



Stolen Generation

Why can't we get our land back

STOLEN GENERATION

Why can't we get our stolen lands back ?

Good Morning. I would like to thank the Gumbaynggirr people for allowing to me to speak on there country today.

Hello everyone my name is Dawn Brown and I am a member of the Stolen Generation. I have no degree from university. I am here today to talk about the issues I have confronted since I have become involved in the Native Title process. Other 'Stolen Generation' members might have had similar issues as me. The first confrontation I had was to go back to my family's country and be accepted by family who were there.

I do not think it was the acceptance I was looking for from them but the knowledge of my family history. All of my mother's generation had passed away and I was completely reliant on the knowledge my older sisters and first cousins had of my mother and our family. I was shocked to found out my generation was not the only Stolen Generation my grandmother and mother were "taken away" also.

My grandmother was "taken" in 1937 and put into Parkside Mental Home until she died in 1967. My mother was more fortunate as she was able come and go from the Finniss Springs Mission and Colebrook Home. Our grandfathers who had led our family died in the 1960's and 70's.

My mother was a fully initiated woman and my family were the last of the naked people for the area and to find out more about what she was,(as a tribal person), I had to go another 250 kilometres in the APY Lands to learn about the law my family practised. I had to ask the tribal people of the APY Lands who my family were. I was apprehensive about the move further north as the stories I had heard about tribal people were not good. I was told I would be sung to an old man, sung to go blind, spirits would follow me, I would be shot by The Watis (initiated men) and the list goes on about how I was going to die or become mad. It seemed more of a dare from my family of Coober Pedy for me to go to the APY Lands.

I accepted the dare.

Fortunately I had an older cousin/brother who was living with his wife's family in the APY Lands. It was his in-laws who taught me the ways of the tribal people. I found the tribal way of thinking a bit strange at first but was eager to go on and learn as much as I could whilst I was still young enough because the tribal way of life is very demanding on the mind and body. Not many people who were raised outside of the APY continuously practise the law. In saying that, I have been to a lot of places following the Aboriginal law and learnt a lot of things from many different tribal people from many different tribes. In the Western Desert areas. Native Title came to Coober Pedy in the early 1990's but at the time I had little to no knowledge of anything they were asking about Coober Pedy and let my cousin/brother 'handle things'. It was not until 2004 at the Spear's Creek at Port Augusta, I became more interested.

I came to the Spear Creek meeting with the Elders of the APY Lands, not knowing what the meeting was for. I was told by some of the Elders of the APY to come because they were putting their names down for land claims and I could too. When I got there it became all you tribal people have to decide for these people where their boundaries lie. The elders did not really get to debate the boundaries between themselves. They were being pulled this way and that by their “families” with their lawyers and anthropologists. Everyone was bidding for land and how much they could get. The State had organised this meeting I was told. Most of these Elders did not get on any of land claims in South Australia’s Far North, only a chosen few.

I have been taught and still being taught by the Elders everywhere within the Western Desert Block about land ownership and the boundaries of the tribes. If no-one can prove they were there when white man came then it becomes Traditional Elders’ land. But if you can prove your family was in country when white man came it is your families land. If no-one in your family has followed the traditional law the land is care-taken by the Traditional Elders. It is up to your family to go to the Traditional Law to get back the rights of full land ownership. I am talking of a lot of years practising the Traditional ways/Laws until the Elders decide you can call yourself owner of your land. You cannot go for a couple of years to traditional law and claim to be an elder of your land. You are put line as a up and comer. It is a long process to become a recognised elder for your land and Law.

In my opinion the government seems to allow Aboriginal people in South Australia to self-appoint themselves as elders. It seems elders the APY lands and Maralinga Tjarutja at Spear Creek were used to pass over sacred knowledge and the claimants did not need them after that. The government were shown the elders of South Australia's Aboriginal Law Tribes at the Spear Creek meeting but never called for further meetings with them since 2004.

From the time the De Rose Hill claim got their Consent Determination all these aboriginal groups needed to do was to apply for the Western Desert Criteria and cite the Nguraritja Rule and the land was theirs. The Nguraritja Rule seems to be the Aboriginal version of the White Man's Terra Nullius. Can Aboriginal people claim Terra Nullius? Each Native Title case in South Australia needed to be judged on its own merits.

An important quote was told by these elders at Spear Creek. The elders said "we all share the one law but there are different cultures within the law. Some cultures practice the law and others don't. The government missed the last part of the quote. In my opinion the government seems to allow Aboriginal people in South Australia to self-appoint themselves as elders. It seems elders the APY lands and Maralinga Tjarutja at Spear Creek were used to pass over sacred knowledge and the claimants did not need them after that. The government were shown the elders of South Australia's Aboriginal Law Tribes at the Spear Creek meeting but never called for further meetings with them since 2004.

An important quote was told by these elders at Spear Creek. The elders said “we all share the one law but there are different cultures within the law. Some cultures practice the law and others don’t. The government missed the last part of the quote. My family believe and have always believed we are the living descendants of an animal that passes through the land we are claiming. After 30 years of Native Title in Coober Pedy no other family has proven to be living descendants of any animal, plant or object for the Coober Pedy area.

When I found out my family were the sole owner of the claimed area and surroundings I decided I wanted to go the Federal Court to get my families sacred land back, as I was recognised as the owner of the claimed area by the elders of the Western Desert Block.

I wanted to be recognised by the wider society of Australia as well. After all, I had worked very hard to get to be recognised by the Elders. It has been just as hard to be recognised by the wider community and especially the court. I don’t look old enough to be a senior person, I don’t speak my native tongue as fluently as I’d like etc.. I was confident when I first went to court but soon found out I was out of my league. I got a Judge who was supposed to be well versed in Native Title land ownership. As the court case unfolds I find the Judge as naive as most everyday Australians about Aboriginal land ownership. The Judge was more interested in the faults of my application instead what I was saying.

It is clearly written in the De Rose Hill’s Fuller Appeal in the High Court of Australia. Justice Gummow asks where were the prior occupants and what do they say. My family were clearly the prior occupants to the land we were claiming, but our voices were not being heard. I claimed the Claim Group we were part of were not adhering to the Laws and Customs of the Western Desert Block.

The Berndt's version and most anthros of the time considered aboriginal land ownership to be from father to son to son etc.. The Judge in my case trumped me with the Nguraritja Rule. Clearly The Nguraritja Rule should never have been used against owners of the land. A family who could prove they were there on the land from when white man first came.

If there are owners to a particular piece of land no-one even if you have done all the Aboriginal Laws for that particular piece of land can you ever be the owner of that particular piece of land.

You can enjoy and occupy the land only as a caretaker of the land. You can be a caretaker until a member of the owners of the land does enough law for the elders to give back the full ownership rights to the land. I have been a member of the Aboriginal traditional law for the elders to consider me the full owner of my land.

During my case, I was told by the Judge and State lawyers I needed to provide a society. The Brown Family Group was three Brown families and some of the senior law people of the APY lands who I believe had the strongest connection to my family's land. The State proved the three families were not related by blood. Hence a society. The Judge missed this as well. My application to the Federal Court was not written out correctly in what the court was expecting but what I was saying was correct.

The Judge told me it was a family argument and why was I going against the AMY claim group as other members of our group wanted to stay with AMY. I have since found the members of our group were duped by the AMY lawyer and are now protesting.

I was appointed a pro bono lawyer during the case. My pro bono lawyer said to the judge my case was forlorn. I did not put in another CD application because the pro bono lawyer told me I would lose my land because it would not attract the expedient nature the courts were looking for. My lawyer advised me to wait until AMY got their Consent Determination and then go back to court. On hindsight the pro bono was only there to sabotage my application. There was communication only on the court appearance and he did not want to meet our claim group.

It has been six years since my application was filed and struck out. Antakirinja Matu-Yunkunytjatjara has received their consent determination. Aboriginal families with limited connection to my family's sacred land are talking for my family's sacred land, doing land clearances.

All claimant members are now recognised traditional owners from sovereignty even if their connection starts in the claimed area from the 1900's. I have asked the everyday wider Australian on the street if they would give land rights (Native Title) to Aboriginal people who have lived on the country their family I claiming for 60 years and less they would say no way. So I am saying no way and I want to go back to court.

The Stolen Generations of the Aboriginal Community who go back to the land where they came from should be given every opportunity to claim their right to country back. If the Australian Government is sincere in their apology to the Stolen Generation members they need to realise getting them back onto their sacred lands helps in their healing process. Instead the Stolen Generation are treated like strangers on their own land begging for a piece of what is rightfully theirs.

I have been verbally, physically and mentally abused by people who cannot prove connection to the society that was on my family's sacred land from when white colonists first came to my family's sacred land. It seems the Stolen Generation are the ones who get the blame for rocking the boat as Native Title Lawyers and Anthropologists want the expedient process of a Consent Determination. The Lawyers then seek Orders from the court where there is No Trustee and 57s of the NTA is utilised. It seems Aboriginal families have been their own worst enemy by giving Governments ammunition to say you are not the traditional owner of the land you are claiming. If you cannot prove your forefathers were here when white man came to the area your family is claiming, why bring down the original owners claim to their sacred lands.

As a stolen generation I have had to face my fears to find out who I was and where I came from. I was comfortable in my life until Native Title made me want to know where my roots came from. I cannot understand why governments don't make all Aboriginals go back to where there are originally from. After all us Stolen Generation has had to.

As I have said before. It should not matter if you have a law, culture or society. If you can prove your connections to your sacred land from when white colonists first came to the area you are claiming, then government should give all rights to you. Stolen Generation or not. I know Governments cannot change what they have done to the People of the Stolen Generations but they can give them back their sacred land for a start in their healing process.

Thank you everyone for coming to listen to my story.

Would anyone like to say something?

Changing aboriginal history is not what stolen generation want. When stolen generation find out their history they expect the ntrb's to have an accurate assessment of the claim group and claim area. How can they possibly go forward if they are confronted with lies historical people want to make up. Stolen generation are being deprived of their history. In South Australia there are groups claiming land but the name of the tribe does not fit with the land. I have queried far and wide throughout the Western desert law how tribal names have come to be. It seems the groups are changing aboriginal history again.

