
OPINION

Bush lawyers and bush laws

This edition comes to you from the Northern Territory, where the buffalo roam and the beer flows and the necks seemingly get redder with each passing season.

A little over a decade ago, this journal's predecessor, the *Legal Service Bulletin*, produced our first Territory edition (Vol. 11 No. 3, June 1986). Perhaps unsurprisingly, its key themes continue to concentrate the minds of the Territory's progressive bush lawyers today. The contributors are different — reflecting the endemic transience of the Territory's non-Aboriginal population — but the issues remain much the same. Now, as then, we ponder the possibilities of Statehood, the problems of alcohol abuse, the challenge of isolation, and the continuing confrontation between neo-colonial and Indigenous legal systems.

As denizens of a dominion with fewer voters than the average urban local government municipality, Northern Territorians claim the dubious distinction of being incomparably over-governed. We have more pollies — not to mention more police and more prisoners — per person than anywhere else in Australia, if not the world.

Despite our tiny population, we are pleased to bedeck our civic leaders with all the pomp and panoply of our sister governments in the States. Our recently erected Legislative Assembly — built at a per capita cost some ten times higher than the new Parliament House in Canberra — squats despotically in Darwin's downtown 'State Square', named for the future we have to have according to Territorian politicians from both sides of the House.

Mick Dodson's article is a timely reminder that although Australian proponents of constitutional change are currently captivated by the catchwords of 'Republic' and, in the NT, 'Statehood', they should first address the more fundamental notion of citizenship in a country still under arguably illegal occupation. In a similar vein Stephen Gray, Robyn Davis with Judith Dikstein, and Chips Mackinolty explore the uneasy interaction between two deeply divergent legal systems, in, respectively, the areas of intellectual property, family law, and euthanasia.

The embryonic stage and scale of the Territory's body politic belies the bluster with which its elected leaders trumpet their authority. In what looks inevitably to be the warm-up to an early election fought, as usual, on race issues, Chief Minister Shane Stone is stumping the countryside whipping up hysteria against yet another purported Aboriginal land grab. When Northern Land Council Chair, Galarrwuy Yunupingu addressed the National Press Club, Stone re-

torted the next day by labelling him as 'a whining, whinging black'. The following week the Government falsely accused Alice Springs native title claimants of trying to steal the town's water supply.

In their contributions, Martin Flynn, and Helen Spowart with Rebecca Neil investigate the Territory's similarly hairy-chested approach to keeping law and order (on the political agenda, that is).

Ten years ago we reported on legal battles to combat alcohol abuse, the effects of which have been no less than catastrophic in many parts of the Territory. It is sad and sobering to reflect that this issue continues to dominate much discussion in these parts. There are, however, some welcome signs at last of significant successes. We publish here an extract from Alexis Wright's forthcoming book 'Grog War', a history of the decade-long struggle by Aboriginal organisations and communities in Tennant Creek against a group of particularly determined licensees, as well as Ruth Morley's account of a recent breakthrough in the fight to restrict alcohol sales in Pitjantjatjara country. Shirley Braun and Nanette Rogers provide a depressing account of the devastating effect on Aboriginal women in remote communities of domestic violence — much of which is associated with alcohol abuse — but also encouragingly report on strategies identified by those women to reclaim their safety.

As was graphically illustrated with the emotionally-charged passage of the *Euthanasia Laws Act 1997* (Cth) through Federal Parliament, for the time being at least, the Territory remains a Territory, occupying a peculiar constitutional space somewhere between a fully-fledged State and a remnant colonial outpost of Canberra. Russell Goldflam probes this space in an article about sacred sites laws in the NT.

The Territory is an extraordinary place to practise law, and our Sticky Beak interviews with some Central Australian bush lawyers will give you a taste of the heat, the dust, the flies and the unsurpassable camaraderie. Perhaps you'll be tempted to join us. And who knows, maybe you'll even end up co-editing the next Northern Territory edition of the *Alternative Law Journal*, which, judging by our efforts to date, will be ready for publication sometime in the 21st century!

Russell Goldflam

for the NT Editorial Committee

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