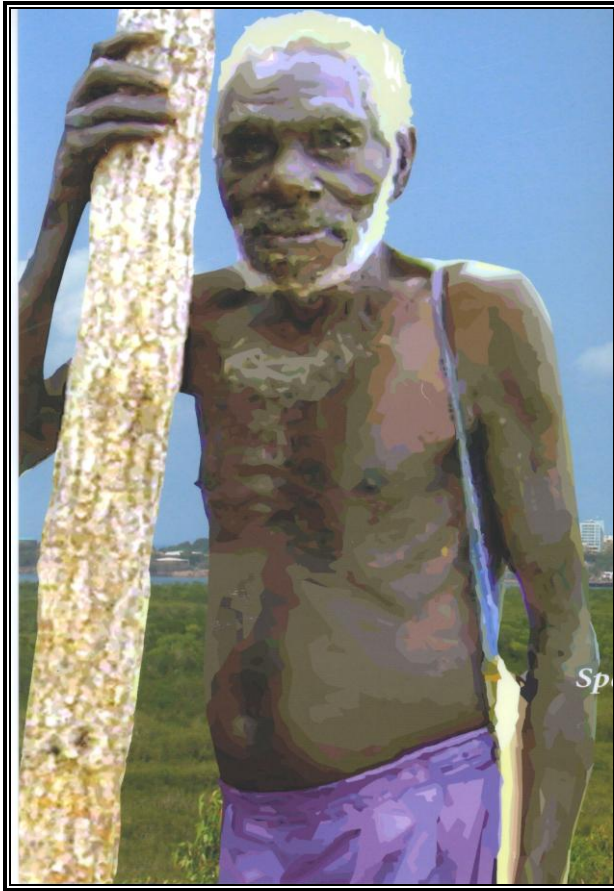


# Johnny Balaiya

c1930 -2008



The story of a Longgrass  
Legend.

# WARNING

This book contains names,  
portraits and photographs of  
deceased Aboriginal People.

Note: The family of Johnny Balaiya have given  
permission for his name and image to be used  
in grateful recognition of his life of dedicated  
service to the community, both Black and  
White.<sup>1</sup>

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<sup>1</sup> The long-grassers are mostly homeless Aborigines who live on foreshore and park areas around town. They are homeless only in the sense that they do not have roofs over their heads. Many of them have lived outside for years and consider themselves residents of Darwin, not vagrants (Toohey 1999)

This book compiled and edited

by

Dr Bill Day

Consulting Anthropologist

Darwin NT

2008

Johnny Balaiya and his friends moved from camp to camp in the bush around Palmerston. As the Darwin satellite city spread, his camps were closed and his belongings confiscated.

Johnny Balaiya's campsites are now covered by bitumen streets in the new Palmerston suburbs. Although his portrait hangs in the Supreme Court foyer, Johnny is otherwise forgotten. Hopefully in the near future at least a street or park in Palmerston will bear his name.

# Johnny Balaiya's story

**'I am a black man. I am tired of being moved by Balanda from place to place. This is not for a White man country, because this is the country for the Blackfella country. They born here and I born here - true story. My son, my brother, my cousin, they born here ... I don't like that Balanda way, no. I want to look after myself Blackfella way, that's the really one' (Johnny Balaiya)<sup>2</sup>**



**Born Blyth River, c 1930 – died Darwin,  
24-02-2008.**

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<sup>2</sup> From 'Freedom to sleep' (Media release, Darwin Longgrass Association, September 5, 2001). The above photo is by Bill Day, taken at Juninga, August 2005. Cover picture by Therese Ritchie for 'Freedom to Sleep' poster, Darwin, 7<sup>th</sup> November, 2003.

## **'My name is Johnny Balaiya.'**<sup>3</sup>

**Transcribed by Cassandra Goldie**<sup>4</sup>

Darwin Community Legal Service

January 2001

My name is Johnny Balaiya. I am about 70 years of age. I was born at Yilan, near Ji-marda, I belong to Burarra clan. We come from the mouth of the Blyth River also known as Gu-panga, in Arnhem Land. When I was about 12 years of age, there was family fighting and so I went to the Mission at Milingimbi. I do not remember when that was. I walked to Milingimbi with two other boys, one boy was Burarra - the other one was Matai.

In Milingimbi, I remember seeing Japanese planes fly over and bombing. The Australian Army was there and they took black people [both Burarra and Matai] to go to war. I walked from Milingimbi then by canoe back to Blyth River and then back to Maningrida. I remember the Australian Army taking black people to war at Maningrida as well. I was too young to go. I was about 13 years old.

When I was at Maningrida, one of our family came around and told me about Darwin. He told me that he had just been to Darwin and that there was a big mob of tucker there, and shelter. A lot of people had been taken from all over Arnhem Land to Darwin by the Army for shelter. I took five or six family. We were all from different clan and we walked from Maningrida to Darwin where many of my relatives were already.

We swam across the East Alligator River. We could tell if crocodile came near by their heat. We walked all day for about a month to get to Darwin. I knew the way to go because the sun goes down near Darwin and that is the way. We went through Oenpelli and then near Jabiru and Pine Creek. It was a rough road. We stopped at Berrimah Reserve. It was in the bush and the

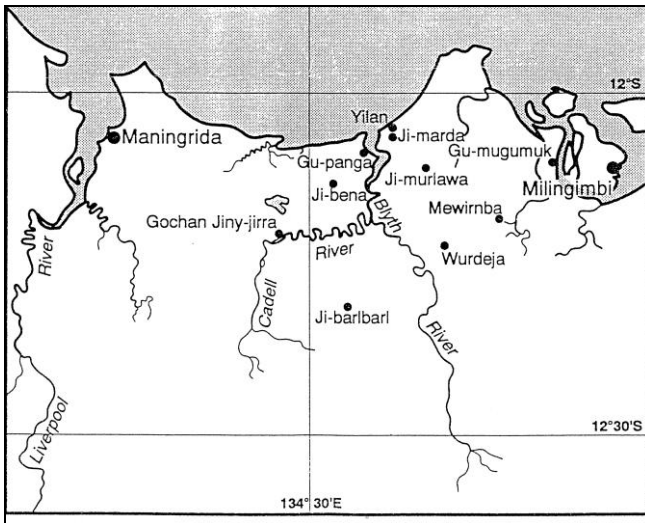
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<sup>3</sup> This statement is reprinted in Ritchie (2004:34-39), Simmering (2001d) and Goldie (2008). Also on the Longgrass website

<http://longgrass.tripod.com>

<sup>4</sup> LLB (Hons)UWA LLM(dist) University College of London, Visiting Fellow, Gilbert + Tobin Centre of Public Law, UNSW and PhD candidate 2007.

Army was there. There were people from all over - Burarra, Matai, all walking to get there. I stayed there and then I went to Bagot. I left Bagot to look for a job with a couple of boys.



Arnhem Land coast between Maningrida and Milingimbi. (From Glasgow 1995:8)

Tom Harris saw us boys, he was the camera man [projectionist] at the Star Cinema and asked us to work. He was like my father. He taught me English. I wanted to go to school and I went to school for about a week. The school was a missionary school at Bagot for both Balanda and Black. But Tom Harris wanted me to work so he took me out of school to work. He was short of people to work at Bagot. We were cleaning and working at the cinema. There was a group of us and we did the cleaning. I was selling tickets.

My first job there in Darwin was working at the East Point Golf Course. We built it from bush, digging holes and cleaning up the trees. I lived in a house at the golf course, and Tom Harris looked after me. After I stopped for the day working at the golf course, I would go to sell tickets at the Star Cinema in the evening. Also, I used to work as a carpenter at Bagot, and build houses there. Some of those houses are still there. Tom Harris would bring movies to show at Bagot. He would come most nights. He has a son,

young Tom Harris. He had two daughters Susan and Jill. I was learning English from Tom Harris and his kids. Those kids were teaching me English and they learn Burarra too.

After that, I worked on the rice in Humpty Doo. I lived at 16 Mile camp. I worked pulling the rice and driving the tractor. I also worked on the rice at Tortilla. I worked for Mr Hunter. I then went back to Bagot being a carpenter to build houses. A lot of Burarra were there and it was a Burarra camp. We had three or four houses at camp. I was in charge of the Burarra houses. There were lots of different clan there. Mr White was the first Government. Mr Moore was the second Government. We had sticks and bottles and stuff. Some government people were bad. Mr Moore was bad. He sent many Aboriginal people away because they were drinking. He went to kill King George. I saw King George, his wife and two kids when I was in Darwin. He came to see what Aboriginal people looked like.

King George wanted to meet the Aborigines, so after a while he came to Bagot to meet us. This was after the war. Then I settled down and worked as a carpenter, stayed at Bagot. I would look after family who came to Darwin, I told them where to go to get work. I was like an interpreter. I would translate about looking for a job. When people came from different country, desert country people too, I would look after them. I looked after all these people, their parents and grandparents. I taught other black people to do carpentry.

I left after a while, and went to work on the road. I started from Adelaide River, then Pine Creek, building the Stuart Highway. . This was for two or three years. I would sleep where we were working. We also built the airstrip at Fannie Bay. I can't remember which year. I had my Burarra/Matai team, four or five boys. Some of my boys stayed in town and were working at different places. Jackie Marroonburra stayed working as a carpenter at Bagot. I would come back to look after them. I was like a supervisor.

I got a job for Molok driving the government boat from Darwin to Gu-panga. I would organise my people when they wanted to travel between Darwin and Gu-panga. Some people would go on the boat, with Molok to Gu-panga. Some of the old people didn't want to go on the boat, so I



walked with them from Gu-panga to Darwin. If people were sick, I would organise them to come on the boat to Darwin.

Then I went to Milingimbi and stayed there for a while. I had married family there. I didn't work at Milingimbi. I went back and stayed for four years at Blyth River, Gu-panga, on the beach with my family. Then a few people started to move back to Darwin, I took off by foot with my family - about six boys - walking about a month to get to Darwin.

I have children Judy Hayes, Jill Cooper, Helen Mardarlidj, Michael [Gilbert] Humphrey, first daughter passed away. Judy has one son living [Dion Cooper] at Palmerston. Judy had two boys and three girls. Jill's children are Justin Cooper, Edward Cooper, Dean Cooper, and William Cooper, who has passed away. Helen had two boys. I have about 10 great-grandchildren so far. My children were born at the old hospital that was near Mindil Beach.



**Left:** Detail from  
Therese Ritchie's  
portrait, 'Johnny Balaiya,  
Casuarina Beach, Darwin  
2004.'  
Digital print on paper  
1200 x 440 cm. See  
Ritchie (2004, page35).

When I left Gu-panga my wife and children stayed there. I left to go and get some work. I took about eight people with me and we walked. I was in my 30's, about 35. We got to Berrimah, because I knew where to take my family. They did not know about drinking. I knew about drinking from a big bottle, 'Coolabah'. I told family not touch it. I said, 'No, we don't touch it.' Family will hate you for that. I took family to Bagot and lived there. I thought it was alright to stay. It was OK at Berrimah, but I decided to go to Bagot when I got back, and everyone was happy. I had family at both places.

I had a job at Winnellie building a warehouse. There was loose iron and I had to patch it up a bit. I had three or four boys working. My old workmates told me about the job at Winnellie. Some of those boys were no good for working because they were drinking too much. I also went back working at the airstrip. I lived at Bagot for a couple of years and then I went back home on the boat. I went back because of family, but my wife wanted me to go back for the kids.

We had big meetings at Maningrida with Mr Hunter and Mr Sweeny. I was talking for the people to make the roads right through from Maningrida to Ramingining. Another outstation Ji-marda, other side of mouth of the Blyth River - I went there and worked there building the airstrip. I worked at different outstations. I went to Maningrida and worked on roads to get to different outstations. I went to Dum Dum outstations and worked there. I had to finish things off in Arnhem Land, so when all the roads were finished I come back here to Darwin. Because all the things that I learned in Darwin I used when I was working back at the communities, I had fresh ideas thinking about what could be done. But family didn't want this to happen. I helped to build the houses. I fixed houses for Balanda [white people]. They asked me how I knew. I told them I learned this in Darwin.

Ji-bena was another outstation [about 20-30ks from Gu-panga]. I would go back to men's business to take care of things with my children. I lived at Bagot for a long time with my wife and kids, maybe five or six years. The cinema was a job first, then East Point. I was the boss and I would talk to the Balanda for other people and would speak for the others. I had my own work mates, they were family. I got about three or four people. Some have passed away and some live at Maningrida now – Jackie Marroonburra, Michael Walupirra are still alive. Raymond Walupirra has passed away. I used to organise jobs for my people, to organise them for the Balanda.

After Humpty Doo working on the rice I came back to Darwin and some bloke asked us to do fishing for him. I moved around a lot fishing different places and camping where we fished. From Tree Point, Shoal Bay, Lee Point and Kulaluk were places we stayed. We called all that place 'Gullawu.' We fished at East Arm to Elizabeth River. I know all that area, just like my own country. I moved a lot, camping all over and worked as well. I was also working and counting money for the Berrimah shop.

Most of my life I have lived in Darwin, this is my home. I have lived all over Darwin in many different camps. I did go back to Bagot about seven or eight years ago but there was too much drinking there. When I came back things were worst, everyone was drinking. I left. They were running amok. I didn't want those things to happen. All hell broke loose. I camped at Lee Point but Balanda and some policemen came and told us to leave. There was an old lady there who was dying. I told them. 'You have to take my mother to hospital,' but she died there.

I stayed at Fish Camp for a while but there was too much arguing. Then I came out this way. That's why I came here to Pipeline Camp. I want to be quiet. I have been at Pipeline camp for about the last four years. In about November 2000 I got evicted from that camp because the land was going to be used for private development. A Balanda person gave me a Trespass Notice. They did not use an interpreter. They told me I had to move.

The bulldozers came when I was there. They did not explain to me what was happening. One of the housing men, a tall guy, came up and told me I had to be moved because buildings were going to happen. I asked, 'Where is my pick up?' and I was told I was going to be moved. They gave me a lift with my family and my things to the other Pipeline. It was a government truck that brought me. The government man did not tell me what to do. They just brought me here. I stayed here because I don't want to be with drinkers. I just want to keep away from trouble. I am now camping on land known as, 'Balaiya Pipeline Camp.'

I am a senior Aboriginal man and am known by many family from many places, including Alice Springs, Tennant Creek people. My family know to find me where I now am. If I move a lot, my family will not find me. Burarra is my first language, Djinung is my mother's language, I also speak some English but only when Balanda speak with me. I do not understand everything of what Balanda say when they talk to me, those hard words that I do not understand. I am a black Aboriginal man.

I have family all over - Ramingining, Maningrida, Milingimbi. I have family responsibility. There are many family members with whom I have responsibilities that I must meet. I have responsibilities for ceremonies. I know everything. I have responsibility for young boys. They let me know

what is happening at Gu-panga and I send word about what must be done. I need to be able to tell them stories.

I give a stable place for family to come and to be safe. I do not like drinkers to be in my place. If drinkers come, and make trouble I make them leave. I tell them to go. I don't like nuisance people in my camp. My grandchildren come and I talk to them, I tell them stories about the past. I have many things that I have talked about with my grandchildren whenever they come. I tell them family stories to make them understand about Darwin, not to drink, and I have seen what not to do.

I am tired. I am tired of being moved by Balanda from place to place. I am tired of being told by Balanda that they will get me a house, and a place to stay and nothing happens. I get sick. Sometimes health workers come from Danila Dilba and check up on me, I get shaky and tired sometimes. I do not like to walk long distances. I have to use a puffer sometimes to help me breathe, when I get short wind. I have cataracts, I'm worrying about. I have eye doctor at Royal Darwin Hospital. I get money from Centrelink.

I do not have any land. My things include an old tent, two mattresses and cooking things. I live in a caravan which is owned by Darwin Area Housing Association. I have a keycard. I have three dollars in the bank. I hold money for my family so they don't drink it. I need a place to live and be secure and which is right for me to live as a black Aboriginal man. I need a place that lets me live in the way of my culture. I need a place where I can sit quietly. I want to stay in this place until I die.

I need a place where my family can sit down quietly and look after me, and I can look after them. I do not like people making a lot of noise, making the radio too loud and making trouble in my camp. This is not my way. This is Balanda way. I can't go to 15 Mile, no, no, too much drinking and fighting. There is like Bagot or One Mile Dam. I don't want family to come when drinking.

I need a shelter with a roof to stop the rain, and some walls to stop the wind. I need a bigger place, lounge room for families to come with a big veranda for the breeze to sit outside during the dry season. I need the shelter to be raised a bit from the ground for when the rain comes so that I

can stay dry. I need a fence to stop people from coming who are not welcome in my camp. I need a big fence to stop people coming, and to protect my dogs from going to places where they are not allowed to go. I need to lock the house to stop drinkers from taking things. I need clean water for drinking and cooking, for washing hands and staying clean. I have always wanted tap water to use to have a shower and a bath. I need electricity for lights, my radio, TV, and for cooking. During the Wet Season the trees are too wet to make a fire, to make food.

I need a place which is right for me welcoming family to come and stay with me for a while. I have usually about four or five people who need to be able to stay with me most of the time. I also need a place where more people can come to stay for shorter times. Young family people stay with me too I need a place which allows for families come to visit me, sit down for a while, make my tea, collect fire wood, and look after me. I will not let them stay if they are drunk and fight. I tell them to go. The good family can stay and the bad ones can go. I let people stay when they are tired and need a place to rest or when they are visiting from many places.

I need to stay around this place where I have been a long time. I am an old man, I cannot keep moving around anymore. Many people know this is where I am. If I move a long way, people will not find me. I will not be able to honour my family responsibilities. I need a place where the rubbish can be taken away. I want to tidy up my place but I am an old man. I need help for the rubbish to be taken away. I need a place where I can keep the grass low. When the wet comes, the snakes come - the children are not safe because of the snakes. I need to be able to see who is coming.

I do not want to live in a unit like Kurringal. I do not want a unit because I am a black man and I do not live like that. I feel comfortable living out here, a space of my own. If I live in a unit like that, I know that I will be moved out within a month. There will be too much humbug with people coming from all over town who are drunk and who will not go away. I know there will be trouble and I do not want trouble. I will not be able to welcome family who come to stay with me because it will be too small. I will have too much worry trying to look after the place.

Where I am now, without shelter, I get wet many times, and get sick. I do not have electricity. If I get wet, I get cold. Where I stay, I can be moved on at anytime. This makes me worry. I am worried about what's happening. It's too dark. I don't have a telephone. If I had a phone, I could call the police when there is trouble. If there is trouble, I have to walk to the police to get help.

Where I am, I am told I cannot get help with water from the Aboriginal Development Foundation because I stay on Crown land. I use the pipeline water. I have to turn it back on to get water. Now pink signs are up, and I think that I will be moved on again. I do not know where I can go.<sup>5</sup>

[Note: In late 2000 and then 2001, Johnny Balaiya and his family group were evicted twice from two locations at Palmerston to make way for development. This land is not within the control of Darwin City Council and at that time Palmerston City Council did not have an equivalent of By-law 103. The NTG Department of Land, Planning and Environment issued the warnings to Mr Balaiya under the Trespass Act (NT)].<sup>6</sup>

Darwin Community Legal Service agreed to represent Mr Balaiya and assisted him make an application for public housing. When offered a single bedroom unit, Mr Balaiya refused the accommodation on the basis it was culturally inappropriate and, in May 2002, commenced proceedings against the Northern Territory Government, alleging that the NTG had indirectly discriminated against him on the grounds of his race, and unreasonably failed to accommodate his special needs as an indigenous person in the provision of public housing. Although this case was accepted by the Anti-Discrimination Commission, because of Johnny's failing health, a confidential settlement was reached between Mr Balaiya and the NT Government.<sup>7</sup>

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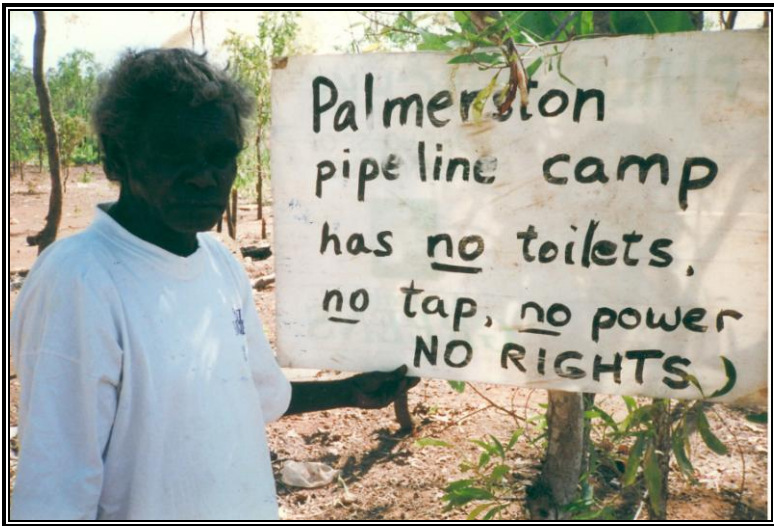
<sup>5</sup> 'Someone had seen a pink planning notice erected on the edge of Johnny's camp. A subdivision into forty three blocks for commercial use' (Simmering 2001d).

<sup>6</sup> The NT G suggested that Stella Simmering had committed an offence under the *Trespass Act* by helping to move Johnny Balaiya's camp to a new location on Crown land (Goldie 2002).

<sup>7</sup> See Cassandra Goldie's PhD thesis (2008) for a full account of Johnny Balaiya's complaint and proceedings.

As mentioned, in December 2001 Stella Simmering lodged an extensive document regarding the use of DCC By-laws 103 and 100 and the impact on Indigenous people living in public space with the Human Rights and Equal Opportunity Commission (HEROC). Eighteen months later, after extensive investigation and attempts to conciliate the complaint, HREOC terminated the complaint so that it could proceed to the Federal Court for decision, as is required under the law, and expressed an interest in considering to intervene in the court proceedings.<sup>8</sup> However, the potential cost of proceedings in the Federal Court caused the case to be withdrawn.

Whilst the complaint was the trigger for a significant amount of media attention and had acted to highlight again the situation faced by people living in public places, it had also been an enormous amount of work for the community people concerned. (Goldie 2003, 2004a, 2008)]



Above: Billy Cooper (dec) at Balaiya's Palmerston Pipeline camp, 1997.

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<sup>8</sup> HEROC determined to treat her correspondence as a representative under s 9 of the *Racial Discrimination Act 1975*

# Johnny Balaiya – Proud, Old and Unbeaten

by Stella Simmering,  
2003

Johnny Balaiya is a 70 year old man who has lived in the Palmerston area for the last 15 years and in the Darwin area since 1945 after walking from his homeland, Yilan near the mouth of the Blyth River in Arnhem Land when he was about 15 years old. Johnny was in the *NT News* recently a couple of days before he was forced to move from Pipeline camp.<sup>9</sup>

The *NT News* failed to mention why Johnny had to move and named Johnny an itinerant, which is clearly untrue as Johnny has lived throughout Darwin, living in bush camps for years at a time. The reason why people are now being labelled itinerant is because they are forced to move daily/weekly by City Council by law fines for sleeping, littering and lighting a fire.

In Johnny's case the bush land he was camping on was leased to DMD Holdings for subdivision into 43 lots for commercial development. A bulldozer started work on the top of the hill. One afternoon as Johnny was walking back from the shops he saw his bush land was on fire. Subcontractors had lit the dry long grass without notifying Johnny or helping him protect his camp. Johnny spent all night with a rake defending his camp from the bush fire. Following the fire the bulldozer started work near Johnny's camp.

While Johnny and his family group watched and waited as the bulldozer cleared the trees around their camp, nobody came to talk to Johnny about what was going to happen. Family and friends helped to move the caravan, water-tank, two old vans used for sleeping, cooking gear and mattresses. This is the second time in six months Johnny and his family group has been forced to move further away from water, shops and the medical clinic.

Johnny says, 'I am an old man. I am tired of being moved by Balanda from place to place like the kangaroo, hiding in the bushes, being hunted from

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<sup>9</sup> 'Don't cage me in, says itinerant, [aged] 70.' *NT News*, June 5<sup>th</sup>, 2001, p.4. (See page 25 of this booklet).



place to place. I am tired of being told by Balanda that they will give me a house or a place where me and my family can stay, when nothing happens.'

Johnny's main worry is that he will be too far from the shops to buy food. He is an old man and cannot walk very far without getting short of breath, he has to sit down and rest often. He is worried about access to water as one water carrier who has been filling Johnny's water tank previously told him that the road to the new camp is too narrow for his truck. Another water carrier will cost \$85 a fortnight to fill Johnny's water tank. The dust in the new camp is also a big problem and will cause unforeseeable health problems throughout the dry season.

**STOP PRESS:** Johnny was visited by two policemen last night. Johnny said, 'They told us we had to start moving, you can't stay here.' Johnny asked, 'Where are we going to go? We didn't make any trouble here, you the ones making trouble.'

Johnny says that the police replied, 'Go to 15 Mile or Bagot and start walking or we get the big truck and come pick up all you mob, and take you Berrimah lock up.'

Johnny asked the police, 'What for, what did we do wrong? We sitting down quiet here, nobody fighting or arguing.'

One policeman tried to force Johnny's door on his caravan. Johnny told him, 'Don't break that, why you want to break that?' The police kept on telling the campers that they had to 'start walking.' Johnny replied, 'How I'm going to walk? How this [other] blind man going to walk, he can't see. I can't leave my dogs.'

'They can go with you,' the policeman said.

Johnny's answered, 'I can't leave my stuff here, I am not going anywhere. I am going to stay here!' Johnny continued, 'The police were really wild with us and swearing but we didn't leave, they came at 5 o'clock and 8 o'clock night time. They tell us same thing, "You got to move, start walking." But I said, "This is a Blackfellas' place.'"

Johnny says, ‘[In the] First place we never seen the white man, only missionary. Rain time we make it [bed with] paperbark, sitting down, no clothes. When that Captain Cook said, ‘We’ll make it right here,’ they put themselves, they got big name, but not really one, this country belongs to Black man - Larrakia people they know me, I been camping here a long time.’

The Senior Sergeant in Charge at Palmerston visited Johnny’s camp the next morning after complaints were made about the two policemen. He told Johnny that he did not have to move camp and that he would talk to the police officers who made the trouble last night.

It seems the police do not need to wait for the new NT *Public Order and Anti Social Conduct Act* proposed by the CLP. Under this Act, a member of the police force could apply for the declaration of a notified area. Once accepted as a notified area, the area will be signposted to that effect for up to two years. During that time the police will have the powers to enter the area and move people on, and even seize property. Notification orders can apply to shops, licensed premises, parks and amazingly PRIVATE HOMES.

Johnny asks, ‘Can somebody help me please? I need a place to live with my close family here. I need a place to be secure and which is right for me to live as a Black man. I need a place that lets me live in the way of my culture. I need a place where I can sit quietly. I want to stay in this place until I die.’<sup>10</sup>

For a while there was a delay in the eviction. During this time Johnny spoke to a number of Larrakia people, the traditional owners of Darwin. He said, ‘Larrakia people they say, we love you, you can get that water free because we remember you and you know our old people and we little boy time, and we seen you there. Our father and grandfather tell us, “We seen you, Northern Territory.”’<sup>11</sup>

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<sup>10</sup> The above section is adapted from an interview and article written by Stella Simmering, in the Darwin magazine, *Kujuk*, issue number 1, 2003. *Kujuk* is a colloquial word, probably derived from an Aboriginal language.

<sup>11</sup> Simmering 2001c

Johnny had lodged a complaint to the Anti-Discrimination Commission on 18<sup>th</sup> July 2001. His complaint was that the Northern Territory Government's Public Housing Program indirectly discriminated against him by unreasonably failing to accommodate his special needs as an indigenous person.

Johnny's complaint stated, in part:<sup>12</sup>

In about October or November last year [1999], I was forced to move from Pipeline Camp because of developers coming in and bulldozing. I then moved my belongings to a new location on the other side of the Stuart Highway where I camped for several months, until 12<sup>th</sup> March 2001. On 14<sup>th</sup> May, Territory Housing said they could only offer me single pensioner accommodation. I told my lawyer that I could not live there as I am a black man and I do not live like that. I would not be able to welcome family who come to stay because it would be too small. So I decided to keep camping.

I tried to find a new place to camp. With the help of the Council on the Ageing and Stella Simmering, I moved one more time with some family because the developers had started to come with bulldozers again. This time I moved to land where I did not think the developers would come for a long time. I camped again quietly, trying not to be seen and so I would be left alone. I don't have any water there so I have to buy water. Now the government has said that next week they are going to make me leave there.

As part of my culture I have dogs. They help to look after me and I look after them. My dogs give me warning when strangers are coming and are important for hunting bush foods that keep me healthy. If Territory Housing does not cater for my special needs I am completely without a place to live. I cannot keep hiding and moving from place to place. I do not think it would cost much to build a place for me to live which would accommodate my special needs as an Aboriginal person.

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<sup>12</sup> This is an abbreviated and edited copy of the complaint.

Following Johnny's complaint to the NT Anti-Discrimination Commission, in 2002 a formal complaint of race discrimination was made to the Human Rights and Equal Opportunity Commission (HEROC) on the grounds that the Darwin City Council By-laws disproportionately abused the human rights of indigenous people. The complaint stated: 'public housing models in Darwin do not accommodate the special needs of indigenous people to live in the ways of their culture.'

For example:

- Live outside
- Make fires and cook bush tucker
- Welcome extended family and have family stay for shorter and longer periods as required.<sup>13</sup>

On 12<sup>th</sup> March, 2003, after extensive investigation and attempts to conciliate, HREOC terminated the complaint under s 46P(1)(i) of the *Human Rights and Equal Opportunity Act 1986* so that the case could proceed to the Federal Court. Unfortunately, a lack of funds meant that the complaint in the Federal Court was discontinued by order on 6<sup>th</sup> May 2003.

In March 2003 Johnny told the newspaper *Longgrass*, 'For some people government they love him, but not me. Government is a black man or a white man? But he's a hard man. Paper come, "Hey you, Johnny Balaiya, we'll talk to you now, we want you." I'm not frightened to go to court, I done that before. I'll still keep on talking anyway. I can't stop talking.'

In July 2004, Stella and Therese Ritchie were asked by the extended family of Johnny Balaiya living at 'Balaiya Camp Yarrowonga' if they would document their family and home. Therese took a group photograph of 12 residents and visitors that later became a digital print on paper, exhibited at the Karen Brown Gallery in Darwin from October to November, 2004. A week after their visit, Therese received an excited telephone call from Stella, saying:

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<sup>13</sup> E.g. DCC **By-law 103 camping or sleeping in a public place** 1. a person who a) camps; b) parks a motor vehicle or erects a tent or other shelter or places equipment for the purpose of camping or sleeping ; or c) being an adult, sleeps at any time between sunset and sunrise, in a public place otherwise than – d) a caravan park or camping area within the meaning of Caravan Parks Act or e) in accordance with a permit, **commits and offence**.

Hey I went to visit Yarrowonga camp this morning. Everybody has been cleared out. I got the biggest shock this morning. I was there last with you when they told me the Crown Lands mob had put up a ‘No Trespassing’ notice further up the track and were worried about what might happen. Two camps are gone. Swept clean. [The council] must have got a clean-up team and dug holes. Mattresses and bed frames chucked into a hole and burnt. Bush poles knocked out of the ground and pushed to one side. The ground has been raked. Now there are Trespass Notices at the head of each camp (quoted in Ritchie [2004:39]).

Meanwhile, Johnny’s health had deteriorated so much he had to be moved to the Juninga Nursing Home<sup>14</sup>, where he lived until he died peacefully on February 24<sup>th</sup> 2008. After years of fighting the authorities for his right to live in Darwin as an Aboriginal man, he was proud to know that Therese Ritchie’s thoughtful portrait of him on Casuarina Beach had found a home in the foyer of the Darwin Supreme Court.<sup>15</sup>

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<sup>14</sup>Until 2008 Juninga displayed a painting of JB from the ‘Portrait of a Senior Territorian Art Award, 2004’ by Huni Bolliger . See

<http://www.dcm.nt.gov.au/seniors/portrait/docs/2004SeniorPortraitCat.pdf>

<sup>15</sup> According to *Artlink* 25(2), p.30, ‘[For] Johnny Balaiya, Casuarina Beach, Darwin (2004), [Ritchie] has followed explicit instructions photographing her friends exactly as they have requested, standing before the shoreline that encompasses part of their traditional country.’



Above: Inside cover of CD *Freedom to Sleep. Longgrass Live!!*



The above photo appeared in the *Northern Territory News* on Saturday March 1<sup>st</sup>, 2008, page 11, with an article by Ben Langford. The caption reads: 'The passing of long grass legend, Johnny Balaiya, is mourned by (L-R) his niece Rose Pascoe and daughters Jill Cooper and Helen Mardarlidj at Knuckeys Lagoon camp. They are holding a photo of a painting of him done by Therese Ritchie. Photo by. Justin Sanson

Koori Mail 8-8-2001 page 2

# Johnny highlights plight of Darwin's 'long grass'



Johnny Balaiya is a 70-year-old man who has lived in the Palmerston area for the past 15 years and in the Darwin area since 1945.

This was after walking from his homeland, Yilan, near the mouth of the Blyth River in Arnhem Land when he was about 15 years old.

Johnny was recently in the local Darwin press just before he was forced to move from his camp, and was described as an 'itinerant'.

The reason why people are now being labelled 'itinerant' is because they are forced to move daily/weekly by council by-law fines for sleeping, littering and lighting a fire.

In Johnny's case, the bushland he was camping on was leased to a local business interest for subdivision into lots for commercial development.

A bulldozer started work on the top of the hill.

One afternoon as Johnny was walking back from the shops, he saw his bushland was on fire.

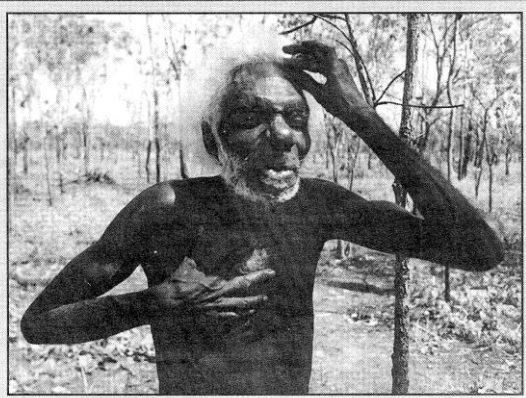
Johnny spent all night with a metal rake defending his camp from the bushfire.

Nobody came to talk to Johnny about what was going to happen.

Johnny and his family group watched and waited as the bulldozer cleared the trees around their camp.

Family and friends helped to move the caravan, water tank, two old vans used for sleeping, cooking gear and mattresses.

This is the second time in six months Johnny and his family group have been forced to move further



**"I am an old man. I am tired of being moved by Balanda (non-indigenous people) from place to place like the kangaroo, hiding in the bushes, being hunted from place to place. I am tired of being told by Balanda that they will give me a house or a place where me and my family can stay, when nothing happens. Can somebody help me**

**please? I need a place to live with my close family here. I need a place to be secure and which is right for me to live as a black man. I need a place that lets me live in the way of my culture. I need a place where I can sit quietly. I want to stay in this place until I die."**

**— JOHNNY BALAIYA**  
● Picture: BILL DAY

away from water, shops and the medical clinic.

Johnny's main worry is that he will now be too far from the shops to buy food.

He is also worried about access to water, because one water carrier who has been filling Johnny's water tank

previously said the road to the new camp was too narrow for his truck.

The dust in the new camp is also a big problem and will cause health problems throughout the dry season.

**(Reproduced courtesy of Darwin-based Kujuk newsletter – kujuk@hotmail.com)**

**Above: An article from *The Koori Mail* 8<sup>th</sup> August, 2001, page 2.**

# Don't cage me in, says itinerant, 70

**By CAMDEN SMITH**  
 Bush camp dweller Johnny Balaya is preparing to move again, six months after relocating his bush camp to make way for development.

Mr. Balaya, 70, a Darwin resident since about 1945, is preparing to move again to a new bush camp in Industrial Palmerston to Yarrawonga. The relocation will coincide with the Territory Government's introduction of legislation to strengthen police powers to deal with itinerants and anti-social behaviour.

## Humbug

The Public Order and Anti-Social Conduct Bill aimed at increasing police powers to enable them to deal with anti-social behaviour has been passed into the Assembly this week.

He decided years ago that he did not want to live in Darwin's suburbs, opting instead to live in the bush around Palmerston.

He said: "I do not want to live in a unit like Kurringal. I do not want a unit because I do not want to be a unit and I do not live like that."

"If I live in a unit I know that I will be moved out within a month. There will be people coming from all over town, who are drunk and who will not go away."



On the move ... Johnny Balaya is preparing to move from Pipeline Camp in Industrial Palmerston to a new location

*NT NEWS Tuesday June 5, 2001 p. 4*

Above: Article from *The NT News* referring to Johnny as an 'itinerant.' Tuesday June 5<sup>th</sup>, 2001, page 4.





**LEGEND:** The passing of Johnny Balaiya is being mourned by his niece Rose Pascoe (left) and daughters Jill Cooper and Helen Mardarlidj at Knuckeys Lagoon camp. They are holding a photo of a painting of Johnny done by Therese Ritchie. Picture: JUSTIN SANSON

# ‘Long-grass legend’ was a king of a man

## **OBITUARY** **By BEN LANGFORD**

A TERRITORY “long-grass legend” has been remembered as a strong family man and a tireless fighter for his rights.

Johnny Balaiya walked 500km in to Darwin from Maningrida as a young man and began a life-long struggle for the rights of people who sleep rough in the city.

After a life of camping out Mr Balaiya died last weekend, aged in his late 70s.

His daughter Helen Mardarlidj said: “He was a king.”

She said her father was a committed family man who took care of his relatives and did not touch a drop of alcohol.

He was also instrumental in establishing the township of Maningrida in his homeland, and pushing for the right to camp out around Darwin without being moved on by police.

Stella Smith, who made documentaries featuring Mr Balaiya’s

struggle for camping rights, said he was a “legend”.

“He symbolised the idea of Aboriginal people living in the long grass — it was his ideal lifestyle,” she said.

“He said, ‘I’m a black man — this is how I live’.

Mr Balaiya is featured in a portrait by famed Territory artist Therese Ritchie which hangs in the NT Supreme Court.

His funeral will be held at Maningrida.

Above: *NT News*, 1<sup>st</sup> March, 2008, page 11.

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