

**MUTITJULU —Thursday 17 May 1990**

**PUBLIC MEETING**

PRESENT:-

**Committee:**

Mr Hatton (Chairman)

Mr Bailey

Mr Firmin

**Officers assisting the committee:**

Mr R Gray (Executive Officer)

Mr G Nicholson (Legal Adviser)

Mrs L Ellis (Interpreter)

Mrs L Wilson (Interpreter)

**Appearing before the committee:**

Trigger

Johnny Jingo

Howard Doolan

Allan Wilson

Sandra Armstrong

Toby Ginger

Rita Bulla

**Others Present:**Alison Hunt

Edited transcript

Issued: 9 January 1991.

**NOTE:** Tapes 001 and 002 are blank. The hearing began some time before the beginning of this transcript.

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Mr HATTON: It is important for Aboriginal people to keep their law, culture and language so that their history and future are one, as always.

Ms ELLIS translating.

Mr HATTON: What we are trying to do with this is what happens with the Mutitjulu Council or the association. You write the rules to determine what the committee can or cannot do. The people write the rules as they did with the Mutitjulu

Council.

Ms ELLIS translating.

TRIGGER: Speaking in Aboriginal language . Black and white fellow, we are talking already together.

Mr HATTON: That is right. We are together. But, what we have to do is sit down together and write the rules on how the Northern Territory is to be run, as has been done with the council. The government is like a big committee that is elected by the people. You have to write the rules stating what the government is permitted to do and what it cannot touch. There are some things that are so important that they must be kept aside from government. You have to put a fence around the government or tell it that it can move down this road but cannot move off it. That is how the people write the rules.

TRIGGER: We cannot say yes to this now. We have got to think about it.

Ms ELLIS translating.

People talking in Aboriginal language.

UNIDENTIFIED PERSON: White man rules and Aboriginal rules. (Indecipherable).

People talking in Aboriginal language.

Ms ELLIS talking in Aboriginal language with snatches of English.

Mr HATTON: If you want to protect the dreamtime law, you must ensure that something is written into this document to say that that law must be strong and must always be there. The good thing about this law is that it sits over the top of the government. The government cannot get out from underneath it. It holds the government down. When you do not trust the government, you write something in there to stop it from mucking about with your law for example. That is why this law is so important. It enables you to be the boss over the government in relation to things that are very important to you, such as your law. Do you understand that?

Ms ELLIS interpreting.

Mr HATTON: It will be a new law. It has not been written yet. We are asking you what you want to put in that law.

People talking in Aboriginal language.

Ms ELLIS speaking in Aboriginal language.

Mr WILSON: That is whitefella law. We are just running around. (Continues speaking in indecipherable English and also in Aboriginal language).

People talking in Aboriginal language.

Mr HATTON: We support the land rights. Nobody here is trying to stop the land rights. We are telling you that, if you do not trust the government, you can write something in this law that will mean that no government can ever touch your land rights. This will be a strong law that will sit over the top of the government.

TONY: We have got another book over there in that land council and you are going to bring in another book.

Mr HATTON: That is what we are trying to talk about. We want to explain the different sorts of law. Your land rights act is a Canberra law.

TONY: Okay.

Mr HATTON: That is a strong law. I do not think that it would happen, but it is possible that a future government could take that law away. You know how the white men do that. However, if you put that law in a constitution, no government can touch it. You can make your laws stronger in that way.

Ms ELLIS interpreting.

People talking in Aboriginal language.

Mr HATTON: This constitution is a law which is written not by the government but by the people.

Ms ELLIS interpreting.

Mr HATTON: When this law is written by the people, it becomes the No 1 law. It is above everything. It sits over the government and is the rules by which the government has to act.

Ms ELLIS interpreting.

UNIDENTIFIED PERSON: Why can't the land council be involved in this?

Mr HATTON: The land council can come and talk to us, just as you can talk to us. Anybody in the Northern Territory can have their say about what should be put in this law. This will only become a law after all the people in the Northern Territory vote yes for it. If the people do not like it and vote no, we will have to start again. We will keep working until the people vote yes. It is the people's law, not the government's law.

Mr DOOLAN: We have to be careful.

Mr HATTON: Very careful.

Mr DOOLAN: We have got a government. You have got a government and I have got a government ... from white man time and we do not know.

Mr HATTON: I agree that you have to be very careful about this. We have to make sure that people understand how important this law is because, when it is made, it will last a long time. As you said, you have your government from your grandfathers and that law has remained all the time. This law will keep going all the time. We have to work to make sure that we get it right. We have to take our time and think very carefully. You must make sure that you have your say about what goes into this law. Don't leave it to that other mob. You have to be part of this law. You will be looking after your people and your children and grandchildren by making sure that this law is done the right way.

People speaking in Aboriginal language with snatches of English.

Mr HATTON: You are right. There are 2 laws. There is your law from your grandfathers and there is white man's law. The white man's law does not have Aboriginal law in it.

Ms ELLIS speaking in Aboriginal language.

Mr WILSON: (Indecipherable).

Mr HATTON: I agree that that is the only way to go ahead. We must work together. We must work with Aboriginal people in relation to the way they want to go. The Aboriginal people must ensure that this law contains rules which require that the Aboriginal law and culture must be recognised by the white man and that it cannot be mucked about with. When you do not trust the government, you write it in here so that the government cannot muck about with it. That is the strength of this law and that is why Aboriginal people must have their say in relation to it.

Ms ELLIS translating.

People speaking in Aboriginal language.

Mr HATTON: We want to work with the Aboriginal people. We want to support the directions in which Aboriginal people want to go. We do not want to do the job for you. We want to work with you and to help keep your families together. We have to talk about the grog and things like that. That is important and we have to find ways to deal with that. This afternoon, after this meeting, we will talk about the grog, health and other things at a separate meeting. At this meeting, we want to talk about this law. After lunch, we will talk about the grog and how the government can work with the people.

TRIGGER: (Indecipherable).

Mr HATTON: We will talk about all those health matters after lunch. We will do one job at a time otherwise we will become confused.

People speaking in Aboriginal language.

Mr BAILEY: My name is John Bailey. I am with the Labor Party and I talking about the book.

Ms ELLIS translating.

Mr BAILEY: When the white men came to Australia 200 years ago, they brought laws from overseas. They ignored Aboriginal law. Aboriginal law meant nothing to the people who came over 200 years ago. In Australia, they started to make their own laws about what people could do, where they could drink, how old they needed to be to drink, when they could marry and so on. The white man made bits of laws, one after another.

Ms ELLIS translating.

People speaking in Aboriginal language.

Mr BAILEY: As the white men made more and more laws, they felt that they needed a law to control the laws.

Ms ELLIS translating.

People speaking in Aboriginal language.

Mr BAILEY: As I said, they made a law that controls other laws in the states. For example, Queensland and Western Australia have constitutions. However, most constitutions did not take account of Aboriginal law.

Ms ELLIS translating.

Mr JINGO speaking in Aboriginal language.

Mr BAILEY: The Australian government, the Canberra mob, have a constitution. There are some things in the constitution which you cannot change without lots of trouble. All the people have to vote. However, land rights are not in the constitution. If the government changes in Canberra or if the government changes its mind, it can take land rights away. When you talk about a constitution, you are talking about a law that controls the laws. It is very important and therefore you must think carefully when you make it.

Ms ELLIS translating.

Mr BAILEY: For a long time, the Northern Territory has been controlled by Canberra and by some mob in Darwin. As more people come to the Northern Territory, more laws will be made in the Northern Territory. We do not have to have a constitution. However, if you do not have a constitution, the law that controls laws, then laws that people do not want may be introduced. If you have a strong constitution, future governments will have to respect it.

Ms ELLIS translating.

Mr BAILEY: The constitution that we are talking about could be very bad for you people or it could be very good. It could protect your laws and the things that you want. If we are to have a constitution, and that is what the government and the ALP are saying, we need to draw up a law to protect laws. You must make sure that it protects your laws and that it is good. It could be very bad and that is why it is so important that all the people have their say.

Ms ELLIS translating.

People speaking in Aboriginal language.

Mr BAILEY: When the white people first came, they ignored Aboriginal law. It was not that Aboriginal law was not there, but white people took no notice. Many of the laws that white people have made in Australia have ignored black people.

We are saying that, in the Northern Territory, there will be a very important law that will control laws. It is important that it protects Aboriginal law.

Ms ELLIS translating.

People speaking in Aboriginal language.

UNIDENTIFIED PERSON: Our law was always here.

Mr HATTON: That is true. It was always strong.

People speaking in Aboriginal language.

Mr HATTON: You are asking a very important question. This law should recognise Aboriginal law. For the first time in Australia, white man's law can say that Aboriginal law has always been there and must be respected. That is the strength of this law. When Captain Cook came here, he had a big head and was not listening to anyone. He did silly things. He did not know about Aboriginal law. White people have to learn and understand. This law is part of making sure that, in the Northern Territory, white people will always have to respect Aboriginal law. You must help us understand Aboriginal law.

People speaking in Aboriginal language.

Mr DOOLAN: I want to ask one question. When this constitution is coming in, it must be coming from someone else like half caste people - like Charlie Perkins who lived out in Canberra all his life. This is new law here.

Mr HATTON: I am sorry, but it is hard to hear.

Mr DOOLAN: It must be coming out from the half caste people, like Charlie Perkins who has spent all his life in Canberra. That is why this new law is coming out.

Mr HATTON: If I can talk to that, it is true that, year after year, people who do not understand the law have been making rules and talking for people. This time, you can talk for yourself. The people who know the law will speak, and speak the truth. You must make sure that you write the rules for the future so that the law is always strong. This is a way for you to do it. It is your chance to stand up and say: 'This is the Aboriginal way. This law is okay'.

Mr DOOLAN: He was talking about 200 years ago when Captain Cook came here. I would like to see something good, something that did not happen at that time.

Mr HATTON: 200 years ago?

Mr DOOLAN: Yes. 200 years ago, Captain Cook landed here in Australia. Aboriginal people lived here and this is their land.

Mr HATTON: Yes.

Mr DOOLAN: I want to ask you a question. What do you want now from Aboriginal people? What good things do you need from Aboriginal people?

Mr BAILEY: Now?

Mr DOOLAN: Yes.

Mr BAILEY: What we are saying is that, when Captain Cook came to Australia 200 years ago, he ignored Aboriginal law. The Aboriginal law was there but the white men did not see it. Over the last 200 years, there have been many laws written by white men which ignore or fail to recognise Aboriginal law. As the Territory gains more control over the laws in the Territory, it will need a law to control the other laws. It is an opportunity for the first time in Australia to write into white man's law that Aboriginal law must be recognised. If you tell us how you want it written, we will try to ensure that the right of Aboriginals to their laws is respected. As you have said, in the other states of Australia, Aboriginal law means nothing to the white governments. We are saying that this law, which has not been written yet, can include Aboriginal law.

People speaking in Aboriginal language.

Mr HATTON: Make it strong

Mr DOOLAN: Yes. Make it strong

People speaking in Aboriginal language.

Ms ELLIS speaking in Aboriginal language.

Mr HATTON: Can I ask one question? This law has not been written yet. We do not have this law yet. I think this is really important for you. I want to ask you whether you think it is important and whether you are prepared to work to ensure that this will become a good law for you. Do you want to make this law?

Mr DOOLAN: New law.

Mr HATTON: New law. We are here to help you, but it has to be made by the people of the Northern Territory, by you and by the communities which you represent?

People speaking in Aboriginal language.

Mr HATTON: Do you want to work on this job? Nothing has been written yet. There have been lots of questions, but nothing has been written. Are you prepared to think about this and ensure that this is right for you?

Mr DOOLAN: We do not want to say straight away ...

Mr HATTON: Will you think about it and talk about it within your communities to see whether you want to work on this law? Will you do that?

People speaking in Aboriginal language.