

honesty, assurance, quality and reliability—things the Chinese can never buy. Also, Halal snack packs are never provided—isn't that right, Sam?

Mr President and my fellow senators: thank you for your indulgence. We may not agree on everything but we need to work together for the future of our country and its people. I look forward to working with each and every one of you, including the Greens, if you are prepared to see this country prosper rather than shut down.

FIRST SPEECH

The PRESIDENT (17:32): Order! I am sure there is no need for me to remind senators of the convention to allow the senator to be heard in silence.

Senator McCARTHY (Northern Territory) (17:33): Yuwu bajinda nya-wirdi kulu kirna-balirra yinda nyawirdi nyuwu-ja barrawu, bajirru yiurru wiji marnajingulaji ngathangka, bajirru yirru li-wirdiwalangu jii-awarawu li-Ngunawal Ngambri barra jina barra awara yirrunga, bajirru li-ngaha li-malamgu marnaji anka nya-ngathanya bii, li-ngatha kulhakulha, li-ngatha li-nganji karnirru-balirra.

Yes, let us begin. You are there, senior one—Mr President. We have no word for 'President' in Yanyuwa, so I refer to you as 'senior one'. And I thank you for this place, and for all you others also here with me, and you, the traditional owners, the Ngunawal and Ngambri, for this country. This is your country.

To my family and friends who are here today: thank you. Thank you for making the journey. I especially acknowledge my father, John McCarthy, and my son Grayson, who are here with me. And I know my son CJ is watching from his university room in Dallas, Texas; a big hello to you, my son. And to Adam, sitting for his year 11 exam: good luck to you, my son.

I am here today starting off with Yanyuwa, the language of my mother's families in Borroloola in the Gulf of Carpentaria, nearly 1,000 kilometres south-east of Darwin. My families, they gave me this language, the language of my country. I am a woman whose spirit has come from the salt water, and we are known as li-antha wirriyarra, which means our spiritual origin comes from the sea—from the sea country. And I welcome my Kuku, John Bradley and Nona. Thank you. Bauji barra.

The old people would sing the kujika, the songline. They would follow the path of many kujika, the songlines, like the broлга, the kurdarraku, of my grandmother's country—the beautiful broлга country; the country where my spirit always returns to. They would sing of the shark dreaming, and how it travelled from Queensland all the way down the coast to the gulf country and out to the islands of my families. And we dance the dance of the mermaids, the ngardiji, the ngardiji kujika of the Gulf and Barkly country, linking so many of our first nations peoples.

I grew up with the old men and women, the marlbu and barrdi bardis, and I am here thinking about them now, and I am thinking about my own path. My road has been a long road like the song, the kujika, that belongs to the old people. And I am standing here in this place, the Australian Senate, in the place of the people, to represent not just my own people—the Yanyuwa, the Garrwa, the Mara and the Kudanji peoples—but to stand for all people of the Northern Territory: all clan groups, all families who call the Northern Territory home, whether they live on the vast cattle stations of the Northern Territory or whether they have travelled from countries like Asia, Africa or the Middle East to forge a new life for their families away from strife-torn lives that offered no future. I stand here for you, too.

In 1842, my McCarthy ancestor sailed the seas from Ireland aboard the ship *Palestine* to Australia. And he did not come as a convict like hundreds of others before him; instead, he came as a free man. He chose to come, to make this country his home, not just for him but for his young family, to live in Australia, to build his future, his dream, in the land of opportunity, an unknown land yet filled with much hope and prosperity.

It was on the north coast of New South Wales that he made his home as the local magistrate. In the years and decades that followed, his descendants would toil on the land as farmers and timber-getters before my grandad, Alf McCarthy, then moved to Sydney to work in a box factory at Chiswick and then became a tram conductor on the Sydney trams. Along with my grandmother, Mary, they would raise their three sons: my dad, John McCarthy, who is here today; my Uncle Ray, who is also here, with Aunt Angela, and their children and grandchildren; and my Uncle Kevin, along with his wife, Regina, who are sending all their love now as I speak. I am deeply thankful for the love, support and richness in wisdom of my McCarthy families, as I am of my Yanyuwa and Garrawa families. Yo yamalu bingi; it makes my spirit feel really good.

I share with you all my kujika, my songline that weaves its way from the gulf country across the first-nation's lands of Aboriginal people in Australia. As a journalist, a storyteller for 20 years—for the ABC, for SBS and for the much-needed NITV—I was able to tell the stories of the lives of thousands and thousands of Australians, and even internationally, with the World Indigenous Television Broadcasters Network, trying to improve the lives of Indigenous people the world over through Indigenous media. I commend wholeheartedly the work of Indigenous

media in Australia. Our country needs you. I especially want to acknowledge amazing women journalists, like those in the gallery today: the ABC's Lindy Kerin, NITV's Natalie Ahmat and the awesome, inspiring Caroline Jones.

I am honoured to be elected to represent all people of the Northern Territory in this chamber—to the Australian Senate—and to do so as a member of the Australian Labor Party.

As my McCarthy ancestor sailed his way across the seas to Australia, my Yanyuw ancestors sailed their way across the northern seas from the gulf country, to the land of the Macassan, Sulawesi, to the Torres Strait through to Papua New Guinea. The Macassans traded with the Yanyuwa, as they did with the Yolngu people of north-east Arnhem Land and the Anindilyakwa people of Groote Eylandt and the Nungubuyu people of Numbulwar. All of us are interconnected through kujika, through songline. For example, the broлга kujika connects the families of Numbulwar and Groote Eylandt with our families in the gulf country. That is the law of the first-nation's peoples that defines our connection to country and culture and kin.

In the eyes of first-nation's people, cultural exchange both amongst clan groups within Australia and with people outside Australia was a natural part of life well before Captain Cook arrived in 1788. There was already a thriving economic foreign trade occurring between Australia and with countries to our north. It is Aboriginal people who were the diplomats with foreign countries, the trading partners who shared knowledge and exchanged agriculture and marine sources of food and tools in the form of harpoons for hunting and knowledge of carving canoes to set sail in the unpredictable wet season seas. Only last month, in the landmark native title hearing in Borroloola, this diplomatic mission between the Yanyuwa and the Macassans was formally recognised in the Western system of law. The Federal Court recognised this relationship. Yet Aboriginal people have always had a system of governance here, and in Yanyuw we refer to it through the kujika.

In 1966, when Vincent Lingiari led the Wave Hill Walk-Off, demanding equal pay and equal rights for his country men and women, my families in the gulf country supported his fight for justice and that of the Gurindji people. So too did thousands of other Australians across the country who believed in a fair go for all. In recent weeks the Gurindji commemorated 50 years since the walk-off and recognised the important role Australian unions played in the late sixties supporting those Australians who could not win their battle for equal pay alone.

Still today the union movement stands beside those who push for a better way of life. I acknowledge in particular the support of those in the gallery today, such as Kay Densley, with the CPSU NT, and her team. Special thanks to Joseph Scales of the Australian Services Union, the MUA and, yes, the CFMEU, as well as United Voice, the ETU, the AMWU and the ACTU. The Turnbull government's decision to go to an early election in the hope of diminishing the role of unions in this country spectacularly backfired when the Australian people moved away from his vision in their thousands. They recognise that trade unions continue to play a vital role in ensuring justice and equity for all Australians, for we all know that pay equity is not fully enjoyed by all Australians, and homelessness has a human face, and sometimes it is much of my family's.

In the kinship way, it is my brother, who prefers to sleep in the long grass in Darwin city because it all becomes too hard. At other times the human face is one of someone who has just given up trying to exist between dispassionate laws and the high expectations of those whose job it is to carry them out. The town of Katherine in the Northern Territory has the highest rate of homelessness in the Territory, while Alice Springs is in desperate need of a visionary future that inspires our youth and lightens the load on families. It is a vision I so much want to work on with my fellow federal colleagues: the member for Lingiari, Warren Snowdon, and the member for Solomon, Luke Gosling, in paving a future for the Northern Territory filled with much hope and opportunity, and my fellow Indigenous colleagues, Senator Pat Dodson and Linda Burney.

I congratulate Chief Minister Michael Gunner and his NT Labor caucus on their recent victory in the Territory, and I certainly look very much forward to working closely with his team. I thank all the NT Labor branches and party members for your overwhelming support in my election to the Senate. Your faith in me helped to also restore my faith that serving the people of the Territory, and indeed Australia, is an honourable path and one that has ignited my spirit once again after the loss of my seat in Arnhem in the 2012 Territory election.

I sincerely congratulate the new member for Arnhem, Selena Uibo, for restoring this beautiful bush seat back to Labor. I acknowledge most sincerely, too, former senator Nova Peris and, before her, former senator Trish Crossin. Both women have supported me in my road to the Senate here today. For their graciousness, patient advice and respect for the challenges I have had to face to get here, I say a heartfelt thank you. To my staff, Mandy Taylor and Charlie Powling, thank you for joining me on this journey.

When the Commonwealth parliament passed the Aboriginal Land Rights (Northern Territory) Act in 1976, it was the Yanyuwa people who stepped up to claim back our land. As a young girl, I watched my grandparents, my elders, as they prepared to give evidence about how the Yanyuwa cared for country, especially the islands north of

Borrooloola. They gave evidence in an old police station, and they could pretty much only speak in Yanyuwa. They were difficult times, and trying to give evidence was something that we had to continuously learn from. In that time, we found that we could not explain things as well as we would have liked to the Western understanding of Aboriginal culture.

It was to be another four decades of litigation—in Borrooloola, in Darwin and in Melbourne. It was litigation that passed on to us, the Yanyuwa descendants, to continue to fight for recognition of who we are, li-antha wirriyarra, a people whose spiritual origin comes from the sea. But we did not walk that journey alone. It was only possible with the steadfast support of the Northern Land Council, and I acknowledge all those staff and council members over those 40 years who walked with my families.

We talk about recognition of Australia's First Peoples in the Constitution, and I pay tribute to all those in the campaign to support recognition. It is most certainly way overdue, and I say these next sentences without any disrespect to those of you. I urge parliamentarians in both houses to understand this: the Yanyuwa are a people whose struggle for country and recognition took nearly 40 years, and so many elders died well before such recognition and, most importantly, any respect ever took place. Such long, drawn-out legal battles have wearied many families of so many first nation peoples, constantly trying to defend their sense of self, identity and country, who have fought for land rights. Maybe that was the intention; I do not know. Battle fatigued, perhaps we are better to acquiesce. But we are still here, and we are not going to go away.

So I understand fully the impatience and, in some cases, total rejection felt by so many first nation peoples towards the Australian parliament's push for recognition. It is a difficult pill to swallow, as first peoples, to yet again have to ask others to respect us—our place, our culture and our families—in this country, when we know we have been here well over 60,000 years.

With nearly 30 per cent of the Territory population Indigenous, we will only have half a vote in any referendum, let alone a referendum on recognition, because we are not a state. Is it not time to consider seriously a vision for the north and a vision for the future of all our territories such as Christmas and Cocos Islands? We need a vision that unites over 100 Aboriginal language groups just in the Northern Territory alone, the multicultural communities who have made it home and the descendants of the Afghan cameleers and early pioneers.

It is time the Commonwealth encouraged more seriously the growth of the Northern Territory as perhaps the seventh state in the Australian Federation. Allow the people of the Northern Territory to fully make our own decisions, determine our own future, by engaging in a fair partnership so that we, who have won our lands back—nearly 50 per cent of the landmass—and the young people of the Territory feel they have solid employment, a future filled with shared prosperity and hope.

The Commonwealth must prepare a way for the inclusion of more senators and more members of the House of Representatives so that the people of the Territory can become not just a state but an equal state here in the Australian parliament. It might be 10 or 20 years, but let there be a vision that at least starts.

The Mabo court ruling in 1992 overturned terra nullius. Let the people of the Northern Territory overturn the disbelief that even treaties are unattainable in Australia. Let the people of the Northern Territory have a say. In the year of the Mabo decision, I was questioned over my identity as a Yanyuwa Garrawa woman in the Borrooloola land claim process. I found the interrogation focused more on how it could be that an educated Aboriginal woman must somehow not be quite real as a traditional owner of country. How could it be possible to be highly educated in the Western world and still live with a deep sense of cultural understanding in a culture thousands of years old?

It was thanks to the firm belief of my father, a school teacher from Sydney who inspired my educational upbringing, both in the Western ways and in maintaining a strong understanding of Borrooloola families, kinship and culture shared by my mother—bless her soul—and shared by my maternal grandparents. I was educated in Borrooloola, in Alice Springs and in Sydney, and all the while travelling backwards and forwards to the families in the Gulf Country. It was as a little girl in primary school in Alice Springs that I first saw the man who I would one day sit here in the Senate with—Senator Pat Dodson—when he worked with the Catholic Church in Alice Springs.

I would like to acknowledge the staff and students of St Scholastica's College, my former high school, who are present in the gallery today. In 1988, I became the first Aboriginal student to become college captain, and I acknowledge my schoolmates who are here, in particular Yvonne Weldon of the Wiradjuri people of New South Wales and her family, Aunty Ann and the Coe families of Cowra. I pay my respects to the memory of the late great Mum Shirl, who was witness to ensuring that both Yvonne and I would finish well with the Good Sams. Today, another Indigenous student sits in the gallery who will be the 2017 college captain: Alice Dennison. I sincerely wish you all the best. I also acknowledge the students and staff of Saint Ignatius' College, in particular

the first nation's students who danced Senator Dodson and I into the Senate on our first day with our fellow senators.

I now ask Prime Minister Malcolm Turnbull: please reconsider your plebiscite bill. Please pull back from this brink of public vitriol and make marriage equality a reality in this parliament. We need only be reminded of the hateful and hurtful commentary on race that ended the career of an AFL hero in Swans legend Adam Goodes—do not let that happen here to any of these families in Australia.

My kujika has allowed me to see both worlds—that of the Western world view and that of the Yanyuwa/Garrawa world view. I am at home in both. I am neither one, without the other. But what of those who cannot balance the two and what of those who do not have the same?

I think of the women in my life struggling still just to survive—I call them my mothers, sisters, my friends—who endured tremendous acts of violence against them, with broken limbs, busted faces, amputations and sexual assaults. I stand here with you. My aunt who lost her job that she had had for 10 years without warning simply because she spoke out about the lack of housing for her families, I stand here with you. To the descendants of the stolen generation still seeking closure, I stand with you. To the people with disabilities forever striving for better access to the most basic things in life, I am with you.

And then there is my young cousin-sister who struggled with her identity as a lesbian in a strong traditional Aboriginal culture. Her outward spirit was full of fun and laughter, yet inside she was suffocating from the inability to find balance in her cultural world view and that of the expectations of the broader Australian society around her. So one night she left this world, just gave up, at the age of 23.

To the sista girls and brutha boys who struggle with their sexual identity, I say to you: stay strong, I stand here with you. To the people of the Northern Territory and the Christmas and Cocos (Keeling) Islands, I stand here with you.

Bauji Barra. Thank you.

DOCUMENTS

Consideration

The following orders of the day relating to government documents were considered:

Migration Act 1958—Section 486O—Assessment of detention arrangements—1001665-O, 1001801-O, 1002223, 1002234-O, 1002237-O, 1002298-O, 1002350, 1002367-O, 1002379, 1002392, 1002450, 1002454, 1002471, 1002492, 1002600, 1002656, 1002675, 1002681, 1002811, 1002873, 1002976, 1002992, 1003021, 1003055, 1003204, 1003205, 1003227, 1003234, 1003235, 1003248, 1003253, 1003255, 1003302, 1003314, 1003322, 1003328, 1003339, 1003351, 1003353, 1003355, 1003359, 1003382, 1003401, 1003429 and 1003464—Government response to Ombudsman's reports. Motion to take note of document moved by Senator Urquhart. Debate adjourned till Thursday at general business, Senator Urquhart in continuation.

Medical Indemnity Act 2002—Costs of the Australian Government's run-off cover scheme for medical indemnity insurers—Report for 2014-15. Motion to take note of document moved by Senator Urquhart. Debate adjourned till Thursday at general business, Senator Urquhart in continuation.

Midwife Professional Indemnity (Commonwealth Contribution) Scheme Act 2010—Costs of the Australian Government's run-off cover scheme for midwife professional indemnity insurers—Report for 2014-15. Motion to take note of document moved by Senator Urquhart. Debate adjourned till Thursday at general business, Senator Urquhart in continuation.

Institutional Responses to Child Sexual Abuse—Royal Commission—Report of case study no. 21—The response of the Satyananda Yoga Ashram at Mangrove Mountain to allegations of child sexual abuse by the ashram's former spiritual leader in the 1970s and 1980s. Motion to take note of document moved by Senator Urquhart. Debate adjourned till Thursday at general business, Senator Urquhart in continuation.

Institutional Responses to Child Sexual Abuse—Royal Commission—Report of case study no. 30—The response of Turana, Winlaton and Baltara, and the Victoria Police and the Department of Health and Human Services Victoria (and its relevant predecessors). Motion to take note of document moved by Senator Urquhart. Debate adjourned till Thursday at general business, Senator Urquhart in continuation.

COMMITTEES

Scrutiny of Bills Committee

Report

Senator URQUHART (Tasmania—Opposition Whip in the Senate) (18:04): On behalf of Senator Polley, I present the sixth report of the Senate Standing Committee for the Scrutiny of Bills. I also lay on the table Scrutiny of Bills *Alert Digest* No. 6 of 2016.

Ordered that the report be printed.