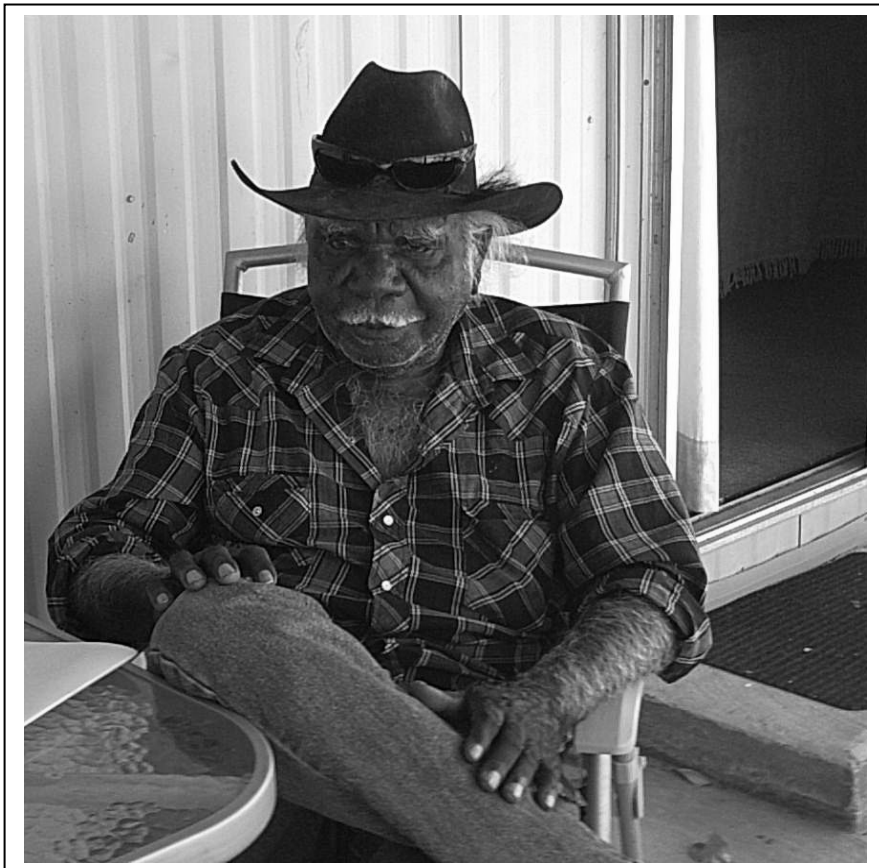

CLAIMANT COMMENT



Ngarinyin Elder and Lawman Paddy Neowarra is one of the founding members of Kamali Land Council, an organisation that was set up in 1984 to reflect traditional alliances and decision making processes and to pursue the interests of traditional owners in the NW Kimberley region of WA. Kamali mounted the Utemorrah Land Claim in the Supreme Court of Western Australia in 1991 across Bardi, Gwini, Gija, Ngarinyin, Wunambal and Worora lands. Forced out of the Supreme Court and into the native title process by the Mabo decision in 1993 Paddy was one of a core group of Kamali Land Council elders who instigated and drove the Wanjina-Wungurr Wilinggin native title claim in conjunction with the Kimberley Land Council. After another ten years, of failed mediation and then litigation, the determination, [Neowarra v State of Western Australia \[2003\] FCA 1402](#) saw exclusive possession recognised over the Vacant Crown Land and Aboriginal-owned pastoral leases in the claim area and shared rights and interests recognised over the remainder of a total of 67,000 sq/km. In this feature Paddy is interviewed by Tony Redmond, who is currently an ARC Post-Doctoral Fellow at the Australian National University. Tony authored and co-authored many of the expert reports tendered as

evidence in the claim while writing his doctorate about Ngarinyin conceptions of person, place and time. He and Paddy have worked closely together over a period of twelve years: from the days of the Utemorrah claim to this post-determination period. Here they talk about the Federal Court process and the outcomes from the claim.

Paddy Neowarra speaks with Anthony Redmond, Derby, 15th October 2005

AR: Were you nervous before you got up on the stand?

PN: The first time? I wasn't really, no. I was really anxious to talk to the people. Talk to the judge and all these people. I wanted to give him the true thing. Tell him what we want.

You waited a long time for your day in court. I was very nervous when I first got up on the stand, my guts were turning over, but by the second day I wasn't so nervous. Who did you look at? Did you look at the judge and the lawyers? How did you keep your mind concentrated?

Me, on my side, I was looking at the judge. And sometimes the lawyer. Not taking notice of the people talking from the side. No, you don't take much notice of that. Until we were finding out that we were going to get the truth out of him, that judge.

Glossary:


wanjina: ancestral beings embodied in rain-clouds. Also, painted images, some amphibious animal species and various geographic features in northern Kimberley country

liyan: a person's emotional centre of gravity, situated in abdomen, "gut feeling".

wilinggin: "our countries", conglomeration of *dambun* (patri-clan countries)

gardiya non-Aboriginal person (often, though not always derogatory)

yo strong agreement



You gave the longest evidence out of anybody there; probably three or four days if you added it up. Did you feel relieved when you got off the stand?

Oh yeah. Cause then I was free, coming out from the thing. You know, free of all the questions. You know (what it's like).

Oh yeah. What was the hardest thing for you about doing the whole native title claim?

It was pretty hard on the way of the government side of it all-you know? 'Cause the other side is... We understand how we bin live in the country and we bin ownim the country. Everything is owned by traditional owners, like in *willinggin*, he bin own it, his own tribe, his *willinggin*... It's a bit strange when you bin findim out from the *gardiya*, coming, telling you something, or "you must really find out that thing what they (Old People were) really getting at".

The first part was with Rob (Blowes SC), and he tried to make it as easy as he could, but then the other lawyers, cross-firing questions....

Sometimes you don't always have to take notice of it: fighting, thinking what he's thinking, you know?

What was best: talking in Mowanjum or talking out in the bush?

Oh it's very good longa bush side when you talking, you know? Very good. You can hear. You can hear them. Just like your *liyan*, what I call *liyan*, which open for you and make you want to say something about your country when you look at it with your own eyes. Mmm. When you in with that crowd in town, you know you might be over here sitting in Mowanjum, Derby area, you forget. Sometimes people find it pretty hard to control their way of thinking when they in their own country, what they want to talk about, you know?

Do you think the younger and middle aged people learned a lot by listening to the court and the different stories that came out?

Oh yeah, some understand really. But some people don't really understand what it *means*. Unless they want to go back and learn about the way of the Aborigine Law. That *this* is the owner of the country, the land. Where is they home? What tribe they are? What is the name of their *wanjina*? They must learn more about those things. Then they would probably understand more. Because I think they understand more what on this *gardiya* side of it, what he talking about it.

When we finished, did you feel like we were going to win or lose?

Like we might flip for it! Yeah, every time I go back to lay down, I'm thinking, thinking hard. Whether I going to win, we going to win, or it might go round a bit and it's going to take a bit longer, another couple of years, you know.

We all had times when we were doubting.

Yeah. You know when the judge, he bin giving it, the (summation of the) evidence, you know that last part, when we were looking at them there in the thing there, you know...

(Closed circuit)TV


We were really worried and shaking, you know? What he gotta say? So when everything bin...when he say that whole thing, that we win that native title thing, when he said we win, I didn't know whether I was going to fall down or thank him! I knew when he bin call my name out at the beginning that we were going to win that thing. Some bin cry.

Me too. All that worry went away.

Went away! From that thing what give you pressure, you know?

The responsibility.

That's right. A lot of hard work too. Walking, touring the country, walking to go and have a look at *wanjina*.



That's right. I knew that if we lost I would feel big shame: like it might have been my fault.

Yo. Yo. Like, all the information that we bin giving to you, anthropologists like you. (Reggie Tataya calls out "And the lawyers!") Everything, what we had it. Our whole history of being in this country. You done the most of it. The hard job. And the judge. You know his brain bin getting more hot from thinking how to, you know, put those things together.

Were you surprised that that judge, coming from Melbourne and never met Aborigine people before, were you surprised that he could understand your story?

Yeah. But what I was thinking was, maybe he'd understand from what was written in that book, you know? Giving the anthropology and from the lawyers. Giving him all them thing. The information in that book what we wrote (Expert reports). He had all that thing. We had to see if he can take notice of it. Either that, or he would be making his own mind up, you know? But he took the whole of it that way. That was really happy.

That land's there for your kids and grandkids now.

That's right. We're proper happy.

For most of it you got exclusive possession. You can control 40,000 sq kms. And on the gardiya pastoral leases you can use it: hunt and fish and so on.

That's right.

How have the pastoralists been since that native title came down?

I think they was a bit worried. That's what I can see. They was all worried. They think we are going to kick them off, or take over the whole country or this sort of thing. But we can't. If he's sitting on his own pastoral lease, well that's okay. Just not going over the line. You know, over his pastoral lease. Say you've got Crown land over there, or reserve over there, he's not allowed to go over it because he's got to look after his own business, his own money what he can make, so we want them all, we help one another you know?

We don't know what they want. (People are saying) that they are still locking all the gates. I realise that they can lock the gates but people just have to think really hard. (Native-title holders) have to make sure they ring the pastoralists. Appreciate and co-appreciate. If they're mustering, well they won't let you in. He should give us the time, you know maybe in a couple of days. When he working there: when he go out. Then we know that he's not there when we go to that place where we want to go fishing.

What do you think about some old people, or even young people, might be too scared to ask the pastoralist to go in?

Mmm, yeah, probably might be some of them are too nervous about whether they going to talk to the pastoralist or not. Some of them just nervous all the time!

What advice would you give other Aboriginal people going into court?

Listen. Really, carefully listen to what the lawyers really mean. What they're trying to get at.

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