

SUBMISSION No 44

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**SUBMISSION TO THE INQUIRY INTO THE REEVES REPORT
SUBMITTED BY BRYAN WILLIAMS AND KENNY CLUB FOR UTOPIA**

Utopia is made up of two land trusts, the Alyawarra land trust and the Angurru land trust, under the auspices of Urapuntja community council. This submission is concerned with the view of the peoples of Utopia only. Kenny Club is a traditional land owner in the Alyawarra land trust, and the prime Aboriginal Law Man for the Utopia region. Bryan Williams is Kenny Club's son in law. He has lived at Utopia for some six years, being born and raised in Alice Springs.

MINING

The people of Utopia feel the most important protection they have over their land is the ability to keep mining out. Other communities have elected to accept mining and the negotiation processes have seemed to be improving over the past few years both through the CLC and smaller land councils. But the view of the Utopian peoples is that they do not want mining at all on their land, regardless of how they feel about the actual mining companies. This view is not likely to change over the next two generations at least. They would like to see the veto kept and the ability to involve the Federal Minister if there is no satisfaction from the Territory Minister.

REGIONAL LAND COUNCILS

The formation of regional land councils in itself poses no objections, but the proposed boundaries and powers of the regional land councils are unacceptable to the people of Utopia. They want the current services provided by the CLC but not the increased control over land as proposed with the regional councils. The people feel that the proposed boundaries of the regional land councils have not been researched properly or if they have then it is a deliberate attempt to weaken Utopian authority on their own land. There was no consultation with the people here on the subject and it appears once again the experts think they know best. It does not do

well with these people that decision making will be taken out of local hands and placed within a larger group who may not share the same concerns and priorities as they do. Land councils must not take over from community councils.

NORTHERN TERRITORY ABORIGINAL COUNCIL

In the proposed form it is not acceptable. The only job of a NTAC would be to provide legal services and political lobbying that the CLC now provides, all other present land council services should be provided by the regional councils. There must be no NTAC without elected directors as we have seen that ministerial appointments place power in the hands of people we feel don't have a complete understanding of our needs.

ABR

Generally Utopians don't have a great understanding of the ABTA, except that benefits are derived through ABR grants for things that we can't get from other funding sources, particularly in the area of outstation development.

We don't see the need to change the ABR except maybe to make the 40/30/30 distribution formula more rigid as the sunset clause brings legal fees down. ABR seem to be getting their act together so just allow it to develop under the watchful eyes of government and the aboriginal public.

TRADITIONAL OWNERSHIP AND SELF GOVERNANCE

In Utopia we have a still developing system which works well, and is constantly improving despite efforts of the Office of Local Government. The local council is made up of a male and female member from each outstation, but the elders or traditional lawmen are still capable of setting policy and influencing the council within our constitution. The people are happy with this set up and would like to be able to continue to evolve this system of governance. Traditional owners are recognised and respected as such at a local level and not much attention is paid to anthropologists. They see the inability to obtain CDEP as their major set back in self-determination. Despite this they are slowly moving forward and wish to be allowed to do so with their present community-governing regime.

CUSTOMARY LAW

The way customary law works would make it an insult to have a parliament interpret and then write down the "LAW". Customary law has its own system of judges, and punishments differ in leniency from community to community. A court room should not be able to make decisions on point of customary law or hand down judgements that the guilty party be returned to his community for punishment (as with the case before Brian Martin several years ago), as this isolates the actual process of customary law. The courts should only be able to refer cases to the community to be TRIED under customary law the traditional way.

NATIVE TITLE AND STATEHOOD

Native title does not necessarily affect Utopia unless the Land Rights Act is reduced to be weaker than Native Title, other wise the view here is that the Land Rights Act stays with the commonwealth. Whether we become a state or not has no relevance on where the act should be, as the Territory has been self governing long enough for the people to see the style of government we have/will have.

The simple fact is the Territory government has proved itself to be in direct conflict with land rights and needs to prove otherwise before aboriginal people will even think about trusting them. As to bringing the Territory in line with other states in respect to control of the land rights act, we say we have the best land rights there fore the other states should be brought in line with us and all other land right acts across Australia should be protected by Commonwealth acts,

COMPULSORY ACQUISITION

Utopian view is that there need be no changes to allow for compulsory acquisition as current government infrastructure is in place and operating the same way as government assets outside of Aboriginal land. As for the like of things such as "rail corridor" the government should involve the land trusts more at the planning and consultation stage, and include the need for negotiating at the planning stages and assume it a necessary part of the process.

PERMITS

The people of Utopia would like to reserve the right to refuse access to their land, whether through permits or trespass laws it doesn't matter, so long as who comes and goes is in the hands of the landowners.

SACRED SITES

Sacred sites in the Utopia region have been kept secret a lot longer than other parts of the territory. Only recently has the consensus been to have a sacred sites survey after assurances were given about confidentiality. Otherwise we adopt the ATSIC and CLC viewpoints as protecting the site and protecting confidentiality is of paramount importance.

OFFICIALS/DELEGATES INTERPRETING OF ABORIGINAL SILENCE

In Utopia people have a great shyness which translates into great silences in which visiting officials interpret to their own point of view. The people become quickly overcome by heckling and will give up trying to explain their viewpoints when officials persist in interpreting what they are trying to say without an open mind. If only one man is speaking and the rest are silent, you cannot imply disagreement or agreement from what is being said through the silence. In fact you need to ask (must ask) the silent majority of their agreement or disagreement, and you must give them time to consider anything new to them before receiving an answer. This is how things are done here traditionally, people present their views and supporting materials, then talk, then agree or disagree.