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From: Australian Law Reform Commission [<mailto:web@alrc.gov.au>]

Subject: Online submission to DP82: dominic

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Question 2–1

Sovereignty not ceded by Aboriginal Torres Strait Islander Peoples should be the primary relevant consideration in any Retrospective application of any Native Title Act ['NTA1993'] Amendments and it should only operate in circumstances where the effect is remedially in favour of a contemporary perspective of Traditional Owner Rights and Interests expressed by Descendants asserting a prior and continuing Indigenous Identity.

Question 2–2

Sovereignty not ceded by Aboriginal Torres Strait Islander Peoples should be the primary relevant consideration in any Retrospective application of the effect of proposed Amendments to s 223 NTA1993 to preAmendment commencement date Determinations of any Native Title Applications and any sought Claimant Registrations and the effect should only operate in circumstances where the effect is remedially in favour of a contemporary perspective of Traditional Owner Rights and Interests expressed by Descendants asserting a prior and continuing Indigenous Identity.

Proposal 5–1

Yes, Amend the NTA s 223 definition to make it clear that Traditional Laws and Customs may adapt, evolve and otherwise develop into contemporary expressions asserting Aboriginal Sovereignty related Indigenous modern practices.

Proposal 5–2

Sovereign Inherent First Peoples Rights transmitted between groups in accordance with Traditional Laws and Customs should be a relevant consideration in which People have a Right to Veto and Negotiate with the Public and Private Sector about what happens on the Country to which those Peoples express Inherent Aboriginal Custodianship.

Proposal 5–3

Sovereignty is not ceded by Aboriginal Torres Strait Islander Peoples so this question needs to recognize that Aboriginal Torres Strait Islander Sovereignty still continues uninterrupted and that Acknowledgement and Observance of Laws and Customs have continued substantially uninterrupted since the Crown's falsely claimed sovereignty, and does establish that Aboriginal Torres Strait Peoples have continued to Acknowledge and Observe Laws and Customs by each Generation since the Crown sought to claim its contrasovereignty.

Proposal 5–4

Sovereignty not ceded and contemporarily expressed by Aboriginal Torres Strait Islander Peoples does currently unite a society of Peoples whose Identity is expressed and asserted in Indigenous modern continually evolving adaptive Cultural Observances and Practices clearly establishing an ongoing society living under Traditional Law Lore and Customs.

Proposal 6–1

Sovereignty expressed by Aboriginal Torres Strait Island Peoples has been adapted to cope with the separations of fences and subdivisions of Land and Water that have placed barriers to physically expressing a Traditional Connexion, so Yes Amend 62(1)(c) NTA1993 to allow for this interrupted Traditional Physical Connexion To Country.

Proposal 6–2

Sovereignty Inherent to Aboriginal Torres Strait Islander Peoples that has not been ceded is based in a Spiritual Genealogical Physical Connexion To Country so if it is interrupted by the removal and dispersal policies and practices observed under colonial laws and customs documented records tracing Connexion To Country become sometimes difficult to track making establishing a Physical Connexion To Country arduous, but some type of Ancestral relationship to Country should literally ground the Connexion.

Proposal 7–1

Sovereignty of Aboriginal Torres Strait Islander Peoples must not be compromised or diluted by a definition of the expression Native Title or Native Title Rights and Interests which is not literally grounded by some type of Traditional Ancestral Connexion which is exclusive to 'From Country' Aboriginal Torres Strait Peoples against the historical associations of Aboriginal Torres Strait Peoples who started to move onto Their Neighbours and other People's Country soon after colonial impacts.

Question 7–1

After the adequate amount of appropriately Culturally Sensitive Community Consultation Our Community could move towards how We define Ourselves in reference to Group identification and composition and then that definition of Personal and Group Sovereignty could inform what type of Native Title Claim Group identification could fit with any proposed definition relevant to an Amended Native Title Act premised on a proper Culturally Sensitive recognition of Inherent Aboriginal Torres Strait Islander Sovereignty.

Proposal 7–2

Sovereignty unceded and International Law and Lore coded and recognised through the International United Nations Declaration on the Rights of Indigenous Peoples should complement further Community Consultation to inform a recognition of how the possession of Rights and Interests under Lore and Law acknowledged through the Observed Customs related to Country are expressed and asserted in a contemporary Connexion with the Land and Water of claimed Sovereign Country.

Question 7-2

Sovereignty should not be compromised by a general revitalisation of Custom where Traditional Lore may not be being Observed and Genealogically connected Aboriginal Torres Strait Islander Peoples do not through the assertions of the Group give express agreement to the contemporary form of that revitalisation.

Question 7-3

Sovereign Aboriginal Torres Strait Islander Peoples displaced from Country should be remedially Recognized as having a Connexion To Country.

Question 7-4

Sovereignty not ceded allows displaced Peoples to be relevantly considered as having maintained Cultural Connexion To Country.

Question 7-5

Yes, the Native Title Act should be given its utmost Remedial Application and effect.

Proposal 8-1

Proposal 8-2

Question 8-1

Question 8-2

Question 9-1

The Australian Law Reform Commission and Groups involved in the Amendment formulation process is referred to Consult with Mr Colin Gale who as a Darug Sydney Aboriginal Traditional Owner has gone through the process of a Native Title Claim and has expressed an assessment of the expert evidence and connections report procedures. I am Happy to assist in this process , CRdominicWYkanak , 0499291333

Question 9-2

Again I would refer the ALRC and legislation reformers to Mr Colin Gale a Darug Principal Native Title Claimant who has expressed assessments on the archival material generated through the Native Title Connexion process.

Question 9-3

Question 9-4

Question 9-5

Question 9-6

Question 9-7

Question 9-8

Question 9-9

Question 9-10

Question 9-11

Proposal 10-1

Proposal 10-2

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Other comments

File 1

File 2