

Northern Land Council

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17 May 1999

Our Ref. DS08:99/0236

Hon. Lou Leiberman, MP
Chairman
HORSCATSIA
Parliament House
Canberra ACT 2600

Dear Mr Leiberman

Review of the Land Rights Act: Aboriginal roads & Submission from Senator Grant Tambling

I write on two points of clarification. The first is in relation to the questions which arose at the Katherine public hearing on Tuesday 4 May about roads on Aboriginal land. The second is in relation to the submission you have received from Senator Grant Tambling, Senator for the Northern Territory.

On the issue of roads on Aboriginal land, a number of interrelated questions were raised at the Katherine hearing. On the most simple level, the question was whether people require permits to travel on roads on Aboriginal land, specifically the Central Arnhem Road to Nhulunbuy. As I said at the hearing, all travellers unless they are Aboriginal people resident in Arnhem Land, require permits to travel on this road. Permits are obtainable from either the Katherine or Nhulunbuy NLC offices and usually take 10 days to process. The Central Arnhem Road is not a public road and there is no automatic right of way for any travellers on that road. However because of its immense strategic importance, this road is maintained by the Northern Territory Government's Department of Transport and Works.

Most other roads on Aboriginal land are also private roads and the Northern Territory Government generally provides no funds for maintenance. Local government organisations receive some funds through the Local Government Grants Commission and Financial Assistance Grants for road maintenance though this is generally inadequate for the work required. In Arnhem Land, many of the major roads get washed away every wet season and have to be completely reconstructed -an expensive and demanding task. Permits are required to travel on all roads which are on Aboriginal land. The situation is comparable to private roads on pastoral properties, although the permit system provides a much more accessible way to seek permission for access than on pastoral land.

In relation to Senator Tambling's submission to you (HORSCATSIA submission number 36), it must be pointed out that Senator Tambling has quite inappropriately commented on matters which are currently before the courts; there has been no decision and the NLC considers it would be wrong for us to compound the issue by commenting further except to advise that the NLC did not make any gifts to any candidate or registered political party in relation to the 13 March 1993 election.

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Accordingly, the allegations made by Peter Hansen in his evidence that "the Northern Land Council agreed to provide support to Mr Warren Snowdon at the 1993 Federal Election" are strongly and totally denied.

The hearing of the matter continued in the Supreme Court from 1 to 5 March 1999 and from 17 to 19 March 1999 during which time the Northern Land Council presented its case in response to the claims by Mr Hansen. Mr Warren Snowdon was subpoenaed by the Northern Land Council to give evidence. Mr Snowdon gave strong evidence under oath that the conversation alleged by Mr Hansen to have taken place in January 1993 did not occur and indeed that a conversation of that nature has never occurred.

Mr Mick Dodson was also subpoenaed by the Northern Land Council to give evidence. Following the evidence of Mr Snowdon, the Plaintiffs counsel did not put the Plaintiff's allegation to Mr Dodson. Further, the allegations originally made by the Plaintiff relating to the alleged conversation were substantially diluted in the Written Submissions made on behalf of the Plaintiff.

I will be happy to provide further assistance on this matter when the court has made a decision.

Yours sincerely

(signed)

Norman Fry
CHIEF EXECUTIVE OFFICER