

PUBLIC MEETING

YIRRKALA — Monday, 8 May 1989

PRESENT:—

Committee:

Mr S. Hatton (Chairman)

Mr B. Ede (Deputy Chairman)

Mr C. Firmin

Mr W. Lanhupuy

Mr D. Leo

Mr R. Setter

Officers assisting the committee:

Mr R. Gray (Executive Officer)

Mr G. Nicholson (Legal Adviser)

Appearing before the committee:

Mr Roy Marika

Mr Wakuratjpi

Mr Wirilma Mununggurr

Mr Daymbal'pu Mununggurr

Mr Dhunggala Mununggurr

Mr Larrtjannga

Mr Gungata

Banamba

Mr Wununmurra

Mr Wununggurr

NOTE: This is a verbatim transcript that has been tape-checked. However, due to poor recording of many people speaking at the same time, some of the recordings were inaudible and unable to be transcribed.

FINAL EDIT: 8 FEBRUARY 1991

Mr HATTON: My name is Steve Hatton and I am the chairman of this Select Committee on Constitutional Development. I have with me Rick Setter, the member for Jingili in Darwin, and Wesley Lanhupuy, the member for Arnhem. They are members of this committee. If you look in the back of this book, you will see the photos of the 6 members of this committee, including Danny Leo. This committee is not like most of the committees of the parliament in that it has 3 members from the government side, the CLP side, and 3 members from the opposition side, the ALP side. On many occasions, you know the ALP and the CLP are arguing about things. This time, we are not arguing. This time, we are working together on this job. This committee has equal numbers from both sides because we are working together to try to

get this job done.

The job that we are trying to do is to write a special law. It is a law that is called a constitution and it is unlike the other laws that you hear about because this one is not written by the government. It is not written by the parliament. This law is written by the people and that is why we are coming around now to talk about it and explain what we are going to do to have this law written. We are asking you and all the people whom you represent to become involved in writing this law and to ensure that the views and the needs of your people are looked after in this law. This law is not like any other law we have ever had or you have ever seen in the Territory. That is because, when you make this law, it stands over the top of the government. It is like the boss over the government. It tells the government what it can do and what it cannot do. You put in it things that you do not want the government to be able to touch because they are too important to you.

This law says how you elect a government, what sort of a parliament you want and how the courts will work. It says what rights have to be protected so governments cannot touch them. Thus, it contains all the really important things. It is a law which the government cannot change and which it must abide by. As I said, this law sits as the boss over the government. It is where the people say: 'This is where we want this Northern Territory to go and how we want to make laws to enable the people to live together and go forward together'. You give this law to the government and tell it that that is the way it has to go.

This has never happened before in the Northern Territory. It is the first time. All the laws that you have seen have been written by the government. It can then come along next week and change that law and a week later change it again. This is sometimes very confusing for Aboriginal people because your yolgnu law is going one way all the time. It has been the same for thousands of years and it will keep going into the future. It does not change. However, the white man's law seems to go this way and then back that way and keeps changing all the time. This law is the white man's way of writing a law a bit like the yolgnu law because it is there and it stays there. It does not change and the government cannot change it. It has all the really important things about how people will live together, how they will elect their government and how they will protect all their rights. Those rights are in this law so that the government cannot touch them. It stands over the top of the government and becomes its boss.

In this law, the people say how the Northern Territory has to go. The government does not say where it has to go. It lays out the road and the government has to walk along that road. It might go this side of the road or that side of road or down the middle, but it has to go down that road. When I came to Yirrkala previously, when I was Chief Minister, we talked a lot about people coming from different backgrounds. The yolgnu people have a different language, law and culture than the balanda people. There are people who come from Asian backgrounds who are different again. Somehow, we have to pull all that together and say that we are going to go down this road into the future together. How are we going to live side by side? How are we going to go forward together with everyone being equal and everyone having a good place to live? If we all work hard together on writing this law and argue about it but get it right, we can make it that way. We can enable everyone to go forward together and protect the things that are important to us. Wesley and Rick will perhaps talk more about those things, but I simply want to put across the message that you must write this law and put it over the top of the government, that the people will say where we have to go and how we will get there.

You can put in that law the rights that we talked about. It might be your right to vote in elections so that the government cannot take that away from you. There might be other rights that are really important to you such as your land rights. You might want to put something in there that the government cannot take away your land rights. You might put in there that the government cannot destroy your sacred sites and that it must protect them and your language, culture and law - the things that are really important to you and which you do not want any government, no matter who it is, to be able to touch. If you put them in there, you will protect them from the government. That is what this people's law is about.

Every other government in Australia has one of these constitutions over the top of it. The federal government in Canberra has a constitution over the top of it that says what it is allowed to do and what it is not allowed to do. All the state governments - Queensland, Western Australia, South Australia, New South Wales, Victoria and Tasmania - have a constitution over the top of them. The Northern Territory does not have that. We are the only place which does not have a constitution and we are not protected by the constitution over the Canberra government. The federal government can do what it likes with us because the people have not made this law to stand over the top of us. There is lots of fighting because the people have never said: 'We will go this way'. It has always been the Canberra government or the Darwin government. It is always someone telling you where you have to go and we have all sorts of fights about that.

This time, we are going out saying: 'The people have to write this law and they have to tell us where this Northern

Territory has to go, not only for us but for our children, our grandchildren and grandchildren's children'. How are we going to make this Northern Territory a place that our children and our grandchildren will be happy to live in? How are we going to make the rules by which this place can go forward? That is the sort of job that we all have to do as Northern Territory people. We have to write that law and start sorting out some of this fighting that is going on. We must work out how we can come to an understanding of each other and go forward together with respect. We must work towards doing that through this law.

I am not asking you to tell me now what you think should go in that law. All we are doing today really is telling you that we have this job to do. We have come here to tell you about it because we want you as a community to talk about it and think about it. Think about the sort of things that you believe should go in there to protect the interests of your people. Listen to what other people in the Northern Territory are saying and think about that too. When you have had a chance to get your ideas together, we will come back later this year or early next year and you can tell us what you think.

After we have got the ideas of all the people, this committee will sit down and try to write up what we think the people are saying. We will try to get it right. However, we are not going to do this job in the end. We are just going to put down ideas for people to look at. We want then to form a big committee of representatives of all the people in the community, representatives who can speak for people all over the Territory - people from Pitjantjatjara country, people from Alice Springs, Darwin, the VRD, Arnhem Land and everywhere else. That special committee will be called a constitutional convention. This committee will have to meet time and time again. The representatives will have to talk about what we have done and determine whether it really is what the people are saying. They will argue it out and come up with what they think is the law that the people want. When they have done that, it will be put to the vote of the people in a referendum. If the people think that it is good, they will vote yes. If they think that it is not quite right, they will vote no. If they vote no, we will have to go back and start work again and we will have to keep on working and talking until we get a law for which the people will vote yes. When they vote yes, it becomes the people's law because the people are saying: 'That is what we want. That is how we want this Northern Territory to go in the future. These are the rights we have to protect from the government. This is how we want to make a government. This is how we are going to vote for governments. This is how will live together in the future'. That is what we have to write this law for.

You have heard a lot of talk about the Northern Territory becoming a state. Some people think that that is a good idea and some people are not very happy with that at the moment. They are not sure whether that is good or bad now and they want to know more about it. They are saying: 'Hold off a bit'. Some people are for it, some are against it and some are undecided. But, I am not asking you that question. We are not saying that the Territory should become a state. What we are saying is that we cannot even think about the Northern Territory becoming a state until we know what we want. What is a state? How is it going to work? How will the people's rights be protected? You do not know that until you have done this job and you have written this constitution. When you have finished writing this constitution, you say: 'That is how we want this place to go'. After that, perhaps you may ask whether you should become a state then or later. However, you cannot do that until this job is done.

This job of writing the constitution will take 3 years or perhaps even 5 years to do it properly. It will take a long time because there are a lot of things to sort out in the Territory. There are a lot of people to talk to and we have to get this one right because, when we make this law, that law is there and it will not change. That is the way it will be for people in 100 years time. They will go that way. We have to get this one right, not only for ourselves but for our children and our grandchildren. You cannot say, 'That job is too hard; I do not want to do it', and walk away. If you do that, you will not be carrying out your responsibilities to future generations, to your grandchildren and great grandchildren.

You fought hard for the future and for your land rights, didn't you? There was the bark petition. You fought to get your land rights in place and to build a future for your children here. This is part of that. This is the next step: to sort out the fights that have been going on, the arguments between balanda and yolgnu, arguments about sacred sites. How are we going to have the laws going together instead of bumping into each other all the time? We have to sort that out so that we leave a place whereby our grandchildren can look back and say: 'Those old people did a good job for us. They made this a good place to live in for all of us'. If we do not do this job, they will look back and say: 'Why didn't those people do their job? Why did they leave that mess behind for us to fix up?' That is the difference. If we do this job, and do it well, we will leave behind a place that our children will be proud of and they will be proud of all of us for doing that job. If we do not do it, they will say: 'Those people let us down. They did not make the future good for us'.

That is why we have a responsibility - not to ourselves but to our future generations - to work on this job. And it will not be easy. You know that there will be lots of arguments. There will be things that you think should go in there and that

other people will not want to go in there. You will have to talk at that constitutional convention. We will all have to talk and talk because, the more we talk and explain why some things are important to us, the more other people will understand. In this way, we will begin to get where we want to go. The other people can tell you what is important to them and help you understand what they are thinking. Together, if we understand each other, we can make that road. That is what we have to work towards. That is the only way that we will make a good future. We cannot walk away from this job all the time; we have got to do it.

I have come here to ask you to be sure that you become involved in this job as responsible people and talk to your communities and get them thinking about it. When this is being done, make sure that you have your say and that it says what your people want. Make sure that it is right for your people. Do not leave it to someone else to do the job. That is the only way we are going to do this job properly and make a good future. We are here to get you thinking about it. Let's get to work and start working on this one and work out where we want the Northern Territory to go.

Mr SETTER: In Australia, we have the Australian government that looks after all Australia and we have 6 state governments - Queensland, New South Wales, Victoria, Western Australia, South Australia and Tasmania. The Australian government and all those state governments have their own constitution. They all have their own strong law, like the one that Steve was talking about. It is a law that is very hard to change. It is perhaps like their bible and all of their government is based on that strong law, that constitution.

The relationship between the federal government and the state governments is like that of the parent to an adult child, the young fellow who is grown up but the parent is still there. But, the Northern Territory is not like that. A long time ago, the Northern Territory was just like a little child in this relationship. That is because we do not have that strong law, that constitution, like the states and the Australian government have. In 1978, we became a self-governing territory and we have our own government which makes many laws in the Northern Territory. Steve, Wesley and myself are all part of that Northern Territory government. So, in 1978, we grew up a bit. We grew from a small child to maybe a teenager. But, we are still not an adult. We have not grown up to be a young fellow like this. We are still down here. We need that law to help us grow up. That is very important. If we never get this new constitution, we will never grow up. We will always remain like a teenager and never become a man.

You have probably all seen this poster. It says: 'Have your say'. That is why we have come here to talk to you. We want you to think about this, discuss it among yourselves and tell us what you think about it when we come back next time. Steve, Wesley, myself and other members of the parliament could sit down and have a meeting and we could write that constitution ourselves. But, it would be no good if we did that. It is very important that we should come and talk to all of you.

In the last 2 months, we have been all around the Northern Territory, from the south near Alice Springs, to the middle near Tennant Creek and Katherine and now to the Top End. We have spoken to a lot of Aboriginal people and a lot of white people and we are saying the same thing to all of them. We want to explain what we are trying to do and ask you to think about it. When we come back next time, you can tell us what you would like put in that strong law. That is very important. If you tell us what you are thinking, you will be happy with that law when we write it. It would be no good if we wrote it without asking you. That is why we are here to talk to you.

Apart from that book, there are other books that we have written already which contain a lot more information. However, I will not talk to you about those today. They are there for you to read later so that you will understand more. We will leave copies of those for you. I will close off by urging you once again to think about it, study these books and discuss it among yourselves so that, when we come back next time, you can tell us what you would like in this new strong law, this constitution.

Mr LANHUPUY: (Speaking WANGURRI LANGUAGE).....

(English Translation)

You may have already heard from our chairman from this committee and also this man here, Rick, as to why we have come here. The Parliament of the Northern Territory has given us this job. They have told us to go and ask all of the Balanda and Yolgnu people of the Northern Territory if they would like to have a constitution, to be a part of this law. If Balanda and Yolgnu together would like their laws written into a constitution. This man (pointing to Steve Hatton) has already told you about this.

In the past Canberra has been looking after the Territory but recently they have been giving us more responsibilities, bit by bit. For example, the Territory is now running it's own health services, public services and police department, and we've got our own Parliament for the Territory just like other states. But what we don't have is our own roots, a constitution for the Northern Territory - we still don't have this, yet. This is what the committee are here to talk about, not statehood, but the establishment of a constitution, a law in which we can plant all of the sorts of laws which we want to include for the Yolgnu community. Laws that will stand strong before the Parliament of the Northern Territory.

The constitutional law requires this. It will not allow politicians to play - fool around with these laws once they are written. The people's power is the constitution. We can bring all our Yolgnu laws together into one constitution which cannot be touched. But it's your decision both Yolgnu people and Balanda, as to whether you agree to this or disagree to this one. We cannot do this behind your backs and once those laws are created we cannot change it like the current laws of the legislation where politicians have the power to change them in the parliament when they want. For example, our kind of job is to change the legislative laws to do with alcohol, putting prices up for cigarettes and petrol. We, the politicians, have the right to do this because we have been elected by you, the people, to take on these responsibilities. But for the constitution only Yolgnu people and Balanda people in the Territory population have the right to change the constitutional laws. This is what we are about to begin at the moment. This is why the two parties, Labor Party and Liberal Party believe it is a good reason to ask the Federal Government for our own constitution.

At the moment our aim is to tell you this story about the constitution and advise you. We are visiting over sixty communities throughout the Northern Territory and we are saying to people what we think - like now we are advising you. You look at this, think about it, give us your views and let us know if you want us to come back. If you get any ideas about what we've been telling you then we'll come back and tell you the story again. This is our lawyer and these are the people that are working for us. And it's for this reason that we are going around and saying, "Here's the paper look at it, think about it and let us know if you want to know more." Then we'll come back and share ideas. This is the reason we are here. This is only the first step. The second step is when we've finished going through these discussions we sit down and write a draft paper and then give a report to the Parliament sometime perhaps this year or next year.

When are we giving a report to the Parliament?

Mr HATTON: We are supposed to report by April next year, but as you know, in the past, we have had that one year obligation for 3 years. If we do not have it done properly, we will delay it.

Mr LANHUPUY (Speaking WANGURRI LANGUAGE).....

(English Translation)

We have to report to parliament first and then parliament must agree and say, "OK, it's fine". In the second stage we will get all the people from mining companies and other businesses, get them together and have a big meeting which will be called a Constitutional Convention. At that meeting we will sit down and begin to look at ideas for this paper and start drafting the laws and say how we want these laws to be. We will say what laws the Northern Territory should have - laws like other states have. When everybody agrees in that big meeting then this paper will be voted for in a referendum throughout the Northern Territory. If the Northern Territory population disagrees on this paper, this constitution, then this paper will return into the hands of the politicians, us mob, and we will have to start all over again talking to people both Balanda and Yolgnu. When everyone agrees to have this constitution then it will overcome our parliamentary powers. It will become a foundation - a very strong law for the Northern Territory. If you don't trust us to look after your land rights, like that man has been saying, then put all your laws into this paper here and then no one can play around with them. Put your customs, your culture into this constitution then the politicians cannot play around with them. Only you the Territory population will be able to make any changes to it by voting.

At the moment we are under legislative laws and it's easy for us to do anything we want to do because we have the power to do it. We are the ones that you people voted for. If you put your laws in this constitutional paper we can then have power for our rights. We will have the right to talk for our freedom, for our religion for our culture and to go into an Assembly meeting and other things if only we put it into the constitution. Then the politicians cannot

do anything with it. Only the Yolgnu and balanda, those of you who vote for this paper, will be able to make the changes to those laws. This is fairer. If you people give a little bit of power to those of us who sit in the parliament with this constitution you will be creating a law which can overcome our powers and everyone in the Territory will be able to change this law. To me this constitution sounds like a very good idea, a good way of thinking, so the politicians cannot interfere with the laws year after year changing our laws. At the moment we are only sharing ideas with you people and the committee are telling you this story and sharing our thoughts. We will come back another time to visit you and to talk more.

Mr Daymbal'pu MUNUNGGURR: (Speaking DJAPU LANGUAGE).....

(English Translation)

I will talk briefly and I will talk to you (Lanhupuy) in my own language because you understand my language and I understand yours.

I've got two things to say here. There is their story (the committee), our story and everybody's story. I work for Laynha (homeland) and I'm interested in continuing to work for Laynha, for Yolgnu people. I'm just letting this government mob know this. You mob in the Northern Territory understand Yolgnu laws before and we are still living with those same laws and the same culture, looking after our culture and our thoughts. Those old people who helped us to know more and overcome, the main heads of our clans, laws and culture, the ones who look after our language and laws are not here today to advise us. You government people must understand us from the start. You must understand how we live with our law and our culture. If you government people want to change laws for Yolgnu people then we have to sit down face to face. Don't give us your backs and talk behind our backs. Let's talk straight. The government people tell us what stories they have and we respond with what we know. When they look at our land rights, and they have already heard about our laws and ideas because we have talked about this before. They already have it documented. From now on we will have to open our ears and eyes to see what is going on. The government people should turn around and look at us when they are talking. We have already talked about our land and our culture and we don't forget about that because that is where we stand. Now we have to understand their ideas and laws.

I'm saying this to the government people not you Lanhupuy because you are Yolgnu. The Balanda government should understand our laws and from here on we will give our ideas on laws. This is what we think and this is where we stand. There has been trouble over our land and we stand firm on our land and culture. I'm the chairman for Laynha and I'm giving ideas for Yolgnu from that position. Now the government is turning around and they should look at us Yolgnu in a good way, face to face. We people all together need to sit down and work together on what laws we should have written in this paper. We Yolgnu people need to sit down with you government people and watch you write these laws because we don't want the laws in this constitution to be crooked or half done. What will happen in the future if we don't get the laws straight? I just had to tell you this. When you mob take our ideas and put them into this paper you should fully understand what we want. We can't throw your government laws away, we'll have a look at them for the future. These are my ideas. We talk from this position so don't talk behind our backs away from us. You must look at our ideas for our constitution. We'll all have another meeting over there or you mob come over here and listen to our ideas. This is what I have to say to you.

Mr MARIKA: (Speaking RIRRATJINGU LANGUAGE).....

(English Translation)

Yes, alright this is what Steve has been telling us and what you (Lanhupuy) have told us and what Steve told us last year before he resigned from being Chief Minister. He talked about this constitution. He mentioned it before, and now it sounds more understandable. This paper idea makes more sense now and now you're telling it more like Steve had been telling it. It's more understandable but it will take a while.

You will have to give Yolgnu people time and get all Yolgnu people together to comment and have their say on this paper. It might take five, six or seven years to do this. This paper sounds like a good one. To me it sounds great but it will take time.

Has Canberra already got a paper like this?

Mr LANHUPUY: (Speaking WANGURRI LANGUAGE).....

(English Translation)

Canberra has got it's own constitution. They are watching the way we do all of this and how we play our games. They are waiting to get our answer. If everybody agrees then they will also agree.

Canberra are saying that Yolgnu people should talk about this and we'll get Balanda to explain to you and we'll have to get a Yolgnu to talk to you as well.

Mr MARIKA: (Speaking RIRRATJINGU LANGUAGE).....

(English Translation)

That man Steve told us. That's what they may have said.

Mr LANHUPUY: (Speaking WANGURRI LANGUAGE).....

(English Translation)

That's their last power. Canberra will give us that power when we have a constitution.

Mr MARIKA: (Speaking RIRRATJINGU LANGUAGE).....

(English Translation)

The land rights that was established for the community of Laynha and Yirrkala, for all of the people who live here is good. We live here together to form one people. Our land rights was created with legal advice from both Yolgnu and Balanda people. Now to us it is legal. We are standing firm for our land and we can care for our land. It was the legal system that helped us Yolgnu people with the knowledge so that our land rights could be recognised.

We have to stand up and look after our land and our homelands. Maybe a lawyer can help us know more about this constitution and maybe later Laynha and Dhanbul will get their own lawyers for North-East Arnhemland. That person can endorse any statements we make and then those statements can go to the committee and the community can work with the lawyers. Those lawyers can also teach us how to look into this constitution and look into these speeches that the committee are giving so that we can see what people are saying. Then a lawyer can be here with the community, when we all come together from here and there to look at it and say whether it is alright. We can look at what Yolgnu people want and what the Balanda law says and see whether it is OK for both Yolgnu and Balanda. If it is alright then we'll all go forward with it and do it this way, and we will both be together on this.

You may not want this law or want statehood. You might not like it, especially if we look at what statehood has done for other states like Queensland and Sydney. It has destroyed their culture. Most cultures in the Northern Territory are still standing firm. This is what Yolgnu people have to be careful about.

Mr LANHUPUY: (Speaking WANGURRI LANGUAGE).....

(English Translation)

Can I reply to your speech? Let me say this first. If outstation people are willing to have a meeting whenever they want we will then have a strong meeting in one of the outstations. If Laynha is ready then a meeting could be organised at one of the outstations and we could come back. In your speech Roy, when you said, "We don't want statehood because we are not ready for statehood". That's why the committee are saying that a constitution should come first. Statehood will come later in the future and only when everybody is satisfied. It won't be like New South Wales and Queensland who have lost their culture. This paper will be kept well above the influences of the politicians. The constitution will have power over the Parliament and that's why we are talking about this first and maybe we will have to think about this in the future, too.

Mr MARIKA: (Speaking RIRRATJINGU LANGUAGE).....

(English Translation)

You are a Yolgnu yourself and that is very good, but don't forget your culture and your customs. Each clan must get together to look at this constitution so that everyone will recognise (dharangan) and understand it. Steve Hatton has been talking about this constitution for a while now - it has taken him a long time to do this job for us Yolgnu people. This man (pointing to someone) did the right thing. What will we say to our Yolgnu people here? Should land rights be put into a constitution or not? We might decide this later, when we really understand it.

Both the Northern Territory Government and Canberra Government should recognise that all Yolgnu land rights must be put into a constitution not in Balanda constitution but a Yolgnu constitution. If this constitution is to become real for Yolgnu people then it should not be able to be broken up or torn into pieces. It should stand strong and firm. Your speech (to Lanhupuy and Hatton) has been understood. We Yolgnu people need to discuss this later on because most of our people are back in Laynha outstations. All of the old people, the head of our clans, those people who talk for our rights, are away. At the moment there is only me and this other man the two chairpeople, talking to the committee. And these other Yolgnu people that are sitting down here are not saying anything.

The constitution must not be only good for Balanda people or not only good for Yolgnu people. The constitution must be good for both. Remember when Lanhupuy said that it was a very good decision and they will work for everybody. It must be all right for Balanda and for Yolgnu so that the two laws do not argue, but balance together.

This is what we want because in the future we, the old people, will pass away and then there will be children and more children to come after that. We will all need to have a proper constitution - we don't want one that's half good and half bad. Alright? Because of this we need to clearly understand the constitution and its laws. The Northern Territory Government will then hold the law and serve us with it. So we must make sure that they do not supply us with a half law or trick us or play any games on us.

Mr GRAY: Got to make sure it is done properly.

EVERYONE: Yo.

Mr LANHUPUY:

Yes, yes, it is alright.

MR MARIKA:

Just bear with me, this talkative no good person you see here (pointing to Mr Lanhupuy).

Mr LANHUPUY: (Speaking WANGURRI LANGUAGE).....

(English Translation)

You lot sitting here telling stories are all exchanging views with us on this paper. I've already told you that we're happy to come back any time, whenever you are ready. This one might take five years or six years until all Balanda and Yolgnu people understand about this. Then we will put it into the law.

Mr MARIKA: (Speaking RIRRATJINGU LANGUAGE).....

(English Translation)

To us Yirrkala people this is a new thing which is very good. We haven't seen this kind of constitution before. This is all new to us.

Mr WAKURATJPI: (Speaking DJAPU LANGUAGE).....

(English Translation)

Remember what the old people have said before in the past when talking about our land rights, and still their voices seem to exist now - their voices are still alive. This is good for the new generation because they have fresh minds,

and the new generation is building up. The new generation is growing up and going to school, some are married. Still today their minds and voices are fresh. Today they talk about the same thing - they are on their ancestors tracks talking the same things over.

Should we change these laws so that all Northern Territorians will share one law, for both Balanda and Yolgnu? Balanda will have their law and Yolgnu will have their law. Balanda and Yolgnu must put down their laws together and work together. They should not take each others laws. Yolgnu laws should not be interfered with by Balanda people. Yolgnu people do not interfere with Balanda law, or other different laws, they look after their own laws - Balanda law and Yolgnu law separate.

We come together when we share the same jobs, when we work together and only then will we all be on the same level and try to balance them together. Not Balanda up and Yolgnu down. In Darwin our law for the Territory should be level not crooked. We should share one law. We don't want the Territory to steal other Yolgnu people and then kill them. Our Territory laws should be kept clean because back in the old days, Yolgnu people from the Territory were taken away, kidnapped, and they never came back. They died. Queensland took my father and his brother away as slaves and he died over there. My father is your waku (relationship term to Lanhupuy). Queensland is a thief. Please, you should think about this really seriously because we are not ready to go and see our fathers' burial ground because our fathers were taken away, kidnapped. The Territory law should be strong so you must legally support us for this reason - for my father. You mob in Darwin should do something about this. Two of my fathers and two of my cousins burial grounds are over there in Queensland.

Mr MARIKA: (Speaking RIRRATJINGU LANGUAGE).....

(English Translation)

That state, that mob over in Queensland, took our people away.

Mr Wirilma MUNUNGGURR: (Speaking DJAPU LANGUAGE).....

(English Translation)

Our law should be strong and clean. Our Territory should not take any other Yolgnu people from other states and then kill them.

Mr MARIKA: (Speaking RIRRATJINGU LANGUAGE).....

(English Translation)

The Territory population should do something about it.

Mr LANHUPUY: (Speaking WANGURRI LANGUAGE).....

(English Translation)

I will have to do something myself on laws that concern us.

Someone.

Yo (Yes).

Mr LANHUPUY: (Speaking WANGURRI LANGUAGE).....

(English Translation)

That's Yolgnu custom and other certain cultures which is ours ... (not clear)

Mr WAKURATJPI: (Speaking DJAPU LANGUAGE).....

(English Translation)

That's all I have to say to you. I want you to do this one job (favour) for us, for every Yolgnu staying in Yirrkala and for those staying in their homelands. The government in the Northern Territory should support us legally on this (referring to Queensland).

Mr LANHUPUY: (Speaking WANGURRI LANGUAGE).....

(English Translation)

Excuse me for interrupting what you are saying. I already know that story (talking about gatjil djerrkura). He has already told me and I know that for myself.

Mr WAKURATJPI: (Speaking DJAPU LANGUAGE).....

(English Translation)

Not now, we'll talk about that sometime later.

Mr LANHUPUY:Yo. (Yes.)

Mr WAKURATJPI: (Speaking DJAPU LANGUAGE).....

(English Translation)

When we put our laws into a constitution they should be clean, not dirty like other state's laws.

Mr LANHUPUY:

Yo

Yes.

Mr MARIKA: (Speaking RIRRATJINGU LANGUAGE).....

(English Translation)

Our laws and our people should keep well away from those of all the other states. To the other states we say they are no good because they took away too many

of our people. They snuck up and kidnapped many people. When we have our constitution for the Northern Territory we should have clean and good relationships with the government, not corrupt. Remember when Steve Hatton said, "We don't want two roads - one good and the other one bad". Unlike Balanda people who always change their laws, Yolgnu people have always had one law. Alright? If what Steve has said is true then our laws should be together. Ok? Let's all come together to one true road. On this point in the past there have been a lot of mistakes. We must come together on the right track.

Mr WAKURATJPI: (Speaking DJAPU LANGUAGE).....

(English Translation)

That state is a thief.

Mr MARIKA: (Speaking RIRRATJINGU LANGUAGE).....

(English Translation)

An example is Queensland, a long time ago in Queensland, Balanda people were thieves. This was before there were states and they were independent doing what they wanted. The government took away the rights of the people because Queensland became independent and a state before Darwin. In Darwin, the Northern Territory hasn't become a state. Darwin has never been a state since I was a boy. It's just now that they are thinking of statehood.

They are trying to get Darwin recognised as a state so we can have our own constitution. If we work together properly through the community with proper communication until we come to an agreement then we will be unified.

Mr LANHUPUY: The Northern Territory is lucky. The last time other places became states in Australia was in 1901, right?

Mr HATTON: That was for the federal one. The states made their constitutions over 100 years ago.

MR LANHUPUY: 100 years ago.

MR HATTON: You know that there is still lots of fighting in the states between Yolgnu and balanda. They have not fixed up the problem there. When they wrote their constitutions 100 years ago, they did not do it properly. They did not go and talk to the people. They did not talk to the balanda or Yolgnu people, did they?

Mr LANHUPUY: (Speaking WANGURRI LANGUAGE).....

(English Translation)

That's when we didn't have any voting rights that time.

Mr MARIKA: (Speaking RIRRATJINGU LANGUAGE).....

(English Translation)

That's true.

Mr LANHUPUY: (Speaking WANGURRI LANGUAGE).....

(English Translation)

Today Yolgnu people have voting rights in the Northern Territory and that's why we are saying, "Let's all go this way, let's listen to Yolgnu people". A quarter of the population in the Northern Territory are Yolgnu people so how could they ever forget about us. This man (pointing to someone) told us such laws. When we put our culture into this constitution then politicians cannot play around with it and the Yolgnu people will have that law and they will look after it. People have also said that nowadays we are still on our ancestors tracks, talking about the same thing. Now we have our land rights which are in our hands. It's good that we have land rights and that we see them clearly and now we are ready to set up this law for our children. We can set up how they are going to continue to live along the same tracks as our descendants. They will have the right to exercise their rights later on. But we have to straighten things out for them now.

Mr MARIKA: (Speaking RIRRATJINGU LANGUAGE).....

(English Translation)

Yes that's fine, but let's do it slowly.

Mr LANHUPUY: (Speaking WANGURRI LANGUAGE).....

(English Translation)

We still have a long way to go and many more talks for this one.

Mr MARIKA: (Speaking RIRRATJINGU LANGUAGE).....

(English Translation)

We want to once again have this exist in two lots, but one.

Mr WUNUNMURRA: (Speaking Dhalwanu language).....

(English Translation)

Let's do it this way. Let's forget about statehood and don't put it first.

Mr MARIKA: (Speaking RIRRATJINGU LANGUAGE).....

(English Translation)

Gaminyarr, let's start talking about it and dealing with the issues before it all becomes too big.

Mr WUNUNMURRA: (Speaking Dhalwanu language).....

(English Translation)

We will have to put our constitution first and then we will be able to put all of our laws into it. Then when we die our laws will be safe and clear.

Mr MARIKA: (Speaking RIRRATJINGU LANGUAGE).....

(English Translation)

Try and break up each word that's being said to sort it all out first. Let's talk about that other stuff later, or next year sometime.

Mr Wirilma MUNUNGGURR (Speaking in an Aboriginal language):

(English Translation)

We didn't get it right when they told us before, but now it's clear and understandable what this man here (Steve Hatton) and Lanhupuy have been telling us about this constitution. They are also allowing us time to do some thinking and talking, to listen to each other's opinion and to decide whether it's good or no good, or whether we leave it and forget about it.

How we lived in the past was different and we were forced to live like captives in another world, the Balanda world. So now we will start to choose our own law because the Northern Territory Government is still young and its self-management process has not yet reached maturity.

We are able to listen to what they have to say, what they have to share with us here. Hopefully what they tell us isn't bad, but I need to ask Yolgnu people to think about this and make sure that there is nothing in their speech that will deceive us or whatever. I am not against what the NT is trying to offer us. It's just that I'm not sure why they want our law to be put into one constitution.

Mr LANHUPUY: (Speaking WANGURRI LANGUAGE).....

(English Translation)

They will have to advise you about this again when they have a meeting at the Laynha or Dhanbul office. I'm telling you straight that you will meet a lot of Balanda and Yolgnu people who will say, "Why are you looking at this paper and why are you listening to them"? Then you say back to them that you already know the story that these politician people have told. If you don't trust the Labor Party for your land rights, for your culture and for your customs, or even if you don't trust the Liberal Party, then put your laws into a constitution that we can't touch or play around with. This is what the constitution is about.

Mr Wirilma MUNUNGGURR: (Speaking DJAPU LANGUAGE).....

(English Translation)

That's what I have been asking for. Before it was like the Balanda people had been playing games with us, not telling us the truth. The Yolgnu people have been going wild, not knowing what's going on. But now it's much

clearer. We Yolgnu people now understand what this is all about, concerning the laws. So we will get all of the leaders from Laynha and leaders from Dhanbul and the whole community and discuss this matter to make it clear to them. We understand what you have said and told us and what the Balanda have been saying on laws about our land, about other people coming and living on our land, or about certain people who might try and dig for minerals in our land. OK. We understand most of the story that we are being told, so we will then have to put our laws into this paper. We can put all of our decisions that the Balanda people have never listened to. Now this paper might allow us to ensure our decisions are heard.

Yolgnu people will need to talk about it again, and Yolgnu leaders will talk about it amongst themselves because Yolgnu people have not said anything like this to the Balanda people before. They have been holding back their thoughts. Now it's time for Yolgnu people to speak up for their rights and laws and put them all into a constitution, so that Balanda people will understand and realise our law. Before our land rights were considered small - without power, and we tried to fight for them but nothing happened, and still nothing. Our land rights haven't been recognised, haven't gone into a constitution fully, and they are still a long way from being truly recognised. We are now dealing with laws and our rights - Yolgnu laws. We need to be and will be on the same level, Balanda and Yolgnu not upside down, their law and our law. This is the way we ought to fight for our rights. The stories that you have been telling us and what the Balanda have been saying are good enough for now. Also our Territory is not under any umbrella of the state. It hasn't got it's own statehood yet.

Mr LANHUPUY: (Speaking WANGURRI LANGUAGE).....

(English Translation)

This is what Steve has said. Already the other states are looking after themselves. Their strings that used to be attached to the Federal Government are cut and they are looking after their own state affairs such as DAA, public services, mining and parks. Only we in the Northern Territory still have strings attached to us. What ever we do now we are still under Self Government. Canberra still make a lot of decisions for us. The Northern Territory is clinging onto the Self Government Act.

An example is if you look at our land rights, it's still in the House of Parliament and it is easy for the Labor Party or for the Liberal party to throw our land rights out if they wanted to. Some Balanda people are still trying to get to our land rights. They would like to throw them out. The only way to stop the Balanda people from mucking around with our land rights is by putting them into a constitution.

Mr MUNUNGGURR: (Speaking DJAPU LANGUAGE).....

(English Translation)

So if we Yolgnu and Balanda are arguing together in the communities, will Canberra and the Northern Territory be doing the same, talking to each other, so we'll all come up with good answers and arrive at the same level? If we both come together that will be all right. We will then come together to look after our laws. They will not have to argue because the Yolgnu people want them both to work together. Let's try and not reject Balanda people.

Mr MARIKA: (Speaking RIRRATJINGU LANGUAGE).....

(English Translation)

We don't want two stories - one in the Northern Territory to cover Yolgnu people and another story from the Federal. We want the same story - one good story. We don't want one bad story.

Mr LANHUPUY: (Speaking WANGURRI LANGUAGE).....

(English Translation)

Talk to him so he will tell you. Talk to him, he will tell you.

Mr MARIKA: (Speaking RIRRATJINGU LANGUAGE).....

(English Translation)

Okay, that should be or will be our government, two governments, the Northern Territory Government and Federal Government, right? They should listen to Yolgnu people to open up their minds for ideas - listen to Yolgnu people properly instead of cutting us into pieces. We don't want the Balanda people's ideas. If the two governments, Federal Government and Territory Government make one law to look after Yolgnu people for the constitution, and if the government in the Northern Territory, Darwin and Canberra say right, we have to listen to Yolgnu people, alright. If they want to put their land rights into this constitution, that's up to them, and we have to support them, alright? Yes, that's the two governments, Territory and Federal.

Mr HATTON: Roy, we go one step further. Wes, you explained that land rights is just an act of parliament, didn't you? What we are saying is that you do not have to ask our permission. With this law, you do not say to the Northern Territory government: 'We want to do this. You do it for us'. This time, the people sit down together. I know that Aboriginal people are going to say that they want to make sure that no government can take away their land rights. That is important and you say that you want to make sure that no government can touch them. If you put that in the constitution, the government cannot touch it. You do not ask the government that. You talk to all the Territory people. You have to talk to balanda people too and explain to them why it is important. I understand what you are saying. You must tell the balanda people in Alice Springs, in Darwin and in other places, and that is what this constitutional convention is about. You have to sit there and explain it so that they understand why it is important, so that it does not just become like a political fight. It is important to explain why there are things that you have to lock up so that the government cannot touch them.

You do not ask us. You tell us in this law. The government does not write this one. The people make this law and they put it over the top of the government and the government has to go that way. That is where it is different. With this one, you do not say: 'Please, will you do this?' With this one, you say: 'We are telling you that you must do this'. That is what a constitution is.

Mr MARIKA: (Speaking RIRRATJINGU LANGUAGE).....

(English Translation)

Yes, the land rights and sacred sites are not for Balanda, they are for Yolgnu people.

Mr HATTON: That is yolgnu. That is right. This is for everyone and you have got to say that those things are important for yolgnu people. You have to explain why it is important so that your rights are protected. There are other things that balanda people might want in there too. Yolgnu people might say: 'Those are balanda things. We are not as interested in those'. Balanda people are going to want some things in there for themselves. I cannot think what is important for balandas but not for yolgnus. I think they are all important. The right to freedom of speech, the right to vote, the right to practise your own religion, the right to meet like this etc are important to balanda and yolgnu. However, there are special things for yolgnu people because you were here first. These are things concerning your land rights, culture, law, sacred sites and other things that perhaps balanda people do not understand enough about. When somebody does not understand what is important to other people, he does not think about it properly. When I have a better understanding of what is important to you and why it is important to you, then I can respect it better.

It is important not only to put that law there, but also for people to understand why it is important. It is important for people to increase their understanding of one another and, in that way, build up their respect for one another. That is how you start to find a direction. The law by itself is not enough. What is important is the understanding that comes from the talking that goes into the making of this law.

Mr MARIKA: We keep on talking.

Mr HATTON: Yes. When yolgnu people have a problem, they sit down and keep talking until they sort it out, don't they? Well, that is the way that we have to do this one.

Mr MARIKA: (Speaking RIRRATJINGU LANGUAGE).....

(English Translation)

What about the mining? Will this mining business go into the constitution? You tell me, Bulany.

Mr LANHUPUY: (Speaking WANGURRI LANGUAGE).....

(English Translation)

It will, it's very big. Already the mining is under the Territory Legislation - we look after it. We will talk about all of those other businesses like mining, services, road works and there's a lot more. At the moment we should talk about bigger matters.

One very important matter is this constitution and how we will plant all of our laws in it. Leave all of the small matters and we'll come back to them later. All Balanda and Yolgnu should get together and say OK, we would like to have this paper - let's all agree to get ourselves this kind of paper. Then later on we will start to talk and understand each others thoughts - we'll agree or quarrel and again discuss this constitution. That's what he's been telling us (pointing to Steve Hatton).

Mr Wirilma MUNUNGGURR: (Speaking DJAPU LANGUAGE).....

(English Translation)

If we stick to this constitution business some of us will have to get a solicitor to explain what is going on, to straighten out this story and make it clear to us, then when we talk we know what we are talking about and can continue to talk straight.

Mr LANHUPUY: (Speaking WANGURRI LANGUAGE).....

(English Translation)

That's OK, it's just like our ... (not clear). Yes.

Mr MARIKA: (Speaking RIRRATJINGU LANGUAGE).....

(English Translation)

We must be willing to take on this constitution and its ideas before we get more information from you. We must be willing before you or we can make a decision.

Mr Wirilma MUNUNGGURR: (Speaking DJAPU LANGUAGE).....

(English Translation)

We need your support. We want you to help us.

Mr MARIKA: (Speaking RIRRATJINGU LANGUAGE).....

(English Translation)

We will need legal support for this. We will have to draft it first with a lawyer. This work will be your work for the commission and you committee people will have to formally incorporate into this constitution our sacred beliefs and rituals (ranga) - all of the Yolgnu law. Then you people of the Northern Territory and Canberra governments must draft this paper with the help of lawyer and Yolgnu people.

Mr LANHUPUY: (Speaking WANGURRI LANGUAGE).....

(English Translation)

The other thing is that we have been to many communities and we've heard people say that the story they've heard from other groups of people about this constitutional development doesn't sound right - it's not clear from what we say. We on the committee say back to this that if you want we can all come back together and then we can sit down again and debate about it and tell you more information about this constitution.

Mr Daymbal'pu MUNUNGGURR: (Speaking DJAPU LANGUAGE).....

(English Translation)

I bet those Balanda people don't even understand our Yolgnu culture and views because they are living far away from us. We can't see them to talk to them. Balanda people living far away from us need to hear from us about our laws as well because they might not understand our cultural views.

Mr MARIKA: (Speaking RIRRATJINGU LANGUAGE).....

(English Translation)

Yes, these Yolgnu people must understand what you are talking about, but Yolgnu people have to work it out for themselves to understand the concepts. You need to keep telling us and keep coming back and informing us about these things. You have to keep coming back and telling us the same story until we understand it. We think we have an idea about what you are saying but you have to check on this again and again, advising us until we understand the whole situation. For example, it's like telling a young boy, teaching him about (narra) sacred ceremonies. Soon he gets to know everything about what is going on in the narra. He will learn a lot of things while he's in narra and then later on he'll understand everything and be strong. This is what it is like with the constitution that we are talking about. It's like a picture of a child learning to be strong. It's like this with the constitution, too. You have to keep teaching us until we get it.

Mr Dhunggala MUNUNGGURR: (Speaking DJAPU LANGUAGE).....

(English Translation)

It's like people staying in their homelands, staying in their clan and tribal areas. We understand our stories because we Yolgnu live under one law, one head, with unity. Not like some of the others you tell your information to who live in their own world. Some of them will never understand what you are saying because they drink too much alcohol, or they get too highly educated and sometimes get highheaded. They are not taught the olden ways, the Yolgnu ways. They still need educating in Yolgnu ways and in that way they, the young people, may not understand but might need to understand what we are trying to teach them and advise them.

Mr MARIKA: (Speaking RIRRATJINGU LANGUAGE).....

(English Translation)

With this (constitution) it will become more understandable.

Mr LANHUPUY: (Speaking WANGURRI LANGUAGE).....

(English Translation)

Here are some of my thoughts on this constitution and what it can do for our land rights. There is going to be big trouble. More Balanda people will come and live here on your land and there'll be plenty more of them. Then later they will decide to take over our land. So let's put all of our laws into this constitution so we can stop them from getting our Yolgnu land. With this constitution Yolgnu people in the Northern Territory will have the power, not the politicians.

Mr MARIKA: (Speaking RIRRATJINGU LANGUAGE).....

(English Translation)

When the Labor party gave us that paper we understood clearly what you wrote down.

Mr MARIKA: (Speaking RIRRATJINGU LANGUAGE).....

(English Translation)

It's like what I've told you before, that's how it is with our law.

Mr Wakuratjpi MUNUNGGURR: (Speaking DJAPU LANGUAGE).....

(English Translation)

It's the same story that our old people have been saying and we are still talking about it now. Probably these Yolgnu people are wanting to participate in this law and are saying, "When will the laws change here in the Top End?" This is the law that we are talking about.

Mr MARIKA: (Speaking RIRRATJINGU LANGUAGE).....

(English Translation)

We only had little time before. The scheme will change and it is a dangerous thing. We don't want Balanda people who are ignorant coming around here too much, to Yolgnu areas and land and making changes. We want fullbloods to remain Yolgnu in their ways - not go half-caste in their ways. That's no good. Let's put all of our laws into a constitution later, when we make good friends with the Balanda people and get them to understand our laws and culture. We will understand each other with the colour of our skins. If we Yolgnu people have our own constitution or our own background or our own culture in the future then many Balanda people might come and the population will increase, then we will lose our language and talk and behave like other Yolgnu in other places like Sydney, Melbourne, Perth and Adelaide. We don't want that - we are against that. We talk our own language, that's all right and we also talk other people's languages which we can understand - that's no problem. But skin is the main thing. Culture with sacred ceremony is the main thing. All of this has to be planted into this constitution including our land rights and Law.

Mr HATTON: That is why you have to be part of this. You must make sure that you start working on this now and keep working all the way so that you ensure that the things that are important to you go in there. If you stand back and let someone else do the work, they might not hear. You have to start now and keep working on this job all the way. That is what we have come here to say. You have to be part of this to make sure that the things that are important to you go in there. We are trying to get started on this.

Mr MARIKA: (Speaking RIRRATJINGU LANGUAGE).....

(English Translation)

We have to talk and tell NLC straight because we don't want to be split in two. And you (the committee) and NLC should come together, talk to each other and argue about this constitution. Work it out so you don't continue to split us in two with different ideas. If the laws in this constitution are changed then the Yolgnu will understand later on, not now, but later on when we get together. By then they'll all come up with different stories. The Northern Territory Government will come up with a different story, the Canberra Government will tell one story and again the NLC will come up with another story. We should have one true story.

What we have been saying, all these Yolgnu people, is to put all of our ideas into one and get back our land rights which is currently in the hands of the Canberra Government. We need to establish and plant land rights with all other aspects of Yolgnu culture into one constitution. The Yolgnu in the Northern Territory will have to be Yolgnu and every time the Yolgnu wish to make laws for their constitution that's theirs and it will only belong to the Yolgnu living in communities, not for the Balanda.

Mr LANHUPUY: (Speaking WANGURRI LANGUAGE).....

(English Translation)

How many of us Yolgnu people work for the Land Council?

MR MARIKA: Uh?

Mr LANHUPUY: (Speaking WANGURRI LANGUAGE).....

(English Translation)

How many of us Yolgnu people, this skin (pointing to himself) work for the Land Council?

Mr MARIKA: (Speaking RIRRATJINGU LANGUAGE).....

(English Translation)

We will talk about that later, not now.

Mr LANHUPUY: (the question is not audible)

Mr MARIKA: (Speaking RIRRATJINGU LANGUAGE).....

(English Translation)

No. This man mari is not here now, he's somewhere else. He's the man who has been helping us. He worked for us Yolgnu people sorting out land right matters. We don't want just any person writing down our laws for land rights. We want a Balanda lawyer to write down the laws with Yolgnu people overseeing him.

Mr LANHUPUY: We wrote to the NLC and the Tiwi council.

Mr HATTON: Yes, we are writing to all the land councils. We want to meet with the land councils. We do not want to meet only with the land councils' executive, although that might be a start. We would like to actually meet with the whole land councils, all the representatives, so that everyone hears and talks straight. We do not want to cut them out. We want to talk. What we do not want is them talking over there and us talking over here. That is silly. We should come together and talk.

Mr BANAMBA: That is what Roy was saying.

Mr HATTON: Yes. They are running around the Northern Territory saying things about us, but they have never talked to us. How do they know what we are doing?

Mr LANHUPUY: (Speaking WANGURRI LANGUAGE).....

(English Translation)

You can see me anytime.

Mr MARIKA: (Speaking RIRRATJINGU LANGUAGE).....

(English Translation)

You mob talk to each other so you'll understand each other. We only understand a little bit of this because it's only the first stage. You're talking, talking and talking until you take over. We will have to look at this again and try and understand it. Later on if we put all of our land rights, sacred ceremonies and Yolgnu business into this law, it will be for our djamarrkuli (children) for their future. And we don't want other people splitting us in half and making comments or arguing.

Mr LANHUPUY: (Speaking WANGURRI LANGUAGE).....

(English Translation)

The constitution for the Northern Territory people will become like land rights for both black and white. The laws for the land owners will become land rights for everybody in the Northern Territory and this will tell us how we will run our laws, what those laws will become like and how many politicians you will list.

Mr MARIKA: (Speaking RIRRATJINGU LANGUAGE).....

(English Translation)

Put land rights into this constitution and then everybody will understand this constitution. We will put all of our

comments and opinions, what the old people say, what Wakuratjpi say, what I say and what this man (pointing to someone) says. Lets put our minds and laws into this and stick to the one road. Remember what Steve said, "We don't want two roads leading us two ways", nor do we want to be jumping back and forth from one road to another. We're splashing around like a fish. We should have one road only and we need to put the things we have been talking for about our land rights down in the one place. Through the land rights system that the NLC (can't hear) understand the NT Government all right? The NLC are telling one story and creating and making trouble by disagreeing with the NT Government. Both groups have different stories.

Mr HATTON: I saw that pamphlet that they sent around and, to be absolutely honest, it is just a load of rubbish. There is no truth in it at all. Will you interpret this for me, Wes? If there is no constitution, a government can do anything it likes. Okay? When the people write a constitution and put it over the top, that ties the government down. That is how the people's rights are protected. If you do not have a constitution, the government can walk over the top of your rights at any time.

You talk about land rights. You have no constitutional rights here. If people in Sydney and Melbourne change their mind and go against land rights and it becomes important for someone to oppose land rights in order to be elected to Canberra, they can abolish land rights. You have land rights only because of an act of parliament. You must always remember that what the government gives you, the government can also take away. If it takes away the Land Rights Act, things would be back to where they were in the 1960s. It can do that. I do not believe that it will do that, but it has that power. If you lock those sorts of things up in a constitution, the government cannot touch them.

Mr BANAMBA: That is what Roy is saying.

Mr HATTON: Yes. We cannot touch them. The land council is saying that we want to take land rights away from you. I know that it is saying that. It is not true, but it is frightening people by saying that. If you do not trust us or the Labor Party - it does not matter which side - you put the things that are important to you in the constitution and we cannot touch them. That is your protection. All we are saying to you is that, in doing this job, you must make sure that you look after your rights. Does that sound like I am saying something bad to you? We are here to say that you must start thinking about this and be part of it. If you are not part of it, other people will do the job and they might not protect your rights the way you think that they should be protected. It is in your interest that you be part of this and not walk away from it.

Mr LANHUPUY: (Speaking WANGURRI LANGUAGE).....

(English Translation)

Right. It's not our job to argue with the NLC. This is just what they're doing. They go before us and tell one story and we follow them and tell another story. Then we go first and they come after - just following each others tracks and disagreeing. If we call the Land Council to go with us, so both groups sit down and debate these issues. You tell us what you have to say, what you think about it and then they'll tell you what opinions they have. We have to talk it through face to face, to the whole community. If they are willing to do that job then we will have to do it together. Otherwise we will spoil the relationship and reputation between the NLC and the government.

Mr Wirilma MUNUNGGURR: (Speaking DJAPU LANGUAGE)

(English Translation)

Do this, do this yourself.

Mr LANHUPUY: (Speaking WANGURRI LANGUAGE).....

(English Translation)

Probably it has got to do with power. The NLC don't want to lose their power.

Mr MARIKA: (Speaking RIRRATJINGU LANGUAGE).....

(English Translation)

How many of you work in this committee?

Mr LANHUPUY: (Speaking WANGURRI LANGUAGE).....

(English Translation)

Six. Myself, Danny Leo and Brain Ede. We're from the Labor party and these two here (pointing to someone) and Rick Setter and Col Firmin, they are from the CLP in Darwin.

Mr MARIKA: (Speaking RIRRATJINGU LANGUAGE).....

(English Translation)

If you will, and this is where all the Yolgnu community come into it. This community is funded and employed by two governments, the NT and the Federal, this is where our funding comes from. If these two governments open their minds and hearts to Yolgnu people and go along with what Yolgnu people expect them to do OK, and if the Labor party and the other party (CLP) are working with all the communities in the role of ensuring that Yolgnu people understand what their party is on about, then the Yolgnu people will understand. The NLC will understand that you have already been working with the community. Now you two don't understand each other because you are sitting on opposite sides of a big river. It's not until we come together and are unified that we will lock our ideas into a constitution.

Mr Daymbal'pu MUNUNGGURR: (Speaking DJAPU LANGUAGE).....

(English Translation)

What are you intending to do with this law, make it one? From here on will this law be one? We Yolgnu people need to work on this law and later on put it together piece by piece. I'm asking you about this law, Yolgnu law, for our land, our country and community that belongs to those places. Our law has got its own Yolgnu world view, its own constitution. Over there in the homeland centres the people who go back there and stay and live there no one comes and invades our land. That law, that power will stand and exist forever where people go back and take control of their land.

Mr MARIKA: (Speaking RIRRATJINGU LANGUAGE).....

(English Translation)

This is a draft. These conversations we are having are at draft stage. Culture, every community involved in the culture, every clan, every piece of land, every community within this land must put this law and lock it in so that Balanda people will understand that Yolgnu people have a fundamental connection to the land. The Yolgnu law connects with each clan, connects to the land which becomes our land rights. These words are not new. Our law is very ancient. Once you lock this (our law) into a constitution then the NLC will understand what you are trying to do. They understand that this is where the Land Rights Act will be constituted.

Mr Wirilma MUNUNGGURR: (Speaking DJAPU LANGUAGE).....

(English Translation)

Like the saltwater here is still connected to the Dhuwa and Yirritja people.

Mr MARIKA: (Speaking RIRRATJINGU LANGUAGE).....

(English Translation)

The 2 kilometre sea law is not good enough. It's still not right. The sea rights legislation is no good. This must also be put into a constitution.

Mr LANHUPUY: (Speaking WANGURRI LANGUAGE).....

(English Translation)

That's right what Roy just said. If you want to protect your rights then let's draft a paper that includes all of our customs, ceremonies and culture so they will remain strong and firm. This constitution can protect our rights and make them strong. All of the sacred areas on the land and sea that we sing about and all the other Yolgnu aspects of our world view must be locked into this constitution. By doing this it will make our law stronger. We will only overcome the Balanda law with a constitution because at the moment the parliament is looking after the laws. (Can't hear) At the moment we don't have a constitution. If the government people decide to change the legislation they can do it anytime and they are able to play around with us because our laws are not protected.

A constitution will stop them from doing all sorts of things to we Yolgnu - our laws, our lands and our customs. The Land Councils are carrying out their work but our laws aren't constitutionalised. Our land rights are not in the Federal Government Constitution.

At the moment our land rights are different from what we're asking to be put into this constitution. We must put our personal rights that concern us - our customs, our land and others - into this paper.

Mr MARIKA: (Speaking RIRRATJINGU LANGUAGE).....

(English Translation)

We can see what you are doing. Okay. The other thing you two groups, Canberra and Northern Territory, must sit down together and talk. Don't talk on telephones with the Northern Territory on this end and Canberra on the other end. Come together and talk.

Now we talking for the sake of the Yolgnu people and their land. This is your committee, you Wesley should add more people (Yolgnu people) to make it real for us, so that more people can work together on this, not alone. Don't talk alone, talk together. Say to us that you are working, travelling and dealing with this for the sake of Yolgnu people - this is what you should do. If these drafts (these conversations) go into the constitution the voice of Yolgnu people for land rights, the voice of all the people sitting here must be understood because this constitution, according to our own land rights, should be recognised. Therefore the mining companies will not be able to come onto our land without previous communication or consultation with Yolgnu people and the Yolgnu power, that our Yolgnu law holds (not clear) be locked in then no one can touch it. All right? Also in that constitution people will have to think critically before people make up their minds for anything for mining or anything.

Mr HATTON: This is the mining, is it?

Mr MARIKA: For mining or anything.

Mr WAKURATJPI: (Speaking DJAPU LANGUAGE).....

(English Translation)

Let our voices, the voices of the old people this is what they have always said. Let's keep their voices alive. This is what they've been asking for all along, all of the things that we have been talking about here today. Let's lock it into this law and also the other things that our old people have been talking about, this is what they predicted and this is what is happening to the future generations. This is what you (Roy) and the older people have been talking about in the past.

Mr MARIKA: (Speaking RIRRATJINGU LANGUAGE).....

(English Translation)

Yolgnu law must be legal. It has to become a constitution and legal.

Mr HATTON: Perhaps that is one way that it could be done. I do not know all the answers. Do not ask me for all the answers because I do not have them. I know that there are the issues of yolgnu law, land rights, mining and all sorts of problems. I know they are there and I know other people have other ideas. Different people have different ideas. What I am saying is that we need to get all the different people inside one room and say: 'When you work out how to live together, you can come out'. It is no good you just convincing me and me saying: 'Okay, I am convinced. I am happy'. What about

all those other people in Darwin, Alice Springs, Katherine and Tennant Creek? You have to talk to them too. That is what I am saying.

Mr MARIKA: Get them to come out and talk to us.

Mr HATTON: And they have got to come and talk to you, yes.

Mr MARIKA: Ask them to come and talk to us.

Mr HATTON: That is what we want that committee for: to get representatives of the people together so that they can talk. They can go backwards and forwards to the communities and talk it through.

Mr WAKURATJPI: (Speaking DJAPU LANGUAGE).....

(English Translation)

The old people in the past knew what they were talking about and it was right. Even though they didn't understand the Balanda language and ways they were right in what they were saying. You mob know you were there with them when you went to court in Darwin and the High Court and you fought for our rights. So we can understand Balanda views and make views level with them. Don't chase Balanda people away - work with them.

Mr MARIKA: (Speaking RIRRATJINGU LANGUAGE).....

(English Translation)

We won't.

Mr WAKURATJPI: (Speaking DJAPU LANGUAGE).....

(English Translation)

Because Balanda people are working here and also our law we need to lock it in and later on it will grow and become real for later on, for us and then we can talk about other things.

MR HATTON: Is it yolgnu law that he is talking about?

Mr WAKURATJPI: Any law. Balanda law. Yolgnu law.

MR HATTON: How do you make them work side by side?

Mr WAKURATJPI: Work together.

MR HATTON: Yes but how? That is the question? We have had some Aboriginal people say that they do not know whether this will work or not.

Mr WAKURATJPI: Part Yolgnu they got different ideas.

MR HATTON: Yes, that is right.

Some people have said that Aboriginal people should have to face Aboriginal law first, after that, they can go to the Balanda law. I do not know if that is the way it should go or not. However it is something that we should talk about because some people will say that that is the way to go.

Mr WAKURATJPI: Balanda law ...

MR HATTON: I do not know. All I know is that ...

Mr WAKURATJPI: (Speaking DJAPU LANGUAGE).....

(English Translation)

Balanda law is different, they got different culture, different background, and same goes for us Yolgnu people. We come together, we work together, we learn together, that's why we still need to understand each others background.

MR HATTON: And that is what we have got to get out of this.

Mr MARIKA: (Speaking RIRRATJINGU LANGUAGE).....

(English Translation)

What you said before you two was to have that law working side by side.

Mr WAKURATJPI: (Speaking DJAPU LANGUAGE).....

(English Translation)

Because still the Balanda don't understand Yolgnu law and we Yolgnu need to understand Balanda law. But we need to make the law work for everybody. Let's put our laws in this constitution. One law that recognises both laws, Yolgnu and Balanda in the Territory constitution but our Yolgnu law must exist and be recognised.

Mr MARIKA: (Speaking RIRRATJINGU LANGUAGE).....

(English Translation)

Let's be clear on this. Let's help each other on this and encourage each other for those two laws to go into the one constitution. If we put our law into the one constitution, Balanda and Yolgnu together then we can lock it in and it will be beneficial for those that are yet to come. We in the Northern Territory hold that key but we can't open the door until people say yes.

MR HATTON: That is right. The people have got to say yes. That is what makes this law strong.

MR MARIKA: Not the government in Darwin, not the government in Canberra but the people (Yolgnu people).

MR HATTON: Only the people can change that. You remember that, last year, when the Federal Government wanted to change the federal constitution, there was a referendum and you had to vote yes or no to four questions? The government had to ask the people. The people said no and so it could not touch it. It had to stay the way it was. That is the way it would be with this law.

MR MARIKA: That the Federal or Darwin?

MR HATTON: That was the federal government in Canberra. Last year it had to ask the people. When the people saw what it wanted, they were not happy and said no and the federal government could not change the law.

MR MARIKA: Have the people in Darwin been asking Canberra to change it?

MR HATTON: No, it was not. It was the federal constitution. Remember, last year, you had to vote on 4 questions, not for the government. You had to vote yes or no on 4 different questions. That was to change the Canberra constitution, the Australian Constitution. But, the people said no and so the government could not touch it. If we do this one properly, in the same way, the government will not be able to change it without asking the people. If the people say no, it will have to stay as it is. You can write that in there too.

Mr WAKURATJPI: (Speaking DJAPU LANGUAGE).....

(English Translation)

Mari, to me it looks like we're always talking about the same thing, I think you understand that already. Try not to ask them any more questions. It looks like the same thing.

Mr MARIKA: (Speaking RIRRATJINGU LANGUAGE).....

I just want to be clear on what he's saying, just so I'm clear on the idea he's presenting - say it again. Okay leave it.

Mr WAKURATJPI: (Speaking DJAPU LANGUAGE).....

(English Translation)

In the past you have been talking about the same issues and we have been talking about this before in many meetings, and still we are talking about it.

Mr MARIKA: (Speaking RIRRATJINGU LANGUAGE).....

(English Translation)

This string of yours, hold onto it and somewhere that raki (strength) might break so wait until your string is stronger and just hold onto that string (strength).

Mr WAKURATJPI: (Speaking DJAPU LANGUAGE).....

(English Translation)

That is the way we should be because we will be having a homeland conference soon. And everybody from each homeland will come and we might have to talk about these issues and there are people from the homeland in this meeting.

Mr MARIKA: Larrtjannga, come on let's hear you talk.

Mr LARRTJANNGA: (Speaking in An Aboriginal language)

(English Translation)

This is just it.

Mr WAKURATJPI: (Speaking DJAPU LANGUAGE).....

(English Translation)

This is very old. You've talked about this issue before, mari.

MR Wirilma MUNUNGGURR: (Speaking DJAPU LANGUAGE)

(English Translation)

In every conference we attend whether it's Laynha or Dhanbul who will we get to explain this more to us, just to explain again to the leaders, and who would we get to go to this convention or conference to explain again.

Mr MARIKA: (Speaking RIRRATJINGU LANGUAGE).....

(English Translation)

Here this man is ready to do the work.

Mr LANHUPUY: (Speaking WANGURRI LANGUAGE).....

(English Translation)

Were the people - available.

Mr WAKURATJPI: (Speaking DJAPU LANGUAGE)

(English Translation)

This Danny Leo is the other person to see.

Mr LANHUPUY: Danny Leo.

Mr Wirilma MUNUNGGURR: (Speaking DJAPU LANGUAGE)

(English Translation)

Danny Leo, yes. Danny Leo's another one.

(Everybody's talking at the same time)

Mr MARIKA: (Speaking RIRRATJINGU LANGUAGE).....

(English Translation)

Yes Danny Leo and this Yolgnu (referring to W. Lanhupuy).

Mr LARRTJANNGA: (Speaking in an Aboriginal language)

(English Translation)

I wish to speak just a few words.

MR GUNGATA: (Speaking in an Aboriginal language)

(English Translation)

I just can't remember this Balanda's name.

Mr LARRTJANNGA: (Speaking in an Aboriginal language)

(English Translation)

If and when we talk, later on.

Mr Wirilma MUNUNGGURR: (Speaking DJAPU LANGUAGE)

(English Translation)

This is the man to see.

Mr LARRTJANNGA: (Speaking in an Aboriginal language)

(English Translation)

Later when we get this straight we will elect them. How many we want of these people here sitting down today who have come to this meeting. Then later we will look at them and vote for them when we come together and talk. We will get their names written down and get them to talk for us, talk on our behalf.

Mr MARIKA: (Speaking RIRRATJINGU LANGUAGE).....

(English Translation)

Let's every Yolgnu ask the two governments, Canberra Government and the Northern Territory Government, let's all say, "Come here to our Yolgnu (narrali) and witness our sacred customs".

Mr LARRTJANNGA: (Speaking in an Aboriginal language)

(English Translation)

It looks like the discussion we've talked about is the same, when we were over at your office we talked about this before.

Mr MARIKA: (Speaking RIRRATJINGU LANGUAGE).....

(English Translation)

That's it.

Mr LARRTJANNA: (Speaking in an Aboriginal language).....

(English Translation)

It's the same.

Mr MARIKA: (Speaking RIRRATJINGU LANGUAGE).....

(English Translation)

That's how we should deal with them. Let's bring them through our sacred law, through our sacred rituals and ceremony.

Mr WAKURATJPI: (Speaking DJAPU LANGUAGE).....

(English Translation)

We will call them all together, people staying here in Yirrkala and everybody else in their homelands, call them to come to this meeting and then we'll look at it.

Mr MARIKA: (Speaking RIRRATJINGU LANGUAGE).....

(English Translation)

These people will talk about it again, that is these people will talk to us in detail about it before they do the drafting of this paper.

Mr LANHUPUY: (Speaking WANGURRI LANGUAGE).....

(English Translation)

Yes do that together with the others for the land rights.

Mr MARIKA: (Speaking RIRRATJINGU LANGUAGE).....

(English Translation)

We will do that, we will call them. We Yolgnu will call them to come to our Narra (sacred ceremony).

Mr Wirilma MUNUNGGURR: (Speaking DJAPU LANGUAGE)

(English Translation)

No, not next year. We still have to wait a bit longer.

Mr LANHUPUY: (Speaking WANGURRI LANGUAGE).....

(English Translation)

It's very far, we will wait.

Unknown : (Speaking in an Aboriginal language).....

(English Translation)

One thing I've already told you, that thing will be done anyway.

Mr LANHUPUY: Yo, banham Yo (**Yes, that's - yes.**)

Unknown : (Speaking in an Aboriginal language).....

(English Translation)

(Can't hear) It's for everybody.

Mr MARIKA: (Speaking RIRRATJINGU LANGUAGE).....

(English Translation)

It's lunchtime.

Mr WAKURATJPI: (Speaking DJAPU LANGUAGE)

(English Translation)

Tell these Balanda people.

Mr MARIKA: It's about the constitution. We are looking forward to seeing them, meeting again and talking again, okay. We'll call you back when we get all the people to come wherever to Yirrkala or homelands and talk more. That was a good talk. We are beginning to understand now. All right? If there is different talking, and different ideas we need to keep on talking until we can balance it.

Mr HATTON: Thank you very much. It has been a very good meeting.