

PERMISSION TO SPEAK: WHO CONTROLS ABORIGINAL AND TORRES STRAIT ISLANDER LANGUAGE USE IN AUSTRALIA'S PARLIAMENTS?

ALEXANDRA GREY*

An analysis of parliamentary language practices from 1981 to 2023 finds that using Aboriginal and Torres Strait Islander languages has been actively policed by the Speaker or President in some of Australia's parliaments. This article advances the argument that, in certain jurisdictions, parliamentary rules about Aboriginal and Torres Strait Islander language use are at odds with self-determined language use, unnecessary and continuing a history of colonial control over language. This article also raises the relevance of a different kind of permission regime, permission from the custodians of languages. Three changes to Standing Orders are suggested in conclusion. This information is worth considering if and when the Commonwealth Parliament returns to the 2012 recommendation in Our Land Our Languages that it 'demonstrate leadership in the recognition and valuing of Indigenous languages by: considering how to incorporate Indigenous languages in the Parliament House building and in the operations of the Parliament'.

‘[I]t is not two persons who speak to each other but, through them, the colonial history in its entirety’.¹

* Dr Alexandra Grey, Chancellor's Research Fellow, Faculty of Law, University of Technology Sydney ('UTS'), alexandra.grey@uts.edu.au. I gratefully acknowledge this project's Indigenous Advisory Group (Professor Jakelin Troy at the University of Sydney, Dr Kirsten Thorpe and Lachlan McDaniel at the UTS Jumbunna Institute for Indigenous Education and Research, and Mollie O'Connor at First Languages Australia), the UTS Indigenous Legal Relations Research Cluster led by Dr Marcelle Burns, doctoral candidate Anneke Meyers at Australian National University, the Language on the Move Reading Group at Macquarie University, the attendees at my 2025 Western Sydney University seminar on this topic, and the two anonymous reviewers, for each of their encouragement and guidance, as well as thanking the interview participants and other members of Parliament ('MPs') and parliamentary staff who have responded to my outreach during this project. This research is covered by UTS Human Research Ethics Committee approval (ETH23-8477). This work was supported by the UTS Chancellor's Research Fellowship scheme. The author reports there are no competing interests to declare.

1 Nirmal Puwar, *Space Invaders: Race, Gender and Bodies Out of Place* (Berg, 1st ed, 2004) 112, quoting Pierre Bourdieu and Loïc JD Wacquant, *An Invitation to Reflexive Sociology* (Polity Press, 1992) 144.

I INTRODUCTION

There are new practices emerging for the use of Aboriginal and Torres Strait Islander languages in Australia's nine parliaments. I have analysed these language practices from 1981 to 2023 to illuminate a certain kind of multilingualism emerging in representative democracy.² And yet, using Aboriginal and Torres Strait Islander languages in parliament remains under the control of the Speaker or President of the chamber in some jurisdictions. *Plus ça change*, we might say cynically, using a foreign idiom rather than a local one.

The use of Aboriginal and Torres Strait Islander languages in our parliaments has not been much studied, but in sociolinguistic literature, language choices are well understood as significant in the construction of social identities and groups, and as being influenced by ways of speaking that are normative, prestigious and in place. Standard Australian English is normative, prestigious and in place in Australia's parliaments. Various ways of talking index power and social capital – or lack thereof – and this thinking underpins Nirmal Puwar when she quotes the famed French sociologist of language, Pierre Bourdieu (and his one-time student, sociologist Loïc Wacquant), in her analysis of the male, White norms of the United Kingdom Parliament: 'if a French person talks with an Algerian, ... it is not two persons who speak to each other but, through them, the colonial history in its entirety'.³ With a similar understanding of language, this article examines how Australia's colonial history speaks when people talk to each other in Aboriginal and Torres Strait Islander languages – and English – in our parliaments.

In doing so, this article is developing 'two-eyed seeing', to adopt a phrase (and stance) from Indigenist research in Canada. Specifically, the name comes from Mi'kmaq Elder of Eskasoni First Nation, Albert Marshall, in a re-articulation of the teachings he and his co-authors received from an Acadian First Nation leader, the late chief Charles Labrador.⁴ Two-eyed seeing seeks the interfusion of Western and Indigenous knowledge systems to strengthen the 'common ground' and 'shared strengths' from which a problem can be approached: in the context of the

-
- 2 Alexandra Grey, 'Celebrating Indigenous Linguistic Diversity in Australia's Parliaments' (2025) 45(2) *Australian Journal of Linguistics* 198 <<https://doi.org/10.1080/07268602.2025.2503862>> ('Celebrating Indigenous Linguistic Diversity'). This article analyses the linguistic aspects of Aboriginal and Torres Strait Islander language use in Australia's parliaments, arguing that it creates a social space for navigating identities and power. The specific multilingual practice it describes is 'translanguaging'. See also Ofelia García and Li Wei, *Translanguaging: Language, Bilingualism and Education* (Palgrave Macmillan, 1st ed, 2014) <https://doi.org/10.1057/9781137385765_4>; Robyn Ober, 'Slipping and Sliding: Moving in and out of Social, Cultural and Linguistic Spaces from an Indigenous Educational Perspective' [2022] (36) *Ngoonjook* 28.
 - 3 Puwar (n 1). Incidentally, Australia's parliaments have also been described as having a dominant white, male group: Marian Sawer, 'Mirrors, Mouthpieces, Mandates and the Men of Judgement: Concepts of Representation in the Australian Federal Parliament' [1998] (31) *Papers on Parliament* 27, quoted in Sarah Maddison, 'White Parliament, Black Politics: The Dilemmas of Indigenous Parliamentary Representation' (2010) 45(4) *Australian Journal of Political Science* 663, 672 <<https://doi.org/10.1080/10361146.2010.517180>>.
 - 4 Marilyn Iwama et al, 'Two-Eyed Seeing and the Language of Healing in Community-Based Research' (2009) 32(2) *Canadian Journal of Native Education* 3, 3–4.

original article by Marilyn Iwama et al, that problem is the ‘damage done to health by the loss of traditional language and connectiveness’.⁵ (In this article, a specific connection between health and language ‘loss’ is not foregrounded, but my and my colleagues’ prior research on connections between Aboriginal language renewal and wellbeing in Australia informs my scholarship.)⁶ At the time that writing this article commenced in 2024, Aboriginal and/or Torres Strait Islander members of Parliament (‘MPs’) had increased in number to 36 across Australia,⁷ and no update was yet available as I finished writing in 2025, shortly after the federal election. Providing a backdrop to this increase, Sarah Maddison gives an overview of the rare election of First Nations MPs previously, with only 13 across the nation between 1901 and 2010.⁸ In the *Australian Journal of Linguistics*, I have recently reported my findings that

the use of Indigenous languages is increasing from both ... [MPs] who are Indigenous and MPs who are not, during ceremonial parliamentary activities when invitees speak, during MPs’ milestone first speeches, and elsewhere in parliamentary debate, particularly in debate over bilingually-titled legislation.⁹

Extending that analysis, this article questions whether the use of Aboriginal and Torres Strait Islander languages in Australia’s parliaments is nevertheless continuing a history of colonial control because of the way Standing Orders regulate language choices in at least some jurisdictions. Together, these two articles form part of a larger project examining the roles of government and the possibilities of self-determination in language renewal in Australia.

Overall, this article argues that speaking an Aboriginal or Torres Strait Islander language in a parliament can be an empowered act disrupting linguistic and institutional norms and participating in self-determination; Standing Orders which actively or even potentially prevent Aboriginal and Torres Strait Islander language use in Australia’s parliaments are therefore in need of reform. They foreclose linguistic acts of self-determination, aggravate the existing power imbalance in favour of English, and reduce the representativeness of our parliaments. One direction for relevant reform is suggested by the increase in te reo Māori in New Zealand parliaments after using that language in Parliament became a legislated right in 1985.¹⁰ Canada’s national Parliament has promoted Indigenous language use following a 2018 Senate pilot program and a 2019 House of Commons report

5 Ibid 5.

6 K Thorpe et al, *The Benefits of Aboriginal Language Use and Revival in New South Wales: Literature Review* (Report, 17 December 2021).

7 ‘Episode 3: Determining Our Futures’, *Voices of Power* (Australian Institute of Aboriginal and Torres Strait Islander Studies, 28 January 2022) <<https://aiatsis.gov.au/whats-new/podcasts/voices-power/episode-3>> (‘Determining Our Futures’). MP is a useful shorthand, acknowledging that parliaments in fact bestow a variety of titles including Member of the Legislative Assembly (‘MLA’), Member of the Legislative Council (‘MLC’), Senator, ministerial titles and Speaker/President.

8 Maddison (n 3) 664–5.

9 Grey, ‘Celebrating Indigenous Linguistic Diversity’ (n 2) 198.

10 Māmari Stephens and Phoebe Monk, ‘A Language for Buying Biscuits? Māori as a Civic Language in the Modern New Zealand Parliament’ (2012) 16(2) *Australian Indigenous Law Review* 70.

containing an implementation program.¹¹ However, the focus of this article is a comparison between Australia's *own* parliaments' various Standing Orders to learn which already work in our context and could be imitated nationally, and which remain as nationwide areas for reform.

This article therefore explores the parliamentary orders restricting or discouraging the use of Aboriginal and Torres Strait Islander languages, in Part II, contrasting these with the orders of parliaments where such language use happens without regulation. Part II advances the argument that, in certain jurisdictions, parliamentary rules about Aboriginal and Torres Strait Islander language use are continuing a pattern of State control over these languages and their speakers which is at odds with self-determined language use, and unnecessary. The data quoted in Part II illustrates the role of language choices in constructing political identities for individual MPs as members and/or representatives of Aboriginal or Torres Strait Islander communities, and also in constructing First Nations as polities. I make the additional point at the close of Part II that the way Aboriginal or Torres Strait Islander languages are embedded in relationships of cultural custody should also be represented, where relevant, by speakers noting on the parliamentary record that they have permission to use a language. That is, a different kind of permission regime is relevant – permission from the custodians of languages – and should become more visible in parliamentary proceedings and records. Then, the concluding discussion in Part III links my findings regarding the regulation of language in parliaments to wider moves towards self-determination and the assertion of rights, as well as proposing three specific reforms to parliamentary Standing Orders about language choice and use.

As a precursor to these points, it is important to explain in the remainder of Part I why linguistic representation matters, the policy context for Aboriginal and Torres Strait Islander language use and control in parliaments, and the role and legal status of English.

A Why a Representation 'in Language' Matters

As explained by researcher and cultural strategist Cara Kirkwood, a member of the Mandandanji and Mithaka peoples, the history of exclusion of Aboriginal and Torres Strait Islander peoples from parliaments can be countered in part by inclusive, material representation of these same peoples today.¹² This article makes a similar argument that Aboriginal and Torres Strait Islander language use inside parliaments can do important symbolic and trust-building work. Why? When the variety of ways in which Aboriginal and Torres Strait Islander people speak are represented on a public stage such as a parliament, this represents the diversity of Australia's First Nations and draws attention to the fact that these languages – and indeed these speakers – still exist. Moreover, these languages can often encode specific concepts embedded in Country, culture and experience better

11 House of Commons Standing Committee on Procedure and House Affairs, Parliament of Canada, *The Use of Indigenous Languages in Proceedings of the House of Commons and Committees* (Report, June 2018).

See also Grey, 'Celebrating Indigenous Linguistic Diversity' (n 2) 202.

12 'Determining Our Futures' (n 7).

than English can. This linguistic representation is therefore important in raising awareness amongst non-Indigenous Australians, and important in providing Aboriginal and Torres Strait Islander people with political representatives with whom they identify. In an article that celebrates the diversity of languages and language renewal work, the Australian Institute of Aboriginal and Torres Strait Islander Studies ('AIATSIS') explains the integral role of language in the words of individual Aboriginal and Torres Strait Islander people themselves, including:

*Languages are living things that connect people to Country, culture and ancestors. 'Keriba gesep agiakar dikwarda keriba mir. Ableglam keriba Mir pako Tonar nole atakemurkak.' – Bua Benjamin Maboi, Meriam linguist [translated as] The land actually gave birth to our language. Language and culture are inseparable. ... Language is survival. ... Language is identity.*¹³

Diversity amongst parliamentary representatives is democratic, although Maddison explains that '[t]he acceptance of [a] link between the representation of minority or marginalised groups in Parliament and the quality of democracy has been relatively recent.'¹⁴ Drawing on Anne Phillips' 'politics of presence' and Marian Sawer's work on the impact of presence on democratic legitimacy, Maddison asks, 'would a greater Indigenous presence in Australia's parliaments in fact be that difference in and of itself?'¹⁵ Based on interviews with five Indigenous MPs about their 'representational dilemmas', however, Maddison concludes that 'while parliamentary representation is important in a symbolic sense, without structural transformation it will never be an adequate vehicle for representing Indigenous needs and concerns in the postcolonial State'.¹⁶ Developing from Maddison's point, this article makes the point that using Aboriginal and Torres Strait Islander languages is a significant form of symbolic representation and that if symbolic representation is important, so is the regulation or restriction of symbolic representation. I nevertheless also echo Maddison's point that structural reform is needed in addition, proposing structural changes in the concluding discussion which could improve MPs' ability to choose for themselves when to use which language.

Part of the symbolic importance of these languages comes from their roles as resources for navigating dual identities. Being an elected representative who is also an Aboriginal or Torres Strait Islander person in the Australian context has almost always meant being a member of one of the major political parties, and these politicians experience 'the tension between electoral and group-based representation'.¹⁷ Harry Hobbs explains this duality with a quotation from Ernie Bridge, 'the first Indigenous parliamentarian in Western Australia, [who] informed the House that he entered "wearing two hats"'.¹⁸ Hobbs mentions the Yanyuwa–

13 'Languages Alive', *AIATSIS* (Web Page, 13 October 2025) <<https://aiatsis.gov.au/explore/languages-alive>> (emphasis added).

14 Maddison (n 3) 666.

15 Ibid, citing Anne Phillips, *The Politics of Presence* (Oxford University Press, 1995) (emphasis omitted); Marian Sawer, 'Representing Trees, Acres, Voters and Non-voters: Concepts of Parliamentary Representation in Australia' in Marian Sawer and Gianni Zappalà (eds), *Speaking for the People: Representation in Australian Topics* (Melbourne University Press, 2001).

16 Maddison (n 3) 665, 667.

17 Ibid 671.

18 Harry Hobbs, *Indigenous Aspirations and Structural Reform in Australia* (Hart Publishing, 1st ed, 2021) 32 <<https://doi.org/10.5040/9781509940172>>.

English bilingualism of Senator Malarndirri McCarthy's first speech in 2016 as one means of navigating this duality.¹⁹ To expand on Hobbs's point, I will quote an extract of that speech illustrating the work languages can do in creating an identity which navigates the 'two-hat' tension. First, Senator McCarthy opens her speech with an extended passage in Yanyuwa. Then, while she continues in English, she incorporates many Yanyuwa words to be precise about who she is:

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 brolga, the kurdarraku, of my grandmother's country ... 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.²⁰

Linguistic representation is also practical: the use of Aboriginal or Torres Strait Islander languages can improve the transparency of parliamentary proceedings for speakers of those languages. Transparency enhances representative democracy. Member of the Legislative Assembly ('MLA') in the Northern Territory ('NT'), Mrs Bess Nungarrayi Price MLA, is one of the few MPs across Australia to have been directly prevented from using an Aboriginal language in parliament. She has noted that not only is the use of an Aboriginal language more representative than English when constituents are primarily first language speakers of that language, as hers are, but also that using an Aboriginal language in a parliament sends an important corrective message about equalising participation in an institution with a history of hostility and exclusion: 'Aboriginal MLA's who speak traditional languages can lack the confidence they need to take part in debates effectively. ... I call on the [NT] Legislative Assembly to demonstrate to me that there is parity within the chamber'.²¹ Her fellow MP, Mr Yinyiya Mark Guyula MLA, spearheaded changes in the NT Parliament's Standing Orders in 2019 to allow professional interpreting when MPs use Aboriginal languages. He 'believes traditional language interpreters should become commonplace in Parliaments across the country in order to close the gap between Australian governments and First Nations governments'.²²

Non-Indigenous parliamentarians, too, understand this changing language use as an issue of political representation. For example, when the Victorian Parliament dealt with the Yarra River Protection (Wilip-gin Birrarung murrn) Bill 2017 (Vic), many non-Indigenous parliamentarians spoke of the significance of the use of Woi-

¹⁹ Ibid.

²⁰ Commonwealth, *Parliamentary Debates*, Senate, 14 September 2016, 944 (Malarndirri McCarthy).

²¹ Letter from Bess Nungarrayi Price to Kezia Purick, 12 February 2016, 2 <<https://s3.documentcloud.org/documents/2714546/Bess-Price-and-Kezia-Purick-Letters.pdf>>.

²² Hannah Cross, 'Yinyiya Mark Guyula Makes History, Addressing NT Parliament in Language', *National Indigenous Times* (online, 15 May 2019) <<https://web.archive.org/web/20220701133216/https://www.nit.com.au/yinyiya-mark-guyula-makes-history-addressing-nt-parliament-in-language/>>.

wurrung language within the Victorian Parliament and in the legislation itself.²³ Some expressly made a connection between this Aboriginal language use and increased political ‘voice’.²⁴ Mr Danny Pearson MLA unpacked the connection:

[F]or the first time, we are giving the Wurundjeri language [Woi-wurrung] a voice in this chamber and on the statute book. We are empowering the Wurundjeri people to ensure that they have a rightful place on the statute book and in the political discourse ... They were denied the ability to speak their language fluently. Therefore, providing the Wurundjeri people with a voice is incredibly important.²⁵

In New South Wales (‘NSW’), Mrs Leslie Williams MLA has connected the increased attention to Aboriginal languages within the Parliament with the strengthening of those languages and their speaker communities outside of the Parliament. During a NSW parliamentary debate, she quoted Wiradjuri man and journalist, Stan Grant Jr, who argues that ‘[t]he resurgence of Indigenous languages is a counter to the triumphalism of the Australian settlement. It is a profound statement of sovereignty – this is, was and always will be Aboriginal land and these are the languages of the land.’²⁶

Building on this idea of asserting sovereignty through language choice, this article also accepts that use of Aboriginal and Torres Strait languages in parliaments can be an assertion of rights. In the recent book, *Bina: First Nations Languages, Old and New*, three Indigenous and non-Indigenous co-authors look at the same example I have cited above of Mrs Price being censured for speaking Warlpiri in the NT Parliament. They make the point that ‘[f]or Indigenous people, it brought into sharp focus the fact that the rights of language speakers are largely unrecognised by governments’.²⁷

- 23 See, eg, Victoria, *Parliamentary Debates*, Legislative Assembly, 8 August 2017, 2112 (Frank McGuire): ‘[L]anguage is important to cultural identity. I am pleased to see that the bill carries the full weight of history and heritage in its title. That is an important initiative that I want to register.’ See also Victoria, *Parliamentary Debates*, Legislative Assembly, 9 August 2017, 2245 (Natalie Hutchins). See at 2253 (Liliana D’Ambrosio): ‘This is an extremely important step forward in recognising language, culture and country. This is a landmark bill.’ See at 2256 (Sonya Kilkenny):

I had goosebumps the day the Wurundjeri elders stood on the floor of our Parliament and addressed our Parliament in their language. We were witnessing a landmark event in Victoria’s history. It was certainly an extraordinary moment and a very powerful moment, and it signaled an important partnership with the traditional owners.

See at 2263 (Danielle Green):

Seeing Aunty Alice Kolasa, Aunty Gail Smith and the other elders speaking in their Woi-wurrung language and introducing and speaking to this bill just shows that we are connecting and making sure that we right some wrongs and that we learn from the traditional custodians of this land and the richest continuous human culture known to us.

- 24 See, eg, Victoria, *Parliamentary Debates*, Legislative Assembly, 9 August 2017, 2245 (Natalie Hutchins): ‘It encapsulates the role, the voice and the language of our traditional owners here in Victoria.’ See at 2248 (Joshua Bull): ‘For the first time in history, as we know, this bill is co-titled, and part of its preamble is written in the Woi-wurrung language, ensuring traditional owners have a permanent voice in the governance and protection of the river.’
- 25 Ibid 2260 (Daniel Pearson).
- 26 Stan Grant Junior, ‘Stan Grant’s Reflection on the Importance of Language’, *Charlie* (Blog Post, 6 July 2017) <<https://charlie.csu.edu.au/2017/07/06/stan-grants-reflection-on-the-importance-of-language/>>, quoted in New South Wales, *Parliamentary Debates*, Legislative Assembly, 18 October 2017, 1021 (Leslie Williams).
- 27 Gari Tudor-Smith, Paul Williams and Felicity Meakins, *Bina: First Nations Languages, Old and New* (La Trobe University Press, 2024) 57.

They are far from alone in thinking of language use in terms of rights. The *United Nations Declaration on the Rights of Indigenous Peoples* ('*UNDRIP*'), a treaty which was endorsed by Australia under the Rudd Government in 2009, relevantly provides language rights in article 13:

1. Indigenous peoples have the *right* to revitalize, use, develop and transmit to future generations their ... *languages* ...
2. States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can *understand and be understood in political, legal and administrative proceedings*, where necessary through the provision of interpretation or by other appropriate means.²⁸

In a 2012 plan for implementing the *UNDRIP*, the Commonwealth House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs recommended that 'the Commonwealth Parliament demonstrate leadership in the recognition and valuing of Indigenous languages by: considering how to incorporate Indigenous languages in the Parliament House building and in the operations of the Parliament'.²⁹

Aboriginal and Torres Strait Islander language use in parliaments is about more than representation. In the original articulation of two-eyed seeing as a research approach, for example, the use of Aboriginal language is a deliberate and constituent part of the fusion of knowledges, rather than a flourish. In that study, a specific 'healing tense' in Mi'kmaq language is integral.³⁰ Aboriginal and Torres Strait Islander language use can be seen in terms of relational accountability, responsibility and/or resistance, a point to which the concluding discussion returns. This article highlights in the data that language choices are both *practices* of self-determination and sovereignty as well as *linguistic resources* for articulating individual/group selfhood and sovereignty.

This article therefore argues that the increasing presence of Aboriginal and Torres Strait Islander languages in parliaments across Australia is an important and inclusive change in the practice of representative democracy in line with international language rights. Furthermore, these public uses of Aboriginal and Torres Strait Islander languages are important to reforming the normative superiority of English, a superiority created by law, policy, institutional practice and rhetoric over the centuries of colonisation.

28 *United Nations Declaration on the Rights of Indigenous Peoples*, GA Res 61/295, UN Doc A/RES/61/295 (2 October 2007, adopted 13 September 2007) art 13 (emphasis added), endorsed by Australia on 3 April 2009. See Michael Dodson, 'Australian Government Announcement on the UN Declaration on the Rights of Indigenous Peoples' (Speech, Parliament of Australia, 3 April 2009). My thanks to Anneke Myers, an Australian National University Doctoral Researcher, for initially drawing the relevance of article 13 to my attention: Anneke Myers, "'It's Just a Respect Thing": Identifying Practical Ways for the Australian Parliament to Recognise and Value Indigenous Languages and Their Speakers' (PhD Abstract, Australian National University) <<https://annekemyers.carrrd.co/#research>>.

29 House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs, Parliament of Australia, *Inquiry into Language Learning in Indigenous Communities* (Report, 17 September 2012) 32.

30 Iwama et al (n 4).

B Policy Context and the Dominance of English

English has certainly been the sole language in practice in our state and federal parliaments for most of their existence, yet the use of English in parliaments is largely *not* protected by specific Standing Orders or broader Australian laws.³¹ We do not have an official national language.³² English is unquestionably normative in the operation of state institutions, yet its dominance is *de facto*.³³

Nevertheless, various forms of law and policy *have* been used to exclude Aboriginal and Torres Strait Islander languages and to advance the dominance of English in institutional practice and public life in Australia. An important component was the historic prohibition by the Commonwealth Government of Aboriginal and Torres Strait Islander languages on missions.³⁴ Patrick McConvell was referring to mission language policies and other institutional language policies when he spoke in 1991 of ‘periods of prohibition and denigration of their [First Nations]’ culture and languages by schools and other bodies’.³⁵ Gari Tudor-Smith, Paul Williams and Felicity Meakins are referring to earlier colonisation when they say, ‘English and its mastery was just another weapon in the colonial artillery that ensured that Indigenous voices remained silent’.³⁶ They are neither accidental nor anachronistic in labelling English a ‘weapon’; one of the most striking historic accounts they quote is that of a constable talking about killing Aboriginal people in Victoria in a 1984 incident: ‘the Martini-Henry carbines [guns] at this critical moment were talking English’.³⁷

These periods of language prohibition and violence were not only historic; AIATSIS reminds readers that ‘[a]s late as the 1980s, Aboriginal and Torres Strait Islander people were punished for speaking their languages. In the 2000s, Aboriginal languages and bilingual education were removed from schools’ in some parts of Australia.³⁸ Tudor-Smith, Williams and Meakins give an overview

31 Except in relation to presenting petitions, for which many parliaments’ Standing Orders require certified English translations if the original is in another language.

32 Alexandra Grey and Alice Strauss, ‘New Limits on the Right to Freedom of Expression from *Hamzy v Commissioner of Corrective Services*’ (2022) 47(1) *Alternative Law Journal* 60, 61–6 <<https://doi.org/10.1177/1037969X211055234>>.

33 See, eg, Alexandra Grey and Alyssa A Severin, ‘Building towards Best Practice for Governments’ Public Communications in Languages Other than English: A Case Study of New South Wales, Australia’ (2022) 31(1) *Griffith Law Review* 25 <<https://doi.org/10.1080/10383441.2022.2031526>>. This article explores the extent to which the NSW Government actually uses languages other than English, while the rights, rules or policies requiring NSW’s public institutions and governments to do so are explored in Alexandra Grey and Alyssa A Severin, ‘An Audit of NSW Legislation and Policy on the Government’s Public Communications in Languages Other than English’ (2021) 30(1) *Griffith Law Review* 122 <<https://doi.org/10.1080/10383441.2021.1970873>> (‘An Audit of NSW Legislation’).

34 Laura Rademaker, ‘Voices Silenced: What Happened to Our Indigenous Languages?’, *SBS News* (online, 18 January 2019) <<https://www.sbs.com.au/news/article/voices-silenced-what-happened-to-our-indigenous-languages/9m4uktaa0>>.

35 Patrick McConvell, ‘Understanding Language Shift: A Step towards Language Maintenance’ in Suzanne Romaine (ed), *Language in Australia* (Cambridge University Press, 1991) 143, 143 <<https://doi.org/10.1017/CBO9780511620881.010>>.

36 Tudor-Smith, Williams and Meakins (n 27) 57.

37 Ibid 69, quoting WH Willshire, *The Land of Downing: Being Facts Gleaned from Cannibals in Australian Stone Age* (WK Thomas, 1896) 41.

38 ‘FAQs’, AIATSIS (Web Page, 1 March 2022) <<https://aiatsis.gov.au/research/current-projects/third-national-indigenous-languages-survey/third-national-indigenous/faqs>>.

linking the rise of bilingual schooling in the 1970s to '[a]n overarching principle of self-determination [which] was filtering into all areas of government policy', then pointing out the contributing role of the NT Intervention/National Emergency Response in 2007 in its fall.³⁹ Australia's leading language policy expert, Joseph Lo Bianco, explains the key reason against bilingual schooling – English – in his own narration of education policy developments since the 1970s:

A pattern of progressive assertion in policy of language maintenance rights has, however, been interrupted with the expansion of public concern, fanned by political intervention, over English literacy achievement standards. ... The latest (and bleakest) chapter in public policy concerns the 1998–99 abandonment of public funding support for indigenous language bilingual education.⁴⁰

Then in 2009, alongside this bleak chapter, 'for the first time in Australia's history, the Commonwealth Government launched a strategy for preserving Indigenous languages'.⁴¹ This 'National Approach' targeted '[i]ncreasing information about Indigenous languages in all spheres of Australian life; [i]mproving coordination of language centre activity; [s]upporting language programs in schools; [and] [u]ndertaking a feasibility study to develop a National Indigenous Languages Centre'.⁴² In an Australian Human Rights Commission report drawing attention to this shift, then Aboriginal and Torres Strait Islander Social Justice Commissioner, Tom Calma, explored many reasons for governments to support Aboriginal and Torres Strait Islander languages as well as systematic and programmatic approaches that could be implemented.⁴³ This was eventually followed up with the inclusion in the 2020s Closing the Gap targets of a target about language strength: 'Target 16: By 2031, there is a sustained increase in number and strength of Aboriginal and Torres Strait Islander languages being spoken.'⁴⁴ This is the first ever language target in the Closing the Gap framework, however, I have elsewhere raised concerns about the lack of funding allocated to Target 16 language initiatives.⁴⁵ As of 2025, progress on Target 16 was still in its early stages.⁴⁶

39 Tudor-Smith, Williams and Meakins (n 27) 59–60.

40 J Lo Bianco and M Rhydwen, 'Is the Extinction of Australia's Indigenous Languages Inevitable?' in Joshua A Fishman (ed), *Can Threatened Languages Be Saved? Reversing Language Shift, Revisited* (Multilingual Matters, 2001) 391, 415 <<https://doi.org/10.2307/jj.29278497.21>>.

41 Tom Calma, Australian Human Rights Commission, *Social Justice Report 2009* (Report No 1/2010, 23 December 2009) 57 <<https://humanrights.gov.au/our-work/aboriginal-and-torres-strait-islander-social-justice/publications/social-justice-report-1>>.

42 Ibid 57. A summary of the state and territory policies on Indigenous languages can be found in Table 3.1: at 69–72.

43 Ibid ch 3.

44 *National Agreement on Closing the Gap*, Coalition of Aboriginal and Torres Strait Islander Peak Organisations–Australian Governments (signed and entered into force July 2020) 35. The Closing the Gap targets, contained in the *National Agreement on Closing the Gap*, are the centrepiece of a joint policy effort between federal, state, territory and local governments and the Coalition of Peaks, a representative body for Aboriginal and Torres Strait Islander community-controlled organisations, developing from a 2007 commitment by the Council of Australian Governments to 'Closing the Gap' between Indigenous and non-Indigenous Australians showing up in various key health and education measures: 'History of Closing the Gap', *Closing the Gap* (Web Page) <<https://www.closingthegap.gov.au/resources/history>>.

45 Grey and Severin, 'An Audit of NSW Legislation' (n 33).

46 Kristen Martin, 'Strengthening Indigenous Languages: An Update', *University of Technology Sydney Newsroom* (online, 20 February 2025) <<https://www.uts.edu.au/news/2025/02/strengthening-indigenous-languages-update>>.

Legal instruments which prohibit or control Aboriginal and Torres Strait Islander languages have operated and now operate in parallel with the forced separation of families and removal from Country which rupture the transmission of languages. The long history of oppression of and separation from language provides both a legacy of hurdles and a strong impetus for the effortful language renewal work being undertaken around Australia today.

To expand our understanding of the dominance of English in Australia generally and specifically in Australia's parliaments, let us consider Sarah Dowling's scholarship on 'settler monolingualism' in Canada and the United States. Introducing the concept, she writes:

Anglophone settler majorities in the two countries have constructed similar historical narratives suggesting that the original languages spoken on this continent simply could not flourish, that they were constitutionally incompatible with settler modernity and therefore vanished. This departure made way for the flourishing of English-language monolingualism, a linguistic common ground enriched with a sprinkling of tongues that – unlike English – are coded as 'immigrant.' The conditional acceptance of these 'new' languages allows Canada and the US to describe themselves as tolerant, multicultural societies, accepting of difference. Such narratives usher the ongoing violence of settlement safely offstage, where it disappears from view.⁴⁷

The parallel with Australia barely needs articulation: is the reader struck to think of English in Australia as another 'immigrant' language?

The Aboriginal Australian scholars quoted above have made the colonising role of English monolingualism clear, as well as the potential, therefore, for Aboriginal and Torres Strait Islander language use to unsettle, to decolonise. Thus, also paralleling Dowling, my own study of parliamentary speech 'denaturalizes and interrogates monolingualism, framing it as a particular form and vector of racial and colonial violence'.⁴⁸ In this research, I not only pay attention to MPs' language choices as a topic, but I have sought to quote actual uses of a variety of languages. The representativeness of our academic scholarship, just as of our parliaments, can be limited by its typical English monolingualism.

II PERMISSION TO SPEAK

A Parliamentary Regulation of Aboriginal and Torres Strait Islander Language Use

Through thoroughgoing Hansard examination, my study has found that the use of Aboriginal and Torres Strait Islander languages has increased in many parliaments around Australia. My study in 2023–24 identified 86 instances of Aboriginal or Torres Strait Islander language use in the Commonwealth, NSW, Victorian, Western Australia ('WA'), Queensland and NT parliaments. I explain the data collection process and provide the Hansard references, categories of use,

47 Sarah Dowling, *Translingual Poetics: Writing Personhood under Settler Colonialism* (University of Iowa Press, 2018) 3–4, citing Jean M O'Brien, *Firsting and Lasting: Writing Indians out of Existence in New England* (University of Minnesota Press, 2010).

48 Dowling (n 47) 21 (emphasis omitted).

languages named, and speakers in a linguistics-focused article which compliments this one.⁴⁹ I repeat here the proviso I made in that article: ‘It is, however, possible that additional instances of Indigenous language use have been overlooked because of the inability to systematically search Hansard.’⁵⁰ Indeed, while I was editing this article, historian Laura Rademaker alerted me to the use of Gupapuyngu by the 1973 Federal Minister for Education, Mr Kim Beazley Sr, in a speech about providing bilingual education in the NT.⁵¹ The initial 86 instances as well as 2 updates are summarised in Table 1 and visualised on a map in Figure 1.

Table 1: Updated Instances of Aboriginal or Torres Strait Islander Language Use in Australian Parliaments⁵²

Jurisdiction	Instances Found	Date Range
Commonwealth	13	1973–2024 ⁵³
NSW	14	2003–23
Victoria	11	2017
South Australia ('SA')	None found	
WA	30	2013–20
Queensland	8	2018–20
Tasmania	None found	
NT	12	1981–2019
Australian Capital Territory ('ACT')	None found	

49 Grey, ‘Celebrating Indigenous Linguistic Diversity’ (n 2).
50 Ibid 207.
51 Commonwealth, *Parliamentary Debates*, House of Representatives, 27 March 1973, 691 (Kim Beazley).
52 Grey, ‘Celebrating Indigenous Linguistic Diversity’ (n 2) 210. This article explains an exclusion that applies to the ACT: some Indigenous language is now scripted into mandated Acknowledgments of Country in some parliaments. I have *excluded* those uses. Indeed, these do not appear in full in Hansard anyway, recoded elliptically with phrases like ‘[t]he Speaker [of the House] took the chair at [time], made an acknowledgement of country and read prayers.’ Tabulating each mandatory Acknowledgment of Country would dilute the power of spotlighting and analysing the individually initiated uses of Indigenous languages. This applies to the Acknowledgement in Ngunnawal mandated in the ACT Parliament since July 2020: at 209.
53 This 2024 instance is noted but not counted in *ibid*, as that study analysed data collected up until 2023: at 215, citing Commonwealth, *Parliamentary Debates*, House of Representatives, 21 August 2024, 6015–16 (Linda Burney).



Figure 1: Mapping Aboriginal and Torres Strait Islander language use in Australia's parliaments

My study reveals that Aboriginal and Torres Strait Islander languages are being used not only by Aboriginal or Torres Strait Islander MPs and not only in first speeches or parliamentary ceremonies. The use sometimes coincides with a parliament paying attention to an Aboriginal or Torres Strait Islander language by including it in legislation. Language use also clusters when parliaments are debating legislation about Aboriginal languages or peoples, for example the 2017 debate on the Aboriginal Languages Bill 2017 (NSW) and debate in 2015 over recognising First Nations in the *Constitution Act 1889* (WA) ('*WA Constitution*').⁵⁴

No current parliamentary Standing Orders explicitly rule out the use of languages other than English, but certain parliaments only allow these languages to be used with the leave of the Speaker/President and on the condition that an English interpretation be provided immediately, or sometimes even in advance. Leave may also be required for interpreting to be provided by a professional rather than by the MP themselves, as in the NT. In jurisdictions where leave is not required, the Speaker may nevertheless, in theory, find that using an Aboriginal or Torres Strait Islander offends a general order forbidding 'inappropriate' or 'unparliamentary' language. This general order is currently only interpreted as requiring leave to speak an Aboriginal language in the WA Parliament. The NT Parliament went through a period of interpreting its similar Standing Order as requiring leave to use Aboriginal languages, but has shifted to controlling language choice through specific orders about providing notice, in part to allow interpreting to be arranged. In the Commonwealth, NSW, Victorian and Queensland parliaments, this restrictive application of a general Standing Order about unparliamentary language has never been suggested in practice, to my knowledge, although leave has been required in both NSW and Victoria when the person who was to use an Aboriginal language

54 Ibid 214–18.

was not an MP. The more permissive parliaments could nevertheless reinterpret their general orders and start regulating language choice if that became politically expedient. The following section now examines the variations in control, by jurisdiction, using examples from the data.

B The Most Controlling Jurisdiction: WA

The WA Parliament has been the most controlling, in my view. Its general order against unparliamentary language was used as lately as 2020 to require leave for Aboriginal language use.⁵⁵ The WA Parliament even required leave be sought anew when it appeared to have already been given during debate over the Constitution Amendment (Recognition of Aboriginal People) Bill 2015 (WA). This example is a useful illustration of WA's leave regime, and to me exemplifies an aggravation of a power imbalance rather than an inclusive practice.

Immediately before giving the Bill's second reading speech, the Member for the Kimberley, Ms Josie Farrer MLA, sought 'leave to pay my respects in the Gidja language, which will contain nothing unparliamentary', and was granted this leave.⁵⁶ Ms Farrer continued to debate bilingually on the same Bill later in the month but at that point the Deputy Speaker made the following comments which reveal anxieties about Aboriginal language debate allowing 'irrelevant' speech – irrelevant to whom, one may ask – and about loss of control. She stressed that Ms Farrer's Gidja use was a mere 'one-off arrangement':

Before the member for Kimberley rises, I advise the house that the member for Kimberley has already sought permission from the Speaker to deliver part of her speech in her first language, Gidja. *The Speaker has agreed to this on a one-off arrangement, as it is appropriate to make all speeches in English so that other members can understand what is being said and the Chair can ensure that it is both relevant and appropriate.*⁵⁷

Although this extract makes clear that leave has already been sought to use Gidja and the Speaker has already agreed, the Deputy Speaker then outlines an additional process of seeking the Chair's permission mid-speech: 'The member for Kimberley has been asked to commence her speech in English and, when she wishes to speak Gidja, *seek the permission of the Chair to address the Assembly in Gidja, and to give an undertaking that there is nothing unparliamentary in her speech.*'⁵⁸

55 Legislative Assembly, Parliament of Western Australia, *Standing Orders of the Legislative Assembly of the Parliament of Western Australia* (23 June 2022) ord 98 at the time required Ms Josie Farrer to seek leave in relation to her valedictory speech, as tabulated in Grey, 'Celebrating Indigenous Linguistic Diversity' (n 2) 232. The general order now is Legislative Assembly, Parliament of Western Australia, *Standing Orders of the Legislative Assembly of the Parliament of Western Australia* (19 November 2025) ord 98. The language remains the same. See also Legislative Assembly, Parliament of Western Australia, *Standing Orders of the Legislative Assembly of the Parliament of Western Australia* (August 2023) ords 46, 61.

56 Western Australia, *Parliamentary Debates*, Legislative Assembly, 17 June 2015, 4544 (Josie Farrer). A little of Josie Farrer MLA's history of Gidja language work was summarised for the Parliament: Western Australia, *Parliamentary Debates*, Legislative Assembly, 19 August 2015, 5581 (Mark McGowan).

57 Western Australia, *Parliamentary Debates*, Legislative Assembly, 28 June 2017, 1930 (Lisa Baker, Deputy Speaker) (emphasis added).

58 Ibid.

This leads to the following oddly redundant exchange about seeking anew an already-granted permission, which does little other than to emphasise Ms Farrer's relative lack of power:

MS J FARRER (Kimberley) ... Thank you, Madam Deputy Speaker. I rise today to add briefly to those comments already made in response to our Governor's address. *I would like to seek permission to use my language, which I have done.*

THE DEPUTY SPEAKER: Permission granted.⁵⁹

An attuned reader may see an unfortunate resonance between the act of legal recognition in the *WA Constitution* as an exercise of power by agents of the Anglo-Australian legal system and the act of recognising Ms Farrer's right to speak Gidja as another such exercise of power.

A few months later, Ms Farrer again sought leave to close the debate about the Constitution Amendment (Recognition of Aboriginal People) Bill 2015 (WA) in Gidja, again assuring the speaker her contribution would not be 'unparliamentary' and would be translated into English.⁶⁰

During that same day of debate, Mr Ian Blayney MLA sought leave to use Wajarri in this exchange, which likewise exemplifies anxieties about Aboriginal languages smuggling in 'unparliamentary' contributions:

MR IC BLAYNEY (Geraldton) [2:56pm]: I wish to deliver the first part of my speech in Wajarri and I seek your permission to do this.

THE ACTING SPEAKER (Ms LL Baker): Yes. Permission is granted.

Mr IC BLAYNEY: I give an assurance that there is nothing unparliamentary in my speech and I will repeat this part of the speech in English afterwards –

[Words spoken in Wajarri language –

Nhurra barndi.

Ngathalu wilhjala waggamanha nhurra banhagula nyinaji, barna gujurda.

Ngatha waayi ngurliyimanha waggagu Yamaji banha thanu Nhanhagardi biirna, Amanggu thaagi.

Ngatha wangganha, barndiman nhurra Josie Farrer gi, Kimberley thanu. Josielu yalyba walgaman bibarlu nhinhanggu.

Urda nganhu jina yana nyinanyugundi.]

What I said in Wajarri was ...⁶¹

The WA Parliament has not undergone any demonstrable change in the interpretation of its Standing Orders. Before and since this 2015 debate, in 2013, 2017 and 2020, Ms Farrer sought and was granted leave to use Gidja in other addresses.⁶² But anomalously, no leave was sought or called for when Minister

⁵⁹ Ibid.

⁶⁰ Western Australia, *Parliamentary Debates*, Legislative Assembly, 19 August 2015, 5630 (Josie Farrer).

⁶¹ Ibid 5602 (emphasis omitted). Mr Blayney's Wajarri speech was prepared with the help of Godfrey Simpson and Edie Mayer from the Irra Wangga Language Centre at Bundiyyarra: Western Australia, *Parliamentary Debates*, Legislative Assembly, 17 February 2016, 385 (Ian Blayney).

⁶² Western Australia, *Parliamentary Debates*, Legislative Assembly, 17 April 2013, 112 (Michael Sutherland, Speaker); Western Australia, *Parliamentary Debates*, Legislative Assembly, 28 June 2017,

Stephen Dawson included the Noongar sentence, ‘Ngala kaaditj Noongar moort keyan kaadak nidja boodja’, in his Acknowledgement of Country when moving the third reading of the constitutional recognition Bill in the Legislative Council.⁶³ Ms Farrer and Mr Blayney are Aboriginal people, Minister Dawson is not; why are they given less freedom than he is to choose when to use Aboriginal languages?

It was during the same debate in WA, however, that I found one of only two discussions I could locate in this study of how a parliament’s rules could proactively allow Aboriginal or Torres Strait Islander languages. An MP suggests ‘that the standing orders be reviewed to allow the speaking of Indigenous languages in our chamber’.⁶⁴ But this is not followed up in the debate and no new order allowing Aboriginal language use was introduced. Rather, the WA Parliament continues to be able to control Aboriginal language use through application of the order against unparliamentary language.

C Shifting Levels of Control: NT

The NT Parliament is more permissive about language choices than the WA Parliament, but not as permissive as it once was. Back in 1981, Mr Neil Bell MLA became the second MP anywhere in Australia to use an Aboriginal language in a parliament, to my knowledge. He was not required to seek leave to speak in Pitjantjatjara; there is no mention of leave in the Hansard record, and I have interviewed him; he had only to provide his written translation to the Hansard staff.⁶⁵ There is likewise no record of seeking leave for Minister Alison Anderson when she spoke extensively in Central Australian/Western Desert language as recently as 2008,⁶⁶ or when Mrs Bess Nungarrayi Price MLA used a few words of Warlpiri in 2012.⁶⁷ Yet since 2019, the NT Parliament has required permission for bilingual debate to occur. This came about through a 2019 change to the Standing Orders which itself responded to a change in 2016, but even before that, there had been a change between 2012 and 2015 in the interpretation rather than the text of the orders.

In 2015, Mrs Price was warned by the Speaker that her interjections would be ruled disorderly if she persisted in using Warlpiri,⁶⁸ even though the Standing Orders at that point said no such thing about using an Aboriginal language. The Speaker was interpreting a general rule against unparliamentary language as forbidding languages other than English. Although the Speaker later noted that

1930 (Lisa Baker, Deputy Speaker). See also Western Australia, *Parliamentary Debates*, Legislative Assembly, 18 November 2020, 8064 (Peter Watson, Speaker).

63 Western Australia, *Parliamentary Debates*, Legislative Council, 10 September 2015, 6078 (Stephen Dawson) (emphasis omitted).

64 Western Australia, *Parliamentary Debates*, Legislative Assembly, 19 August 2015, 5606 (William Johnston).

65 Interview with Neil Bell (2 March 2025) (copy on file with author).

66 Northern Territory, *Parliamentary Debates*, Legislative Assembly, 11 September 2008, 163–4 (Alison Anderson).

67 Northern Territory, *Parliamentary Debates*, Legislative Assembly, 23 October 2012, 35, 37 (Bess Price) I return to this example below in my discussion of individual word use evading leave requirements.

68 Northern Territory, *Parliamentary Debates*, Legislative Assembly, 3 December 2015, 7617 (Kezia Purick, Speaker); Northern Territory, *Parliamentary Debates*, Legislative Assembly, 2 December 2015, 7602–3.

leave could be granted for speaking a language other than English, she did not grant Mrs Price that leave.⁶⁹ Mrs Price challenged the Speaker to point out which order mandated that debate be in English. A new order 23A, adopted in 2016, then provided the Speaker with clear authority if the situation arose again. This new order provided that an Aboriginal language could be used with notice and only if the MP provided an English translation in advance.⁷⁰ Later in 2016, Mr Yingiya Mark Guyula MLA began his first speech in Yolŋu Matha (Yolŋu is also spelled Yolngu) and was reputedly cut off.⁷¹ Presumably the Speaker was relying on order 23A, although the Hansard does not record the basis; the English translation had not been provided in advance. In addition, during that speech, Mr Guyula had to seek leave – which *was* granted – to table a ‘letter stick from Yolngu Nations’.⁷²

Advocacy from Mr Guyula and others after this application of order 23A eventually resulted in another formal change, in 2019, to remove order 23A and thereby reduce the restrictions on Aboriginal language use in the NT Parliament.⁷³ This came after the 13th Assembly Standing Orders Committee considered the submission from another Member of Aboriginal Heritage, *inter alia*, that order

69 Helen Davidson, ‘Indigenous MP Ruled Disorderly for Speaking Warlpiri Language in Parliament’, *The Guardian* (online, 18 February 2016) <<https://www.theguardian.com/australia-news/2016/feb/18/indigenous-mp-ruled-disorderly-for-speaking-warlpiri-language-in-parliament>>.

70 The Chair of the Standing Orders Committee reported that the [Standing Orders] committee’s report tabled in April 2016 resulted in the Assembly adopting Standing Order 23A, which provides that the business of the Assembly may be transacted in languages other than English where a member provides a written transcript in English and the other language, prior to the language other than English being used.

Northern Territory, *Parliamentary Debates*, Legislative Assembly, 14 March 2019, 5682 (Natasha Fyles, Chair of Standing Orders Committee).

71 Jacqueline Battin, ‘Indigenous Languages in Australian Parliaments’, *AIATSIS* (Blog Post, 18 March 2020) <<https://aiatsis.gov.au/blog/indigenous-languages-australian-parliaments>>. See also ‘Yingiya Mark Guyula Maiden Speech: NT Parliament 2016’, *Sovereign Union: First Nations Asserting Sovereignty* (Web Page, 18 October 2016) <<https://www.nationalunitygovernment.org/content/yingiya-mark-guyula- maiden-speech-nt-government-2016>>. Hansard does not record the interruption, but only ‘(The member spoke in language)’, then records his English contribution: Northern Territory, *Parliamentary Debates*, Legislative Assembly, 18 October 2016, 26–8 (Yingiya Guyula).

72 Northern Territory, *Parliamentary Debates*, Legislative Assembly, 18 October 2016, 28 (Yingiya Guyula).

73 Legislative Assembly of the Northern Territory, *Fourteenth Assembly, Sessional Orders and Orders of Continuing Effect* (Adopted 22 September 2021) 10 (Orders of Continuing Effect ord 3):

Speaking in Languages other than English

(ADOPTED BY THE ASSEMBLY MARCH 2019 – TABLED PAPER 1120)

The Assembly removes Standing Order 23A.

The Assembly reverts to the previous practice of leave being sought by Members as required to contribute in languages other than English and the Assembly may either grant or deny leave at its discretion.

The Speaker makes arrangements if requested to assist the Member where leave is granted for that Member to participate in a language other than English.

Members seeking leave to speak in languages other than English must provide the Speaker with adequate notice for the Speaker to make any arrangements to provide assistance so that the Member may be understood and the Parliamentary Record may accurately report the contribution if the leave of the Assembly to speak in the other language is granted.

‘Arrangements’ may include use of an interpreter, or relying upon the Member providing their own translation orally or in writing. Where a translation is provided only in writing, other Members will be permitted an opportunity to respond to any concerns they have about content in written translations.

23A's 'existence restrains rather than accommodates linguistic inclusion'.⁷⁴ But even before that formal change, order 23A could be applied more permissively, the record suggests. For example, the very next first speaker in 2016 after Mr Guyula, Mr Paech MLA, a descendent of the Arrernte and Gurindji peoples, began his own first speech with 'Madam Speaker, Werte, Palya, good afternoon and welcome.'⁷⁵ No leave was sought or required, on the record.

The Hansard data analysis thus appears not to support the 2019 Standing Orders Committee's assertion that, prior to the introduction of Order 23A: 'leave of the Chair or leave of the Assembly was routinely sought (and routinely granted) for a Member to speak in a language other than English'.⁷⁶ Rather, leave was not routinely sought, and sometimes not granted when it was sought.

Even with the 2019 amendment, the NT Parliament's Standing Orders nevertheless required notice:

[M]embers seeking leave to speak in languages other than English must provide the Speaker with adequate notice for the Speaker to make any arrangements to provide assistance so that the member may be understood and that the Parliamentary Record may accurately report the contribution if leave of the Assembly to speak in the other language is granted.⁷⁷

While the 2016 rules had also required advance notice, the difference was that instead of providing a written English translation in advance, an interpreter could now be used; these are the arrangements for assistance to which the 2019 rule and the quotation above from the Chair of Standing Orders Committee refer. Or, the MP could provide their own English interpretation during their speech. Relying on this new rule, Mr Guyula used both professional interpreting and his own interpreting when speaking Yolŋu Matha in 2019.⁷⁸ His interpreter was still nevertheless 'a stranger' to the chamber who therefore needed leave to participate; the 2019 Hansard shows this leave-seeking procedure in operation and unfortunately also shows that Mr Guyula's landmark language use was not transcribed, but limited only to those in the chamber to hear it on the day: 'Mr GUYULA (by leave): [The member spoke in Djambarrpuynu.]'⁷⁹ (Djambarrpuynu is a Yolŋu Matha language variety.)

While the 2019 Standing Orders were said to no longer stymie 'impromptu and reactive Indigenous-language debate' in the NT,⁸⁰ I note that interjections

74 13th Assembly Standing Orders Committee, Legislative Assembly of the Northern Territory, *Further Report on Consideration of Reform to Standing Order 23A (Speaking of Languages other than English during Proceedings of the Legislative Assembly of the Northern Territory)* (Tabled Paper 1120, 14 March 2019) 3 <<https://hdl.handle.net/10070/799544>> ('*Final Report on Reform to Standing Order 23A*').

75 Northern Territory, *Parliamentary Debates*, Legislative Assembly, 18 October 2016, 28 (Chanston Paech) (emphasis omitted).

76 *Final Report on Reform to Standing Order 23A* (n 74) 10.

77 Northern Territory, *Parliamentary Debates*, Legislative Assembly, 14 March 2019, 5682 (Natasha Fyles, Chair of Standing Orders Committee).

78 Northern Territory, *Parliamentary Debates*, Legislative Assembly, 8 May 2019, 6081–2 (Yingiya Guyula); Northern Territory, *Parliamentary Debates*, Legislative Assembly, 9 May 2019, 6211 (Yingiya Guyula).

79 Northern Territory, *Parliamentary Debates*, Legislative Assembly, 8 May 2019, 6081 (Yingiya Guyula).

80 Timothy Goodwin and Julian R Murphy, 'Raised Voices: Parliamentary Debate in Indigenous Languages', *AUSPUBLAW* (Blog Post, 15 May 2019) <<https://www.auspublaw.org/blog/2019/05/raised-voices-parliamentary-debate-in-indigenous-languages>>.

in Aboriginal languages such as Mrs Price's 2015 interjection may yet be ruled disorderly under the still-existing general rules against unparliamentary language,⁸¹ or ruled against for failing to provide the 'adequate notice' or to gain the 'prior leave' required by the Continuing Order which replaced order 23A.⁸² The Continuing Order was confirmed when the Assembly was renewed for the 2020–24 term.⁸³ There is no public record of this Continuing Order being removed.⁸⁴ In short, the use of Aboriginal languages in the NT Parliament is still more regulated than it was before 2015, and may yet be penalised.

D Controlling Language as Part of Controlling Entry: Victoria and NSW

The Victorian and NSW parliaments do not strictly control MPs' language choices but, in practice, leave to enter the chamber and leave to speak a language other than English have been bundled together. The instances of Aboriginal language use with leave in these parliaments are instances where the leave covers both allowing invited guests to speak at all and allowing them to use Aboriginal languages. This is a regime of control, but a relatively permissive one. Below, I will explain how the NSW Standing Orders have even become a proactive regime fostering Aboriginal language use by guests in that Parliament.

The Victorian Parliament has general orders against unparliamentary language which are similar to those used to require leave for Aboriginal language use in the WA Parliament.⁸⁵ The NSW Parliament has the general order that '[t]he Speaker may intervene: (1) When offensive or disorderly words are used by a Member'.⁸⁶ Yet, I have not found evidence in Hansard of these rules being used to police Aboriginal language use in either parliament. It is not clear if this is because of a deliberately permissive interpretation; after all, MPs have rarely used extended tracts of Aboriginal languages in either Victoria or NSW. In Victoria, only 4 of the 11 uses of Aboriginal languages are by MPs rather than invitees, and all four are uses of individual words (in Woi-wurrung and Wurundjeri) within English medium sentences.

81 Legislative Assembly, Parliament of the Northern Territory, *Standing Orders of the Legislative Assembly of the Parliament of the Northern Territory* (25 July 2023) ords 76, 112.

82 See generally *Final Report on Reform to Standing Order 23A* (n 74).

83 14th Assembly Standing Orders Committee, Legislative Assembly of the Northern Territory, *Report on Proposed Changes to Sessional Orders (Amendments of Notices and Adjournment Statements)* (Tabled Paper 338, September 2021) 10 <<https://hdl.handle.net/10070/843236>>.

84 As at April 2026: 'Standing Orders Committee Reports', *Legislative Assembly of the Northern Territory* (Web Page, 12 March 2026) <<https://parliament.nt.gov.au/committees/previous/standing-orders-14th-Assembly/standing-orders-reports>>.

85 Legislative Council, Parliament of Victoria, *Annotated Standing Orders Incorporating Sessional Orders and Temporary Orders* (5 March 2025) ord 8.02. Orders are permitted against 'objectionable or unparliamentary' words: Legislative Assembly, Parliament of Victoria, *Standing Orders and Joint Standing Orders and Joint Rules of Practice of the Parliament of Victoria* (October 2025) ord 120(3). A change of language can be enforced if the Speaker finds it 'unbecoming': at ord 56.

86 Legislative Assembly, Parliament of New South Wales, *Standing Orders* (20 February 2023) ord 74. See also Legislative Council, Parliament of New South Wales, *Standing Orders* (20 February 2023) ord 96(3) against 'offensive words'.

In NSW, the two extended uses of language by MPs which I have found were in a first speech and in a statement, with no record of leave-seeking. In 2014, Mr Troy Grant MLA spoke in Wiradjuri in a member's statement about the North West Wiradjuri Language and Cultural Nest. The Hansard transcript records his four-sentence Acknowledgment of Country in Wiradjuri and Wiradjuri closing phrase:

Gulbarra Ngurambang-ga, yuwin-dhu Troy Grant. Ngadhu banhi-gu gulbarra Wiradjuri mayiny-galang. Ngadhu banhi-gu gulbarra Gadigal mayiny-galang Eora ngan.gu Ngurambang-ga nginha ngan girra Dhurinya gayi-dhi. I have just spoken an acknowledgment to country in the Wiradjuri language. I said: I am named Troy Grant. I would like to acknowledge the Wiradjuri people. I would like to acknowledge the Gadigal people of the Eora nation whose traditional special country we are in, in this assembly meeting place being held on. ... Mandaang guwu nganha-gu. Thank you for listening.⁸⁷

In 2003, Ms Linda Burney MLA's first speech in the NSW Parliament began: 'Ballumb Ambal Eoragu yindyamarra. Ngadu – yirra bang marang. I pay respect to the Ancient Eora [Nation]. I say this – good day.'⁸⁸ This, too, is Wiradjuri, although the Hansard did not record at the time the name of the language she was speaking.⁸⁹

By contrast, the NSW Legislative Council needed to vote to suspend its Standing Orders to allow a second reading speech for the Aboriginal Languages Bill 2017 (NSW) in which then Minister for Aboriginal Affairs, Sarah Mitchell MLC, invited Dr Ray Kelly to translate her acknowledgement of Country into Dhungutti.⁹⁰ Dr Kelly was then also invited 'to remark on what this bill means to the first peoples of New South Wales'.⁹¹ His reflection ended with:

a song about the seven sisters that travelled the entire length of this country, but it certainly makes its pathway across our communities in New South Wales. It upholds the sense of the grandmother, and the grandmother in terms of law leadership.

♪ Ngun ngani bay, wurri nyirriya nayaga gay gaguu

Ngii yarri nga, marri yayirri burri yay guu

ngaru banggaru, wurri nyiya nayaga gay gaguu, ngi yarri nga

marri yayirri marri yayirri dhayyu gapa

Parra Yinnara nguruu nguruu barri ngarriya

wurri nyiya nayaga gay gaguu, ngi yarri nga

marri yayirri marri yayirri dhayyu gapa ♪⁹²

87 New South Wales, *Parliamentary Debates*, Legislative Assembly, 26 March 2014, 27956 (Troy Grant).

88 New South Wales, *Parliamentary Debates*, Legislative Assembly, 6 May 2003, 295 (Linda Burney).

89 This oversight is, I have elsewhere argued, one of the key reasons Ms Burney's milestone first use of an Aboriginal language in the NSW Parliament was quickly forgotten rather than being remembered as a historic occasion: Alexandra Grey, 'Making Linguistic Diversity Visible in Parliament', *Language on the Move* (Blog Post, 1 July 2025) <<https://www.languageonthemove.com/making-linguistic-diversity-visible-in-parliament/>>.

90 New South Wales, *Parliamentary Debates*, Legislative Council, 11 October 2017, 1399 (Sarah Mitchell), 1404 (Ray Kelly).

91 Ibid 1408 (Sarah Mitchell).

92 Ibid 1408–9 (Ray Kelly) (music icon in original).

That is, Dhungutti was used twice in Parliament that day and it was the first use of any language other than English to address the NSW Legislative Council (to my knowledge).⁹³ This required a suspension of Standing Orders, however, this experience of Aboriginal language use then prompted a permanent and proactive change: the new ‘message stick’ protocol.⁹⁴

Specifically, when the Bill returned to the Legislative Council for its third reading in 2017, councillors enquired about the message stick from a ceremony that had accompanied the second reading speech. This initiated new orders and new actions, some immediate and some foreshadowed by the President after a period of discussion about the message stick’s ongoing location.⁹⁵ In 2018, the NSW Parliament agreed to put the message stick in a new cabinet in the Legislative Council (a material symbol of the kind noted in Part I in reference to Kirkwood’s work) and to create a message stick protocol in which members of various Aboriginal language groups on a rota ‘briefly’ address the parliament ‘in their language’.⁹⁶ This protocol was first used for opening the Legislative Council of the 57th NSW Parliament in 2019, including the language ‘of the Gamilaraay people’, and featured Dharawal language in 2023.⁹⁷ At the 2019 opening, invitee Keith Munro framed this protocol, including the use of language within it, as a ‘sovereign act’ and explicitly explained Gamilaraay language as a constitutive part of sovereign Country:

MESSAGE STICK

...

Mr Keith MUNRO: Winangaylanha ngaya gurubaldanha ngiyani dhawunda Gadigalgu. As a proud Gamilaraay man, acts of cultural diplomacy have been performed on country for tens of thousands of years. Our language shapes our country and the stories connected to it. This maang – or message stick – is symbolic of two-way communication and the way we have navigated cultural and ceremonial obligations between peoples. This has been undertaken through important exchanges in dialogue that is framed by deep respect. *They are all sovereign acts that reaffirm our connection to country.* This has never changed.⁹⁸

The role of language choice in asserting the existence of a First Nation and one’s identity within it is clear in Mr Munro’s words. We will hear echoes of this

93 James Robertson, ‘A Second Nod to Aboriginal Tradition Prompts Debates over Its Place’, *The Sydney Morning Herald* (online, 18 February 2018) <<https://www.smh.com.au/national/nsw/a-second-nod-to-aboriginal-tradition-prompts-debates-over-its-place-20180218-p4z0rm.html>>.

94 Recorded in detail in New South Wales, *Parliamentary Debates*, Legislative Council, 18 October 2017, 2, 79 (John Ajaka, President); New South Wales, *Parliamentary Debates*, Legislative Council, 21 June 2018, 49–50 (Sarah Mitchell).

95 New South Wales, *Parliamentary Debates*, Legislative Council, 18 October 2017, 79 (John Ajaka, President).

96 New South Wales, *Parliamentary Debates*, Legislative Council, 21 June 2018, 49–50 (Sarah Mitchell), explaining rule 3(c)(ii), ie, the message stick protocol.

97 New South Wales, *Parliamentary Debates*, Legislative Council, 7 May 2019, 65; New South Wales, *Parliamentary Debates*, Legislative Council, 9 May 2023, 7205 (Ray Ingrey).

98 New South Wales, *Parliamentary Debates*, Legislative Council, 7 May 2019, 65 (Keith Munro) (emphasis added).

theme in speeches quoted below and especially when we hear again from NT politician, Mr Guyula.

E Not Requiring Leave to Speak: The Commonwealth and Queensland

The Commonwealth and Queensland parliaments are important counterpoints where leave has not been required to use either Aboriginal or Torres Strait Islander languages. There are potentially applicable, general Standing Orders in the Commonwealth Parliament.⁹⁹ In Queensland, it is only questions that must not be unparliamentary, meaning the general rule about language has a more limited potential application and would never apply to first speeches.¹⁰⁰ I can find no record in Hansard of leave actually being required for Aboriginal or Torres Strait Islander language use in either the Commonwealth or Queensland Parliaments. For example, when Ms Cynthia Lui MLA spoke in a Torres Strait Islander language known as Kala Lagaw Ya in the Queensland Parliament in 2018 – the first use of a Torres Strait Islander language in any Australian parliament, to my knowledge – not only does the Hansard show no record of leave being sought or required but moreover the Speaker responded bilingually: ‘Eso – thank you’.¹⁰¹

I have not found Torres Strait Islander language use in the Commonwealth Parliament, but Aboriginal language has been recorded there. Before the peak of language use in WA, the NT, Victoria and NSW in the 2010s, there were already instances of Aboriginal language use in the Commonwealth Parliament, particularly in the Senate, and these uses increased in the 2010s. In her first speech in 1998, Senator for the NT, Trish Crossin, included:

I would like to thank the Yolngu people in their own language.

Nhamirr bukma? Manymak walnga nganapurr nhinan ngarra ga gurrutumirr ngarrak, ngunhal Yirrkala wangangur. Yolngu walal ngarrak djaka, ga gurrutu gathar ngarrak ga marnggikungal ngarran Yolngu Romgu. Buku – wekan mhuma, wanga – watangun Yolngun, nhe ngarrak, djaka. Those words translated mean thank you for welcoming my family and I, for allowing us to live on your land and for the opportunity to understand your culture. I give a public undertaking to work hard to represent them and to continue to respect and acknowledge their rights.¹⁰²

She did not need leave, although Hansard staff required her to provide a written translation certified by a respected member of the speaker group.¹⁰³ Then in 1999, the Senate heard from Gumbaynggirr man and Senator for NSW, Aden Ridgeway, in Gumbaynggirr:

99 In the Commonwealth House of Representatives, ‘[t]he Speaker may: ... direct a Member to change the language’ if it is ‘inappropriate’: House of Representatives, Commonwealth Parliament, *House of Representatives Standing and Sessional Orders* (2 August 2022) ord 101; and likewise in the Senate: Senate, Commonwealth Parliament, *Standing Orders* (31 March 2023) ord 73(3).

100 Legislative Assembly, Parliament of Queensland, *Standing Rules and Orders of the Legislative Assembly* (13 February 2024) ord 116 requires only that questions should not be ‘unparliamentary’.

101 Queensland, *Parliamentary Debates*, Legislative Assembly, 15 February 2018, 93 (Cynthia Lui), 96 (Curtis Pitt, Speaker).

102 Commonwealth, *Parliamentary Debates*, Senate, 24 June 1998, 3979 (Trish Crossin).

103 Interview with Trish Crossin (19 February 2025) (copy on file with author).

On this special occasion, I make my presence known as an Aborigine and to this chamber I say, perhaps for the first time: Nyandi baaliga Jaingatti. Nyandi mimiga Gumbaynggir. Nya jawgar yaam Gumbaynggir. Translated, it means: My father is Dhunghutti. My mother is Gumbaynggir. And, therefore, I am Gumbaynggir.¹⁰⁴

In doing so, Mr Ridgeway became the first Aboriginal person to use an Aboriginal language in the Commonwealth Parliament, to my knowledge. Aboriginal language use in the House of Representatives took decades, after Mr Kim Beazley Sr's 1973 use of Gupapuyngu. Mr Rob Oakeshott MP used a phrase in 2008 in his first speech: "'Jum-mada-gai'" are three Aboriginal words from my home that mean "Come, you're welcome".¹⁰⁵ Linguist Jacqueline Battin names this language as Dhanggati.¹⁰⁶ Then, in 2013, in a Constituency Statement, Mr Oakeshott spoke four paragraphs (about half a page, as transcribed) in what he himself names as Dhanggati.¹⁰⁷ The same year, 2013, Senator Crossin's valedictory speech included Gumatj phrases.¹⁰⁸ Like Mr Oakeshott, Senator Crossin's naming of the Aboriginal language she used became more precise over time. Gumatj, the language she names in the valedictory speech, is a dialect of one of the Yolŋu varieties.¹⁰⁹

Yanyuwa woman and current Senator for the NT, Malarndirri McCarthy, gave a first speech in Yanyuwa and English in 2014 which I quoted in Part I. In 2016, then Prime Minister Malcolm Turnbull began his Closing the Gap Ministerial Statement by acknowledging Ngunawal Country and Elders: 'Yanggu gulanyin ngalawiri, dhunayi, Ngunawal dhawra. Wanggaralijinyin mariny bulan bugarabang.'¹¹⁰ Later the same year, Ms Linda Burney MP became the first Aboriginal person to address the House of Representatives in an Aboriginal language when she began her first (federal) speech in Wiradjuri:

Ballumb Ambul Ngunawhal Ngambri yindamarra. Ngadu bang marang Ngadhu Ngu-nha winhanga nha nulabang nguwandang. Ngadhu biyap yuganha. Birrang a ngawaal. Ngadhu, yand yaman gid yal. Yindyamarra. Mandaang. Ngarind-ja. I have just said, in the language of Wiradjuri, my people: 'I pay respect to the ancient Ngunawhal and Ngambri. I say this: good day. I am giving my first speech and I am deeply moved. I have journeyed to another place – a powerful place. I am one person. I wish in this House to honour, to be respectful, to be gentle and to be polite. I am thankful, happy. I could weep.'¹¹¹

Wiradjuri was also used ceremonially by an invited guest, Lynette Riley, who sung Ms Burney into the chamber. A month after Ms Burney's use of Wiradjuri,

104 Commonwealth, *Parliamentary Debates*, House of Representatives, 25 August 1999, 7771–2 (Aden Ridgeway).

105 Commonwealth, *Parliamentary Debates*, House of Representatives, 22 October 2008, 9948–9 (Robert Oakeshott).

106 Battin (n 71).

107 Commonwealth, *Parliamentary Debates*, House of Representatives, 26 June 2013, 7187 (Robert Oakeshott).

108 Commonwealth, *Parliamentary Debates*, Senate, 18 June 2013, 3245 (Trish Crossin).

109 'Dhuwal Language', *Wikipedia* (Open Encyclopedia, 9 January 2026) <https://en.wikipedia.org/wiki/Dhuwal_language>.

110 Commonwealth, *Parliamentary Debates*, House of Representatives, 10 February 2016, 1171 (Malcolm Turnbull). I note for readers' assistance in future searches that Hansard also spells this word with double 'n' ('Ngunawal') in the now-regular acknowledgements of Country. See, eg, Commonwealth, *Parliamentary Debates*, Senate, 28 February 2024, 580 (Katy Gallagher).

111 Commonwealth, *Parliamentary Debates*, House of Representatives, 31 August 2016, 163 (Linda Burney).

Yawuru man and Senator for WA, Pat Dodson, and the President of the Senate both spoke Yawuru in this exchange at the commencement of the Senator's first speech:

Senator DODSON (Western Australia) ... Ngaji mingan, Mr President? How are you, Mr President?

The PRESIDENT: Gala mabu ngangan. I am good. Gala walju! Go ahead.

Senator DODSON: Yawurugun Janu buru Rubibi. I am from Broome. Ngayu nilawal Djagun. My name is Djagun. Ngayu Banaga wamba. I am a Banaga man. I acknowledge with respect the traditional owners of this country, the Ngambri and Ngunuwal people, their elders and their emerging leaders and I thank everyone who has made me welcome here.¹¹²

In short, there has been relatively frequent use of Aboriginal languages in the Commonwealth Parliament, and the Hansard records do not indicate that leave is ever sought or required.

To summarise, this analysis of the parliamentary regulation of Aboriginal and Torres Strait Islander language use has compared the text of Standing Orders as well as their interpretation/application in practice across the six parliaments in which the study identified instances of Aboriginal or Torres Strait Islander language use. WA is the most controlling jurisdiction, with the Speaker actively using a general order about unparliamentary language to require leave-seeking before most extended uses of Aboriginal languages. I noted that an Aboriginal MP, Josie Farrer MLA, sought leave each time she wished to use the same language in the same debate in 2015, which was a particularly disempowering application of the order. Once (at least), an extended use of an Aboriginal language was allowed without leave in WA but unfortunately, this was for a non-Indigenous minister in an Acknowledgement of Country rather than to afford self-determination to Aboriginal MPs over their own language use. However, when MPs in WA have used individual words from Aboriginal languages within English speech, they have not been 'policed' through the application of parliamentary speaking rules.

I ranked NT as the next most controlling parliament, noting the shifting interpretation, and then shifting text, of its relevant orders over the last decade. Earlier, the NT had allowed use of an Aboriginal language in a parliament without any leave or contestation, in 1981, and continued to allow such language use without leave into the 21st century, but by 2015 such language use was threatened to be censured as disorderly by the President in (alleged) accordance with a general Standing Order about unparliamentary speech. A new order, order 23A, was then introduced to impose specific leave and notice requirements on Aboriginal language use; its stifling effect was challenged until the order was removed in 2019. Now, a Continuing Order that replaced order 23A still imposes some barriers in that it still requires advanced notice and leave for interpreters to speak, but at the same time creates affordances in that it requires the Parliament to financially support the interpreting of Aboriginal language use by MPs. Moreover, the general

112 Commonwealth, *Parliamentary Debates*, Senate, 1 September 2016, 448. On Senator Dodson teaching these Yawuru phrases to the President, Stephen Parry, see Dan Conifer, 'Pat Dodson Maiden Speech: Behind the Scenes', *ABC News* (online, 2 September 2016) <<https://www.abc.net.au/news/2016-09-02/behind-pat-dodsons-maiden-speech/7807520>>.

Standing Order used to threaten an MP for her Aboriginal language use in 2015 remains on the books.

The Victorian and NSW parliaments control leave to speak Aboriginal languages through the requirements for non-MPs (invitees) to have leave to enter the chamber and speak in any language. Both have similar, general Standing Orders to WA and the NT in regard to unparliamentary speech, but the Speakers in those Victorian and NSW do not use their orders to police Aboriginal language use. (They could, of course, as the WA and NT examples indicate.) There has been relatively little extended use of Aboriginal languages by MPs in NSW and none in Victoria; in those few NSW instances at least, leave was not required. Moreover, the use of individual Aboriginal words by MPs is not policed in either the Victorian or NSW parliaments. In addition, NSW's codified 'message stick protocol' for ceremonies including term openings offers an example of proactively encouraging Aboriginal language use in a parliament, albeit by invitees not MPs themselves.

The most welcoming parliaments for Aboriginal and Torres Strait Islander language use appear to those of Queensland and the Commonwealth. Neither applies general orders about unparliamentary language in such cases (and Queensland's order has a reduced scope compared to other parliaments anyway, applying only to questions). Neither of these two parliaments has any specific orders encouraging or preventing Aboriginal or Torres Strait Islander language use either. The Commonwealth Parliament has a relatively strong track record of Aboriginal language use in both Houses (but no Torres Strait Islander language use) and Queensland has experienced Australia's only parliamentary uses of Torres Strait Islander languages. I have made no claim that these parliaments' more permissive orders directly caused their stronger record of Aboriginal or Torres Strait Islander language use, but I note here that the correlation warrants further attention.

Let us turn now to the uses of individual words noted here as unpoliced speech even in the most controlling of Australia's parliaments; specific examples show not only the general point that such use is more self-determined, but that such uses are intentionally articulating individual and group identities, and sovereignty.

F Evading Permission Regimes through the Use of Individual Words

It was my close examination of the NT Hansard which initially led me to notice and then start analysing occasions when individual Aboriginal or Torres Strait Islander words were used in debate that was otherwise in Standard Australian English, in addition to the more celebrated times when MPs had spoken whole passages of their speeches in those languages.¹¹³ While those working for Hansard or as MPs may have already noticed this kind of individual word use, it was not included in online media listing and celebrating Aboriginal and Torres Strait Islander language use in parliaments,¹¹⁴ nor addressed in any scholarship, to my knowledge.

113 Both the extended uses and the individual word uses are tabulated in Grey, 'Celebrating Indigenous Linguistic Diversity' (n 2).

114 Battin (n 71); Cross (n 22); Timothy Goodwin and Julian R Murphy, 'Raised Voices: Parliamentary Debate in Indigenous Languages', *AUSPUBLAW* (Blog Post, 15 May 2015) <<https://www.auspublaw.org/blog/2019/05/raised-voices-parliamentary-debate-in-indigenous-languages>>; Michael Gordon, 'Closing

We have seen examples above using both extended passages and individual words, as in Senator McCarthy's first speech, while other examples in the data comprise only individual word use. I will shortly provide further illustrations. It is important to highlight the inclusion of individual words from Aboriginal and Torres Strait Islander languages in parliamentary speech because these individual words are *never required to be spoken with leave*, even in WA and the NT.

Moreover, there are barriers to most people producing extended tracts of an Aboriginal or Torres Strait Islander language in Australia today, notably including barriers which separate Aboriginal or Torres Strait Islander peoples from their own linguistic heritage. We should therefore pay attention not only to extended usage but all usage of Aboriginal or Torres Strait Islander languages in parliament, including these individual words. Wiradjuri man and doctoral researcher, Lachlan McDaniel, suggests that in fact individual word use within English is a linguistic feature we should pay specific attention to, at least when the speaker is an Aboriginal or Torres Strait Islander person, as it is a means of provoking the question: 'why can't I say this whole sentence in my own language?'¹¹⁵ The answer, of course, is a history of colonisation in which the interlocutor is implicated.

An especially clear example of an MP using individual words from an Aboriginal language consistently with self-determination comes from 2016, just after Mr Guyula attempted an extended use of Yolŋu Matha to open his first speech in the NT Parliament and was cut off by the Speaker. He nevertheless managed to use multiple, individual Yolŋu terms,¹¹⁶ and he tied them explicitly to his assertion of Yolŋu sovereignty. He described himself as 'a Djirrikaymirr. This is a leadership title for those who have a high level of learning',¹¹⁷ and as 'a diplomat from the Yolngu Ngärra'.¹¹⁸ The English meaning of Yolngu Ngärra, 'Traditional Parliament', is provided some lines later when Mr Guyula quotes a 1998 petition. In using 'Djirrikaymirr' he therefore places himself within a social group, those who have attained a high level of learning according to the standards of his own people. With Yolngu Ngärra, he identifies as part of a political-national institution, one he positions as separate from the NT Parliament and its body politic by describing himself as a 'diplomat', a role of liaison between two nations. His intentional use of Yolŋu words to assert Yolŋu epistemology is then clear in the following 'declaration of ongoing Yolngu sovereignty' from the same speech:

We declare that we are subject to our Madayin system of law constituted by the Unseen Creator of the Universe and revealed to the Givers of Law, Djang'kawu and Barama, and we continue to steward this system through our lawful authorities and government.

the Gap and Learning the Language: Prime Minister Malcolm Turnbull's Efforts to "Close the Gap" Have Begun with Some Highly Symbolic Words', *The Sydney Morning Herald* (online, 13 February 2016) <<https://www.smh.com.au/opinion/turnbulls-address-to-parliament-mark-of-respect-for-ngunawals-rediscovery-of-collective-soul-20160212-gmsanf.html>>; Lisa Richards, 'Aboriginal and Torres Strait Islander Parliamentarians in Australia: A Quick Guide' (Research Paper, Parliament of Australia, 8 August 2022) <https://parlinfo.aph.gov.au/parlInfo/download/library/prspub/8718524/upload_binary/8718524.pdf>.

115 Personal Communication with Lachlan McDaniel (17 June 2024).

116 Northern Territory, *Parliamentary Debates*, Legislative Assembly, 18 October 2016, 26 (Yingiya Guyula).

117 Ibid 27 (Yingiya Guyula) (emphasis omitted).

118 Ibid 26 (Yingiya Guyula).

Our Madayin system of law establishes Mägayamirr – peace, order and good government; is dhapirrk consistent in all its statutes; as is assented to by all Yolngu citizens throughout the world.

Our Madayin system of law is guarded by the Yothu Yindi separation of powers.¹¹⁹

This asserts and names Yolngu concepts of law and constructs the Australian nation as not having overridden the sovereignty of Mr Guyula's First Nation. (This is a point of ongoing legal contention given the Australian Commonwealth Parliament and courts recognise only one, non-Indigenous sovereignty.)

Other speakers construct First Nations identities using even fewer Aboriginal or Torres Strait Islander words. When Minister Uiibo from the NT Parliament commended Mr Guyula's celebrated use of Yolngu Matha in another instance, also in 2019, she went on to use a few Yolngu Matha words herself, addressing 'the savage cuts in funding and services that the CLP [Country Liberal Party] made to our schools, teachers, families and djamarrkuli – our children',¹²⁰ and noting '[i]t is yindi djama – a big job – but our djamarrkuli – our kids – are worth it'.¹²¹ No leave is sought or required of her by the Speaker, on the record. Along with the pronoun 'our', her use of specific terms in Yolngu Matha construct her affiliation with, and political representation of, the Yolngu people. The budget cuts in question were not specific to Yolngu people, and her use of Yolngu Matha also affiliates her to all First Nations peoples in the NT affected by them.

The examples from the NT data make it especially clear that leave regimes are applied only to extended uses of Aboriginal or Torres Strait islander languages, but not to individual words. To add an example, Mr Guyula used the individual word 'yapa' (sister) in his English translation of his with-leave Yolngu Matha words.¹²² That is, outside the part of his speech for which he sought leave, but rather within in the English translation he was obliged to provide, he continued to use a little Yolngu Matha. Then Minister Uiibo used both 'yapas' and 'wha whas' (brothers) within her English sentences the very same day during debate on a different topic, the Arafura Games. She does not seek leave according to the Hansard transcript and she is not asked to, or stopped.¹²³ Elsewhere in the NT Hansard, I found individual Aboriginal words recorded within the first ministerial speech of Minister Alison Anderson in 2008 before a longer passage in Central Australian Language,¹²⁴ as well as later in

119 Ibid (emphasis omitted).

120 Northern Territory, *Parliamentary Debates*, Legislative Assembly, 8 May 2019, 6084 (Selena Uiibo) (emphasis omitted).

121 Ibid 6089 (Selena Uiibo) (emphasis omitted).

122 Northern Territory, *Parliamentary Debates*, Legislative Assembly, 9 May 2019, 6211 (Yingiya Guyula) (emphasis omitted).

123 Ibid 6213 (Selena Uiibo) (emphasis omitted).

124 Northern Territory, *Parliamentary Debates*, Legislative Assembly, 11 September 2008, 163 (Alison Anderson). The Minister uses a number of Aboriginal personal names and says '[m]y own father's connection is to fire and water. My mother's is to tjurrka, the bush plum, and tjupi, the honey-ant emblem and best-known symbol of Papunya art' (emphasis omitted).

her contribution to debate that day;¹²⁵ by Mrs Price in 2012;¹²⁶ and by Mr Guyula on a previous occasion in 2019.¹²⁷ None of these instances are recorded as speech with leave or chastised by the Speaker. There are likely many other instances of individual word use buried in the NT Hansard.

There is a similar presence of individual Aboriginal words in WA's Hansard. For example, although the landmark, extended use of two Aboriginal languages, Gidja and Kriol, in the WA Parliament in Ms Farrer's first speech required leave and was not transcribed, her use of individual Gidja words was recorded. She used these to name herself and her family and explain the important knowledge and identity which they encode:

My name is Jarlbinymiya, but to you I am Josie Farrer. ... I thank my children –
wanyanyaKem NgaKiny-pe

Shirley, Lingkalbal; Christine, Waatbi – these are all their Aboriginal names because most Indigenous children are born with Aboriginal names that give them the right to their country and their identity creates an affiliation with their country – William, Yougkiny; Jonathan, Garngkiny; Priscilla, Jarnimbal; Vaughan, Jingariginy; Minetta, Murlu; Renate, Wuarrel; Shonelle, Kuyu Kuyul; and Elliot, Yarlmariny.¹²⁸

To name oneself and one's children this way is to assert one's self-determined identity.

To reiterate, the use of individual words from Aboriginal or Torres Strait Islander languages in otherwise English-medium parliamentary speech can be an important practice for evading parliamentary permission regimes and for articulating both selfhood and sovereignty. To add to the readers' understanding of the significance of these language practices, I have explained that the pre-existing commentary had overlooked individual word use. Further, of the 86 instances of language use initially identified in my study, 48 were instances of only individual word use, and many of the 38 instances of extended language use also included individual word use at other points within the same speech.¹²⁹

G The Applicability of an External Permission Regime

While parliamentary permission regimes are a hinderance to increased use of Aboriginal and Torres Strait Islander languages, the permission of language custodians should be sought and stated on the record in some cases. However, the only reference I found to permission from language custodians was an apology

125 Ibid 197 (Alison Anderson). She talks about the late Billy Tjapaltjarri Whiskey as 'a Nangkarri ... a person who fixes and heals people' (emphasis omitted).

126 Northern Territory, *Parliamentary Debates*, Legislative Assembly, 23 October 2012, 35 (Bess Price): '[Y]ujuku', which she explains as 'what whitefellas call humpies' (emphasis omitted). 'Madam Speaker, Ngulajuku, I am finished': at 37 (Bess Price) (emphasis omitted).

127 Northern Territory, *Parliamentary Debates*, Legislative Assembly, 14 February 2019, 5413 (Yingiya Guyula). 'I stand to congratulate two well-known members of my electorate. One is my *gutharra*, related as my granddaughter. ... I also congratulate my Malu. I call him dad or father' (emphasis omitted).

128 Western Australia, *Parliamentary Debates*, Legislative Assembly, 17 April 2013, 113 (Josie Farrer).

129 See Grey, 'Celebrating Indigenous Linguistic Diversity' (n 2) 210.

made by Ms Janine Freeman MLA in the WA Parliament for not having sought permission before making an Acknowledgement of Country in Noongar.¹³⁰

For some other instances of language use identified in this study, I have found contemporaneous commentary from outside the Hansard record attesting to permission having been granted. When Mr Grant used Wiradjuri in the NSW Legislative Assembly in 2014, for example, a newspaper reported at the time that he had consent from the Dubbo Aboriginal Community Working Party.¹³¹ In an interview, he described to me gaining permission to do regular acknowledgments of Country in Wiradjuri, especially when going off-Country, and his parliamentary speech was a continuation of that practice.¹³² This permission is not mentioned within his parliamentary speech itself.

I found other similar instances, the first being when federal MP Rob Oakeshott noted in a media article that he spoke Dhunghutti with permission from Dhunghutti Elders: ‘The words ... were written and approved by elders of the Dhunghutti community ... My job was to deliver the community’s message to their parliament’.¹³³ Second, quotes from then Prime Minister Turnbull’s Nggunawal teachers in a news report about his Nggunawal Acknowledgement of Country in 2016 imply that he spoke with their permission,¹³⁴ and he explained following the authority of relevant language holders in our interview.¹³⁵ Although Hansard staff sometimes requires a community member to certify a translation of the language used in parliament, as noted above, this is not a verification of cultural permission, and moreover the process of seeking that certification is not mentioned on the record.

I am not suggesting that permission from language custodians is needed in every case. However, I suggest that it is appropriate for MPs to find out whether permission from language custodians is needed and, if it is, to mention that *on the parliamentary record* when they use an Aboriginal or Torres Strait Islander language. This would represent more of the specific sociology of each language in addition to the words of the language. This is, itself, part of decolonisation: as renowned applied linguist Ingrid Piller has put it in a discussion of language and the removal of Aboriginal children in the Australian colonial context, there is a ‘moral imperative to acknowledge the linguistic and cultural relativity of our views’.¹³⁶ Here, Piller goes back to a leading 20th century theorist, Dell Hymes,

130 Western Australia, *Parliamentary Debates*, Legislative Assembly, 19 August 2015, 5615 (Janine Freeman): ‘I am very fortunate that the Aboriginal elders of the electorate that I represent have enabled me to give my acknowledgement in Noongar: Ngala kaaditj Noongar moort keyen kaadak nidja boodja. I am sorry; I did not ask for permission to do that, and I should have.’

131 ‘No Language Barrier: Wiradjuri Spoken for First Time in Parliament’, *Central Western Daily* (online, 29 March 2014) <<https://www.centralwesterndaily.com.au/story/2184285/no-language-barrier-wiradjuri-spoken-for-first-time-in-parliament/>>.

132 Interview with Troy Grant (17 February 2025) (copy on file with author).

133 Rob Oakeshott, ‘Rob Oakeshott: “The Independent Member for Lyne”’, *The Big Smoke* (Blog Post, 26 May 2014) <<https://thebigsmoke.com.au/2014/05/26/rob-oakeshott-independent-member-lyne>>.

134 On the role of Tyronne Bell and Glen Freeman from Ngaiyuriidja Nggunawal Language Group and Doug Marmion from AIATSIS in teaching Mr Turnbull, see Gordon (n 114).

135 Interview with Malcolm Turnbull (4 August 2025) (copy on file with author).

136 Ingrid Piller, *Intercultural Communication: A Critical Introduction* (Edinburgh University Press, 2nd ed, 2017) 37 <<https://doi.org/10.1515/9781474412926>>.

quoting his 1974 description of ‘a primary sociolinguistic relativity, [which is] that of differential engagement of languages in social life. ... Peoples do not all everywhere use language to the same degree, in the same situations, or for the same things’.¹³⁷ Language custodianship is a clear example of such a difference: permission from a language custodian, or any custodianship at all, is not generally expected for English. This is in part because the relationship between an Aboriginal language, culture, Country and spirituality is very unlike the relationship (or lack of relationship) between some of these components and English, and in part because the context of deliberate renewal of Aboriginal languages sometimes entails deliberate control over access to linguistic knowledge. Moreover, using an Aboriginal or Torres Strait Islander language can be a fulfillment of a responsibility to Country and to communities (including ancestors) associated with it; this is distinct from an electoral responsibility to represent constituents in their own dominant language. This responsibility is recognised, for example, in the Aboriginal Language Trust’s recommendation for Aboriginal language and cultural leaders to have roles with sufficient authority within NSW government departments and agencies in order to realise a ‘[right] to care for Country’, and in the framing of colonial language dispossession as a ‘land injustice’ in the Yoorrook Justice Commission in Victoria’s final report.¹³⁸

In short, there is often a relevant, external permission regime and different epistemologies of language would be better represented in our parliaments if those using an Aboriginal or Torres Strait Islander language noted their sociocultural, rather than only their parliamentary, permission to speak. This section points to how ‘two-eyed seeing’ can be used not only within this article’s own analysis but in parliamentary language practices.

III CONCLUDING DISCUSSION: FURTHER STEPS TOWARDS DISRUPTING ENGLISH’S DOMINANCE

In introducing this article, I recapped the essential place of English in the colonisation of Australia, drawing on Aboriginal and non-Aboriginal scholars’ work, an outline of key laws and policies, and the internationally relevant concept of settler monolingualism developed in similar contexts, namely the United States and Canada.

This settler monolingualism or dominance of English, inside and beyond our parliaments, is the norm and the practice against which all uses of Aboriginal and Torres Strait Islander languages cut. This is why those language choices can be understood as acts of sovereignty, as has been expressed by some MPs themselves, including Mr Guyula, from whose first speech I have quoted above.

137 Ibid 44, quoting Dell Hymes, *Foundations in Sociolinguistics: An Ethnographic Approach* (University of Pennsylvania Press, 1974) 18.

138 Britt Jacobsen and Allara Pearce, ‘Access to Country for Language Teaching and Learning’ (Research Report, 4 November 2024) 85; Yoorrook Justice Commission, *Yoorrook for Transformation* (Interim Report No 3, 1 July 2025) vol 2.

I come to this line of research not as a person active in language renewal – although I believe that in highlighting Aboriginal and Torres Strait Islander language use in parliaments I can be helpful to language renewal – but as a scholar with a background in Bourdieusian sociolinguistic theory and in law. That Bourdieusian line of scholarship goes beyond colonisation contexts but is always attuned to power imbalances. A leading successor to Bourdieu, Monica Heller, for example, explains that ‘examining language practices can therefore reveal the micro-processes of symbolic domination – including the identification of inter-actional zones where individuals use language choices to exert, aggravate, or mitigate their power, to collude with or resist that exercise’.¹³⁹ As such, speaking a particular way can be resistance. Both the colonial significance of particular language choices and their sociolinguistic significance come together in the parliamentary contexts of this study: speaking an Aboriginal or Torres Strait Islander language in a parliament is an empowered act.

This is why, to my mind, Standing Orders which actively or even potentially prevent Aboriginal and Torres Strait Islander language use in Australia’s parliaments are disempowering and need reform. They foreclose linguistic acts of self-determination and aggravate the existing power imbalance in favour of English. They also reduce the representativeness of our parliaments; Part I examined why linguistic representation, specifically, is important. The data quoted in this article illustrates the role of these language choices in constructing political identities for individual MPs as members and/or representatives of Aboriginal or Torres Strait Islander communities, and also in constructing First Nations as polities. I made the additional point at the close of Part II that the way Aboriginal or Torres Strait Islander languages are embedded in relationships of cultural custody should also be represented, where relevant, by speakers noting on the parliamentary record that they have permission to use a language.

Specifically, this article highlights Standing Orders that have hindered Aboriginal language use in the NT Parliament and still do, although less than before, as well as general Standing Orders about unparliamentary language that are nevertheless applied to exert control specifically over Aboriginal language use in the WA Parliament. The article points out the potential for similar, general Standing Orders to be used in a controlling fashion in the Commonwealth, Victorian, NSW and Queensland parliaments, while noting they have not so far been used that way and that the Queensland orders are limited to the language of questions.

The final Part of analysis makes another point, that using an Aboriginal or Torres Strait Islander language can be a fulfillment of a cultural responsibility to Country and to community, as distinct from an electoral responsibility to represent Aboriginal or Torres Strait Islander language-speaking constituents. Making a similar point in the Canadian context, former MP and Cree and Métis man, Robert-Falcon Ouellette, an advocate who recently pushed successfully for the right to use his language in the national parliament, has noted ‘Elders had previously asked me

139 Monica Heller, ‘Language Choice, Social Institutions, and Symbolic Domination’ (1995) 24(3) *Language in Society* 373, 374 <<https://doi.org/10.1017/S0047404500018807>>.

to ensure that our ceremonies would be in the House of Commons'.¹⁴⁰ The important existence of language custodians and different epistemologies of language would be better represented in our parliaments if those using an Aboriginal or Torres Strait Islander language noted their sociocultural, rather than only their parliamentary, permission to speak.

Moreover, the discussion of cultural custodianship turns our attention to the responsibility Aboriginal and Torres Strait Islander language users may have to Country, ancestors and communities to appropriately use and to revive a language. This, in turn, casts an additional light on this article's overall analysis of linguistic representation and regulation: what is regulated by our parliaments is not only language choice – which I have argued should instead be self-determined – but practices of cultural custodianship and membership, and practices of First Nation-building using linguistic and political resources. This is the case whether the speakers in Parliament are themselves Indigenous or not, albeit with differing responsibilities and positionalities across those two broad cohorts. There is an overlap between the sociolinguistic point that these language practices can be empowered resistance to exclusionary parliamentary – and wider – norms and the political point that creating public institutions in which Aboriginal and Torres Strait Islander language use is supported is part of relational development and reconciliation in Australia. Ms Cynthia Lui, a Torres Strait Islander herself and the first MP to use a Torres Strait Islander language in an Australian parliament, spoke of these themes when I interviewed her. She noted the importance to her language use of a newfound level of cultural safety in the Queensland Parliament at the time she was an MP, from 2018, then reflected with strong emotions on how representation, cultural responsibility and reconciliation intertwine:

[Earlier in my life] I could never have envisioned that [opportunity to speak this way as an elected MP] to ever happen. And I think it's just a different – now, reading the language that I spoke in Parliament [from Hansard] because – it was a huge achievement for my people and I understand that, I understand it now.

Yeah.

And it wasn't just for Torres Strait. It was also for Aboriginal people right across, because *representation is everything, culture is everything*. And I think what I did there was just *opening up conversations*.¹⁴¹

To support learning from this article's attempt at seeing diverse language use and regulation in parliaments from both 'mainstream' and Indigenous perspectives, this article also highlights better practices, such as the proactive message stick protocol in NSW, as a means of increasing language use in that Parliament, albeit by invitees rather than MPs. Even before that protocol was introduced, Victoria, NSW and the Commonwealth had granted leave/suspended orders so that invitees could enter and speak (or sing) in Aboriginal languages. In some cases, that permission expressly included permission to speak Aboriginal languages, and Aboriginal language use was one of the reasons for inviting particular guests.

140 Robert-Falcon Ouellette, 'Honouring Indigenous Languages within Parliament' (2019) 42(2) *Canadian Parliamentary Review* 3, 5, quoted in Grey, 'Celebrating Indigenous Linguistic Diversity' (n 2) 23.

141 Interview with Cynthia Lui (22 July 2025) (copy on file with author) (emphasis added).

While this study has not focused on the mandatory Acknowledgments of Country in Ngunnawal since 2020 in the ACT Parliament,¹⁴² or the references in other parliaments' Acknowledgements of Countries using original place names, these too are proactive measures regularly bringing Aboriginal languages into some parliamentary chambers. It should be noted, though, that these measures do not bring languages into Hansard, as the acknowledgments are not transcribed in the daily records.

This comparative review of the use of parliamentary rules to disallow or facilitate Aboriginal and Torres Strait Islander language use is worth considering if and when the Commonwealth Parliament returns to the 2012 recommendation in *Our Land, Our Languages* that it 'demonstrate leadership in the recognition and valuing of Indigenous languages by: considering how to incorporate Indigenous languages in the Parliament House building and in the operations of the Parliament'.¹⁴³ There has been an evident increase in Aboriginal language use in the Commonwealth Parliament since this 2012 recommendation, but is any new measure to thank? Surely there are grounds for reconsidering the controlling Standing Orders in WA and the Continuing Orders in the NT, in light of the NSW, Victorian and Queensland Parliaments' more permissive and even proactive regimes, and particularly in light of the significant language use in the Commonwealth Parliament without leave requirements. Even with the Commonwealth's successes in linguistic representation, the lessons of this study could assist in fostering more Aboriginal language use in that Parliament, and in bringing Torres Strait Islander languages into that Parliament for the first time.

A Standing Order Reforms

I suggest that these small structural changes could improve linguistic representation in Australia's parliaments:

1. the removal of Continuing Order requirements to give advanced notice before using Aboriginal and Torres Strait Islander languages (in the NT);
2. the clarification that using Aboriginal and Torres Strait Islander languages is not contrary to Standing Orders prohibiting unparliamentary language (this would mean expressly changing the current interpretation of the relevant order in WA and clarifying similar orders at least in the Commonwealth, NT, NSW, Victorian and Queensland parliaments, and possibly also in SA, Tasmania and the ACT); and
3. always transcribing Aboriginal and Torres Strait Islander languages in Hansard when they are used.

This study has shown that much of the increase in the use of Aboriginal and Torres Strait Islander languages in parliament has occurred without changes in procedural rules. It is time for Standing Orders to catch up. The use of these languages should always be self-determined and should be encouraged as part

142 Legislative Assembly for the Australian Capital Territory, 'First Australians and the Assembly' (Factsheet, 20 November 2020) <https://www.parliament.act.gov.au/_data/assets/pdf_file/0011/2822537/Factsheet-First-Australians-and-the-Assembly.pdf>. On the exclusions from this study, see also above n 52.

143 *Inquiry into Language Learning in Indigenous Communities* (n 29) 32.

of an important corrective: ‘the majority of members in this house do not know about Aboriginal culture, law and language. That in itself is a major impediment to reconciliation’.¹⁴⁴

B Further Rights and Recognition

A further step would be enshrining a right to speak Aboriginal or Torres Strait Islander languages in our parliaments. My companion article reporting on other aspects of this study in the *Australian Journal of Linguistics* outlines such rights in parliaments in New Zealand and Canada, but the suitability of such rights for the Australian context remains to be researched. I also note that speaking an Aboriginal or Torres Strait Islander language and refusing to translate it into English would be a radical act which Australia’s parliaments have not yet encountered. Even when our parliaments allow Aboriginal and Torres Strait Islander language use – whether or not they require leave – speaking an Aboriginal or Torres Strait Islander language and not making it understood in English does not appear to be tolerated.

This article has analysed how multiple examples of Aboriginal and Torres Strait Islander language use in parliament are already practices of self-determination and even assertions of sovereignty. There has been relatively little academic commentary on the rise and fall of proposals for constitutional recognition of Aboriginal and Torres Strait Islander languages but that has likewise been an area where self-determination has come to the fore. The most recent calls for constitutional recognition of Aboriginal and Torres Strait Islander languages (examined by Alexander Reilly in the *Federal Law Review* in 2013)¹⁴⁵ were de-prioritised at the Uluru Convention in 2017. The key concern, reputedly, was that the same constitutional amendment proposed the recognition of English as the official national language.¹⁴⁶ This would have strengthened the monolingual English paradigm by raising the legal status of English while enshrining other languages in a subordinate role. The constitutional recognition of English had been proposed without critical reflection by the 2012 Expert Panel, who saw it as incidental to recognising Indigenous languages and ‘simply as a formal acknowledgement of the “existing and undisputed position” of English in Australia’, according to Reilly, who warned against constitutional recognition of English.¹⁴⁷ This article, too, warns against reviving a push for constitutional language recognition; it would entrench settler monolingualism.

But that is not to say language rights should be closed as a topic of debate. I propose that the articulation of demands in relation to Aboriginal and Torres Strait Islander languages – whether to use them in parliament, to de-prioritise their constitutional recognition, to better achieve Closing the Gap Target 16 on language strength, or to increase support from public institutions in other ways

144 Western Australia, *Parliamentary Debates*, Legislative Assembly, 19 August 2015, 5608 (Fran Logan).

145 Alexander Reilly, ‘Confusion of Tongues: Constitutional Recognition of Languages and Language Rights in Australia’ (2013) 41(2) *Federal Law Review* 333 <<https://doi.org/10.1177/0067205X1304100205>>.

146 Megan Davis, ‘The Long Road to Uluru: Walking Together’ [2018] (60) *Griffith Review* 13.

147 Reilly (n 145) 334, quoting Commonwealth of Australia Expert Panel, *Recognising Aboriginal and Torres Strait Islander Peoples in the Constitution* (Report, January 2012) 131.

– be considered as a new wave of cultural-political demands coming after the emergence and now enshrinement of land rights as a central demand of cultural nationalism.¹⁴⁸ Language practices will continue to be important resources in both Australian nation-building and Indigenous nation-building and their control will therefore continue to be a cause for concern. The changing language practices in our parliaments will likely continue to bear witness to these wider struggles over self-determination.

148 Professor Heidi Norman, whose family comes from Gomeroi Country in NSW, observes in her history of the land rights movement that a ‘new “Aboriginal nationalism” ... emerged after the 1967 Referendum, [which] saw “culture” and “politics” enmeshed ... It was these emerging “cultural-political” demands that were central to the success of the NSW Land Rights movement from 1978’: Heidi Norman, *What Do We Want? A Political History of Aboriginal Land Rights in New South Wales* (Aboriginal Studies Press, 2015) 4. See also Russell McGregor, ‘Another Nation: Aboriginal Activism in the Late 1960s and Early 1970s’ (2009) 40(2) *Australian Historical Studies* 343, 344 <<https://doi.org/10.1080/10314610903105217>>, citing John Hutchinson, *Modern Nationalism* (Fontana Press, 1994) 40–1.