

LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

SUBSTANCE ABUSE COMMITTEE

Membership:

Ms M Scrymgour MLA (Chairperson)
Dr C Burns MLA
Ms S J Carter MLA
Dr R S H Lim MLA
Mr E McAdam MLA
Mr G Wood MLA

PUBLIC HEARINGS

Tape-Checked Verbatim

TRANSCRIPT OF PROCEEDINGS

Thursday 01 August 2002

Lajamanu Community

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Mr RYAN: The committee decided to call itself the Kurduju Committee for a special reason; there's a reason why this committee calls itself that name and I think we might get the committee to explain – to start off, to explain why they called themselves the Kurduju Committee.

Mr JOHNSON: [language].

Ms BROWN: Hello. My name's Gwen Brown and I'm from Ali Curung. I'm the Council President of Ali Curung. Also the Ali Curung's Peace Officer for Ali Curung. I'm also the Chair Person for this Kurduju Committee. The shield is called "Kurduju" in our language and the elders just thought of what we're going to call ourselves so some of the elders just come up with calling this committee the Kurduju Committee because some of our elders, they are our shields. Every time there's problem in these other communities, we go to our elders; they're our shield for the whole community. It can be Ali Curung or Yuendumu or Lajamanu or any other Aboriginal community. That is why our elders are the shield for our community. Today we call ourselves the Kurduju Committee. But this is what it's all about, the Kurduju Committee. The "Kurduju" is "shield" in Western language.

Mr RYAN: The Kurduju Committee, of course, sees that name as having special significance to their role and you'll see as they go through presentations that a key part of what is happening at Ali Curung, Lajamanu and Yuendumu is the involvement of community elders. The three communities are using what we – what white fellas are calling Alternate Dispute Resolution but, really, it's returning problem solving to the community, allowing the community to use systems that have always been there in any case, and elders are an absolute key factor in dealing with those problems. So part of the strategy is to remove outside intervention back a pace or two. By "outside intervention", I simply mean in the last 30 years the influx of police out onto communities, followed by social workers followed by advisors followed by counsellors followed by the court systems, the lawyers and even these days grief counsellors and everybody else. Communities have been saying for a long time 'Hang on a minute. What's happened to our elders? They're being neglected in this process. They're being swamped by it'.

So starting at the local – with the local committees, the local law and justice committees, problem solving in their own way, in their own time and getting the government agencies to allow them to do that, and the Kurduju Committee is reinforcing that work. So I'll leave it at that. The Kurduju Committee have got some presentations they'd like to do, and if you want to ask questions, ask questions, you know.

Our key player's bolted. I'll just go and look for her.

Ms BROWN: This is just one of the issues we've been doing at Ali Curung and this is all about solving problems; that's where we get our elders to come into this. We use our elders as a shield with these sort of problems. Maybe it's a payback. We get our elders to come into this, just sorting out problem. Night Patrol up there. People just go about drinking. When they come home, they're too drunk to visit [inaudible] Night Patrols. The next day is followed up by a community meeting.

And over here we've got the traditional owners and the elders. And that's when we're looking to our elders; we bring them into this community meetings, just sorting out these problems. We never go to these traditional owners. We just use our own elders. And all the violence is [inaudible] in this community meeting.

Ms HAYES: This is how I want to show your people this how your court works and this is how our court works at Ali Curung. Here you've got a magistrate, you've got a witness stand, you've got a defence lawyer, you've got a prosecution, you've got a jury, you've got a High Court, you've got parliament. You get very few people to go in the courts – they witness their family going to gaol.

For instance, this is elders – this one’s elders, elders play the part of the jury. Traditional owners play the part of the High Court. When a payback [inaudible] here, everybody witness it; big people, little people. Aboriginal people carry their shields on their breast plates. When payback is given, they put their shield aside. Payback’s given, they put their shield back on to their breast plate and Aboriginal people walk with dignity when the payback’s given. That’s how our meetings work, same as the court system. Similar to a court system.

Dr LIM: When – can the – can Aboriginal people – I’m asking this questions because, you know, I don’t understand Aboriginal traditional culture. I think if somebody goes to gaol, can that be seen as payback, or that’s not payback?

Ms BROWN: Yes, for white people way, it’s a payback for white people. But for my people, they still want that person to get his payback when he finishes time in gaol. When he comes out, then the payback is given.

Dr LIM: Okay. So white man’s payback is not Aboriginal payback; it’s different.

Ms BROWN: No.

Madam CHAIR: So it’s still unfinished business.

Ms BROWN: He’s got to face two laws.

Dr LIM: Yes.

Ms BROWN: He can’t run from our law.

Mr WOOD: Could I ask what type of punishment is payback going to be? Is it always violent punishment?

Ms BROWN: No.

A PERSON UNKNOWN: Murder.

Ms BROWN: Payback is for giving [inaudible] for murder.

Madam CHAIR: I think what you were wanting to – is what sort of punishment happens?

Mr WOOD: Yes. If someone in your court is required to have payback against them, what kind of punishment is it? If someone belts up their wife, do they get – what sort of punishment happens?

Ms BROWN: That’s a domestic violence.

Mr WOOD: Yes.

Mr BROWN: It’s not a punishment, but the families get together - - -

A PERSON UNKNOWN: That’s different again.

Mr WOOD: That’s different again, is it?

Ms BROWN: Yes. It’s a bit different to – we’re talking about violence. We’re talking about murder, manslaughter.

Madam CHAIR: Yes, really bad crimes.

Ms BROWN: Yes, real crimes. Murder.

Mr WOOD: So what form does the payback take? In other words, you say you have payback, but what does that mean?

Ms STOKES: You have to get that person in between the whole group of people. They have to be in the middle where they can face their people for that person that he killed or she killed. She or he have to go back and face the whole family up. And they get in there and do something about it. But it's just like flogging that person. Even though it comes out, it doesn't [inaudible] death. It can go up to just put him back in hospital or something and then he comes out. That's it. But what he did – he or she did to that other person – killed, manslaughter. Yet that - - -

Mr WOOD: I understand. I suppose I'm struggling with the issue of whether you create violence – someone does something violent and you do something violent back. Is that the way it will always be or - - -

Ms STOKES: It's – you don't know how we feel. It's us Aboriginal people, how we feel. We feel that we know that person. The police takes that person in custody and we, as the families back there, we feel sorry and we feel hurt. We want that person out. We want to do the paybacks on him for what he done. That's how our feelings are. You know, it's different to European society. You've got people who – what? You've got juries, police. They get people into custodies. Custodies is different. You go in there, you have – you know, you're still there alive. Yes, you can eat feed inside the gaol, do whatever you can. But out there, families feeling sorry and [inaudible]. That sort of things, we look at.

Mr WOOD: I think a lot of non-Aboriginal people also – if something happened to their family – would also have that feeling. No different. They would want to do something to that person as payback.

Ms STOKES: But it's different to our law. Even though that hurts, but it's us. We're the ones that really – like, we know that we can't live like that, without our families, when the family has gone. It's all right. I don't know how you feel – how European society feels. For us, it's different.

Dr LIM: Am I right to think that payback is really forgiveness? By doing payback, you forgive the man or the woman - - -

Ms STOKES: Yep.

Dr LIM: - - - it's all over; the family comes back together again. Is that right/

A PERSON UNKNOWN: That's what it is. That's what it is. That's what it is.

Ms STOKES: Payback's given only once.

Dr LIM: Yes.

Ms STOKES: And no more.

Dr LIM: Yes. Yes, and then after that you forgive the man or the woman who has done the crime - - -

Ms STOKES: Yes, yes.

Dr LIM: It's all over, and the family gets back together again and start over again.

Ms STOKES: Yes.

Dr LIM: The white man's way is not forgiveness; it's punishment.

Ms STOKES: Yes.

Dr LIM: And you put somebody in gaol to punish somebody.

Ms STOKES: It's only one punishment that they go through in European society. [inaudible] gaol [inaudible] take them back where they belong and where they went from, where they started [inaudible]. That's us, how we do it. We need that – you people have to recognise how we feel. Why are we getting together and talking about all this stuff?

Dr LIM: I suppose – I mean, I come from a different country and I've lived in Australia 40 years now, a long time, and I try to understand the different cultures and also try to understand the Aboriginal culture. I wonder whether people in Australia can expect that maybe a long time from now, you know, in the future, that maybe there will be Aboriginal law and white man's law can be put together or if we will always be Aboriginal law, always white man's law. I'd like to hear what you all think. What do you think? Will it ever come together one day, or will it be - - -

Ms STOKES: Yes. That's what we want.

Dr LIM: That's what you want.

Ms STOKES: Work together.

Dr LIM: Yes, so if that's what you want, with Aboriginal payback and white man's payback so different – one is punished – Aboriginal payback is forgiveness; white man's payback is about punishment. They're so different.

Ms STOKES: What you're saying is that you mean you want to see or you like to hear about [inaudible] in the future about - - -

Dr LIM: I want to know how people think. I don't want to see one way or another way because I don't know what way - - -

Ms STOKES: No, that's not the point how we live.

Dr LIM: Okay.

Ms STOKES: It's the way we want it, us Aboriginal people, even if we've got a lot – a place like Lajamanu here. You got families here, relatives, living and yet whoever comes in to live in Aboriginal communities, they have to respect the law, that they live in that community. And that's the law that people carry in this – not only this country here, or this land here, it's back home where I come from; it's everywhere. You get people who comes in to work for Aboriginal people, they respect the law. That's one. That's one for a start.

If you're thinking about future, I don't think it's going to work because Aboriginal people want their law to be one at all times. And that's true. We can't separate from our law. We can't. It's there lifetime, even if I'm dead and gone, my kids still carry on the generations and it's there all the time.

Dr LIM: Yes.

Ms STOKES: That's why it's us now. We teach our kids. We think about our law, think about our culture, to keep it up, keep your languages strong. That's why we're still here talking to our kids. And it's about time when we're still alive, travelling around, speaking to other people, different Western societies, we have [inaudible] our kids. The main point is the kids [inaudible].

Madam CHAIR: Following on from what Richard was saying and Gerry, when we talk about two laws and we, as Aboriginal people, have one law and white man's got that other law, that legal system. Do you think there's a role for – because we're all members of government; we all sit in parliament. One of the things that we have to look at sometimes is – and they're trialling some things in Victoria where they've got some of the traditional elders that sit in the court system or meet before the court system and they meet before – if someone's done something wrong, they meet with the magistrate and the court system and they try and balance up the two laws, Aboriginal law and white law. Do you think that that is something in the Territory we - - -

A PERSON UNKNOWN: No.

Madam CHAIR: Because I know some time ago that you – when you raised the issue of Aboriginal law and people say: ‘Oh, but we’ve already got one law; there’s one law for everybody and that’s white man’s law’. People don’t look at – and there’s a lot of those views in the northern suburbs of Darwin when people say: ‘Oh, well, that’s fine but Aboriginal people’s law isn’t recognised’. Do you think that we have to – I mean, what does government need to – I mean in the future – do in the future to look at this issue? Because it’s something that people talk about all the time in Darwin and in the northern suburbs of Darwin, Alice. I’m sure they must talk about the different laws in Alice when those issues become – you know, an Aboriginal person goes to court.

Ms STOKES: That’s why us, as Aboriginal people, we want the members of the government department to recognise our laws, cultures, whatever, whatever we’ve got in our custom. We want the government departments to recognise so that they can talk about it. Maybe if they want more issues to come out, they can come back and sit down with us and we’ll talk about it – again and again. Every year. Whatever. See, if they want to know about our things, about our history.

Mr RYAN: Gerry wanted to talk – make a comment about two laws.

Mr PATRICK: My name is Gerry Patrick and Danila (?) [inaudible]. My skin name Danila (?). How about a question first here: that good everybody here gathering together here and we talk about something that our business. Why do we talk about two law or three law or have one law? I want to ask that one. Out of them tree there, they have a book signed by our community people here with that Rowan Wood, I think, and he’s a government law – yes, I think he’s more strong. I’ll say this word [inaudible] even a European law [inaudible] it, as it get more strong. But our law is not really recognised yet. And it look like it not as strong yet by the government. What this girl was just saying that our law not really recognised as the Aboriginal law. And I believe that look like is Australian law, too, for us. And that is not recognised really fully.

Then again, other thing I want to jump to violence this one and their words are violence. Some of us old people, we didn’t understand that one, that violence why you were saying. There! Three different violence or four or maybe six – could be more. In our culture and our law, some of it not violence that you – with you asking question. You was asking what Aboriginal people want to do or what to the law we have. Yes, we’ve had our law. It’s from history, too, we have our law. That is true. I’m not a committee man, too, sorry. I [inaudible] say that. I’m not a committee who’s that Kurduju Committee. I would like one to start here. But my friend here, she’s been brought up – if you call Kurduju, yes. We’ll call another word, but it’s this way: we call Mulginba [inaudible]. This one Mulginba. Shield. That’s right.

I want [inaudible] two that words, that violence from [inaudible] word, I use that one. I [inaudible] white, you know. White people – sorry to say that, but the violence, you got to know even in our family, in Aboriginal violence, we didn’t call it violence others. It’s a family fight in gaol, that’s not violence. Nothing. That’s only for family’s feelings, but we not happy to one another, and that would be [inaudible] only family. No need to give [inaudible] police man can come. If [inaudible] people work at night time, if they come in, they stop, that’s all right. They go – it’s been always like that. And the payback [inaudible] not rough. Payback is rough now, this time. Killing one another, that’s all right, that could be more hard now but in [inaudible] with my family and grow up – I live in [inaudible], but I grew up here, you know, in Lajamanu. Some of those killings in the bush, these men used to come face to family, that’s right. They have to come with this. Come with this one. Here he’s coming and bring him [inaudible]; he want to get the payback, but never go without this one.

Then everybody looking like this, people here we sitting now, look that man. What they going to do to that man? Might be only one. One. Might be son in law here. Or his father in law. One of them have to get up. What you can hit that man or sometimes he throw a boomerang one side, longside him and say to him: "Can't touch you any more". [inaudible] really for him. The man been doing murdering. That other bloke [inaudible – sounds like "pass stick already"] and give him "Here, you have passed it. You can go back to your camp. Go and [inaudible] make a fire for yourself or wind break or if you want to go [inaudible] another family, don't frighten to light the fire our [inaudible], bush way. You can burn him anyway."

During that second word, good talk to him. "Right, you can walk now up to people again like" what we call *pindiayianni kilkargaru*. [language]. That mean: [inaudible] can hurt you now, not in the bush, anyway. That long time ago. We got the law. That is the law for us. If that man want to get a punishment, or maybe lady, [inaudible] go and hit him maybe a little bit in the back with the boomerang or maybe *nulla nulla*. That's it. Only once. Or there's a man to man, hit him with a spear one time. Only one man again. That's it. And asking him: "You all right now? You can go."

[language]

No, well, we want to talk about this. This is the law. Law and order. There is our law. Aboriginal law, he really good one. We want use that law but look like it's not recognised, our law. All right?

Today, we living in two world. Until now Aboriginal law has not been recognised. In our system that we want to try and have it our way and inviting you mob as a government body, we want you people to work in with us. The system that we had before in the bush. We use to have their own, old people, counsellors, looking after people. And this has all been taken away by white people, you know? Police. We can't have our own way now any more. We've been over-riden by white. We want to get back to that system. We want our own way back. Even though that we're living in a community, but we want to compete within this world also. Not governing the world, but just looking after people within the community. And this is what we want to try and get through to you mob, to try and recognise our right to look after people within our community instead of like police – we get a lot of interference. We would call in the police when we want it if the people are getting too strong, then we will call in police to try and stop – to calm it down. But we want to be able to stop that ourselves first within the community. This is what we want and we reckon that we really want this to happen. Support by your people. We didn't invite you people here just because we like to. No, because we want your mob to recognise us.

A PERSON UNKNOWN: Recognise our law.

Mr PATRICK: Yes. It's – we can laugh about it, but it is a serious thing.

Dr LIM: Yes, yes.

Mr PATRICK: And it is what we want. I don't know if that other one – that other sheet.

A PERSON UNKNOWN: Seat?

Mr PATRICK: Yes, that little strong one.

Dr LIM: He's rolling a cigarette.

Mr PATRICK: That is a very strong message in there. Not that one; the other one. It's kinship. Kinship.

A PERSON UNKNOWN: That one, but it needs work.

Mr PATRICK: That one, it works, but that other one is what we want to try and get it work. That one to have a little bit of conflict.

Mr RYAN: Just as a bit of background for the Committee, a couple of years ago a problem occurred on one of these three communities between the community and between a government department. Now, the relationship between the community and the government department deteriorated to the extent that they are probably pretty ineffective in providing a service to the community. The community have written a letter, the Kurduju Committee have written a letter taking it up as an issue saying that these issues need to be addressed and currently the Kurduju Committee is - - -

[language]

Mr RYAN: Yes, so they've used the dot painting to describe where the three communities and the Kurduju Committee see a problem.

[language]

Ms BROWN: This is just one of the issues we've been talking about. It's about Luritja(?) kinship. When a promised girl is given, it's given through by a relationship or through by initiation ceremony. That's where they get their promise. And over here we got two girls, two young girls maybe 12 years old, maybe 10 years old, maybe 13 or 14. One is a promised girl and one is nobody that she makes trouble a lot of boys. When a promised girl make a lot of trouble, the family's elders get together and sort the problem out for this promised girl. When this other girl makes lots of problems, well it's the community and the elders, they get together to talk about this girl.

That was happening without no interference. Today we have interference with the welfares. They've been coming in in the middle. Now they want to take the promised husband to court. Why do they want to take the promised husband to court? He didn't commit any crimes. They not looking at this other girl that's playing up too much. They looking at this promised girl. The promised girls is dumped by the family on this. Today, this one come in the middle, put a stop to the promised husband and the promised girl. That is one of our issues.

A PERSON UNKNOWN: Interfering. We choose by the father, mothers or grandma – everyone.

Mr PATRICK: We want that to work again.

Dr LIM: Actually, that's interesting. You know my – just saying from a Chinese point of view, when I was very young we had our elders coming to my house to talk to my parents about marrying me to somebody. And – because, like my father, my mother, they never met until the wedding day because it was all promised by their parents. That's of course how I grew up. When I grew up, things slowly changed. My parents let me do my own choosing. Now, whether the Chinese way for my parents was right, whether the new way for me was right I don't know. I'm still married to the same woman 30 years now.

The question I have in my mind is: do people stay with tradition forever, or do people's tradition slowly change through living, through growing together, living in different societies? My parents were married by their parents arranging; they did not meet each other, did not court each other. My father did not see my mother until the day he got married to her. Whereas me, it was different. So, in Aboriginal way, is there going to be always the same, will never change, or will some day, maybe in the future, will change? Can you explain that to me?

Ms BROWN: Well, our law never changes. It's always one. White people's law changes, but not ours. It's always the same.

Mr PATRICK: Yes. I think I can - - -

A PERSON UNKNOWN: [language]. I'll die with my wife.

Mr PATRICK: I'll follow up that one because our law doesn't change. No more new paper into that [language] talk or saying, you know, or make a rule. We didn't making new rule, too. Used to be, yes, but you are right. Maybe it changed [inaudible] but what happened, I want to say this one again, European law, it changing too much and that interrupting our law.

Dr LIM: Yes, okay.

Mr PATRICK: And other one I want to say very strongly, it breaking our rules, too. It is covering up our hope of that. What my brother-in-law here, he's just been say it not recognised, our law. Even I said that. If it not been recognised, someone's law always go over that. That new – we're not happy with that one. We want to keep our law as it is in Australia in [inaudible] living, yes. Our law [inaudible].

Mr WOOD: Can I ask a hard question? If one of those young girls does not want to use the traditional system, can she do that or does she have to leave?

Ms BROWN: She has to. She has to stick to the Aboriginal law.

Mr WOOD: Say she doesn't want to. I mean this is – what I'm saying is: this is a little community in a big world. If she says: 'I don't want to do it', what happens?

Ms BROWN: She'll be punished.

Mr WOOD: But if she wants to leave, could she leave?

Mr PATRICK: If she want to leave, that's all right. She can go.

Mr WOOD: Yes. But she can't stay here?

Mr PATRICK: She can't stay here, yes.

A PERSON UNKNOWN: She's banished.

Mr PATRICK: [inaudible] might want to kill him, but she could be in a trouble all of that.

Mr WOOD: Yes. And you say she would get killed?

Mr PATRICK: No, not killed, but she will get into, you know, fight all the time.

A PERSON UNKNOWN: But live in an unhappy life. Unhappy life.

Mr WOOD: Yes. She's banished and exiled.

A PERSON UNKNOWN: Sick all the time.

Mr WOOD: I suppose what I'm trying to understand is that what you're saying might – there's laws for each community because Aboriginal people are – there are some Aboriginal who are urban Aborigines and there are all sorts of Aboriginal people. I'm married to an Aboriginal person. My children wouldn't accept that kind of law because they don't come from that system. In other words, there's a lot of variations; people aren't all the same. You would say this would apply to communities. Other people have to work out for themselves how they would do it. Or are you saying this should apply all over?

Ms BROWN: We're talking about the law of Aboriginal - - -

Mr WOOD: Well, you've got Aboriginal people who are part-Aboriginal. You've got, you know, we're not all the same. We're not just one – you might say that I am a white person, but I'm not just a white person; I have different understandings as well. I come from a Christian background which doesn't mean I necessarily agree with the government. I am a person of my own beliefs as well. And so are you saying this law is for all Aboriginal people, or just the people who live in these communities?

Ms BROWN: All Aboriginal people, but not the ones that were taken away, like stolen generations.

Mr WOOD: My wife was not taken away and my daughter was not taken away. They are Aboriginal. One lives in Kununurra. But they don't do a traditional way. So, is this for those who wish to live in a traditional way?

Ms BROWN: But she's got our culture. She's got our culture. [inaudible] with her culture.

A PERSON UNKNOWN: It's different to a woman living with a - - -

Ms BROWN: [inaudible] our culture inside her.

A PERSON UNKNOWN: - - - even though she's living with him, so she carries his law instead of going back to his own - - -

[inaudible]

Mr PATRICK: Yes. Bit - look like you talking about - - -

Ms BROWN: We're not having people who - we agree with remote community.

Mr PATRICK: Yes, that lady, bit [inaudible] mix up now.

Mr WOOD: That's fact. I mean, you can't change that.

Mr PATRICK: Yes. We wouldn't change him, no. That's all right. But still, it sort of breaking little bit of law from own people, too. It is your law. Our law, she is breaking that. Or even if a man married with white lady, it breaking Aboriginal law too.

Mr WOOD: What happens when you've got permission?

Ms BROWN: What do you mean 'permission'?

Mr WOOD: Well, in some places you can get permission.

Ms BROWN: Permission from who?

Mr WOOD: From the elders, from the family.

Ms BROWN: - - - don't come from the - don't come from the elders.

Mr PATRICK: Only but one little reason she only can go or he can go. That's all. Live that place, another place. And that the way is for Aboriginal to understand.

A PERSON UNKNOWN: That's not the system. We want this system to work for us.

Mr PATRICK: Yes.

Ms BROWN: We don't want interference.

Mr PATRICK: That's a little bit of interference.

Mr WOOD: No, I'm not saying interference. I'm just asking. We live in a bigger world than just here.

Mr PATRICK: Yes, I know.

Mr WOOD: And we are affected by other things. I mean, people drive cars. There's a law for driving your car which is not traditional law.

Mr PATRICK: Sorry. I have to say [inaudible] to what you say. It is not our law. Even with driving. That not our law. It your law.

Mr WOOD: I'm not arguing against you, I'm just saying - - -

Mr PATRICK: No, no, no. Well, I'm just saying that. I'm explain, too. We can talk about it all day, but [language]. It's law from the other – the European side. Take the law and rule is coming that way and mixing up. Mixing up.

A PERSON UNKNOWN: [inaudible] walking in the one world, but two worlds.

Mr PATRICK: Please, we want recognise this law first, Aboriginal law, Aboriginal rule, Aboriginal custom, Aboriginal reason and Aboriginal living. Can we fix that one back?

Dr LIM: I understand what you're asking for. I really, truly understand what you are asking for. I look at – no, I look at my grandparents, I look at my parents, I look at myself and my children, and with each generation there is some change, some change, from food to education to everything, there is some change. You know, my grandparents, my parents had promised marriages. I didn't. My children definitely will not. So there's a cultural change. I wonder whether with Aboriginal people, you want the traditional culture. What do the young people today among Aboriginal people want? Are they going to say: 'Yes, we will obey traditional culture', 'We must obey traditional culture' or 'No, we don't want to now; we want to go to Alice Springs' or wherever? What happens? I'm trying to work out in my mind: is there going to be changes to Aboriginal law also because the world is changing? Surely, it's white man's rules that makes you drive the cars a certain way or aeroplanes or watching television, whatever. But there's got to be change. So how do you stop the change? Can we say [inaudible] and all young people must obey that and nothing else?

Ms HAYES: So because you live in Australia and you want to leave your tradition or culture [inaudible] in Australia. You go back home, you'll be back to your culture.

Dr LIM: Ah! Okay, I understand. I understand that. Okay. All right. So if people come back to Lajamanu, then traditional culture applies. When you go back – when you are in Alice Springs, then what? Then another culture applies? Okay. So if the Arrernte people in Alice Springs want to bring in - - -

Ms HAYES: All tribes.

Dr LIM: Sorry? All?

Ms HAYES: All the tribes.

Dr LIM: All tribes, okay.

Ms HAYES: Different tribes live in - - -

A PERSON UNKNOWN: You're saying that when you in Australia but when you go back home, you go back to your culture.

Dr LIM: Yes, I understand what you're saying. All right. So when people move from one area to another, they have to obey the local culture and laws?

Ms HAYES: People obey our government law. We're not saying we don't want government law. We Australians. We got to abide by the government's [inaudible] but we stick to our culture. We live with our culture. Same with you.

Ms STOKES: And to let you know every year, all around Aboriginal communities, we have ceremonies. All year round. Every – end of – just before Christmas, we start having ceremonies, every community starts with their ceremonies. That’s when we get our young kids coming. They’re sitting with us. And every year, all around, we always [inaudible] ceremonies. And that’s why we want to keep our culture still strong and alive.

Dr LIM: Good. Thank you.

Mr RYAN: Look, I might just try to clarify something here. I’m going to read something that the committee wrote to the Minister for Community Development and it’s about this issue that we’re talking about. Now, we’ve been talking about local rules. You know, if you go to Lajamanu, customary marriage practice is by far the predominant form of marriage. Ali Curung, Lajamanu. The problem we’ve got is that we’ve got – in terms of the government departments, and particularly some of the government departments with a statutory responsibility, you have staff who either don’t understand the customary practices that apply, or choose to ignore them.

Now, what the Kurduju Committee have said is that in relation to this, they say:

The importance of the following aspects of customary marriage arrangements needs further consideration by government. Customary marriage is widely practised on each of these communities. These arrangements include promising both boys and girls for marriage.

And the usual custom is that that happens at a young age. Secondly, that the forming of marriage arrangements require the participation and negotiation – I mean, this is a very complex issue we’re dealing with here:

...the participation and negotiation of a number of people and family groups and they are all derived from the kinship marriage system. Negotiating arrangements for marriage do not necessarily include the two people who are going to be married. There are countless people involved in this. They are complex and long negotiations and there are all sorts of obligations owed through those arrangements.

The third point they make is that the marriage arrangements are formed during ceremonial activities or as the result of other negotiations within the particular family groups. And then finally they say – and keep in mind – you are talking about people living at Ali Curung, Lajamanu, Yuendumu – marriage arrangements impact on the long-term economic and social interaction between family groups and individuals. That’s how complex it is.

Arrangements in place therefore affect families and individuals, even before a promised marriage takes place.

And what happens is – or what has happened in this case but certainly the other two communities through the Kurduju Committee agree that it also occurs on a number of other communities – that you have agencies or you have government field officers not understanding the complexity of those issues who come in and - - -

Dr LIM: Interfere.

Mr RYAN: And this is where the dot painting clearly says “interferes”. The Kurduju Committee is not saying that customary marriage doesn’t have problems; they are saying that there is a way that those issues can be negotiated and that before government intervenes in interfering or intervenes in the removal of girls away from a customary marriage practice, there’s a whole process that needs to be gone through in order to do that.

The protocols that the Kurduju Committee are developing are protocols in how to handle that intervention; that's all. What they're saying is that the field staff from government departments need to be aware that these arrangements exist, and they need to work through the proper channels. So the protocols are protocols in how government intervenes if it is going to intervene. The mechanisms are there for government to do it, but too often in the past and up to current day, it just doesn't happen and that's what annoys the - - -

Dr LIM: But that is – and I have a Judeo-Christian background that every Western system is based on and that's your difficulty and your public servants are going to come along with that perspective only and until there's enough cross-cultural education of public servants to understand that, that's the other side of the job that you have to do.

Madam CHAIR: That's a prerequisite. I think that's something that government and government departments have to take quite seriously because going to work with Aboriginal communities – on one hand we're saying, you know, Aboriginal people should be respecting white man's law. Well, non-Aboriginal people going into those communities should be respecting the law in those communities the same. And you're right. I mean, that cross-cultural education – I mean, there has to be that shift in government departments. That interference causes all of those problems that you can well do without. And that is such a long time to build that relationship back up between that government department and the community, if ever.

Dr LIM: May I just add for everybody here that, you know, I'm not in government at the moment but governments do that not to harm people; governments do it but they harm people by not knowing about it. They don't know – they want to do the right thing. But in trying to do the right thing, they sometimes do the wrong thing. It's important for Aboriginal people to then teach government people how Aboriginal culture is.

Ms STOKES: No. Going back to what you were saying, what don't the government body now look at having a cross-cultural [inaudible] around each communities – remote communities and town areas?

Dr LIM: They are trying to do that.

Ms STOKES: Well, it's about time. It's about time. Instead of we're getting questions and talking about it, we need this thing to come out, cross-cultural, right through and people can recognise what we want – what we want as an Aboriginal person.

Mr McADAM: I just wanted to say something because I read in one of the reports a few years ago most field staff who are visiting indigenous communities or, you know, Lajamanu or anywhere, Ali Curung, there used to be a training program. They had to go through the program so that they were familiar, that they understood all the sorts of things that we're talking about. That stopped. That no longer exists, as I understand it. And you get a whole lot of people coming in – and it comes back to this word 'value'. People with their own values are imposing, pushing in all the time, pushing in. Someone comes in with something and says something – and I'm talking about white fellas. And someone comes in with something else and says something. All these different values; all these different interpretations, etcetera. And yet what [inaudible] people are saying is there's something that's been there a long, long time. It's there. It's not going to go away. But we keep getting like chucking rocks at us, different people chucking rocks, different rock, different rock, different rocks and it's not healthy. What's there, what's been there a long, long time. And that's what I'm really – and I don't think it's a big ask. It's not a big ask that when people work for government to respect, as part of a government thing, a value or a set of laws, [inaudible] laws, I'm talking about. It's not a big – it's not something that you can – it's not a fight between two values, you know. It's recognising, respecting that other one and vice versa, that sort of thing. And that's half the problem we've got, that there's no – there's different things. No one's prepared to sit back and say 'How are we going to do this?'. That letter that you mob wrote – I suppose it would have been to, what? – Territory Health or something? One of them letters?

Mr RYAN: It was – yes, to John Ah Kit, I think.

Mr McADAM: All you're really saying to them is: 'Listen, we want you to develop a protocol. We've already got it here. We've already got it.'

Ms BROWN: But we done it ourselves.

Mr McADAM: Yes, that's what I'm saying.

Ms BROWN: We didn't have any government people giving us any.

Mr McADAM: Yes, but you've got it there already. It's there all the time. So what you're saying to government is: 'We want you to respect it; we want you to recognise it'.

Mr PATRICK: Yes, yes. That what I think we wish.

Ms STOKES: And then we present this one to the government to recognise our ways of living.

Mr PATRICK: Yes. Another reason is because it not been changed for us. What is the rule or the law or the system, it never change. We cut that all the time. It's there.

A PERSON UNKNOWN: People are saying that they will change it, but never will change.

Ms STOKES: Like [inaudible] people, you know, they – we doing it ourselves. We trying that – you know, we're trying to stop our violence among our own people. Where are the white people?

Mr McADAM: What you're saying is because of a system – I'll call it that – that's been there for a long, long time, it's there, strong. It's always there.

Mr PATRICK: It's there!

Mr McADAM: That system is there. It doesn't change. So what you're doing is you're using part of that like Ali Curung women for that – for some of those problems down there, right?

A PERSON UNKNOWN: Yes, that's right.

Mr McADAM: So you're using it. You're using the system that you have. So you want governments and departments and other mob to recognise that and to respect. That's what you're saying?

Mr PATRICK: Yes.

Mr McADAM: To work with it, and not different people coming in having different ideas changing things. Is that what you're saying?

Ms HAYES: [inaudible] everything violent [inaudible] people, but we don't class [inaudible] as violence. [inaudible].

[language]

Ms BROWN: Aboriginal people have two laws: the Aboriginal law and the white man's law and we just want government people to recognise our customary marriage as we were talking about it here. And we were just getting together talk – you know, get together with the police, the nurses, the welfares and the community elders, working out a way how to go on about customary marriage. That's what we want. Just sitting down with different agencies, you know. The nurses, the police and the welfares, just working out a way how to do it, you know, and try to make them understand, get together. That's what we're on about, you know. If we sit down with these different agencies, talking to them. Maybe they can recognise it, how we go on about it.

Madam CHAIR: Can I ask some questions about – I mean, one of the issues – some of the things that we’re looking at with our committee and we’d be interested to hear from all of you in terms of Ali Curung [inaudible] with alcohol, [inaudible] stop the violence and stuff alcohol and those issues.

[language]

A PERSON UNKNOWN: Repeat that one again, what you said?

Ms BROWN: About Ali Curung?

Madam CHAIR: Yes. With alcohol, you know, and with the issues, a lot of the violence. When you were talking about your different [inaudible] you know, the people said she’d gone. When you’ve got that interference and you’ve got all these problems, it breaks down communities and how the law – it breaks it all down.

A PERSON UNKNOWN: Like cockroach crawling round.

Madam CHAIR: Yes. So with a lot of that breakdown, you have all the problem – that’s when people start drinking. You have violence.

A PERSON UNKNOWN: People bringing ganja [inaudible] our community.

Ms BROWN: [inaudible] here. When it first started off, they [inaudible] a group can go along. A lot of violence around. But when we set up this Night Patrol, the Night Patrol used to patrol to the turn-off and back around the community when there was bit of problems around the community, the problems been carried on the next day at the community meeting. You know that painting I showed you earlier about the community meetings?

Madam CHAIR: Yes.

Ms BROWN: That’s where we have our community meeting, getting the elders in to that, talking about all these violence. When they’re drunk, the next day follow up at the community meeting and when we’re in the community meeting we have the trouble makers, the families, the elders, the night patrols sorting out this problem. And it really stopped then, the community meeting. That’s where the violence stopped. There’s no more violence at the moment.

Mr WOOD: The people that are drinking, are they still coming in to the community?

Ms BROWN: No.

Mr WOOD: So they’re staying outside?

Ms BROWN: They’re staying outside and they come in drunk and they just go home and go to sleep.

Mr WOOD: Did the community try and do anything to reduce the amount of drinking, like try and solve the drinking problem?

Ms BROWN: No.

Mr WOOD: What do you think about the drinking problem? Is it something that should be – I mean, there’s a health problem, too, with drinking.

Ms BROWN: Well, but people got the habit of drinking anyway. You can’t stop their habit, you know.

Mr WOOD: That habit of drinking easily kills people. It doesn't matter who you are. That means some families have got no money for their food because it goes on grog. Do you see that as something Ali Curung people could look at? Not just the violence – the violence is one part, but there's also health.

Ms BROWN: No. We were just looking at all the violence that's been happening at Ali Curung.

Mr WOOD: So you're mainly concerned with the violence at the moment?

Ms BRWOWN: Yes.

Mr WOOD: I don't know how to ---

A PERSON UNKNOWN: That other business you're talking about, that's individuals.

Mr WOOD: Pardon?

A PERSON UNKNOWN: People tell us 'Oh, mind your own business'. That's what they'll tell you.

Mr WOOD: When they're drunk?

A PERSON UNKNOWN: Yes.

Mr WOOD: Yes, I understand that. But it's still the same anywhere.

A PERSON UNKNOWN: Everywhere.

Mr WOOD: But it's still a big issue in the Northern Territory; alcohol consumption is a big issue.

A PERSON UNKNOWN: That's a government [inaudible], I think.

Mr WOOD: Are you saying you believe it's a government matter? You don't think it's a matter for your community?

A PERSON UNKNOWN: I mean, we try and control it.

[language]

Mr PATRICK: If we could – can I say something here? [inaudible] might be not affecting people, this one, this idea, but what I understand that because even I think been made up like drink and doesn't matter what [inaudible] but even ordinary drinking and [inaudible] and everything like that, even a smoke, that how it [inaudible] make it that one before, like our old people. You know. Because we haven't got law for that. Petrol sniffing. That not – all that idea not coming from us.

Mr WOOD: I agree.

Mr PATRICK: It coming from someone from [inaudible] here or from Australia now. I don't know. But that mean it breaking – break our law and living again and break our families. Hurting and killing.

Mr WOOD: I'm only asking questions to find out, so don't get me wrong, but who's law should then apply? Should your traditional law adjust for new things like alcohol, petrol sniffing? Or should that be only controlled by white people's law? Or should we be working together to try and solve it?

Mr JOHNSON: We're not talking about [inaudible]. We're talking – we're saying we want to work along with you and for you to recognise that.

Mr WOOD: Yes, I understand that, but you said about these new things.

Mr PATRICK: I think it work little that we have put two law together: your law and our law. I think we're heading for that one. But we want recognise here. We want recognise our law, too.

Mr WOOD: I understand that, but - - -

Mr PATRICK: Now you interrupting to much.

Mr WOOD: - - - you mentioned alcohol and tobacco. Whose law works for that, the things that have been introduced?

Mr PATRICK: Well, we're working on that now.

Mr WOOD: Yes.

Mr PATRICK: [inaudible] your way, but we want our own one, too. We want our right, our law.

Ms STOKES: Right. You've got Aboriginal organisations, right? You've got Aboriginal organisations, council office, education area where there's school and you've got education area where there's health and you've got police, hospitals, whatever. You've got all these different organisations. And in that organisations, whoever working, they should be looking at our remote communities, too, instead of them just sitting there doing nothing and want people to come in there and talk to them there. They should go out and sit down. Sit down with people. Sit their bum on that ground and talk to people, not in the office and wherever where there's air conditions and in the carpet floor. We want them to come out to our communities and talk to us. We've these separate organisations. They should be the ones [inaudible] up to do all this stuff. They've been recognised before us instead of them recognising Aboriginal communities. They recognise Aboriginal organisations in public areas. Why don't they come back and sit down with us and talk to us? They're there to work for us, to help us out. We're struggling. When this question you've asked, it takes me back to all these organisations. Wherever you go, you see these Aboriginal organisations. You got Aboriginal people working there. You got white people that speaks that language. They should be the one going back and talking the language, sitting down and talking with - going back and helping them out [inaudible].

Mr McADAM: I just want to say something. I know it's pretty hard. I think all these sort of things - you're talking about grog and you're talking about petrol sniffing, [inaudible] being handled. Like Ali Curung, I can't talk for [inaudible]. I can't even talk for Ali Curung, but that's being addressed in its context.

[language]

Mr WOOD: Yes, I may not have understood, or they may not have understood me.

Madam CHAIR: I was just going to ask Gwen to talk a bit about what they're doing at Ali Curung.

Ms BROWN: Yes, we have been working on this drinking area and we still waiting on this ADrail and Central Land Council mob. So we're still going to go on ahead with the meetings about that drinking area. We have been working on that and we're just waiting on the CLC and the ADrail to come down and sit with the Council and talk about it and start working on it, you know.

Ms STOKES: To let you mob know I'm in a position for someone coming in to Ali Curung with [inaudible] and Auntie Gwen, but I'm from Tennant Creek and I look after my people in Tennant, but it's no support. That's why I'm talking - I'm here talking on behalf of everybody. I don't care what tribe they are, but I'm a Warumungu person and I come here because I know when they speak Warlpiri, I understand. I can speak it, too. I speak more different languages. I got [inaudible] from north side, too. I speak that, too. But I come here to help all my people. I come here on behalf of my people back home and here, around here. Here and all over Northern Territory remote communities. That's why I've come here to stand for them. Talk for them, on behalf of them people.

[language]