



BESS PRICE MLA Member for Stuart

The Hon. Kezia Purick MLA
Speaker of the Legislative Assembly
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Madam Speaker,

On 3 December, you made the following statement regarding the use of language other than that of English in the Chamber:

From time to time with the leave of the Assembly a Member will speak in language other than English. That has occurred before in this parliament on numerous occasions, particularly when members give their inaugural speech and wish to reflect upon their heritage and culture in an authentic manner.

However, for the transaction of everyday business the language of the Assembly is English. On that basis, should a member use a language other than English without the leave of the Assembly it will be ruled disorderly and the Member will be required to withdraw the words.

It is not desirable for the Assembly to enter into the business of seeking translation and interpretations to determine if the words used were offensive as well as disorderly.

It is desirable for good order to be observed by all members. Disorder is not permitted and the use of words in a language other than English to interject or during debate will be ruled disorderly and required to be withdrawn. If not withdrawn the consequences of disorder in Chapter Four of the Standing Orders will be the next step.

I seek clarification as to where in the standing orders it states the official language of the chamber can be English only.

As you understand, Madam Speaker, this has upset me a great deal. I have had time to reflect on the ruling and the repercussions it has had on my culture and my ability to participate equally in the chamber. During this week the 'Close the Gap' report was tabled in the Federal Parliament. On 9 February 2016 Reconciliation Australia released the report on 'The State of Reconciliation in Australia'. This report identifies five key indicators by which reconciliation can be measured in Australia; these are race relations, equality and equity, institutional integrity, unity, and historical acceptance.

Under the institutional integrity indicator it is stated that "on the national political stage recognition has broad multi-partisan support, which appears to be at an all time high." A key finding was that most Australians believe that political business and political institutions should do more to advance

reconciliation. In the Prime Minister's address on the national 'Close the Gap' initiative made in parliament 10 February 2016 he spoke of mutual respect being one of the 3 things in Aboriginal Policy that would close the gap.

Within my portfolio of Local Government and Community Services the Aboriginal Interpreter Services, last year won, Northern Territory Public Sector Awards, and also the National Human Rights Fitzgerald Justice Award. The Human Rights award acknowledged the innovative development of a translation app service for issuing police cautions.

I am very concerned that our parliament may be seen as not providing mutual respect and parity to our Aboriginal members and our constituents. I feel that I cannot effectively represent my electorate without using my first language, Warlpiri. Over 75% of the population of my electorate is Aboriginal, most of who speak a traditional language as a first language.

I am tired of the constant slurs and innuendo's insinuating my lack of capacity to contribute to debate. Aboriginal MLA's who speak traditional languages can lack the confidence they need to take part in debates effectively. I am concerned this ruling may inadvertently silence traditional Aboriginal Territorians in the chamber, discouraging their involvement in political processes.


As the Minister for Women's Policy, I am also reflecting on the theme for the 2016 International Women's Day which is 'Pledge for Parity'. I can not stand before my Aboriginal constituents and the women of the Northern Territory and pledge to do my best for them without addressing the inequalities that exist within the political institution in which I serve.

Therefore I call on the Legislative Assembly to demonstrate to me that there is parity within the chamber for any person, and particularly Aboriginal women, to feel welcomed, accepted and allowed to contribute effectively and confidently to debate. In my culture respect is paramount, we allow any language to be used in public. The Prime Minister of Australia, The Hon. Malcom Turnbull stated 'we have not always shown you, our First Australians the respect you deserve, but despite the injustices you have shown the greatest tenacity and resilience'.

I am determined to be tenacious in relation to the use of my language. I am seeking permission to use my first language to make statements or answer questions should I see fit, with an appropriate English interpretation following.

I appreciate your time in considering this matter and I await with anticipation your response.

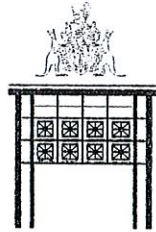
Yours sincerely,



BESS NUNGARRYI PRICE

12 FEB 2016

Cc: The Hon Malcolm Turnbull MP, Prime Minister of Australia



SPEAKER

Ref: 14/7.58

Hon Bess Price MLA
Minister for Local Government
and Community Services
Member for Stuart
GPO Box 3146
DARWIN NT 0801

Dear Minister

Thank you for your correspondence dated 12 February 2016 concerning use of the English language in the Legislative Assembly of the Northern Territory and asking for consideration of change to the existing practice and for advice as to which Standing Orders apply.

Standing Orders 1 and 13 apply to my role as Speaker in terms of maintaining order. Standing Order 245 applies to prohibit interpreters and translators on the floor of the Assembly during proceedings. As you know I am not the author of the Standing Orders, the Assembly is. I merely apply them.

The existing practice in the Assembly is that order is maintained by all Members speaking in English except for where leave of the Assembly is granted for other languages to be used.

The Assembly has transacted its business in the English language since its inception in 1974 and all Australian parliaments have the same practice. As you are no doubt aware, other Westminster style parliaments around the world use more than one language. The Parliament of Canada for example transacts its business in both English and French and has a simultaneous translating service for mono lingual Members. The presiding officer and all parliamentary staff are required to be fluently bilingual in that jurisdiction.

With the number of Aboriginal languages and dialects within the Northern Territory if we were to permit speaking in Aboriginal languages as a matter of course during the routine of business, we could not choose to be just bilingual, it would be a multi lingual parliament where every Aboriginal language could be spoken freely. This would no doubt be a complex and costly exercise, subject to change as each new election saw different language speakers enter the Assembly. Recruiting multilingual staff would be a further challenge.

The Northern Territory is a unique jurisdiction with a proud history of Aboriginal participation. As you are no doubt aware, we are the only Australian parliament to have Members with Aboriginal heritage elected at every general election held. This compares to older jurisdictions such as New South Wales, which has a larger overall Aboriginal population, but has had just one such Member elected to their parliament in more than 150 years of parliamentary history.

It is testament to Members such as you and to your predecessor Karl Hampton in the electoral division of Stuart, that by participating at the Northern Territory general election and succeeding in becoming a Member you have contributed to a Territory success story. While successive governments have consistently had difficulty meeting targets to 'close the gap', it is Aboriginal candidates themselves who have demonstrated that participation in the Assembly is one gap that has been closing over many years.

Your participation and that of other Aboriginal people in the Northern Territory has meant that 34 Members of Aboriginal heritage have served in our Assembly in its relatively short history. With 24% of the existing Members in the 12th Assembly being of Aboriginal heritage we are a richer and more diverse parliament than any other in Australia. This is a story that should be told more often. Aboriginal people are not discouraged or intimidated by the parliamentary institution in the Northern Territory, rather, history shows they are energised and have a very strong record of participation.

I am confident my ruling on 3 December which applied to your interjections during debate of 2 December, will have no impact upon Aboriginal participation in political processes. At the 2012 election, 20 Territorians of Aboriginal heritage contested the election out of a total of 89 candidates, representing more than 22% of all candidates. This was an increase from 11 candidates with Aboriginal heritage contesting electoral divisions at the election in 2008. Participation at the forthcoming election is hardly likely to be influenced by me upholding the conventions and Standing Orders of the Assembly.

As you are aware, and as I said in my ruling, there is no prohibition on any Member from time to time using the Warlpiri language with the leave of the Chair and in context. To be fair to all Members, including others of Aboriginal heritage who may not speak Warlpiri, the Assembly transacts its business in the English language as all Members, as well as the general public will have more access to an open and accountable Assembly if we all use a common language.

However, should you wish to pursue an option for Members of the Legislative Assembly to speak in languages other than English the following approach will be necessary:

1. You may write to your colleague the Hon John Elferink MLA in his capacity as the Chair of the Standing Orders Committee, and seek advice about consideration of the existing Standing Orders and seek a change to accommodate language and interpreters to be present on the floor of the Chamber.

2. Alternately you may give notice on Tuesday 15 March that you will on Wednesday 16 March move a motion during General Business to refer the matter for the consideration of the Standing Orders Committee with a timeframe for report back to the Assembly with recommendations.
3. If the Standing Orders Committee enquires into the proposal they may call for submissions and hear from witnesses.
4. The Standing Orders Committee then reports to the Assembly with recommendations.
5. The Assembly may or may not determine to adopt all or some of the recommendations.
6. If the recommendations require significant expenditure for translating and interpreting services as well as any hardware, software or equipment then an approach will be made to Government to seek budget supplementation to resource the initiative.

Your letter mentions that you have been subject to 'slurs and innuendo'. I am unaware of any slurs and innuendo directed towards you during debate in the context of language spoken or any other matter. Should these occur a point of order may be raised. You may also avail yourself of the procedure under Standing Order 26.

As indicated in my statement to the Assembly from which you quoted in your letter, the Legislative Assembly has strong history of inclusive and respectful accommodation of language and culture and this practice will no doubt continue as a hallmark of our Assembly. However what occurred on 2 December was not an example of this. My ruling on 3 December was, as you know, a direct result of the matters raised on 2 December. What occurred on 2 December was that you consistently interjected and called across the Chamber during the contribution by the Member for Nhulunbuy which resulted in the Member for Nightcliff calling a point of order and the Speaker asking you to cease interjecting.

What followed was continued disorder as you ignored the Speaker's request not to continue interjecting, you continued to do so and did so in language other than English.

Your allegation of slurs and innuendo is unfounded and I am enclosing a DVD of the incident to remind you of what occurred. The footage does not support your allegation that you were subject to slurs or innuendo on that day.

I have been approached by media outlets who appear to have received a copy of your letter to me on this matter. Given you have decided to publish your correspondence to me to other parties including media outlets, I am happy to release the footage to outlets and provide copies of this response to those outlets as requested. I assume you will have no objection to this transparent and equitable approach.

While I am not convinced that a requirement for Members to communicate in a common language is, as you state, an "inequality that exist(s) within the political institution in which I serve", you are more than welcome to undertake the required approach to change the Standing Orders to accommodate the matters you have identified. Ultimately as the Speaker, I will serve the will of the Assembly and the Standing Orders will be enforced.

I understand your passion and your right to speak whatever language you prefer is absolutely acceptable in ever day life. However in the Assembly, making statements and answering questions occurs in the English language. Until the Standing Orders are amended your request cannot be accommodated. I also remind you that interjecting (in any language) during debate when another Member has the call remains disorderly.

Thank you for bringing your concerns to my attention.

Yours sincerely



Hon Kezia Purick MLA
Speaker

13th February 2016

cc: Hon MALCOLM TURNBULL
PRIME MINISTER OF
AUSTRALIA