit. ... We can talk English. We can talk straight. Come up here with your law, John Reeves. ... They strange people who been come from overseas. Lord knows, he been put us here in the first place."*⁸

3. TALKING ABOUT RECONCILIATION IN REGARDS TO THE REEVES REPORT

ATSIC Zone Commissioner, David Curtis, said that there are a number of immediate issues upon which the Government can demonstrate its commitment to

⁷ Full Central Land Council meeting, Three Bores Outstation, 9 and 10 March, 1999.

⁸ Full Central Land Council meeting, Three Bores Outstation, 9 and 10 March, 1999.

Reconciliation - *"For the delegates at this Convention the overwhelming issue is that of the protection of their land rights and the Land Rights Act,"* said Mr Curtis.⁹

Doug Abbott a southern Arrernte man from Alice Springs said of the Reeves Report, *"Our rights have been taken away from us ... it really hurts me. Inside my heart is crying. Our land is priceless. They took it, they stole it, and we have to buy it back. Our people are dying and we've got to do something about it. Reconciliation will have to wait until we fix our problems up."*¹⁰

The whole thrust of the recommendations in the Reeves Report is designed to take away the power from Aboriginal people, divide Aboriginal people, and for the Northern Territory Government to control all of the money. By doing these things, Mr Reeves naively believes that a better relationship will be forged between Aboriginal people, the Northern Territory Government and the people of the Northern Territory.

Aboriginal people have already forged many good relationships with the people of the Northern Territory. They have done this historically, through the pastoral industry, and more recently, through land use economic partnerships developed through the Central Land Council. And independently of the Central Land Council, through collaborating on issues of importance, for instance, the liquor restrictions in Tennant Creek¹¹, and more recently, the "No" campaign against the form of Statehood proposed by the Northern Territory Government.

In over twenty years of self government in the Northern Territory, that government has done everything in its power to destroy Aboriginal self determination and land rights. For instance, this government has a legacy of opposing almost every land claim in the Northern Territory, sometimes spending long periods of time and resources to prolong their opposition and fuel dissension with Aboriginal people. In the Warumungu land claim it took eighteen years and millions of dollars before it was finally settled. In 1988, Justice Maurice, the Aboriginal Land Commissioner said in his Report:

"We nearly got away with it; perhaps another generation or two and the Warumungu would have become so detached from their

⁹ Reconciliation must be more than words on paper, Media Release, Indigenous Constitutional Convention, 3 December 1998.

¹⁰ Media Release, Indigenous Constitutional Convention, 3 December, 1998.

¹¹ See *Grog War*, An outback town faces up to the problems caused by drinking, by Alexis Wright, Magabala Books, 1997.

traditional land base that their spiritual affiliations and much of their oral traditions would have been lost. ...

It is not simply a question of rectifying the wrongs of the past, as if the consequences of those wrongs had long ago been worked through; the simple truth is that they have not, yet as a nation we continue to enjoy the benefits from them. Nor is it any answer to point to the moneys which may have been wasted on 'welfare', for the recipients neither sought the conditions which occasioned this beneficence, nor designed the programs which have been so disastrously inefficient."¹²

The Gurindji nation were forced to prevent the NT Government resuming their land in 1979, three years after Prime Minister, Gough Whitlam handed over the lease of Daguragu Station in 1975. The Pitjantjatjara nation were drawn in a long struggle with the NT Government for title and a lease back arrangement for Uluru. The Alyawarr nation at Lake Nash, as Neil Andrews pointed out in *Take Power* (page 73-4), saw, "*The Northern Territory Government's justification of the bulldozing of the fence line and the erection of a barbed-wire fence through the community as a normal part of pastoral management marked its public abandonment of the community.*" The government made a decision in 1984 to pass legislation which would transfer all Crown land into an unaccountable Territory owned company to defeat land claims (Bruce Donald, page 79, *Take Power*). The Warlpiri nation have an on-going struggle with the NT Government over the purchase of Mt Doreen pastoral lease. This property is one of the main sacred areas for the Warlpiri who were prepared to contribute their entire investment funds from the Granites Mine to purchase the property. The Arrernte Nation had an important site destroyed by a NT Government contractor (Thomas Stevens, page, 179-181, *Take Power*); also had a very hard battle for a small piece of land on Yambah Station (Margie Lynch, page 243-248, *Take Power*); saw out another hard fight against the government's proposal to build the Alice Springs dam on a complex of women's sacred sites (Kumantjayi Ross, page 308, *Take Power*); and had disputes during the Mereenie negotiations (Ross Howie, page 249-257, *Take Power*). The Luritja nation fought the NT Government in the High Court over the Lake-Amadeus-Luritja land claim and over living areas (Kunmanara Breaden, page, 240-242, *Take Power*).

¹² page 37, *Take Power*, an anthology celebrating twenty years of land rights in Central Australia, ed. Alexis Wright, Jukurrpa Books, 1998.

Lena Apwerl, senior traditional landowner from Urapuntja (Utopia) and other senior women discussed the Reeves Report at a full Central Land Council meeting. They said, *"No, (keep) same way. Keep strong land council (CLC), we don't want that rubbish one (Reeves recommendations). We wouldn't like it if it changed because it would mean them mob could go on to our country."*¹³

4. TALKING ABOUT THE NORTHERN TERRITORY GOVERNMENT

"In 20 years the NT Government have done nothing. Every time we say anything we are called half baked Aboriginal activists," explained Alison Anderson, traditional landowner and the Town Clerk, Papunya Community Council. She said her community had endured months of cold during a bitter power dispute with the NT Government that had left the community without electricity. Their health centre had also been closed down following another dispute with the Territory Government. World Vision had stepped into the gap when the Government abrogated its responsibility. The community also desperately needed a high school but the NT Government had done nothing. Ms Anderson added that the Government tried to manipulate people to do its bidding. *"If this is their record of dealing with Aboriginal people we want no part of their scheme for statehood."*¹⁴

Aboriginal people from across Central Australia attending the Kalkaringi Convention, agreed that the Northern Territory Government has never represented Aboriginal people, although they are a quarter of the population and more than half of the permanent population of the Northern Territory. Their memory of this government is a history of disputes with point to this Government not governing well for Aboriginal communities. They believe that they are kept outside of the sphere of governance in the Territory. Aboriginal people will often say, *"When will they leave us alone and treat us like human beings."* Current examples from a box full of disputes the Northern Territory Government have with Aboriginal people include:

- . opposing almost every land claim with resources from untied grants from the Commonwealth for assisting Aboriginal communities;
- . how the government spends untied Commonwealth grant money;
- . introduction of community government schemes by financial inducement;
- . discriminating against certain communities in the delivery of

¹³ Full Central Land Council meeting, Three Bores Outstation, 9 and 10 March, 1999.

¹⁴ Aborigines Unite on Self Government, Media Release, CLC, 18 August 1998.

- essential services;
- . eliminating all avenues for Aboriginal self-determination and economic development;
- . delivery of essential services;
- . housing policies;
- . imposing unwanted local government arrangements;
- . education policies;
- . health policies;
- . bi-lingual education;
- . law-making based on race - including mandatory sentencing;
- . promoting race based zero tolerance legislation;
- . the current Chief Minister promoting the idea of locking
 Aboriginal people in Central Australia out of Alice Springs by
 restricting social security benefits to Aboriginal communities;
- . push to weaken the Aboriginal Land Rights Act and destroying the
 two main land councils;
- . race based elections;
- . inept methods of consultation with Aboriginal communities and
 inability to negotiate.

This continuing hostility to land rights and the lack of essential services as detailed above created such a widespread backlash to statehood.

Billy Bunter, Senior Gurindji Aboriginal landowner explained, "*If we go under the NT Government, we going to lose the control over the land and the culture. If we go under the NT Government, that be the end of us Aboriginal people. We will go back, right back where we started.*

But us Aboriginal people we don't change our law because we cannot change the earth, river and tree. You and me we don't change to Kardiya (whiteman), that tree stands forever, even the earth and river. ..the country stands forever and that's why you and me stand forever as a cultural people. ...If the NT Government mob (control him) .. You and me won't ever have the power for land. Mining mob will just come right in and we can't stop. During that time now, the culture going to get weaker, weaker and weaker until we lose all the power. That's what can happen."¹⁵

¹⁵ Transcript of Video, 12 February, 1998, Submission from Daguragu and Kalkaringi Communities to the Review of the ALR(NT)Act 1976.

Keith Jurra, a traditional Luritja landowner, in a meeting of 80 traditional landowners at Papunya, explained to Mr Reeves that Aboriginal people still have their culture because it is protected under the Land Rights Act. He explained that it was not the Land Rights Act's responsibility (economic costs and benefits) to ensure good education and good health on our communities. He said, *"There's Minister responsible that hold that portfolio in Darwin that should be giving us all that, good education and good health so we can do economic development on our land. We only half educated."* He spoke of the Papunya request for a high school to the NT Government five years ago, *"Five years down the track, we still haven't got anything."*¹⁶

"After more than twenty years of unnecessary hostility towards Aboriginal people by the CLP government we firmly believe that now is the time we pursue our own methods to take care of our people and our communities. We consider we have given the NT government enough time and opportunity to work with us. In return all we have received is insult and pain." (Statement of the Combined Aboriginal Nations of Central Australia)¹⁷

Smithy Zimran, a senior Pintubi traditional owner from Kintore on the Northern Territory-Western Australia border, and Co-ordinator of CANCA, said the Territory Government was not passing on money earmarked for Aboriginal people. *"We know where the money gone. In Darwin. Some of the money went to the parliament house. They use your name, Aboriginal people, to use the money themselves. They talk about Aboriginal people misusing money. We've got to ask for direct funding so we might get somewhere."*¹⁸

"We can't ... let Northern Territory government push us around all the time," Peter Gunner, a traditional landowner from Utopia explained to Mr Reeves in a meeting of 100 traditional landowners. *"We can't let that government push Aboriginal people round when we got this country back. We got this country back and we proper happy people because we don't have government telling us what to do all the time. ... We can't let that government tell us which way to come, which way to shift, which way to go. We been go right through, long time ago with all the station owners, station owner time, we been living everywhere mixup. They been push us around."*¹⁹

¹⁶ Reeves hearing at Yuendumu and Papunya, 2 March, 1998, page 58.

¹⁷ Media Release, Combined Aboriginal Nations of Central Australia, 2 December, 1998.

¹⁸ Aboriginal people call for direct funding, Press Release, Combined Aboriginal Nations of Central Australia, December, 1998.

¹⁹ Reeves hearing at Utopia and Ti Tree, 19 February, 1998, page 9.

The following statement which echoes throughout Central Australia, received affirmative responses from the floor at the Reeves Hearing at Papunya: *"We want this Act to remain a Federal Act because it's the highest law and we don't want this Act to become or to go nowhere near the Northern Territory Government because we know the Northern Territory Government is not really friendly with Aboriginal people. So we want this Act to stay as a Federal Act so Federal Government can look after this Act on behalf of Aboriginal people because we feel that if the Northern Territory Government gets hold of this Act in the Northern Territory Government, ... then it's threatening our lives."*(Alison Anderson)²⁰

5. WHAT WE HAVE SAID ABOUT THE REEVES REVIEW INTO THE ABORIGINAL LAND RIGHTS ACT

Senior traditional landowners throughout Central Australia did not agree with the Reeves Review because their traditional law does not change so why should the government keep making it hard by continuously changing laws that will affect Aboriginal people's law. This is reason why the views expressed across Central Australia on the Reeves Reviews were that it was no good changing law for Aboriginal people because the government is never happy, and they should not be making laws, *"not writing a paper somewhere, long way talking making law."*²¹

Senior Warlpiri traditional landowner, Henry Anderson from Lajamanu, speaking about the Reeves Report said, *"Every year we had trouble hey? He not right to do it that way, Mr Reeves, making all that story of all the Aboriginal people. He got to bring it down here and talk to Aboriginal people. He can't tell other people, the right people got to come. Right one. ... We don't make a paper. We Aboriginal people, we don't read all the paper, all that thing. We want it come down here and talk to Aboriginal people. We don't know anything about it - all the Alyawarr, Luritja, Kaytetye, Anmatyerr, Warlpiri, all the Arrentre, Pitjantjatjara people ... He got to come up here and talk to Aboriginal people of this place. We don't know. We don't change anything in paper. Bring it here, we will have a big meeting in Alice Springs. We know nothing about the paper. He (Reeves) got a lot of money now to make it hard for Aboriginal people."*²²

²⁰ Reeves hearing at Yuendumu and Papunya, 2 March 1998, page 57.

²¹ Reeves hearing at Utopia and Ti Tree, 10 February, 1998, page.23.

²² Full Central Land Council meeting, Three Bores Outstation, 9 and 10 March, 1999.

The majority of Aboriginal people from across Central Australia said to Mr Reeves that they wanted to have no changes to the Aboriginal Land Rights Act - *"we'd like to maintain as it is."*²³ For instance, the Warlpiri people were satisfied that the Central Land Council was achieving its purpose and they were receiving royalties and the culture in the Warlpiri tribe *"is very, very strong."*²⁴ Peter Herbert Japanangka, a Warlpiri traditional landowner said that things have been working very perfectly from 1976 right up until now. However, speaking about what will happen to the Warlpiri under the Reeves Report, he said, *"The way the Government is going, these people going to go backwards, right back to nothing, no rights, no nothing, go back to welfare days, ration, go to the kitchen for your food. This is what is going to happen. I feel right now, what we should do, leave it, forget about it, leave it the way it is."*²⁵

Lindsay Turner, a traditional landowner from Nyirripi speaking to Mr Reeves about the accusations of Aboriginal people having too much, said, *"I know Mr John Herron is checking up on land councils. Not only land council but ATSIC too, ATSIC and other organisations in Australia, I know the Government is doing the same thing. Certainly for the Aboriginal people, we are not the richest, you think we are. We not rich. We are rich in our own minds and in our hearts."*²⁶

Mr Harry Turner, a traditional landowner from Yuendumu while speaking to Mr Reeves about the NT government not supplying adequate essential services to Aboriginal communities, said, *"John Reeves, go back to the N.T. Government, go back to Darwin, tell the N.T. Government ... Tell them we strongly saying that, don't take our Land Rights Act, give us more funding, so we can have more police out, more Aboriginal teachers, etcetera. Don't take the Land Rights Act, give us more funding so we can have Aboriginal people employed. Take the Land Rights Act (to the) next hundred years, thank you."*²⁷

Aboriginal people told Mr Reeves that they did not want him to Report badly against Aboriginal people. *"If we see bad results, the Warlpiri people here said that strongly, we will fight for it. We won't stop, we'll keep fighting. Like government, they keep fighting Aboriginal people. ... We'll continue fight and fight,*

²³ Reeves hearing at Yuendumu and Papunya, 2 March, 1998, page 5.

²⁴ Reeves hearing at Yuendumu and Papunya, 2 March, 1998, page 6.

²⁵ Reeves hearing at Yuendumu and Papunya, 2 March, 1998, page 9.

²⁶ Reeves hearing at Yuendumu and Papunya, 2 March, 1998, page 17.

²⁷ Reeves hearing at Yuendumu and Papunya, 2 March, 1998, page 44.

what ever. If it takes fifty years, a hundred, we'll still fight," Sammy Johnson, another traditional landowner, told John Reeves at Yuendumu.²⁸

Community members spoke to Mr Reeves about a lack of essential services for the Mutitjulu community at Uluru, for instance, better housing *"so we not living in sewerage," "We got people living here everywhere, living in septic, living in rubbish,"* and *"twenty people in one house, power going off every day."* They spoke of their need for a functioning generator because the current one is too small - *"We have power cuts here all last year," "And what if someone had a heart attack. We got no health machine. They pass away because no power to run the machine."* The gate money was expected to pay for everything, *"Purchases for computers for the school and the school bus, so you can get the kids to Yulara for interschool training and things, all comes out of the gate money. What's happening is that there's very little money to be able to pay people to work..."* and Mick Starkey, a traditional owner said, *"If we not happy, then that torch (Olympic) shouldn't go around that rock because we still suffering in third world conditions, living in sewerage, people living in tin houses."²⁹*

The Kalkaringi Statement calls for the recognition of the right of all residents in the Northern Territory to have equal access to essential services and infrastructure, including health, housing, clean water, roads, communications, education, training and employment.

Henry Anderson, senior Warlpiri traditional landowner and a senior cultural leader from Lajamanu spoke of the changes proposed in the Reeves Report to have ABTA money and sacred sites to go through the NT government and breaking up the Central Land Council. He said, *"(Speaking in Warlpiri) Making this book here Mr Reeves, we can't go shooting kangaroo, goanna or anything, owner of that pull a gun at we, you just go back before I blow you up. (Speaking in Warlpiri) Mix em up. No. We want to follow up that Mr Reeves book, we don't want that, we still got to live same way as we are living now, same way. We don't agree with this book. This book is rubbish. They only make that book today, this year, and next year they been throwing em away in the rubbish bin, and they got to make another book now. That's like Whiteman doing em like that, they changing em every year. ... And our culture, Aboriginal culture, Dreamtime everything we don't change it. It is there forever, we don't chuck him away. ..."³⁰*

²⁸ Reeves hearing at Yuendumu and Papunya, 2 March, 1998, page, 45.

²⁹ Reeves hearing at Mutitjulu, 12 May, 1998, page, 15.

³⁰ Full Central Land Council meeting, Three Bores Outstation, 9 and 10 March, 1999.

The Joint Zone Meeting of ATSIC NT Regional Councils have condemned the Reeves Report. Their meeting also moved another resolution noting that the Aboriginal Land Rights (NT) Act has been reviewed three times in its short history; and calls on the Federal Government to put the NT Self Government Act under a similar review, with particular reference to its social, cultural, economic and political impact on Aboriginal peoples.

6. THE REEVES PROPOSALS TO CHANGE THE ABORIGINAL LAND RIGHTS ACT

6.1. EXPLORATION AND MINING PROVISIONS

A senior Warumungu traditional owner Jimmy Frank speaking about the rights of traditional landowners to have rights to control access to their lands, said of the new Giants Reef Exploration Pty Ltd mining agreement in Tennant Creek, *"Agreements like this should have been happening 60 years ago and we are happy we have had the chance to be involved like this. People shouldn't have mined on our land in the past without talking to us."*³¹

In the submission from Daguragu and Kalkaringi communities to the Reeves Review senior Aboriginal landowner, Lindsay Herbert said, *"We want to keep our Land Rights Act, we want to keep our decision making things in mining, and in royalties. It's only yes or no. That's all. What this Government's going to take it away from us? We're not governing the country, Australia, where we live in. (about) Mining, we should have that all the way along. Make decisions about mining. It's only yes or no, not much. We don't govern the world with that, it's only little bit of that goes into the mine. And I think everyone here really strongly support that, have (Central) land council fight it out for us, to say yes or no. ...Say to the miners, 'We don't want someone going over land, it is our land, from our mother and fathers and grandfathers.'" ³²*

Peter Gunner while addressing the Reeves Hearing at Utopia said that white people government have meetings every day and every day they are talking

³¹ Media Release at the signing of the Giants Reef Exploration Pty Ltd Agreement to mine for gold near Tennant Creek, CLC, 30 November, 1998.

³² Transcript of Video of community meeting held 12 February, 1998, submission from Daguragu and Kalkaringi communities to the Review of the Aboriginal Land Rights (Northern Territory) Act 1976.

meeting and changing their papers around - *"changing them land rights around."* This was because *"They want everything back. They pushing Aboriginal people to get everything back. They want mining company to dig up all this place, dig everything up. They want government to come and work here and tell us which way to go."*³³

Traditional landowners had continually expressed their strong views to Mr Reeves about their land rights in the issue of mining in many forums across Central Australia. For instance, Stephen Bob (Utopia) said, *"All this country now, all around here, doesn't matter where, we got some of them dangerous Dreamtime, all round this country, that's why we don't want white fella to run (our land). ... If white fella run the bulldozer on top of that dangerous Dreamtime, we'll be all dead and gone, white and the black."*³⁴

At Tennant Creek, Dianne Stokes explained to Mr Reeves the reason they need to be able to say no to mining companies by saying, *"because we know what's in there. We know what's in that space. We can see it. We can hear it. We know and with our own feeling, we've got it here, here we know, we feel it here, inside our heart. That's why we have to be strong to say no."*³⁵

Gus Williams, speaking to Mr Reeves on behalf of 2,000 members of the Ngurratjuta Board, said *"We think it is essential that Aboriginal people maintain their veto over mining on their lands. We know that we can benefit from mining, and we believe that we can do so within the terms of the current Land Rights Act."*³⁶

Andrew Spencer, Warlpiri traditional landowner, explained to Mr Reeves the Central Land Council's role which they wanted to maintain. He said, *"First thing, they got to come to the Land Council and Land Council come to ask us and we give them permission for the Land Council because we got to be really strong, ... That's why need, you know, we don't want any mining to come through, we don't want to (have) any bulldozer come through. Whole lot, we need to see you people here (Central Land Council). Like you got the authority to come to our land, that's why we got to go though the (Central) Land Council, ... get the permission to come with the mining."*³⁷

³³ Reeves hearing at Utopia and Ti Tree, 19 February, 1998, page 11.

³⁴ Reeves hearing at Utopia and Ti Tree, 19 February, 1998, page 22.

³⁵ Reeves hearing at Tennant Creek, 11 February, 1998, page 41.

³⁶ Reeves hearing at Alice Springs, 26 February, 1998, page 4.

³⁷ Reeves hearing at Yuendumu and Papunya, 2 March, 1998, page 67.

6.2 THE OPERATIONS OF THE ABORIGINAL BENEFITS RESERVE (ABR) (FORMERLY THE ABTA) INCLUDING THE DISTRIBUTION OF PAYMENTS OUT OF THE TRUST ACCOUNT AND THE OPERATIONS OF THE ROYALTY ASSOCIATIONS AND THEIR REPORTING REQUIREMENTS

Aboriginal peoples of Central Australia do not want to see the changes to ABR and the operations of Royalty Associations. Eleanor Williams summarised the overall view, when she told Mr Reeves, *"I say, on behalf of me and some of my family, we don't want the royalty associations or ABTA touched at all because the government doesn't fund the Land Councils, ABTA does, and I would rather see the Land Councils stay the way they are, with just the Northern Land Council and Central Land Council, because they're strong, and I just get the feeling that if they're broken up into little Land Councils, well, that's the way of people getting in the back door and knocking us down again and kicking us about again."*³⁸

Again at Yuendumu, people said to Mr Reeves to keep ABR as it is because it was working good. They were concerned that the NT Government will not pay royalty money from mining. Lindsay Turner expressed views about what all Aboriginal people in Central Australia know about ABR. He said, *"Right, ABTA, they supply things like motor vehicles, tractor and trailer, satellite dish, few other equipment that you need, that is important, that ABTA one not meant to be taken away, that is simple. The reason why I tell you, I'm also ATSIC, a member, ATSIC member next two years. I tell you, if you, if ABTA's wrapped up, or thrown out, thrown away through the Aboriginal Act, Aboriginal Land Rights Act, that ABTA doesn't work, ATSIC won't give you a vehicle, or whatever. You can place your hope, next twelve months you can apply through ATSIC, but ATSIC will never get you, never give you anything, right."*³⁹

Alison Anderson explained to Mr Reeves that there should be no changes to ABR and that Aboriginal people understood how ABR worked. She said, *"We want ABTA to stay the same, CLC to get the forty percent. We all know that. They put that to us at a meeting that we had in 1982 out in the scrub. We first meeting we had at Blackwater with Tubby, David Ross. They*

³⁸ Reeves hearing at Alice Springs, 25 February, 1998, page 18.

³⁹ Reeves hearing at Yuendumu and Papunya, 2 March, 1998, page 32.

explained all that. It's not like we don't know what goes on with ABTA. We know that the land councils get forty percent. They entitled to get that for their administration costs and for running all these vehicles. We can't fill these vehicles up with water from the bore. They got to have diesel to run around to pick people up, traditional owners so they can consult with them. We want ABTA to stay the same, except for that part where it's got seven people from the Top End and only three - five from the Central area. We don't want to decrease it, we want increase the amount of people that go under ABTA so we got more representation from our area. That's the only changes to ABTA but we want ABTA to stay the same, thirty, thirty, forty. But we just want to increase the amount of people on ABTA. For future generation, they do investment with little bit of money, we know all that. They have meetings, they tell us all these kind of things. But a lot of people pretend, you know, like Land Council don't tell them, either they don't turn up to the meetings or they just turn a deaf ear to what's being said. That's all we wanted to say about ABTA. ...

We don't want any part of the Royalty Associations touched. We want the Royalty Associations to stay the same. That's Aboriginal peoples' money running that. Royalty Associations do a good job with Aboriginal people's money. They spent it the way they want to spend it. They don't contradict traditional owners as to how that money has got to be spent. They follow the guidelines.⁴⁰

⁴⁰ Reeves hearing at Yuendumu and Papunya, 2 March, 1998, page 68.

**6.3 RECOMMENDATIONS IN CHAPTER 28 - ESTABLISHMENT OF
NTAC; APPOINTMENT OF NTAC MEMBERS BY A
COMMONWEALTH MINISTER AND CHIEF
MINISTER OF THE NT;
NTAC TO BE THE SOLE NATIVE TITLE REP BODY
(POLITICALLY APPOINTED);
NTAC TO BE RESPONSIBLE FOR RECEIVING AND
DISTRIBUTING THE MINING ROYALTY
EQUIVALENTS PAID TO THE ABR BY THE
COMMONWEALTH GOVERNMENT AND ANY OTHER FUNDS
ALLOCATED TO IT BY THE NORTHERN TERRITORY AND
COMMONWEALTH GOVERNMENTS OR ATSIC.**

The Kalkaringi Convention established the Combined Aboriginal Nations of Central Australia (CANCA) to develop the Kalkaringi Statement. The CANCA Assembly have developed their preferred model for a framework agreement which involves the Central Land Council as the peak Aboriginal organisation representing the interests of our people in Central Australia.

The NTAC model was firmly rejected by CANCA because it is a proposal of the NT Government that came without consultation with Aboriginal people. The NTAC model is the NT Government's attempt of mixing up Northern and Central Aboriginal people to weaken us while they control our interests.

Aboriginal people want equal government where the NT Government and the two main land councils have the same power and recognition. In the words of Keith Jurra of Papunya to Mr Reeves, *"We want the (Central) Land Council to (be) same as NT Government together equal, same power, same right, same dog, you know. (Aboriginal language spoken). Otherwise we don't own, if you mob sit down, government - all time on top, we may as well start begging you mob, you know. Come on, give a dollar something, poor bugger us."*⁴¹

On hearing about the proposal to set up NTAC and regional land councils in the Reeves Report, Mr Rangiari, a senior Gurindji traditional landowner

⁴¹ Reeves hearing at Yuendumu and Papunya, 2 March, 1998, page 92.

said, *"We Yappa people here, we should put our foot down properly, make sure we never see this happen. We don't want to see this happening again. We must think round for we. We got our (Central) land council here and we got to put our foot down really hard and we got to step on this time now. ... We don't want this mob here (NTAC), we got to leave it as it is now, we can't change it no more. We talked about this at 7 mile (Kalkaringi Convention). We don't think no more about it. We don't want to listen to Reeve mob - no more."*⁴²

A community meeting held at Laramba on Napperby Station agreed that NTAC will mean big trouble for Aboriginal people because it will mean the traditional owner will have no power over their land. They agreed that, *"The government wanted to make everyone entitled to the place."* And that by taking the power and resources away from the traditional landowner, *"The Minister only got the power to say what people there ... you have no say. ..(NTAC) will be robbing all the money and if we are going that way we may as well go back in a humpy and make a little fire. Now you got a choice. In this new law only have one side."*⁴³

"They don't like see us pula being big boss for this place," Peter Gunner told John Reeves while speaking on behalf of people from Utopia. This was because, *"They want white fella sit down, boss them round this Utopia. That's why they are doing this report. We don't want white fella sitting down here like big settlement, like big town, got to pay government offices. He tell us all you mob pula), 'You mob go this way, go work this way, do it this way.' No, we want this place our way, not government way, our way. We running this place. We managing this place. We big manager here, not Northern Territory government. It's not the manager for Utopia. Alright?"*⁴⁴

Alison Anderson at Papunya explained who is the Central Land Council and why this land council must remain intact in Central Australia. She said, *"What really frightens us, as Aboriginal people living on the land that's got our land back through the hard work of the CLC, not through the Northern Territory Government's hard work, but CLC's hard work and Aboriginal people. We're the CLC, all these people sitting around here. A lot of people*

⁴² CLC Meeting, Limbla Homestead (Loves Creek Station), 10 November, 1998.

⁴³ Community meeting at Laramba community, 23 March, 1999.

⁴⁴ Reeves hearing at Utopia and Ti Tree, 19 February, 1998, page 12.

*seem to be under the impression that CLC is that big building in Alice Springs that employs all these people. The CLC is us mob, people out in the bush sitting down here with flies covering us. We're the CLC, we give the - our workers instructions to do the things that they do within the CLC and what's so frightening about this Review, (speaking to Mr Reeves) your introduction, when you first started (you) said, don't worry about your land being taken away because that's not what the Review is on about. But taking things out of the Land Rights Act weakens the Land Rights Act and that's what really, really frightens us. ... This Review (is) going back if it's not favourable towards the CLC and all these clauses that you want to take out of the Land Rights Act, then that weakens us as people on our land."*⁴⁵

Traditional landowners in the Papunya region spoke strongly to Mr Reeves about how they saw the future of governance in Central Australia. When they spoke to Mr Reeves they were not speaking about breaking up the Central Land Council or giving reasons for the establishment of the NTAC model.

Sid Anderson explained to Mr Reeves that the Central Land Council is the Government of the Aboriginal people in Central Australia because the NT Government has failed to represent them. He said, "*(Central) Land Council, Aboriginal people's government. (Aboriginal language spoken) We can't go to N.T. Government. They'll push it down. 'You go away you only talking rubbish.' But really need, you know, we have a lot of accidents, we lose our families all that, from Alice Springs turnoff right up on Kintore. Same with other communities, they have problems and we talk about self determination but (Aboriginal language spoken) we trying to get help but government push it down.*"⁴⁶

Andrew Spencer also spoke to Mr Reeves about the Central Land Council becoming the government for Aboriginal people in Central Australia. He said, "*We need the (Central) Land Council be a government, to turn into the government, so the Land Council can look at all our schools, police, you know. We battling really hard too. Not only at schools, also the police acts too, you know. We got a lot of problem too. The government can't help us, you know. That's why we need Land Council to become a proper government for us. So you (CLC) can look at everything, not only school, he*

⁴⁵ Reeves hearing at Yuendumu and Papunya, 2 March, 1998, page 61.

⁴⁶ Reeves hearing at Yuendumu and Papunya, 2 March, 1998, page 84.

can look at all things, all problems to our communities. You know, like roads, everything."⁴⁷

Dick Leichleitner confirmed that, *"We don't want that white law, we got our law separate, for our people, whole black government from that way. That's why we got (Central) Land Council there, to look after our law. ... We are own government permanent black law (Aboriginal language spoken)."* And by Michael Nelson, *"We would like to see (Central) Land Council become a big power for the Aboriginal people in this community, around in each community. It will be more better for the Aboriginal people in this Northern Territory to have a Land Council on top. So if Aboriginal people need it, the Land Council did that, 'sorry I made my mistake,' the Land Council is there for us. If the Land Council, if it make a mistake, so we can go across there to the Land Council have a word, look, we need this, we need that. The Land Council will be there to help us out. We would like to make a black power, Aboriginal power."*⁴⁸

These speakers were talking about the right of Aboriginal self-determination and self-government as defined in the Kalkaringi Statement as:

1. (a) That Aboriginal peoples, being the first peoples to own and govern this land, have the right to self-determination and that our inherent right of self-government must be recognised and protected in any Constitution of the Northern Territory;
- (b) That a Northern Territory Constitution must contain a commitment to negotiate with Aboriginal peoples a framework agreement, setting out processes for the mutual recognition of our respective governance structures, the sharing of power and the development of fiscal autonomies.
2. That the Commonwealth establish an independent Commission of Inquiry to consider the experience of Aboriginal peoples under the Northern Territory Self-Government Act 1978, to review financial arrangements

⁴⁷ Reeves hearing at Yuendumu and Papunya, 2 March, 1998, page 88.

⁴⁸ Reeves hearing at Yuendumu and Papunya, 2 March, 1998, page 89.

for the provision of services to Aboriginal communities and to make recommendations for future relationships between the Northern Territory Government and Aboriginal peoples.

3. That there must be direct Commonwealth funding of Aboriginal communities and organisations.

Lena Apwerl, a senior traditional landowner who lives at Urapuntja (Utopia) and other senior women attending a full Central Land Council meeting discussed and rejected the Reeves proposal for establishing NTAC. They said, *"Not right, it's against Aboriginal law. Minister will pick and that goes against Aboriginal people's lifestyle because you've got to elect someone with most experience. How would the government know that? ... The Government is more or less trying to dictate. It's taking power away from us. We want to be able to talk about these things on our communities and countries. ... (concerning NTAC completing land claims) - No, wrong way. Politicians will have the say. Land Council (CLC) listens to people. ... (NTAC as sole Native title rep body) - No, we don't want that. Don't want to change it. We want TOs to look after their things. How would the Minister know the people out bush. ... (NTAC to resolve disputes over land) No, not allowed. People on the communities, if we have problems we talk about it ourselves. ... (NTAC provide financial, human resources etc at cost) No."*⁴⁹

6.4. THE COMPULSORY ACQUISITION POWERS OVER ABORIGINAL LAND

"We don't want that one. " explained Jimmy Elkidra from Utopia to Mr Reeves. He said, *"It's got to be Aboriginal people, you got to ask Aboriginal people first. We the owners of the country. You got to go through Aboriginal people. This line here, we got our power all the time, the (Central) Land Council got to watch on that. We got a Land Council and so you got to ask Aboriginal people first to come through here. Even that railway, same thing we got to do that because we never said no. We can say something if you want to go through, same as what people did for pipeline."*

50

⁴⁹ Full Central Land Council meeting, Three Bores Outstation, 9 and 10 March, 1999.

⁵⁰ Reeves hearing at Utopia and Ti Tree, 19 February, 1998, page 20.

Kathleen Martin is a member of the Athenge Lhere Association and was concerned about the compulsory acquisition of Aboriginal lands because of the concerns the Association already has with the pegging of their land. She believed that the Northern Territory Government did not have the ability to consult with Aboriginal people and told Mr Reeves that, *"I have noticed notices by the Minister of Lands at the time, you know, acquiring Aboriginal lands for mining purposes. Now, you know, we ask whether that's been done in consultation with the traditional owners, and I don't think it has because I don't think I could see Mike Reid coming down and talking to the, to all our people here and asking whether, you know, they can take all that, maybe for mining purposes or, I don't know, but the other thing is public, what is it, public interest, right. ... Our skin might be a little bit darker, but we are the public too. ..."*⁵¹

While Mr Reeves was conducting his hearings at Papunya and after a discussion in Luritja, he was told by Alison Anderson at the community meeting that, *"We want the right to say yes or no. We don't want people just coming in with bulldozers and taking away our land. We might as well go back and live in the times of the missionaries and the pastoralists if that's going to happen and go back to ration time and have no shops, no hospital, no school and go back to the times of the Coniston Massacre."*⁵²

Dick Liecheitner, speaking about the lack of Government support to Aboriginal communities said, *"If there was 100 years of white people was in Kintore, they would make bitumen, right through to Papunya and ambulance, everything what should be there."*⁵³ The meeting further explained to Mr Reeves that, *"We don't want the Northern Territory Government to compulsory acquire our land, for tourists, for any kind of public things, not even our roads and we don't want our - no scenery here in the western area here turned into national park for tourists. We don't want tourists in our country. We want the right to say yes or no to anything. We got the right as human beings in this country to negotiate anything with people on equal terms ... They shouldn't try and undermine other people who have got less education than themselves and that's exactly what they're trying to do with this Review, undermine Aboriginal people. That's not*

⁵¹ Reeves hearing at Alice Springs, 25 February, 1998, page 67.

⁵² Reeves hearing at Yuendumu and Papunya, 2 March, 1998, page 74.

⁵³ Reeves hearing at Yuendumu and Papunya, 2 March, 1998, page 83.

*right. It's not right to you and me and it's not right in front of God.
(Aboriginal languages spoken)*⁵⁴

Lena Apwerl, senior traditional landowner and other senior women said,
*"No. We would have no control. It's our country and we should decide. No.
we don't like that one (even with compensation). Local Government been
asking if they can buy that country, we been say no, we don't want that one.
Take him back that money, we don't want it."*⁵⁵

6.5. THE APPLICATION OF NT LAWS TO ABORIGINAL LAND

Kenny Kunoth, senior Alyawarr traditional landowner, said the Northern Territory government was not strong enough to look after our laws. He said to Mr Reeves, *"We want the strongest possible laws that's governing Australia. ... Northern Territory is not strong enough to look after our laws, should be the best, like Canberra. They make the laws there then we getting first class. We're not getting second hand stuff. Northern Territory government's here, I don't think they're strong enough to look after the laws of our land because they haven't got - they're not strong enough. Canberra has got all the power there, the government. We want the strongest government probably looking after the laws of - Aboriginal laws anyway."* Johnny Skinner, added that the Northern Territory government was only chasing money and he didn't want them *"to take my Utopia."*⁵⁶

The Reeves community meeting at Papunya told Mr Reeves that they did not want Northern Territory law to apply on Aboriginal land. They said, *"We want this Federal - this Land Rights Act to stay as a Federal law - up the top here so it can sit down and look down on the Territory law all the time, see. See it sitting up there and the Northern Territory laws can lay underneath it so it's looking down on them. That's why we want this Act to stay as a Federal acts so it can look down on the Territory act down below, it can look down on a thing like that, there's that Northern Territory act down there. We don't want their laws to apply on our land."*⁵⁷

⁵⁴ Reeves hearing at Yuendumu and Papunya, 2 March, 1998, page 83.

⁵⁵ Full Central Land Council meeting, Three Bores Outstation, 9 and 10 March, 1999.

⁵⁶ Reeves hearing at Utopia and Ti Tree, 19 February, 1998, page 22.

⁵⁷ Reeves hearing at Yuendumu and Papunya, 2 March, 1998, page 74.

The NT Government already issue permits to all of its government staff going onto Aboriginal land without receiving permission from Aboriginal traditional landowners. The community have no control over decisions made by the NT government to locate staff on Aboriginal communities or those visiting the community. This has caused numerous problems for Aboriginal traditional landowners throughout Central Australia because they have no control over NT government staff coming onto their land, their movements, their behaviour, decisions they make, or the quality of the relationship these people have with the community.

6.6. THE ROLE, STRUCTURE AND RESOURCE NEEDS OF THE LAND COUNCILS FOLLOWING THE COMING INTO EFFECT OF THE SUNSET CLAUSE RELATING TO - THE ESTABLISHMENT OF 18 REGIONAL LAND COUNCILS

The majority of Aboriginal people from across Central Australia have stated very strongly that they wanted one strong - Central Land Council which is already built on the decision making of the full traditional landownership of Central Australia. They wanted it to stay intact and protected so it can protect them and build on the power of traditional Aboriginal law and land ownership. As Lindsay Turner, Warlpiri traditional landowner said to Mr Reeves, *"We still need our (Central) Land Council so we can negotiate with a lot of those mining industry, pastoralists. That's why Land Council is important for us. It's our voice, it works for us. See, I don't see government, our government don't see those things. They are blindly saying that Land Council never worked. ... Our Land Council is important for us. ... They (government) looking at ... take this Land Rights Act away from us, Land Council, they got to squash them in the rubbish bin somewhere. ... That's why the government tricky way. They make a lot of changes. They make changes every day, in the government, about every year. ... They're going to attack us, attack us, attack us. ... You believe me, I tell you mob, that's why old fellas here, they been fighting for twenty years to get this Land Rights Act for us. I'm really happy because they would get them for us. That's why we got this justice and freedom now, land right is right here."*⁵⁸

⁵⁸ Reeves hearing at Yuendumu and Papunya, 2 March, 1998, page36.

Alison Anderson said that they did not want little land councils but for the two main land councils to become a stronger political body to look after indigenous people in the Northern Territory. She said to Mr Reeves, *"We don't want break away land council, we don't want little land council so everybody can shoot us down because that's what the whole aim of divide and rule - that's white people's language, divide and rule. That's why they want to start up all these separate land councils. So they can shoot us down like mangy dogs. We want to keep the one big (Central) land council and we want to make it stronger."*⁵⁹

They did not want to see the development of little land councils all over the place which were developed by the push of a few families with disputes with the land council over royalties, and wanting to control royalties from mining to the exclusion of other Aboriginal people in Central Australia. This is an attempt to destroy the authority of the traditional landowner by giving power to all of the Aboriginal residents of a regional land council. This will cause conflict between Aboriginal people, about where they come from, and cause manipulation between family groups, and non-traditional landowners. What the proposed Reeves system will end up doing will be to start pushing Aboriginal traditional landowners who cannot speak up for themselves out of their own country.

As Johnny Tjingo explained to Mr Reeves that the attempt to establish a breakaway Land Council at Uluru *"was going to break us up and put us back 20 years or more."*⁶⁰ Speaking to Mr Reeves, Alex Forrester said of the group wanting a breakaway land council in their area, *"This other mob what just want to get ngura (land) another way. They down there, all are saying that, like a dog, 'you stay behind.' ... We are strong, we got it, that's why we got to keep it, (CLC) listen carefully and keep our stories. We got them now, can't let them go now. Someone trying to make us weak."*⁶¹

Smithy Zimran, Co-ordinator, CANCA, states, *"I strongly say the Central Land Council should remain the major land council. Breakaway is only an idea from these other people. Stick to one. They are in two sections these breakaway group."* He explained how some smaller groups of people are playing off the two things. He said, *"They get along with Aboriginal people*

⁵⁹ Reeves hearing at Yuendumu and Papunya, 2 March, 1998, page 61.

⁶⁰ Reeves hearing at Mutitjulu, 12 May, 1998, page 3.

⁶¹ Reeves hearing at Mutitjulu, 12 May, 1998, page 7.

(one section) so should stop selling our souls to the NT Government. Not to breakaway and go into one (another) section where lot of rubbish things going on about land council. I don't want to talk deep into these concerns but every time they want to break with land council - two big land councils, they are still getting money and royalties - yet they are with the NT Government.

Every people in the 9 regions, apart from them few, want the Central Land Council to remain, doing what they are doing now and carrying on. ... (Central) Land Council has been supported by bush people to set it up and to get it going and to be strong. The communities doesn't want anyone putting the land council down because they need to push for other organisation, like the NT Government. I am talking about them particular people who doesn't like (Central) land council because they see benefits from Darwin and only want to take away from all the people and give it to other people."⁶²

The push for a Western Arrernte language break away land council encompassing services from Ngurratjuta royalties was rejected by Gus Williams, speaking on behalf of the Ngurratjuta Board, representing two thousand Aboriginal people, including Hermannsburg, Papunya, Wallace Rock Hole, Areyonga, Haasts Bluff and many outstations. He said to Mr Reeves, *"I would like to say is that we are very happy with what the CLC has done for us over the last twenty years. We would also like them to continue to exist to protect Aboriginal people and ensure our control of our land, and our land remains strong."⁶³ Furthermore, he said, *"I believe in CLC. Because it's already got its roots, the structure and the powerful lobby group."⁶⁴ These statements reject minority statements supporting break-away land councils such as, *"Aboriginal people should have a full say and a control over their money, to come directly to them and to bypass any other organisations that's in the way, directly to come to them. but under the Land Rights Act, it's got a filter through the Act, through the Land Council to the traditional owner."⁶⁵ The Reeves Model is not talking about direct funding to traditional landowners it is stripping people of their power to determine their own future, direct negotiated royalties, and statutory***

⁶² Verbal report on requests to Mr Reeves for breakaway land councils, 22 March, 1999.

⁶³ Reeves hearing at Alice Springs, 26 February, 1998, page. 3.

⁶⁴ Reeves hearing at Alice Springs, 26 February, 1998, page 6.

⁶⁵ Reeves hearing at Alice Springs, 25 February, 1998, page 105.

royalties, will be directed to NTAC, which is a body controlled by the Chief Minister of the Northern Territory and the Federal Minister for Aboriginal Affairs. Aboriginal people will not have the full say and control over their money.

The idea of small, regional land councils is seen as a retrograde step that would take Aboriginal people in Central Australia back into the 1950's and 60's where they were under government law. The minority opposition comes from sources well-known to Aboriginal people as people who have been selected by the Northern Territory government to enjoy their finesse and who push their ideas in various communities where they have families. These people were dismissed at the Kalkaringi Convention (August 1998) as *"people making trouble for us."*⁶⁶ A letter from Robin Granites, read at the Yuendumu hearing with Mr Reeves, said, *"All the Aboriginal people I talk with, want to keep the land councils strong. They don't want any extra land councils and they don't trust smaller groups speaking up for extra land councils."*⁶⁷

A half a dozen people speaking at Ti Tree, lead by Arthur Turner and Mr Reeves, opted for a smaller land council which in reality would operate no differently at the regional level in any one of the Central Land Council's regions except less effectively. Anton Drover, a traditional owner of the Atula area, responded to the talk about break-away land councils a few days after the Ti Tree meeting, by saying to Mr Reeves that if the Central Land Council is *"knock(ed) ... right out the door and those who have little pieces of land and stuff like that, who you going to go to when they gone out? Are you going to sit down with all these fellas here, that's going to, you know, that's been rubbishing you since the time they've been here? Are you going to trust them now?"*⁶⁸

A community meeting at Laramba on Napperby Station which was attended by approximately sixty people from Laramba, Yuelamu (Mt Allan), Mt Wedge, Pulardi outstation, Pmara Jutunta (6 Mile) and Nturiya at Ti Tree agreed that some people from Anmatjere Council could say what they wanted to about themselves but they did not speak for everyone. Clarry Robinya, Chairman of Papunya Regional Council of ATSIC said, *"Why set*

⁶⁶ Kalkaringi Convention transcript, Smithy Zimran Co-ordinator, CANCA, p.43.

⁶⁷ Reeves hearing at Yuendumu and Papunya, 2 March, 1998, page 21.

⁶⁸ Reeves hearing at Alice Springs, 23 February, 1998, page 63.

up another land council? We (will be) tied up under Territory Government. You (will be) locked in for good. You got no power. You finished. You haven't got same power like CLC. Territory Government not going to help you. ...

"We need a CLC region like Yuendumu as part of CLC to be really strong. If we want anything, particular program, then we go to CLC to fight it for us. Territory Government is not going to protect you when you got argument with pastoral property - they will protect them. Put a CLC office here on region 9 like everywhere else. We don't want to set up little land council. We need a region 9 office here as part of CLC. If you got problems you take it to them and they can get CLC lawyer to come here. (Agreed) If we are going to block this thing (push for breakaway land council), we will need CLC office here. Everyone else has already got it and it is working really well. So if they (anyone in the region) wants anything, they can come here. Not have two groups.

Reeves got it wrong. Wrong word by saying that everyone here agrees with Anmatjere Council (traditional language). ... We got our own ideas. We want to look after ourselves separately from them (Anmatjere Council). The Territory government never got our land back. That is rubbish that book (Reeves Report). We got to stick with Central Land Council because the Territory government is too tricky. (Agreed)"

It is worthwhile quoting what senior traditional landowners said about a breakaway land council in this region because the Reeves Report did not take their views into account. *"(traditional language) No changeover, use em CLC. Stay very long with CLC and be on top of our decision and be one. Everyone get up one by one strongly and start talking."* (Cassidy Pultara, Senior traditional landowner, Yuelamu) *"CLC opened the road for us and you can't go back. You have to keep going with them."* (Teddy Brisco, Senior traditional landowner, Desert Bore) *"Stay very strongly altogether for (Central) land council. Don't want to be with separate land council. (Central) land council purchased Mt Wedge, that's why want to stay under CLC."* (Rita Nangala, Senior traditional landowner, Mt Wedge) *"Very strongly back up what was said here. Stand up for (Central) land council."* (David Stafford, Senior traditional landowner, Yuelamu) *"(Central) land council very good to us. Nothing the matter with them. Supporting us for so many years. All come to Ti Tree and talk strongly."* (Bruce Brown, Alex

Campbell, Janie Tilmouth and Kitty Piltara, Senior traditional landowners, Laramba)⁶⁹

These and other sentiments of the Kalkaringi and Daguragu communities have been repeated in every community forum about the Reeves Report across Central Australia. For instance, *"As long as we have those land council in the same way,"* Billy Bunter said, *"Northern Land Council, Central Land Council, can work for us, no breakup, and that the NT Government if they break up a land council we'll be under NT Government mob, and we'll be weaker and we'll lose the control."* Lilly Hargrave added, *"We want the Central Land Council to work for us for the Aboriginal people. We have to keep it really strong, including my mob. I cannot leave it ...I am only talking Yappa way, really strong. Central land Council's got to work for us to hold onto our grandfather's country. I cannot leave my Jukurrpa. It's very strong, it belongs to the women."*

"No good be weak ... They want to have it weak council. We got to have a full land council so they can support us to sort this problem all along." (Peanut Pontiani) *"Our land council is good. That's our land council. The other mob - the government is different. They will take our culture and law."* (Roy Yunga) *"See what this review is, land council, cut him up. But we don't want that to happen. We want full land council because when we have small land council we'll have nothing left. We'll have no royalty, no land, nothing. Well! that's all I can say ... we been grow up."* ((Sambo Gordon) *"CLP Government make it hard in Territory side, so we got to support our land council. ...So we got to be talking hard, support properly where land council make it strong and if that Kardiya tell us 'want strong council or weak council?' Well!, we don't want small council. Want to run and keep this land council strong and in our law and rules."* ((Gus George)⁷⁰

Peter Gunner a traditional landowner at Utopia believes that smaller land councils will be weak. Supported by communities attending the Reeves hearing at Utopia, he said, *"We don't want this Review but we happy in this place and we want all that strong, for mining, and we don't want to change Land Council into small group. We want one land council, strong land*

⁶⁹ Community meeting at Laramba, 23 March, 1999.

⁷⁰ Transcript of Video, Submission from Daguragu and Kalkaringi communities to the Review of the ALR(NT) Act 1976.

council to keep everything on Utopia strong. ... We weaken that (Central) Land Council just a little bit, make them like a this, little bit land council, that's weak."⁷¹

Marilyn Piltjara another traditional landowner at Utopia, spoke strongly to Mr Reeves against breaking up the Central Land Council. She said, "*We don't want a little Land Council everywhere, we want one land council in Alice Springs so that they can talk strong for us when they're talking for the Canberra government. That's why we having that big Land Council in Alice Springs. We don't want everywhere separate land councils, small ones. If we have small ones, today would be getting mixed up and getting lost.*"⁷²

The removal of the Sunset Clause is a very worrying issue for many Aboriginal people who are still fighting for their land rights in Central Australia. Time and time again the issue was discussed with Mr Reeves throughout his hearings where people spoke of their concerns about returning to their traditional country. Anthony Petrick, Eastern Arrente traditional landowner of Harts Range, said they were fighting very hard to try and get their lands back. He said to Mr Reeves, "*We bit concerned about this sunset clause because apparently most of our land hasn't been given back to us and everybody else on the Plenty Highway is living on just a matchbox area on pastoral lands.*"⁷³

"*That sunset clause,*" explained Stephen Bob to Mr Reeves, traditional landowner from Derry Downs pastoral lease, "*... we want that sunset clause taken away because a lot of peoples still waiting to get their land back. They still waiting ... big lot of people. They haven't got their country back yet. People still camping in the windbreak, out in the bush, no house, no bore. People got to get more bigger land, not living in a little matchbox like that. People living in a little matchbox just like people living in the jailhouse. ...*"⁷⁴

At Yuendumu people said the Sunset Clause was not right. Lindsay Williams spoke to Mr Reeves of the NT government's bloody-mindedness to simply let the final date of the Sunset Clause slip by to prevent the Warlpiri

⁷¹ Reeves hearing at Utopia and Ti Tree, 19 February, 1998, page 8.

⁷² Reeves hearing at Utopia and Ti Tree, 19 February, 1998, page. 27.

⁷³ Reeves hearing at Utopia and Ti Tree, 19 February, 1998, page 31.

⁷⁴ Reeves hearing at Utopia and Ti Tree, 19 February, 1998, page 7.

from buying Mount Doreen station. He said, "As you know, sunset clause really bugged us up. We were on the verge of buying one of the biggest cattle stations here in the Northern Territory or in Central Australia, that's Mount Doreen Station. When the agreement was signed by the owners, the Land Council and the TOs, there was one holdup in Darwin by the Minister for Lands, a bloke called Mike Read, he didn't sign the document. It really put us back. ... One reason we are asking you, or telling you, (Mr Reeves), that the Sunset Clause should be left within that Land Rights Act. As you know, we got our own money. We weren't going to ask the Government for any assistance, but certainly other Aboriginal organisations, Indigenous Land Corporations, they were going to support us and Warlpiri Aboriginal Corporation, through (GMAC), through mining company royalties, been saving up our interest money building up and we made enough money there so that we were ready to buy that particular station."⁷⁵

"We can't put em that new law ... we need this (Central) land council running, not put him a little paddock (small land councils) and you got to mind all the people. That's why we been put in this full land council, every Aboriginal people put in this land council." (Senior Warlpiri traditional landowner)⁷⁶

6.7. SACRED SITES

Sacred sites are the life of Aboriginal people on Aboriginal communities across Central Australia. It is with our sacred objects, our deeds, our bible book though which we identify as Aboriginal people and owners of this country.

We believe that the Northern Territory Government do not support the protection of sacred sites and if they have the power to control our sites we will be dependent on their whims to control and destroy our traditional law.

The view of Frank Stevens to Mr Reeves was that the proposal to give responsibility of Sacred Sites to the NT Government hurts his family (my father and my aunty) because the government destroyed the Caterpillar Dreaming tale, "and it's gone, it's gone forever."⁷⁷

⁷⁵ Reeves hearing at Yuendumu and Papunya, 2 March, 1998, page 10.

⁷⁶ Full Central Land Council meeting, Three Bores Outstation, 9 and 10 March, 1999.

⁷⁷ Reeves hearing at Alice Springs, 23 February, 1998, page 28.

"People living in a pastoral lease, people just living in a match box. We haven't got a bigger land in the pastoral lease. We just living in a little paddock. We can't move anyway to look after our sites, culture and Dreamtime. The cattle station owners, they block them up with a fence, people can't go through, people can't drive through. ... We living on Northern Territory title that's very weak. We want stronger title ..." explained Stephen Bob to Mr Reeves at Utopia.⁷⁸

Rosie Furber, a traditional landowner in Alice Springs said to Mr Reeves that she wanted to see the Sacred Sites Act remain in the Aboriginal Land Rights Act and the Heritage Act to remain strong. She said, *"They are real strong at the moment and all the people here in Alice Springs, in the Territory, we'd like to see them three Acts being held strong, and the Land Rights Act. Because without them three Acts we will be nowhere, and NT still be just taking the land away from us, just grabbing it off without traditional owners of any land in the Northern Territory saying anything, if you get them three Acts weakened."*⁷⁹

Andrew Spencer at Papunya said to Mr Reeves that the Central Land Council looks after all our sacred sites and keeping our Dreaming, *"because all our grandfather, they told us to keep our sacreds really strong, all our Dreamings, you know."*⁸⁰

Johnny Tjingo at Uluru, said to Mr Reeves, *"The CLC lawyers really been helping us ... we shouldn't let them go ... the laws protecting ... sacred sites, they always standing there, looking after our country for sacred sites area, protecting us and working for us and listening to us a lot."*⁸¹

⁷⁸ Reeves hearing at Utopia and Ti Tree, 19 February, 1998, page 5.

⁷⁹ Reeves hearing at Alice Springs, 23 February, 1998, page 27.

⁸⁰ Reeves hearing at Yuendumu and Papunya, 2 March, 1998, page 67.

⁸¹ Reeves hearing at Mutitjulu, 2 March, 1998, page 3.

6.8. PERMITS AND ACCESS

Mr Reeves never consulted Aboriginal people on his proposals to weaken the Permit and Assess system in the Aboriginal Land Rights Act. We reject his proposals because it takes away our security as traditional Aboriginal landowners under Aboriginal law to protect our lands and sacred areas. It is also an aspect of Aboriginal traditional law and life to seek permission to come onto someone else's' country.

Lena Apwerl, a senior traditional landowner who lives at Urapuntja (Utopia) and other senior women, rejected these proposals, by saying, *"No, same way. Keep strong (Central) land council, we don't want that rubbish one (Reeves recommendations). We wouldn't like it if it changed because it would mean them mob could go on to our country. ...We don't want that one (allowing person to enter land for mineral exploration) We don't want that one. We don't want them to go on to our country like that because we've got sacred sites in our country and we've got to protect them. He's talking about country that doesn't belong to him."*⁸²

Peter Gunner said that he speaks the same way for all of the people in the Eastern Region right up to the Queensland border. He said, *"We have clearly stated about the permit issue that we will always stick to what we have got and not changing anything for that (Reeves) Report. Never be changed, everything stands how it is with the permit system and we putting that towards statehood - (reasons for opposing statehood). Taking our rights (Reeves), stripping us of our rights and putting us in little paddock to shut us up. We standing by what's in that (ALRA) law, we strongly supporting it and no one on this side will ever want to change it. Reeves put it how he saw fit not what we said. CANCA still stand our ground - that should never be taken away because it gives them an open opportunity and open the gateway for them to walk in.*

"How we look at it on this side, if the permit was taken away and people go on Aboriginal land where they shouldn't be (then) it involves Aboriginal people in the legal system and it takes community money to prove it in court and legal expenses imposed upon Aboriginal people. You got to prove if he

⁸² Full Central Land Council meeting, Three Bores Outstation, 9 and 10 March, 1999.

was here or not. Other way, old system, with the permit, they got to apply for the permit and they have to follow the guidelines. If new system comes in there are no guidelines."⁸³

Mr Zimran, Co-ordinator, CANCA, said Mr Reeves had made very bad recommendations about permits because, *"He made other people happy by making the way open for other people, tourists, to go onto Aboriginal land. They can take cameras and take photos of any Aboriginal woman, man or kid because they got the freedom to do that because Mr Reeves open the way for them. The traditional owner doesn't have any more power to control their land."*⁸⁴

CONCLUSION:

We see the Reeves Report as an attempt to force Aboriginal people to break their law. Lena Apwerl and senior Aboriginal women have rightly pointed out what will happen if the traditional Aboriginal landowner loses the power to control what happens on our land. It will mean that our law will be broken and we cannot allow that to happen.

We wish to see the Aboriginal Land Rights Act maintained, no areas of responsibility handed over to the Northern Territory Government, and the Central Land Council, which was established by the Aboriginal people of Central Australia, not broken up, but strengthened to become the governing body for Aboriginal people in Central Australia.

If Aboriginal law is not respected then there will be no point in the Northern Territory Government making plans for the future of the Northern Territory, Central Australia or Alice Springs *In 10 Years Ahead* project.

The proposals contained in the Reeves Report to change the Aboriginal Land Rights Act have disappointed and hurt the Aboriginal people of Central Australia. It is yet another round of attack upon Aboriginal people. It is an attack not only upon our rights but upon our very lives. At a time, following twenty years of land rights, when we should be concentrating our minds and energy upon extending the quality of our life, under a regime of secure land tenure, we are again being compelled to go back to the trenches and defend the modest gains we have made. Such an outcome creates a deep pain upon the body of Aboriginal people. The resultant strain impacts at all levels of our

⁸³ Interview with Peter Gunner after the Utopia meeting with the NT Statehood Committee, 18 March, 1999.

⁸⁴ Verbal report, 22 March, 1999.

livelihood, it prevents us from getting on with our lives. We are forced, yet again, to become survivors in our own land.

The Combined Aboriginal Nations of Central Australia and the Central Land Council are ready to negotiate a framework agreement for Central Australia, but we are still waiting for the Northern Territory Government to respond to the Kalkaringi Statement and the *Standards for Constitutional Development* developed by the Northern Territory Indigenous Constitutional Convention.