

Chapter 13

Marrul (Changing Season)

Inala Cooper and Shannan Dodson

MILIYA RUMARRA (NOW, TODAY)

[13.10] Ngaji gurrjin (How are you all?). It is important for us to situate ourselves here and now, before we get started. We are sisters, born of the same father, but of different mothers. We are Yawuru women of the Kimberley, and we embrace our cultural identities in all their complexities. We have DNA from parts of Europe and Ireland just as much as we have it from our Yawuru father, grandmother, great grandfather and beyond. The blood of our black ancestors pulses with fire through our veins.

We bring you this chapter with our experiences as Aboriginal women rooted deeply in our country and community. Our experiences exist within and around our rights as Aboriginal people living in Australia. Our perspectives are our own, and they are not always the same between us. We do not claim to be experts, but we do subscribe to the words of our father, Mick Dodson, when he told us ‘we *are* experts on human rights due to their absence’. As you read on, you will begin to understand how this has been passed on to us through our grandparents’ experience. Two people we never met, but whose influence on our family is profoundly felt.

We are committed to truth telling, and herein we bring what we know to be true for us, and truths that have been told for us. There are truths that hurt and truths that lift; they all need air in order for us to be free.

MAJIL (YESTERDAY)

[13.20] It is paramount that we acknowledge our Elders at the top of this chapter, to highlight that their life experience was and is, in many ways, different to ours. There are obvious things we can point to, that we as Generation X and Generation Y sisters enjoy that our Elders did not at one time or another, such as being recognised as citizens, exercising our right to vote, not being openly refused service, freedom to have relationships with whomever we choose and having access to a mainstream Western education to tertiary level. We acknowledge that our Elders had to fight a fight different from our own. The themes may be the same, such as sovereignty, voice, treaty, truth telling, access, recognition and rights; but as time changes so too do attitudes and society. The question of whether Australia has achieved reconciliation is an interesting starting point. For us, reconciliation is not a

destination or an end-point but an ongoing process and something that each community and generation must decide upon; what are we willing to accept as our social justice?

Looking back to the history of Aboriginal resistance, our Elders were and are warriors, advocates and changemakers who we look up to and gain strength from. If we consider the Australia of our grandparents' era, we wonder what they would make of life now. Conversations at the time would not have centred around sovereignty, recognition, rights and treaties/agreement making the way they do now. The concerns at the forefront of their experiences were access to the basic human rights that mostly White Australians enjoyed. We think they would find it difficult to comprehend a world where inter-racial relationships and marriages are not illegal. Our grandmother Patricia Mary Djiagween was at risk of breaching the *Native Administration Act 1936* (WA) for her relationship with Abu Kassim bin Marah in the late 1930s and early 1940s. Abu Kassim was a Malaysian man who was at risk of deportation under the Act for his relationship with Patricia, and he was the father of our Aunties Fay and Georgina and our late Uncle Gerald who lived for just two hours. There were disputes with authority, and confusion by the young couple around how Abu Kassim's child maintenance payments would be accessed by Patricia, their wish to marry, and Patricia's unaddressed health issues. 'They had to beg for their rights (but) they were not the begging kind'.¹ Neither are we.

In May 1941, the inevitable occurred. Our Nanna Patricia and Aunty Fay were arrested under s 12 of the Act and sent to Beagle Bay Mission, where, six months later, our Aunty Georgina was born. In early 1943, Patricia requested permission to leave the Mission and return to Broome; the request was denied, and Patricia's relationship with authority was not in good shape. Inspector O'Neill of the Broome police wrote to the Native Affairs Department after our enraged grandmother punched² the priest on the Mission, Fr Francis, to the ground, describing her as 'one of the ringleaders ... a bad example and influence to the others. She deliberately flouts the rules and regulations of the Colony'. An unsurprising statement from someone enforcing racist legislation, and a familiar sentiment of power and control that continues in relationships between Australian Governments and Aboriginal and Torres Strait Islander peoples today. He recommended her removal to Moola Boola. Control of her movement and her associations was part and parcel of being Aboriginal.

Aunty Fay recalled her time at Beagle Bay to Kevin Keffe when he wrote *Paddy's Road – life stories of* (our Uncle) *Patrick Dodson*, first published in 2003. She recalls that after our grandmother punched Fr Francis, the three of

1 Kevin Keffe, *Paddy's Road* (Aboriginal Studies Press, 2003) 128.

2 F Wade as told to K Keffe and family. No official record of this alleged incident has been found.

them were put in the Beagle Bay lock-up.³ Sometime after this, Patricia and her two girls were transported to Derby and then to Broome to await the cartage truck to Moola Boola. On the way to Moola Boola, they stopped at Christmas Creek and it was here that our grandmother met our grandfather, John Murray 'Snowy' Dodson.

Snowy's story is a bit of a mystery. There are little to no records of where he was from or how he had made his way to Christmas Creek. He was good with his hands and found work easily but questions remain unanswered about his background. Had he been a stowaway who arrived via plane into Darwin?⁴ Some of our family members understand him to have been an Aboriginal man from Tasmania.⁵ Whatever the case, he was enamoured with our grandmother, and at Christmas Creek, Snowy took Patricia and the girls with him as he absconded with the cartage truck towards Lamboo Station. Two weeks later, Patricia and the girls were found and forwarded to Moola Boola. Their stay there was short, as Snowy went up there with his semi-trailer and lifted them again, and they managed to keep out of the hands of the authorities for the next two months.⁶ We can only imagine that being on the run may have sadly felt normal to them.

The family was found at Brooking Springs Station and the law at the time was clear; a White man⁷ and a black woman and her two kids couldn't be allowed to be together. Our grandfather then paid an enormous price for loving our grandmother, in the form of 18 months hard labour, a requirement of the Act, at Fremantle prison. The court did not punish our grandmother, only that she was sent back to Moola Boola with her girls, longing for her love.

We will pause here for a moment, to let this all sink in. This is not just part of our family history; this is part of Australian history and Aboriginal/Torres Strait Islander history. And it is recent history; clear in the minds of our Aunties and other Elders today. The effects of that trauma still seep through our family lines from time to time; sometimes as a dull constant, other times as a sharp surprise. The mistreatment and disregard for Aboriginal rights and humanity is as heart-breaking as it is shameful. The next part of the story resonates with us deeply, as neither of us had to ask permission to commit ourselves into relationships with our life partners. This is the privilege that we have been afforded due to the struggles our ancestors faced before us. As mature, independent women, why would we even consider seeking permission from anyone? Our parents certainly raised us to live our lives the way that suits us best and to make our own decisions. Sadly, this was not the reality for our grandfather, Snowy, who was forced to apply for permission to

3 F Wade as told to Kevin Keefe, *Paddy's Road* (Aboriginal Studies Press, 2003) 135.

4 As told to us by our Aunt Fay, Uncle Patrick and Father Mick.

5 As told to us by our Aunt Fay, Uncle Patrick and Father Mick.

6 See n 1, 139.

7 If Snowy was Aboriginal, he still may have been 'White passing' or assumed to be White by authorities because of the way he looked.

marry our grandmother, Patricia, in April 1945. The application was rejected by the Commissioner who ordered all letters between our grandparents be intercepted. Can you imagine? The level of control, supervision and coercion applied to Aboriginal families in Western Australia was draconian, racially motivated and applied with vigorous force, in ways that non-Aboriginal families have rarely experienced.⁸

The control over our family continued. Our great-grandmother Elizabeth Fagan – Granny Liz – had no option but to write to the Commissioner in November 1945 to ask his permission to allow Patricia and the girls to return to Broome; in her aging years, she longed to have her daughter and granddaughters around her. The request was denied, citing that Patricia had ‘been involved with Asiatics’ and that Patricia’s only option was to find domestic employment on a station in the Kimberleys.⁹ Further evidence that the Act, the enforcers of the Act and White control at the time were racist to the core.

Our grandparents were eventually reunited when Snowy got an early release from jail in late 1945. He arrived in Moola Boola to find Patricia pregnant; the result of a relationship with a stockman from New South Wales named Cecil Rose. The product of that union was our Uncle Cecil Adrian. The authorities swooped in on this situation and determined that Fay and Georgina would be placed in the Broome orphanage. Granny Liz came to collect her grandchildren, desperate to save her family, and eventually managed to keep Cecil out of the orphanage by committing to caring for him at home. This devastating period was par for the course according to the Act but would change our Elders’ lives irreparably. We must not forget at this point that the removal of Indigenous children from their families is not something relegated to the past; it continues today¹⁰ with just as much pain, confusion, bureaucracy and racism.

Patricia and Cecil Rose had intended to marry, but Rose made off from Moola Boola, refusing to sign a maintenance order for the boy, saying he was now uncertain of paternity.¹¹ Patricia had her young son with her when she was flown to Wyndham and reconnected with Snowy – their love blossomed once again. They were now, according to Aboriginal lore, married. For their marriage to be recognised by the state of Western Australia, however, permission still needed to be granted; until then, they were each at risk of imprisonment. Permission was sought by the couple, and finally granted, and they were married at Halls Creek on 8 September 1947. It was not

8 See n 1, 141.

9 See n 1, 145.

10 See Secretariat of National Aboriginal and Islander Child Care (SNAICC), ‘Removal of Aboriginal and Torres Strait Islander Children Continues 12 Years after the Apology’, Media Release (13 February 2020), available at: <https://www.snaicc.org.au/media-release-removal-of-aboriginal-and-torres-strait-islander-continues-12-years-after-the-apology/>.

11 See n 1, 146.

without condition, however; according to the Act, they were now required to leave Western Australia.

They immediately proceeded to have Fay and Georgina released from the Broome orphanage. Patricia moved back to Broome to await the birth of her next child. By this time, Abu Kassim bin Marah had returned from serving in the war, and he joined forces with Snowy to play illegal dominoes in Sheba Lane in Broome to secure the custody of the girls back to their mother. They won, of course, and as they handed the winnings over to the nuns of the Convent which served as the orphanage, Snowy rejected their offer of government blankets, exclaiming ‘shove them up your arse’.¹² At the time, many government blankets were purposely infected with smallpox, so in the interests of protecting his family, Snowy’s judgment was to be cautious of any authority bearing gifts.

On 29 January 1948, our Uncle Patrick was born. To our great-grandfather Paddy Djiagween, he would be known as Minyirr-bul – ‘Broome Boy’.¹³ So, from a trail of forced poverty, repeated imprisonment, removal of kids, separation from homelands and blatant racism, it was then that the family travelled to Katherine in the Northern Territory, hoping for a fresh start and, perhaps, fairer treatment.¹⁴

Until they were settled in Katherine, Patricia and Snowy left Fay in the care of family in Derby, and Granny Liz continued to raise Cecil. The couple ventured northeast with little Georgina and baby Patrick. Snowy got together what he could to make a meagre half-house, half-camp behind the old meatworks, and although nobody turned their backs, we understand that they were never fully welcomed into the town. There grew a perception that the family was on the edge of survival and chaos.¹⁵

Fay joined the family after the birth of our Uncle John Murray (Jacko) in Darwin in 1949, and she helped deliver the next two babies who would complete the family; our Dad Michael (Mick) in 1950 and our Auntie Patricia (Tricia) in 1952 (both born in Katherine). Cecil came to and from Katherine but remained in the care of Granny Liz whose movements were still being tracked by the authorities. A protector from the Native Affairs Branch removed her from the pearler’s camp in Darwin and sent her back to Broome. It was cited in her file that it was not considered desirable that she should remain in Darwin.¹⁶ How dare this legislation control her movements

12 See n 1, 148.

13 As told to us by our Uncle Patrick.

14 See n 1, 148.

15 As told to us by our Uncle Patrick. See also n 1, 158.

16 File quote from SROWA:DNA; A 469/43, 43 Half-Caste – Patricia Djiagween now Dobson (sic) of Broome. Personal File Warrant Section 12 (Married W/M John Dobson) (sic) 8-9-47. SROWA:DNA; 326/43 H/C Mrs L Djiagween Personal File. WA DNA 871/50. Half-Caste Elizabeth Djiagween – of Broome – Personal File, unless indicated otherwise. See also n 1, 159. Also told to us by our Uncle Patrick Dodson.

because of who she was, how she looked, and how they chose, despite her background being Irish, to reduce her identity to 'half-caste'. How offensive, hurtful and damaging to our family, and indeed to Australia, that legislation such as this can grow attitudes which seek to keep Indigenous people and their families in a place of constant diminution.

There is so much more to share about our family story and the experience of our Elders, but we'll save the rest for another time. It is clear that the lives they lived, while containing love, fun and laughter, were controlled at every turn. Their rights were constantly and consistently denied on the basis of their Aboriginality. They wouldn't stop fighting for justice, and neither will we.

BURUBARDU (YET)

[13.30] The usurpation of our sovereignty has been brutal, relentless and ongoing. Aboriginal people have a number of times been promised treaty negotiations, with those promises then being broken. This began at the time of colonisation with the false declaration of 'terra nullius' or 'land belonging to no one'. No treaty negotiations were forged or attempted (aside from Melbourne in 1835, where John Batman paid 40 pairs of blankets, 42 tomahawks, 130 knives, 62 pairs of scissors, 40 looking glasses, 250 handkerchiefs, 18 shirts, 4 flannel jackets, 4 suits of clothes and 150 lb of flour to the Wurundjeri for 600,000 acres of land. The treaty was later that year declared void by the Governor of Victoria.); this is where the sentiment began that not only were Aboriginal systems of lore/law inferior but also that Aboriginal people had no rights to any land.

In 1988, the Hawke Labor Government adopted official policy support for a treaty between the Australian government and Aboriginal and Torres Strait Islander peoples. At the 1988 Barunga Festival, then Prime Minister Bob Hawke also agreed to the request for a treaty-making process expressed in the Barunga Statement.¹⁷ He finished his term as Prime Minister in 1991 without having fulfilled his promise.

Successive governments have appeared to entertain the idea at times, but quickly shut it down at a national level. The South Australian Labor Government in 2016 announced it would enter in treaty discussions with South Australian Aboriginal people. This process was then scrapped in 2018 by the newly elected South Australian Liberal Government. In 2016, the Victorian Labor Government and Northern Territory Labor Government also both committed to talks with Aboriginal people on treaty processes. And in 2019, the Queensland Labor Government committed to paving a path to a treaty. You may notice a pattern in terms of which political parties are more open to the idea of treaty making processes.

¹⁷ <https://aiatsis.gov.au/barunga-statement>.

We also achieved constitutional change in 1967 that gave the Federal Government the power to make laws for Aboriginal people and for us to be counted in the Census. An overwhelming result of over 90% of Australians voted in favour of this. Many see the main benefit of this result being 'symbolic' in that the majority of Australians were voting in 'favour' of rights for Indigenous people. At the time, the changes were incredibly important as it meant Indigenous people were 'accounted for in the distribution of Commonwealth funds to state and territory governments, funding which is used for the provision of a wide range of services', which means there were more data in relation to the services potentially required for Indigenous people across the country.

It was also a significant change at the time because states and territories were actively discriminating and oppressing Aboriginal and Torres Strait Islander peoples, and the laws were not unified across the board. For example, Aboriginal people could own property in New South Wales and South Australia but not in other states.¹⁸

The change was a result of calls that there needed to be greater Commonwealth involvement in Indigenous affairs, and the hope was that the Federal Government would do a better job than the states by making laws that were beneficial. Legislation enacted by the Commonwealth Parliament that relied on this change includes the *Native Title Act 1993* (Cth) and the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth). But the unintended consequences of this constitutional reform were also later felt in the case of *Kartinyeri v Commonwealth*.¹⁹ The Kartinyeri had been 'relying on the rights under the federal *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth) to stop the building of a bridge they believed would affect one of their sacred sites'.²⁰

The Kartinyeri challenged that decision by the Federal Government to repeal the legislation so that it would not apply over this particular area. One of their arguments was that 'when the Australian people voted to change the constitution it was clearly with the understanding that the exercise of the power to make laws for Indigenous people would be used beneficially'.²¹

But the High Court argued that when these protections were granted by Federal Government, it also retained the power to take those protections away. This is why the campaign for Constitutional change continues and we will discuss where we are up to in this seemingly never-ending journey.

18 Larissa Behrendt, *Indigenous Australia for Dummies* (Wiley Publishing Australia Pty Ltd, Milton) 449.

19 *Kartinyeri v Commonwealth* (1998) 195 CLR 337.

20 Larissa Behrendt, 'The Three Biggest Myths of the 1967 Referendum', *ABC News* (26 May 2017), available at: <https://www.abc.net.au/news/2017-05-26/larissa-behrendt-mythbusting-the-1967-referendum/8349858>.

21 See n 19.

As with every change our people have seen since colonisation, the loopholes and red tape heavily impact on the benefits of them. At times, it feels like we take two steps forward and five steps back; then, the process starts again. But we are a resilient people, we are still fighting for change on all fronts. Time, resistance and broken promises are what we are used to, but we will never give up.

NYANGAJUNUGUN BURU (ALL THE TIME)

[13.40] In light of what we have described so far, you may not be surprised that for many of us life feels reactive. The constant fight for our rights is a vicious cycle that we continually loop back around on. In this, the ‘lucky country’,²² we are constantly on alert, activated, ready to defend ourselves and challenge the words and actions thrown at us. They come online, in board rooms, through the media, in the street, in our homes. They are sometimes vicious, usually unintended, and often in the form of microaggressions. The words are racist, and they cut deeply – yes, we’ve already established the ‘R’ word. Not to be confused with other ‘R’ words, like recognise or reconciliation. (We’ve briefly mentioned reconciliation but don’t worry we’ll get to the other one, too.)

When racist words and actions come from authority, our superiors, our colleagues, people who serve us in shops and banks, at barbeques and bus stops, standing up to racism can be difficult. There are times when all we have left is to say when they blindly ask us why our rights should be protected is; ‘Because you’re on Aboriginal land’. Sovereign, unceded, stolen land. We are part of the land; it is part of us.

Bearing the brunt of racism on a daily basis can take a huge toll on Aboriginal and Torres Strait Islander people. Research continually tells us that racism impacts on an individual’s well-being, on their mental and physical health.²³ Being alert and activated can become a default position for self-preservation and protection which inadvertently perpetuates the stereotype of the ‘angry black’.²⁴ Of course, we are angry. You want to know why? Oh, thanks for asking. To start with, they stole our land. They are still stealing our land, our children, our cultures, our identities. But we are strong, resilient survivors. We have survived over 80,000 years. Our cultures are alive and evolving; they are contemporary at the same time as being ancient; they are urban, as well as regional and remote. Witnessing a ceremonial dance at Garma is

22 Donald R Horne, *The Lucky Country* (1964) ‘Australia is a lucky country, run by second-rate people who share its luck’.

23 Chelsea Bond, David Singh and Helena Kajlich, *Canada–Australia Indigenous Health and Wellness Racism*, Report 2019, Lowitja Institute.

24 Arising from the Sapphire stereotype during the Jim Crow racial segregation laws in the United States, where it was a crime for African American people to argue with White people. See David Fremon, *The Jim Crow Laws and Racism in American History* (Enslow, 2000) ISBN 0766012972.

just as powerful an expression of who we are, as attending a Briggs concert, enjoying artwork by Reko Rennie or engaging with voices of the likes of Nakkiah Lui, Melissa Lucashenko and IndigenousX. We are here, we are strong in our culture and we are enduring.

We are still feeling the impacts of the experiences of our ancestors, of dispossession, genocide, forced removal of our children, dismissal of our sovereignty and systematic racism. The intergenerational trauma that our communities are facing is a national emergency. Not 'substance abuse', 'domestic abuse' or whatever other labels get thrown at us. These are symptoms of a bigger, more complex problem. They are the open seeping wounds that result from our deeply cut trauma, displacement and oppression.

So how do we seek protection? The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) best reflects our human rights and provides guidance on their protection. The UNDRIP 'establishes a universal framework of minimum standards for the survival, dignity and well-being of the Indigenous peoples of the world and it elaborates on existing human rights standards and fundamental freedoms as they apply to the specific situation of Indigenous peoples'.²⁵ But while we have this Declaration, it is not legally binding in Australia. So this is the thing about human rights; what are we to do if the State won't legally protect them?

The UNDRIP was adopted by the General Assembly on Thursday, 13 September 2007, by a majority of 144 states in favour, but with 4 votes against. One of those was Australia (along with Canada, New Zealand and the United States). All four of these countries have origins as settler colonies of the United Kingdom. It is not a coincidence that these countries refused to sign on. After all, we have the flag of the United Kingdom on our own flag, so it should come as no surprise that Australia wouldn't sign. It showed their unwillingness to acknowledge and rectify the trauma of colonisation and dispossession.

Australia's continual denial of our history and our truth – as well as the denial of our human rights – is clear, even after supporting the UNDRIP in 2009. Many would argue this was simply a 'box ticking' exercise as it is legally non-binding and Australia continues to undermine many of the rights listed in the Declaration. What we seek to address in an Australian context is laid out or (not included) in the UNDRIP – sovereignty, recognition, rights and treaties/agreement making.

Sovereignty is not addressed or included in the UNDRIP, which many may argue as a compromise or 'watering down' to temper the fears of adopting countries. The word 'sovereign' is only mentioned to reaffirm 'the territorial integrity or political unity of sovereign and independent States'.²⁶ But as

25 See https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf.

26 *UN Declaration on the Rights of Indigenous Peoples*, Art 46.

with any change, negotiation and compromise are unavoidable, it would seem. What is very topical in the current Australian political climate (and for over the past 200 years) are the following sections:

Article 18

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

Article 27

States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

Article 37

Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.

These sections alone provide a sense of why Australia had been hesitant to adopt the UNDRIP in the first instance, and how the Commonwealth, state and territory governments continue to shirk away from implementing these in a genuine way. It requires an element of relinquishment of the long-standing power structures Australia is built on. We just highlighted the fact we have the Union Jack on our flag, which has engrained and enculturated colonial-settler Australia, from the highest powers down to everyday people, with imperialism, control and denigration of Indigenous peoples and cultures. For as long as Australian Governments continue to resist these protections and rights, we will fight longer and harder to ensure they are recognised, and that our self-determination is at the core of any and all decisions affecting our lives.

The struggles of today are different to the struggles of yesterday, but all have the common thread of a denial of rights and the denial of the dignity and humanity of Aboriginal and Torres Strait Islander peoples. You see, it was not unique to the experiences of Patricia, Abu Kassim or Snowy. It was and still is structural, endemic and relentless, and that's why we all must continue to fight, resist and collaborate to change it.

NGURRAGABU (TOMORROW)

[13.50] To the question that people ask us a lot – 'What do Aboriginal people really want?' Well, there is no one, simple answer. Of late, we have heard and participated in various events, debates and other conversations around

Treaty and Constitutional Recognition, including a voice to Parliament. Too often these things are pitted against each other and framed back to us as a choice we need to make of one over another. It is not that straight forward. We are both strong in our beliefs that there should be all these things. Treaties, a voice to Parliament as offered by the Uluru Statement from the Heart,²⁷ Constitutional recognition and reform, in particular the removal of s 51(xxvi) – the ‘race power’²⁸ – and truth telling, formalised through the establishment of a Commission. The offering of the Uluru Statement from the Heart in 2017 was described by those who had drafted it as a ‘gift to the nation’. If only Canberra were willing to receive it with open arms, grace and humility.

The Uluru Statement asks for changes that make sense. The statement is not new. It includes things that have been called for continually since colonisation. It asks that Indigenous people have a guaranteed voice on the issues that affect our lives, our families our communities. It urges that we right the wrongs of the past and finally put agreements in place with the Australian Government and Indigenous people; what should have been done at first contact. And it asks that Australia comes to terms with the truth of our history; that we are open and honest on how that history impacts us all today; as a healing process for us all.²⁹

Makarrata, which is a Yolgnu word for ‘conflict resolution, peacemaking and justice’,³⁰ is more than just a treaty, it is a philosophy. Gumatj woman Merrikiyawuy Ganambarr-Stubbs describes Makarrata as ‘(it) literally means a spear penetrating, usually the thigh, of a person that has done wrong ... so that they cannot hunt anymore, that they cannot walk properly, that they cannot run properly; to maim them, to settle them down, to calm them – that’s Makarrata. It can be a negotiation of peace, or a negotiation and an agreement where both parties agree to one thing so that there is no dispute or no other bad feeling’.³¹

Dardal is the Yawuru word for sick or bad feeling. Nobody wants dardal. Moving toward treaties, a voice to Parliament, Constitutional recognition and

27 *Uluru Statement from the Heart*, available at: https://www.referendumcouncil.org.au/sites/default/files/2017-05/Uluru_Statement_From_The_Heart_0.PDF.

28 Section 51(xxvi), the ‘race power’ of the Commonwealth Constitution.

29 See Megan Davis, ‘To Walk in Two Worlds’, *The Monthly* (2017), available at: <https://www.themonthly.com.au/issue/2017/july/1498831200/megan-davis/walk-two-worlds>; Megan Davis, ‘The Long Road to Uluru Walking Together – Truth before Justice’, *Griffith Review* (2017), available at: <https://griffithreview.com/articles/long-road-uluru-walking-together-truth-before-justice-megan-davis/>.

30 Luke Pearson, ‘What Is a Makarrata? The Yolngu Word Is More Than a Synonym for Treaty’, *ABC News* (10 August 2017), available at: <https://www.abc.net.au/news/2017-08-10/makarrata-explainer-yolngu-word-more-than-synonym-for-treaty/8790452>.

31 Merrikiyawuy Ganambarr-Stubbs, ‘What Is a Makarrata? The Yolngu Word Is More Than a Synonym for Treaty’, *ABC News* (10 August 2017), available at: <https://www.abc.net.au/news/2017-08-10/makarrata-explainer-yolngu-word-more-than-synonym-for-treaty/8790452>.

reform, and truth telling, would not diminish the lives of any Australians; rather, they would strengthen us as a nation. We do not endeavour to take anything away from people through these things. It is not – as ‘they’ say; ‘pie’ – it is humanity, justice, social change, and the right thing to do. It is spoken about as inclusion, but we do not subscribe to that word in this context. You choose to include someone in something, which means there is a power imbalance. We do not deny a power imbalance between Indigenous people and the settler colonial state but be assured – we are not powerless. We don’t want to be included, we want to be acknowledged, respected, and valued as the First Peoples of this land. This is about respect, belonging, and 80,000+ years of overdue justice.

Looking ahead, we are bolstered by the leadership and support which surrounds us, from Indigenous and non-Indigenous colleagues, family and friends. Achieving social justice cannot be done alone or in isolation. We are optimistic about the future we want to create for our children, nieces, nephews; but we are realistic about the challenges. Systemic reform is at the root of these challenges, from our governments all the way down to teachers in classrooms, police, triage nurses, legal aid, youth workers, sporting clubs and homelessness shelters. To see real, meaningful change, we need both the top-down and the bottom-up methods in synchronicity with each other.

Last year, Australia saw the release of the film *The Final Quarter* which documents without commentary, a string of primary-source chronological footage, of the final three years of Australian Football League champion Adam Goodes’ career. The film exposes both the overt and covert racial abuse that Goodes received, on and off the field, and the casualisation of racism across Australia. The reactions of high-profile media personalities against Goodes may have been brushed off or ignored at the times they occurred, but when they are strung together as a bleak and sinister narrative over a man’s resistance to racism, they are truly gut-wrenching. The Final Quarter was screened on mainstream television more than once to ensure it would be known that it is fully accessible without charge to every Australian. The film will also be distributed to schools and sporting clubs around the country with a resource pack, to support the work of the bottom-up social change that is needed. For it is from the mouths of babes³² that the grown-ups must hear the injustices. Putting such trust in young people may be a new concept for the colonial-settler, but for generations of Indigenous families and communities, it is our kids we must invest in if we are to survive.

MABU LIYAN (GOOD SPIRIT/WELLBEING)

[13.60] Beginning this chapter with stories about our Elders situates us and solidifies for us the road they walked, and our road ahead. While we never got to hear these stories first-hand from Nanna Patricia or Pop Snowy,

32 With apologies to Shakespeare ‘Out of the mouths of babes’ The Merchant of Venice.

they live through us as they are passed on by our Aunts, Uncles, Mothers and Father. When we connect with our country, our spirits, our belonging, we are continually drawing guidance from our Elders, so we can uphold our responsibilities as Yawuru women.

Connecting to country, spirit and belonging is important to us, especially since neither of us grew up, or currently live on our traditional country. When we are there, our spirits are strong and we feel the pull to the earth. The voices of our ancestors come to us through the wind and trees, and we are surrounded by the love and energy of family. Holding this and harnessing this helps us be strong when we are in our other homes – off country. It is this way that we are sustained in continuing the fight of Patricia and Snowy; that we can continue to uncover justice for our family and those like ours and that we can continue to work so that our descendants will be free.

In this work, we nurture ourselves and those around us to ensure healthy individuals, close-knit families and thriving communities. With our rights come responsibilities, and with our DNA comes duty. The work we are doing is part of our being. We will always strive to learn from our Elders, from those with more experience and wisdom, so that we may enhance our own. We will keep moving, with strength and resilience. Believe that we are changing the world, for it is only those who did believe that they could, did.

Additional Resources

Patrick Dodson, 'Challenge of Negotiation (Learning the Hard Way)', *Griffith Review* 60 First Things First (2018).

Nayuka Gorrie, *Why Does It Take Black Trauma For You to Believe Us?*, ACMI, available at: <https://www.acmi.net.au/ideas/read/nayuka-gorrie-ianyn-james-baldwin/>.

Stan Grant, *Talking to My Country* (2016).

Anita Heiss (ed), *Growing Up Aboriginal in Australia* (2018).

Melissa Lucashenko, *Too Much Lip* (2018).

