

ANMATJERE ASSOCIATION INCORPORATED

SUBMISSIONS TO HOUSE OF REPRESENTATIVES PARLIAMENTARY STANDING COMMITTEE INQUIRING INTO THE REEVES REVIEW

- 1 The Anmatjere are a distinct Aboriginal nation who in accordance with their own traditions and customs (and in accordance with Australian common law and the *Aboriginal Land Rights (Northern Territory) Act*) are the owners of a large area of land centering on Ti-Tree some 200 kms north of Alice Springs.
2. The Anmatjere have maintained traditional and customary links to their land.
3. Since around 1984 (virtually since the introduction of the *Aboriginal Land Rights (NT) Act*) the Anmatjere through their leadership have been agitating for separate Land Council status. The Anmatjere region has been recognised by the Central Land Council as a distinct region however the Anmatjere have been unsuccessful in obtaining separate Land Council status pursuant to Section 21 of the *Land Rights Act*. The Anmatjere Association Incorporated has been established to represent to the interests of Anmatjere traditional owners and to pursue an application for an Anmatjere Land Council.
4. At least two separate applications have been made for Land Council status. The first was made in 1988 and rejected by the then Minister for Aboriginal Affairs Mr Gerry Hand. A second application was made in 1994 to the then Minister for Aboriginal Affairs Mr Robert Tickner. Mr Tickner engaged Dr John Morton an anthropologist to report to him in relation to the relevant matters pursuant to Section 21 of the *Land Rights Act* namely:
 - (a) the appropriateness of the region to be a separate Land Council region; and
 - (b) whether a substantial majority of adult persons in that region are in favour of setting up a new Land Council.
5. Dr Morton gave his report in April of 1995 and it was interpreted by then Minister as failing to provide the basis for a new Land Council. This has been hotly contested by the Anmatjere.
6. In all but the major communities, being the larger communities of Yeundumu and Willowra where a significant number of non-Anmatjere people reside (notwithstanding that it is recognised that the communities are on Anmatjere Land), a substantial majority was clearly discernible. However on the basis that the populations of Yeundumu and Willowra did not present a substantial majority (although this is contested also) the report put its weight against the formation of a new Land Council.

7. A revised application was lodged in 1996 narrowing the boundaries of the proposed land council so that the communities of Yeundumu and Willowra were excluded. On the basis of Dr Morton's report a substantial majority of individuals supporting a new Land Council within the newly drawn boundary is clearly evident. The Minister has to date failed to make a decision in relation to the new proposal preferring to wait until the conclusion of the process begun by the Reeves Review into the *Land Rights Act* is concluded,
8. It is submitted that on the basis of all the evidence and notwithstanding the Reeves Review, that the application by the Anmatjere Association Incorporated for separate land council status should be accepted and a new land council gazette in accordance with the map at Annexure "A".
9. The Anmatjere welcome the Reeves recommendation that the Anmatjere area be gazette as a new Regional Land Council. (Reeves boundaries are slightly in dispute. The preferred area is represented at Annexure A.) The Anmatjere are however nervous about the Reeves proposal to establish a Northern Territory Aboriginal Council ("NTAC"). The NTAC is seen as another bureaucratic structure which has the capacity to impose itself upon any Anmatjere Land Council.
10. Reeves recommendation as to an Anmatjere Regional Land Council is further evidence in favour of the establishment of a new Land Council in the Anmatjere Region. However the Anmatjere see no reason why such a Land Council can not be established within the parameters of the current *Land Rights Act*. If the Act is amended to give effect to Reeves recommendations and the establishment of an Anmatjere Land Council becomes part of those amendments (rather than as a discretionary matter for the Minister) then the Anmatjere Council welcome however they do raise strong concerns in relation to the establishment of the NTAC. These concerns are particularised as follows:
 - (a) The NTAC is not elected and members will be appointed by the NT and Commonwealth Government;
 - (b) The NTAC will be established in Darwin and will be even more remote from the Anmatjere than the CLC;
 - (c) The NTAC is almost certain to become a bureaucratic structure controlled by bureaucrats;
 - (d) The proposal to guarantee funding of \$400,000.00 to Regional Land Councils is inadequate. Further the allowances made for the administration of the NTAC are seen as inadequate and concerns are held that the NTAC will become the main consumer of monies arising out of the operations of the *Land Rights Act* much the same as the CLC and the NLC have been and have been much criticised for;
 - (e) The NTAC if it becomes a recipient of ATSIC monies will become even more bureaucratic and unrepresentative;
 - (f) The vesting of land in the NTAC is wrong;

(g) The very concerns that the Anmatjere have raised in relation to the Central Land Council are seen to be evidencing themselves in the NTAC except on a larger scale.

11. The Anmatjere submit that they have not had an appropriate role in decision making under the current system. This is at the heart of the Application for a new Land Council. The new Land Council would provide a satisfactory form of self-management and traditional control. The present system is inadequate. See evidence given to the House of Representatives Standing Committee 14 May, 1999 at Ti Tree especially Arthur Turner, Eric Panangke, Paul Hayes and Jimmy Hines.

12. The most unfortunate aspect of the Anmatjere's application for a new Land Council has been the adversarial relationship that has developed between the Anmatjere and the Central Land Council. The breakdown in the relationship between the Anmatjere should be afforded separate Land Council status. The CLC are simply not able to service its constituents within the Anmatjere region.

13. Permit System

The current permit system should remain but it should be controlled by the new Anmatjere Land Council.

15. Application of Northern Territory Laws to Aboriginal Land

Further discussion, consultation and investigation is required before a system of customary law could be adopted into the framework of Northern Territory Law. This process should be encouraged.

16. House of Representatives Standing Committee Inquiry – 14 April, 1999 – Ti – Tree

The Anmatjere Association presented coherent and compelling evidence to the Parliamentary Standing Committee at Ti-Tree on 14 April, 1999. Arthur Turner, Paul Haynes, Eric Panangke, Big Billy Wood and Jimmy Hines all spoke on behalf of the Anmatjere and in their capacity as elected representative of the Anmatjere Community Government Council.

A number of their statements warrant reproduction here:

Arthur Turner – *“I am going to get to the point straight away because I do not have any choice. In our area, we do not have good communication with the CLC and that is why we would like a separate Land Council. We really have a problem. I knew from the start that I had a problem and I have still got the problem...if we could have a separate Land Council, we could have self management for our people, for our future. We are not saying that the CLC is doing the wrong thing, but it is not communication with us, and that is the problem as I see it. It does not have a partnership of working with the people.*

If we could have a separate Land Council in the Anmatjere area, we could be represented in future (sic) for mining, for self management, for looking after land and all those sorts of things. We already look after our country today and we want to get more power. If would could have a separate Land Council, we could go ahead and do our business. At the moment, we do not have anything to do because the CLC is so big and it is really taking over from our people in Anmatjere country.

It would be better if we could have a separate Land Council in the Anmatjere area so that we can represent our own people that is why we want to get the separate Land Council in the Anmatjere area: so that we'll be really glued onto our country and our work through the Elders and leaders. The Elders Leaders will be doing everything an the separate Land Council will be on top working with the Elders Leaders.

Paul Haynes - *The Land Council did get the land back. The Land Council did a lot of other good things but we want to see another kind of option, another change. We are talking a lot about this Reeves Report which has been writtenseveral members have spoken. Why can't we make this a Land Council? The Land Council suppresses us*

Eric Panangke and Jimmy Hines - also made valuable contributions to the open meeting. The statements of these men are in line with the attitude of the Anmatjere people over the last ten years. The problems outlined by Arthur Turner are the problems that the Anmatjere have been dealing with for the last ten years. They are not opportunistic statements or opinions pressed on the Anmatjere by outside forces such as the Northern Territory Government. They reflect a consistent position in respect of separate Land Council status.

They can be contrasted with the statements, for instance, from the Chairman of the Central Land Council. Mr Stuart said as follows:

Max Stuart - *'All that royalty we were talking about, now that has got to be cut out from Aborigines, the Traditional Owners even our Sacred Sites are going to be taken away from us. They are going to start taking our Sacred Sites and all this. We are going to have to have a permit to go to our Sacred Sites, and that is not right. In Canberra, I told them straight - everybody is talking about our affairs in that way. I had to walk in the front of Reeves and I nearly ripped him apart, because I found out what was in that book*

The Reeves Report is looking to get the power from us Aborigines. Then when they get the power we are going to finish up. We are going to go back to the tea and sugar days with a hole in the pants, no shoes, riding a horse, bludging the Chinaman for a bit of butter. "

These statements by the Chairman of the CLC are extraordinary as much as they are inflammatory. They can be contrasted with the evidence given by representatives of the Anmatjere.

17. An Agreed Way Forward

We refer you to the Agreement that was reached by the meeting. Clary Robinya publicly stated the support of Anmatjere people from Larambah and the area around Larambah for the establishment of a separate Land Council in a region designated by the Anmatjere Association Inc provided that that region did not include the Larambah people. It was agreed by the meeting that this was the way forward. That the Anmatjere Association Inc should obtain separate Land Council excluding Laramba region. A map at annexure U is the proposed region in this respect.

Mr Robinya is a former president of the Anmatjere Association Inc and the current members are disappointed that he has decided to withdraw from the application for separate Land Council status. They do however welcome the support of Larambah and see it as clear evidence of satisfaction of the matters set out in Section 21 of the *Land Rights Act* and, further, that whatever the outcome of the process of review of the *Land Rights Act* that the Anmatjere should be afforded their own Land Council.