

## *Two Laws – One Land Reflections of a Larrakia Woman<sup>1</sup>*

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The aim of this paper is to provide analysis of the common law “measure of land rights justice”<sup>2</sup> provided for Aboriginal Australians. The recognition of the rights of Aboriginal peoples to own land and live in accordance with their own laws arises as pivotal issues in this discussion. The struggles of Aboriginal peoples to achieve land rights justice demonstrate the institutionalized biases of Australian government and Australian law. Attempts to discuss models for recognizing the co-existence and parallel jurisdictions of the Crown and Aboriginal systems of law are so controversial that they work against Aboriginal people. Aboriginal leaders such as Noel Pearson and legal reformers suggest that the claims of Aboriginal peoples against the State cannot be confrontational if they are to succeed.

The need to bring black and white law together is identified as crucial to the process of reconciliation between Aboriginal and non-Aboriginal Australians. However, in reality, no one is quite sure what the implications are or how to go about it. The Australian justice system has a two-handed approach to resolving Aboriginal land claims. On the one hand, laws are provided for Aboriginal land claims. On the other hand, the laws are prescribed in such a way that they limit Aboriginal peoples’ right to assert their claims of Aboriginal law, sovereignty, and prior ownership – the debate is ongoing.

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<sup>1</sup> This paper is a revised version of a chapter of a Master of Philosophy thesis entitled: “Law and Aboriginal Land Claims in Australia: Justice in Black and White”.

<sup>2</sup> H McRae and G Nettheim, *Indigenous Legal Issues: commentaries and materials* (ed, 1997), 163.

I choose to exit this paper outside the academic narrative by telling of the journey that brought me to writing this paper. Engagement in this process arises from who I am as a Larrakia woman and is contextualised through my involvement in the Kenbi land claim and my relationship to country and family. I write in a narrative that is guided by what I perceive as my father's expectations of me and my interpretation of his standpoint. My father's instructions to me were to show respect for our cultural heritage, our country, our family and our people; to declare what is rightfully ours through connection. My narrative, therefore, is not only a study of the land claim courts but also, more significantly, my telling of my journey to my father in a dialogue that we both understand.

### Standpoint Narrative

I am unapologetic for the way in which I write this narrative. I write in words that are my own. I am Larrakia woman. I draw from my life experiences, my oral teachings and from my involvement in our land claim. When I give evidence in the land claim courts I speak in a way that is learned and understood as a narrative unique in my Larrakia ancestry – oral storytelling. The courts have recognised that Aboriginal evidence is *sui generis* and to a certain extent, have come to terms with the oral stories that affirm Aboriginality and Aboriginal title to land. I have identified throughout this paper that Aboriginal peoples' use of this narrative is a cultural tradition handed down from the Dreaming for future generations. Marjorie Bil Bil, a Marri Ammu woman, "emphasises the importance of storytelling" for "the maintenance of culture and language" and says that "storytelling was and is an important part of keeping culture alive and passing on cultural and educational messages. In her collection of stories in *It Just Lies There From The Beginning*, Marjorie Bil Bil tells of her knowledge and experience in the Kenbi Land Claim in "The Land it Belongs to Traditional Larrakiya People":

The Land it belongs to traditional Larrakiya people.  
 Anyway we had this big day with the elders and others  
 Who are living at Belyuen, showing the sites and hunting places.  
 We went to the islands  
 And the elders told their story of the lands  
 And the Dreaming where they were...  
 The people at Belyuen were talking to the judge  
 About the land...  
 Even I spoke to the judge

He asked me about the story that I heard from the older people  
About the land.  
What I heard from the older people was important  
For that land was the site of the Dreaming  
And the younger people are still learning.  
The older people say the Dreaming and the sites are very important to us  
all.  
The site and the Dreaming should be protected very well.  
The elders say the Dreaming are dangerous,  
Some things might happen to us all.  
That's why it is very important.<sup>3</sup>

In analysis of oral evidence of Aboriginal claimants in *Delgamuuk v British Columbia*,<sup>4</sup> Lamer CJ considered the (jurisdiction) *Report of the Royal Commission on Aboriginal Peoples vol 1 Looking Forward, Looking Back* (1996) at 33, which stated that:

Oral accounts of the past include a good deal of subjective experience. They are not simply a detached recounting of factual events, but, rather are "facts enmeshed in the stories of a lifetime". They are also likely to be rooted in particular locations, making reference to particular timeframes and communities. This contributes to a sense that there are many histories, each characteristic in part by how a people see themselves, how they define their identity in relation to their environment, and how they express their uniqueness as a people.<sup>5</sup>

As I digest the aforementioned analysis, I ponder the relevance to my sister friend's words:

Have you got any woman's business, am I to proceed the inevitable without a doubt that binds myself to a majestic guide, a trip to the inner side, we as human dare to enter – for the purity is of stealth without...<sup>6</sup>

I choose the comfort of the 'inner' words and those who understand it and are part of it rather than to ascribe to the sterile environment of the Law Reporter's narrative. Irene Watson identifies the struggles of writing in narratives outside the colonisers' and argues that in writing as a Nunga Mimini, engagement of the process is 'translation, rather than one of co-option into the academic narrative'. Watson asserts:

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<sup>3</sup> Marjorie Bil Bil, *It Just Lies There From The Beginning* (1995), 8-9.

<sup>4</sup> *Delgamuuk v Queen in right of British Columbia* (1997) 153 DLR (4th) 193 (SC).

<sup>5</sup> *Marjorie May Strickland & Ors v Minister for Lands & Anor* [1998] *Australian Indigenous Law Reporter* 41, 41.

<sup>6</sup> Michelle House, "Nunnawal Woman" (6 June 2000).

I will write in a voice that is my own. A voice which may be construed by others as being a bit preachy, a bit angry, a bit sad, a bit desperate, entirely soulfully spiritual, dogmatically creationist. It is all this and more as I work towards a more "perfect" place, a place that for me is a long way off, that is the place where my grandmother sit.<sup>7</sup>

I feel a certain connection with Irene Watson and interpret the use of 'Nunga Mimini' narrative as a 'powerful message' of not only the survival of the Nunga people, but also of triumph of Aboriginal Law over the Australian law. I too struggle with the academic narrative to enable my voice to be heard. I am not sure how to translate my standpoint into academic writing without compromising the profound messages of the lived experience.

I decide to take my direction from 'signs' – in the way that I am taught. The 'signs' are manifestations of messages given to me from my ancestors, my grandmothers, my father and my people. Signs can be as subtle as a feather or as powerful as the sight of an eagle in flight. Look for the signs, I am told – they are everywhere – in the sky, the water, the land and the air. The birds will talk to you so listen to their messages. Be kind to the trees, the plants and the creatures of the earth and the fish in the water – for they are you – they will show you the way. Take only from the land what you need to sustain yourself.

Stand tall like the lotus, listen to the sounds of silence and to your dreams – these are some of the signs – the messages that will guide your path. Tread softly wherever you go and you will see the old people – they are always there watching you, protecting you and guiding you. Keep the law of the land in your heart and your mind. Respect the law, yourself, your country, your grandmothers, your grandfathers, your mothers and your fathers, your brothers and your sisters and mostly your children – for they are the future. Remember to call on the ancestors when you are in need – they are always there – just waiting for you – protecting you and guiding you. To do this you must be truly, genuinely focused in your mind and in your spirit. Call on them in this way and that will allow them in.

In writing my reflections from my standpoint, I have attempted to dissipate negativity surrounding Aboriginal land claims and the Aboriginal people who are involved in them. To understand Aboriginal standpoint is to understand the issues raised by the vast range of Aboriginal voices speaking at the global level from the position of the dispossessed, colonised. As the Reverend Djinyini Gondarra of the Yolngu states:

There has been two hundred years of contact in this country... [now] is a time to listen to Aboriginal people. It is a time to appreciate our spirituality, to hear

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<sup>7</sup> Irene Watson, "Power of the Muldarbi, Road To Its Demise" (1998) 8 *Australian Feminist Law Journal* 28.

our cries and see our oppression, and to share in it. It is time to respect and honour our spirituality, completely and without reservation – just as we are willing to respect your roots.<sup>8</sup>

As a narrative discourse, Aboriginal standpoint speaks of issues that affect the everyday lives of Aboriginal peoples – identity, dispossession, subjugation, human rights, land rights, stolen generation, reconciliation, native title. These issues and many more speak of the cultural, legal and political bias that perpetuates Aboriginal inequality in Australia. Aboriginal standpoint speaks of the realities of Aboriginal peoples living under white law and white justice. My standpoint is related to my cultural heritage and speaks of the journey that brings me to the land claim courts.

### Kenbi

From my standpoint as a Larrakia woman my narrative is located where I am seated – on the ground, on my country – the land claim court, “speaking” for Larrakia land in the *Kenbi (Cox Peninsula) Aboriginal Land Claim No 37*<sup>9</sup> As I wait my turn to speak I reflect on why I am here. A wave of calm sweeps over my body in the moments leading up to my interrogation:

I find myself physically, centrally located within Kenbi in what I am told is the most significant Aboriginal land claim in the history of Australia.

I am seated in court and I am about to give evidence on behalf of my people, the Larrakia.

I contemplate my surroundings and ponder how I came to be at this place at this particular time.

I glance around where I am seated – I see trees, the water, and the green ants. I hear the birds talking and feel the warmth of the earth beneath me. I feel at one in the country of my people.

I sense the presence of my grandmothers – surrounding me, protecting me. I feel overwhelmed by the elderly lady who inhabits my body and my spirit, transforming me into herself – Duwun.

I know my grandmothers’ law will guide me – for my grandmothers have told me so.

I look across at the judge, seated, wearing his Akubra hat to protect him from the heat of the sun. Surrounding his Honour is the transcriber, lawyers, anthropologists, linguists, historians, land council staff, other claimant groups, and individuals including my family, my people.

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<sup>8</sup> Reverend Djiniyini Gondarra, title (1998), 6-7.

<sup>9</sup> *The Kenbi (Cox Peninsula) Land Claim No 37* [2001] Northern Territory Aboriginal Land Rights Commission No 37 (Unreported).

I do not feel intimidated by the court and its people because it is *they* who are not Larrakia who are intruders on my land – here at my grandmother’s place, Belyuen.

I know that when I speak, I speak with the authority of being Larrakia.

I speak for Larrakia country, for my ancestors, my father, my sisters and our children and my people.

All I know is that my father has given me instructions to “speak” for my country, my land – and “fight” for what rightfully “belongs” to me by my birthright.

I hear my father’s words. This gives me the courage and dignity to speak with authority for my country. My father’s voice is etched in my spirit, my mind and my heart:

Daughter, you are Larrakia and you must claim your land. It is the land from your grandmother’s side and her mother and her mother. It is Kenbi (Cox Peninsula). I am a senior man. I am the eldest and I must be respected for that. Other Larrakia people must respect me. Your grandmother, my mother, was the eldest of all the Cubillo and we went to those places over there at Kenbi. I know that place and I will tell you what about it. You listen to me – you only listen to me. My place is Two Fella Creek. Your grandmother’s place is Delissaville – that is your place too. Your great-grandmother’s place is Quail Island, and that is your place too. Other people will say things but I know about things – they will not tell you these things – you only listen to me. I know those old people – , you see them and they will know who you are – that you are my daughter – that you are Larrakia.

I think of my father and what is expected of me – he demands respect – he is a man of dignity and discipline – in truth, he scares the shit out of me.

I think of other things my father has told me to remember and never forget:

My name is Doola Doola, this means son of Doola – I am the son of Doola. My Father was T.I. I was born on T. I. I am T. I. too. My father was buried there. You must also go there and get your land from your grandfather’s side. There are people there you must see who know me – they will look after you.

The burden I bear is being my father’s witness – translating to the courts our “evidence” of our cultural identity, our connection to our land, our knowledge of our sacred sites, places and traditions.

I feel the presence of my father wherever I walk here on our country – he is here with me, watching over me, protecting me and guiding me.

I am, however, obedient to my father’s words and respectful of my grandmothers, my grandfathers, our people and the laws that bind us.

It is not the court that intimidates me – it is the wrath of our law that keeps me focused on speaking of matters that only my father instructs and that our

law permits.

My mind returns to the court and I face my interrogation with the confidence of who I am as a Larrakia woman, born into the country of my grandmothers.

I feel compelled to perform, but I am not sure what that means – so I tell it like it is.

### **Giving “Evidence”**

Giving evidence in the courts is a formidable task for Aboriginal peoples. In my case my father permitted me to speak for him and constantly reminded me of his position of authority and my responsibility to respect his wishes. My father chose not to attend the hearings. I had no reservations about representing my father in Kenbi. I also had the support of my family to speak. The following represents my response to the court’s questions:

I speak of “genealogy” to “prove” my ancestry.

I speak about being Larrakia – to “prove” my identity.

I speak of my grandmother, my great-grandmother and my great-great-grandmother – to “prove” my spiritual connection to my country, my ancestors and my people.

I present a photograph, with permission from the judge – it is of my grandmother – I show it to “prove” that she is the “first child of my great-grandmother” and “the eldest of all the Cubillo children”.

The judge acknowledges the importance of my grandmother’s photograph and appears to be satisfied with what I say about it – this “proves” to me that the judge is respectful of Aboriginal people.

I speak for my father – to “prove” that he is the eldest son of all the Cubillo grandchildren.

I speak of Larrakia culture, rights and responsibilities – to “prove” my knowledge.

I speak of giving evidence at other hearings – to “prove” that I have attended consistently over the years and will continue to do so.

I cannot speak of women’s evidence – Women’s Law cannot be divulged – I can only acknowledge that I was present.

I speak of “custodian”, “responsibility”, and “traditional owner” according to Larrakia way – to “prove” that Kenbi is the traditional land of Larrakia people.

I speak of my relationship with other claimant groups – to “prove” where I stand within the collective of groups on Larrakia country.

I speak of our Dreaming stories, our creation sites and our land boundaries and where they are located – to “prove” that I have knowledge and to “prove” that I am still learning about my culture and will continue to do so.

I speak of the denial of human rights, of being institutionalised as a baby and as children, of growing up without knowing our culture or where we come from – to “prove” why my sisters and I did not grow up on our country and why we did not learn about our culture earlier in life.

I speak about spirituality – to “prove” that being Larrakia is inside of me in my spirit, my body, my heart and my mind. I did not choose to be Larrakia – my ancestors chose me. I follow their guidance – I have no choice – it is my destiny and that of my children. This is our law.

I speak of my journey back to my father and my people – to “prove” that I am Larrakia and why I am here.

### After the “Evidence”

The responsibility Aboriginal claimants have in giving evidence is an enormous burden to bear and remains forever after.

Giving “evidence” makes me realise that the land claim process is a demonstration to “prove” that Australian law subordinates our laws. It also “proves” that there are two laws in this country – Aboriginal Law and Australian law.

I find the court’s questions are an invasion of my spirit, my law, my culture, my body and my mind but I also understand that I have no control over the process.

I reluctantly accept that I have to sacrifice my privacy that is so precious to me for the sake of giving “evidence” – in the hope of “proving” to the judge that Kenbi is Larrakia country, belonging to the Larrakia people since time immemorial. All Aboriginal peoples must “prove” this to the Australian law of the land.

I cannot help but feel violated.

I return after each land claim hearing to my father to show that I respect him and to communicate what I have said and done for Kenbi.

My father approves of what I am doing and grins when I speak in the language of our people, of the names of his special places, his mother’s and grandmothers’ and our Dreamings.

I reflect once more on what I am involved in and it seems so surreal. I repeat in my mind and contemplate the scenario – *Aboriginal Law v Australian Law – Dreamings v Crusades*.

I observe the four-wheel drive troop carriers, the aircraft, and the boats that bring everyone together, to enable us to make our claims on our land. I watch as the intruders leave to go back to their homes and daily lives.

I wonder what the intruders think about us when they leave our country and



our land clam behind – do they really care about us as the “dispossessed” traditional owners, or are they just doing a job before the next one comes along.

We can never turn our back on our people or our country.

I think of the human and financial cost involved in Kenbi and I tell myself this is well worthwhile, providing we win our country back for our people – justice has no price.

## **My Standpoint**

To understand what has led me to writing this paper, it is important to understand the source of my journey through my standpoint:

My reflections are purely an expression of who I am – my view of me – where I am in the “big picture” of Aboriginality – my “standpoint”.

I write from my “standpoint” of being Larrakia woman, grand-daughter, daughter, mother, sister, and countryman.

I have no theoretical framework on which to base the authority of my “standpoint” other than to say this is my story of my life.

My background informs my “standpoint” and it is in this context I speak.

My “standpoint” is my journey in life.

It is understandable that Aboriginal peoples talk with some reservation about their journey in life.

Discussions about our journeys arise within the context of the daily life of Aboriginal peoples – family, work, health, home, involvement in Aboriginal affairs, Aboriginal land Rights and Native Title claims.

For some Aboriginal people, the journey is painful to talk about, but for others it is a way of dealing with suffering associated with the injustice of Australian law and its policies.

For others the journey is a time to reflect on the good times – ceremonies, singing, dancing, laughter and “togetherness” with kin and country.

For me it is a mixture of everything.

It is not easy to capture, either in speaking or in writing, my feelings of being Larrakia, the sense of belonging I feel for my country, my people, and the passion I feel about the responsibilities I am entrusted by my ancestors.

Aboriginal people will fully understand what I mean; others will have some level of appreciation.

## **My Being – Larrakia**

When I talk about being Larrakia I talk about my identity, my spirituality and my connection to country, my people and my culture. Being Larrakia

is the source of my journey:

For me being Larrakia is being born from our land, within our culture and under our law.

It does not matter that I was born outside my country.

I had no choice that I was born in Woomera.

I have always felt the strong connection to my country since birth.

I understand about the Dreaming.

I understand the power of Larrakia law.

I understand that the law must be abided by.

I understand that I cannot speak about some things.

I understand that to break the law is to be punished.

I understand to respect Larrakia customs and practices.

I understand that I have a responsibility to look after country.

I know and identify with the places and sites of Larrakia country.

I relate to my great-great-grandmother, my great-grandmother and my grandmother.

I associate myself with the Dreaming, the places and stories of my ancestors.

I pass on the knowledge to my children.

### **Removal – the Home, the Church**

I was born in the Bush. My earliest memories of the Home were of the uniformed officers, regimental treatment, denial of privileges, cold floors that made the back of my legs crack and bleed, tasteless food and the truck that picked us up for church on Sunday.

I remember the Home.

It was the Salvation Army Girls Home.

I went to the Home as a baby.

It was cold, wet and unfriendly and was different to where I came from.

Children from all over South Australia were there.

Some of the girls came from Aboriginal Missions.

The older girls worked as domestics in the laundry.

Some of the Aboriginal girls were dark-skinned and some, like me, white.

Jenny Wren was the name of one of the girls from Ernabella.  
We dug for yams and looked for pine nuts to eat.  
We ate the seeds from the ground and some of the plants.  
We tried to get the spirits to come out of the trees.  
We played games with string.  
The officers told us to stop doing those things.

I remember the discipline.  
We were not allowed to ask questions.  
We were not allowed to answer back.  
We were not allowed to talk too much.  
We had to stand in line for food.

We had to go to church three times on Sunday.  
If we were good, we were taken to the old school house and shown our belongings that we had when we first arrived.  
It made us sad to leave that room.

I remember the chores.  
We had to shovel coal for the furnace.  
We had to clean the grounds and pick up papers in the early cold mornings.  
We had to clean the bathrooms.  
We had to make our beds perfectly for inspection.  
The "big" girls had to do the laundry.  
The Pt McLeay girls who worked in the laundry looked after us sometimes.

I remember my room.  
My room was called "Baby Dorm" – it was the "Blue Room".  
I was all alone in "Baby Dorm".  
I did not like being in the big dormitory on my own, but I got used to it.  
I hated the nursery rhyme wall-frieze in my dormitory.  
The pictures on the wall frightened me –  
mice having their tails chopped off by an old woman,  
a little girl being frightened by a big spider,  
a cow jumping over the moon.

I remember the fear of night-time.  
I cried every night for my mother.  
I walked the halls at night looking for my mother – someone.  
I must have been about two or three years old.  
Lieutenant Fel heard me crying sometimes.  
She would pick me up in her arms and hold me until I stopped.  
When I stopped crying she would tell me it was wrong to cry.  
She told me she was not allowed to hold me.

I had the same nightmare every night –  
it was me trying to get back into my mother's womb.  
I used to wet the bed and was made to wear a hospital gown.  
Sometimes when I cried, Lynette would sneak out of "Green Room".  
She would come into my room and comfort me.  
I didn't realise she was my sister – she is a year older than I am.  
Lynette taught me things to avoid being punished.

Discovering my sisters was confusing to me.  
I did not realise at first that I had sisters in the Home.  
I did not know what or who they were – I found out in strange ways.  
My sisters and I were separated into different dormitories.  
We had different play areas and different chores.  
My eldest sister Christine told me things later in life.  
She said she watched me grow out of a baby's high chair.  
Christine told me she watched me playing alone by the big tree.  
She watched me across the yard.  
I'd see a girl watching me play.  
I didn't know who she was or why she looked at me that way – sad.  
It was Christine.  
I remember my sister Yvonne hurt her ankle while playing in the yard.  
She had to have it strapped.  
Yvonne loved to sit on the swing and sing 'Tammy'.  
  
I remember being sad and sick.

When I got sick I was taken to the room at the top of the stairs.

I hated that room – it was dark and small.

Matron gave me her doll to play with but it did not make me feel better.

I liked playing with the doll's house at the top of the stairs when I was alone.

I did not know the doll's house belonged to my sisters and me.

The doll's house stayed at the home when we left.

I remember school.

At first I was alone a lot while the other children were at school.

When I started school I tore my dress and was made to wear a sugar bag.

It was very itchy and I felt embarrassed to be seen.

The Home girls had to collect old hankies from the schoolyard.

We had to take them back to the Home for Matron to wash for us.

The best thing about school lunch was finding a Crown Mint in it.

I knew that mother had sent them – it reminded me of her.

I still love Crown Mints for that reason.

I remember the Home food.

The Home food was horrible.

Sometimes I hid it up my sleeve so I didn't have to eat it.

If I didn't eat the gristle I had to stand in a corner until late at night 'til I ate it.

We were given the same sandwiches to take to school every day.

We swapped them with other school children.

Occasionally, if people donated fruit or sweets, we were given a treat.

Matron would blow the whistle and we would come running.

I remember the holidays.

I hated being fostered out during the holidays.

My sisters and I went to separate foster places.

The foster parents were not always nice people.

Some of my sisters were hurt.

I was lucky to escape the hurt.

I remember birthdays.

Every birthday my mother would send along a big birthday cake.

All the Home children had a share.

We were not allowed to have any birthday presents, except for a hairclip.

My mother brought me a pair of beautiful white and red birthday shoes.

Matron would only let me look at them and hold them.

Then she put them in the communal Home shoebox –

I never saw my shoes again.

I remember the visits.

I only remember my mother visiting.

I sometimes wonder why the rest of the family didn't come to see us.

I loved to see my mother when she came to visit.

I cried once when it was my birthday and my mother couldn't visit.

Sometimes I saw "visions" of old people in my dormitory.

They surrounded me when I was alone.

They were a great source of comfort when I was sick.

They made me feel "special".

I remember the beautiful white bird that flew into Baby Room.

The bird seemed to play with me – it was "special" to me.

I remember a black man visiting us four girls in the Home.

He gave us each a red shoulder bag.

I couldn't understand why he just cried the entire time he was there.

I wondered why he kept hugging us so hard.

I stood back and watched as he wailed and held the other girls.

I felt sorry for him.

I didn't know he was my father.

I remember leaving the Home.

I felt no emotion – just confusion.

I was a baby when I was sent to the Home and I was almost seven when I left.

Years later I spoke briefly about my experience in the Home before presenting a paper on Indigenous Student Retention at a university forum. An Aboriginal woman who attended the forum later told me she was also a “Home girl” at the Salvation Army Girls Home. She was older than me and remembered my sisters and I as the “Odegaard girls”. We briefly shared our stories and she gave me some photographs of my sisters and me that were taken in the Home in the 1950s. It was evident to me that we both had issues of pain and suffering to deal with as a result of our experience.

### **Home – the search, the journey back to my country and my people**

For me, being Aboriginal is inside of me. It is not easy to explain. All I know is that it has been there for as long as I can remember. Speaking of his Aboriginality, my son tells me, “it is in my blood”. I have been told it can be seen in my eyes.

For most of my life I felt a sense of not belonging anywhere.

Eventually I lived in a beautiful home and had everything but I felt unattached – as if something was missing from my life.

I felt different from other people – as though I came from a different world.

I had to find my place – and where I came from.

I always felt that there was something “special” attached to where I came from – but I did not know what this meant.

I was certain of some things.

I always felt that the old people who were with me in the Home when I was a baby, guided my journey and led me back to my country, my people and my culture.

They are still with me.

I was certain that my father held the answer to how I felt.

I went looking for him.

I found my father and he told me everything I needed to know.

He told me I am Larrakia and that my country is in the north-Darwin area.

My immediate thought was – I knew it!

When I looked at my father I saw myself.

My identity was there all the time just waiting for permission to surface.

My father gave me all the answers I was searching for.  
 It didn't matter that my "home lands" were across the other side of Australia.  
 I knew I had to go there and find things out for myself.

My father instructed me what to do for myself and for him –  
 I learned about my culture and our land.  
 I remained obedient to my father, even after his passing.  
 My life has never been the same.  
 My identity confirmed and my future determined.

I took my children to Darwin and met the rest of my Larrakia family.  
 I got involved in Larrakia "business" and went to important places and sites.  
 I started learning about Larrakia law, Larrakia stories, language, dance and ceremonies.

My people expect me to get involved in our land claims and I do.  
 I have attended all the hearings since.  
 I have been involved in Kenbi mostly and native title.  
 I have given evidence on behalf of my family and countrymen.  
 I have been to the Aboriginal Land Commissioners Court.  
 I compiled my own transcript to explain to my father and my sisters.  
 We have just won our claim after twenty-three years.

### **Honouring my responsibilities – keeping culture alive for the future.**

I am from the Salt Water people.  
 I respect my country, the Law, my culture and my people.  
 I participate in Larrakia activities.  
 I work for quality of life for Indigenous peoples.  
 I teach my children and my grandchild Larrakia culture.  
 I continue to be involved in Larrakia "business".  
 I honour and respect my Aboriginal father and my European mother  
 for my cultural heritages and for giving me  
 my Aboriginal spirit and my Aboriginal voice.



## Conclusion

I conclude that the relationship Aboriginal people have to country is entirely attributed to their ancestral, spiritual association with country and the laws that bind them. Some Aboriginal peoples are forcibly or circumstantially removed or displaced from country and cultural roots, however, country and culture have a way of bringing them back home to where they belong. For many Aboriginal people it is difficult to define a sense of identity and place in non-Aboriginal forums. The fact that some Aboriginal peoples have variances in skin tone, different colour eyes and different levels of knowledge have compounded their claims. When Aboriginal peoples speak of the experiences of many Aboriginal families, they speak of peoples whose lives were severely affected by the policies of protection and segregation, of forced servility and welfare. Some speak of the pain... "But no one listened to them, [their anguished cries], no one heard them".<sup>10</sup> Others, like Val Power, recount:

My mother was fair skinned with blue eyes... My mother always found that terribly offensive because it didn't matter how fair she was, her mother and father were proud of Aboriginal descent and she was proud of it.<sup>11</sup>

Didwell reported that:

Aboriginality is about spirit, not about colour. Nowadays the whites say we are not Aborigines because we are not "full bloods". We are Aborigines when it suits them (whites) and when they feel threatened by our claims all this talk about fair skin and blue eyes surfaces as attempts [sic] to discredit us.<sup>12</sup>

Marcia Langton articulates the significance of this relationship:

Places are marked not through physical inscriptions but through kin and [D]reaming ties that inscribe self in place and place in self... places are inscribed through metaphysical relationships... Both a sense of place and rights to place are by ancestral connections passed down through Indigenous laws, not simply through humanly created signposts. In turn, the places of memory and experience are sensual proof of Aboriginal law.<sup>13</sup>

Proving to the courts that Aboriginal law exists is formidable for some Aboriginal peoples, given the cultural sensitivities associated with translating aspects of Aboriginal laws to the land claim courts and the cultural

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<sup>10</sup> D Pilkington, *Follow the Rabbit Proof Fence* (1996), 47.

<sup>11</sup> V Power, "Identity" in C Mattingly and K Hampton (ed), *Survival in Our Own Land* (1988), 50.

<sup>12</sup> S Didwell, "Aboriginality is about spirit, not just colour" *The Mercury* (Hobart, Tasmania), 17 May 1988, 9.

<sup>13</sup> Marcia Langton, title (2001), 263.

bias in legal reasoning that is premised upon European superiority and Aboriginal inferiority. However, Aboriginal law is un-extinguishable and as long as Aboriginal peoples exist, no act of State will prevent Aboriginal claims to traditional lands. Legal injustice occurs where the State makes the task of returning land to traditional ownership painstakingly slow and almost unattainable. Irene Watson provides the crucial message of this paper, which is to question the processes of Australian laws where Aboriginal lands, Aboriginal laws and Aboriginal heritages are at the injunction of non-Aboriginal interests. Watson concludes:

Aboriginal laws are based on the songs of creation, while the coloniser's law is legitimised by an act of state doctrine. When the two ways speak to each other what is this process we engage with? ... In this dynamic, where is the law and is there possibility of co-existence between the two ways? I think there is, but first there must be recognition of Aboriginal law and its continuing life in the community of Australia. Against the idea of Aboriginal people having a "right" to consent, I believe no one has the law to extinguish Aboriginal law; it is non-extinguishable...

So until then, don't thumb print or sign anything!<sup>14</sup>

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<sup>14</sup> Irene Watson, "Indigenous Perspectives on Law and Rights" (2000) 5 (1) *Indigenous Law Bulletin*, 4, 4.