Sovereign Union of First Nations and Peoples in Australia
Asserting Australia's First Nations Sovereignty into Governance
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Anderson: Unite for the common cause to defeat this 'Deceit by Fraud'

Michael Anderson, Convenor and co-spokesperson of the Sovereign Union of First Nations and Peoples in Australia, said from Goodooga today:

The question of our continuing Sovereignty is now raging across this country and Yes, it is a real live issue. Don't let anyone tell you differently. Why do you think Michael Dodson has jumped on the bandwagon? You can all expect that those same people who gave us the offensive Native Title Act will come back out of the wood work and do their dirty deeds once again, or at least they will try.

Isn't it amazing that the people who commenced this movement are not invited to the public talks and debates? No, it's all the Catholic, Lutheran and other church-educated black fullas they keep asking to talk on an issue that they read about in books. The real issue is at ground level; this is where this issues lies.

I warn our people now. The government knows they now have to deal with our sovereignty issue and they will now throw heaps of money around to employ our own people to direct us away from the real issue. They will tell you in the communities that what we speak of is a pie in the sky dream. That we have no rights to stand up and assert our continuing sovereignty and thereby demand a right of self-determination, internal or external. If you look back at Mabo and the Native Title Act, the government used their illegal occupying power to frighten our people. They use the police to suppress us. They use their parliamentary power to take away our rights.

The Courts cannot and will not help us. Instead they are now making decisions to strip away our legal rights. Just look at the Yarmirr High Court Case.[Commonwealth v Yarmirr [2001] HCA 56; 184 AJR 113; 208 CLR 1; 75 ALJR 1582 (11 October 2001)] Unfortunately, far too often our people are too humble and are happy to settle for 'recognition', thinking that we are getting something from these recalcitrants, who will not admit publicly that they have no rights to do what they are doing to us.

The courts were set up by this illegally occupying power. The courts are owned by the colonisers and, when the politicians don't like what the courts say, they change the law to give them more power. This is an arbitrary misuse of power and this type of governance belongs to dictators. Australians pretend that they live in a free country. Everything is fine for white people, that is until it hurts them personally, otherwise they shut up bury their heads in the sand and hope that tomorrow their comfort zone remains intact.

Well people, our culture is almost all gone, the mining companies are going to do what the government have not been able to do and that is destroy all what is left of our physical landscape that is our Dreaming, that is our Law, that is our religion and spirituality. But money overrides that and white lawyers, who are making an absolute mint on our Native Title cases, say we cannot do anything about it, so just sign up to ILUAs (Indigenous Land Use Agreements) and take what is best for you. They all keep saying that is the best you can expect to get. These people would have been killed in the old English period for being tyrants and liars!

For those young Blacks, who think going over to America and Canada will locate solutions, I say: That is the easy way. Many of the Native Canadian and American people are still fighting, because they know that they been cheated and defrauded. Yes, they may have casinos and other businesses, but they secured them under their own terms, not like here.

Take the rules that govern the IBA (Indigenous Business Australia) and the ILC (Indigenous Land Corporation). These institutions belong to Government NOT us. The Minister has final say. Take a closer look at where the government is getting their money from to fund white organisations to provide us with services. Try the IBA and ILC and have a look at the royalty funds the government Ministers control, for and on behalf of, our mobs. Royalty money is what is paying for many of the services.
NSW Land Council thinks they are doing a good thing by using the money they have and help white Local Government to fund programs and services, but these white Local Governments are almost broke. In any case more white people benefit from these programs than black fullas.

We are being manipulated and controlled and the Blacks in charge, The Black Wall, who don't really want to ask the hard questions, because they either do not know how to or they don't care. Their job and income is what is more important than fighting for what is truly right. I say, if it is an income that you want then go out and get a job, do not falsely represent our people and sign away our inheritance. In the end you do not look good and in time your grand-children will say what stupid bastards, could they not understand what they did. My answer to them will be: Yes, they did understand, but wanted to make themselves look good at that time.

The other point is, they did it because the people who were trying to fight this evil deceit, were not their cup of tea and they refused to swallow their pride to unite for the common cause. Many marriages have ended because of pride and nothing else. Then the family has had to live with the pain everyday thereafter.

People, right is on our side.

You are being deceived every day of the week by a major fraud against our Peoples.

The white lawyers are the most evil in all this, because they worry about who will pay

them for their time and work when you ask them to fight the hard fight. Their way out is: Take what you can. But this is NOT right because you loose too much. For an example, look at the recent Western Australian deal in the south east, by the Land and Sea Council. Give away one of the richest areas in Australia for $1.2M or thereabouts. What an absolute joke! Two houses in the elite suburbs of Perth are worth more than that. Royalties?? Well!

Let me just try show you something that you all need to think about. It is in a short snippet, so that maybe we can all come together for a proper discussion heading into the future and uniting for a common cause.

At para 63 of the Mabo (No.2) judgment the High Court stated:

> *"It must be acknowledged that, to state the common law in this way involves the overruling of cases which have held the contrary. To maintain the authority of those cases would destroy the equality of all Australian citizens before the law. The common law of this country would perpetuate injustice if it were to continue to embrace the enlarged notion of terra nullius and to persist in characterizing the indigenous inhabitants of the Australian colonies as people too low in the scale of social organization to be acknowledged as possessing rights and interests in land. Moreover, to reject the theory that the Crown acquired absolute beneficial ownership of land is to bring the law into conformity with Australian history. The dispossession of the indigenous inhabitants of Australia was not worked by a transfer of beneficial ownership when sovereignty was acquired by the Crown, but by the recurrent exercise of a paramount power to exclude the indigenous inhabitants from their traditional lands as colonial settlement expanded and land was granted to the colonists. Dispossession is attributable not to a failure of native title to survive the acquisition of sovereignty, but to its subsequent extinction by a paramount power. Before examining the power to extinguish native title, it is necessary to say something about the nature and incidents of the native title which, surviving the Crown's acquisition of sovereignty, burdens the Crown's radical title.*

It is the final point of this judgment that we must all focus on. *"Native Title which, surviving the Crown acquisition of sovereignty, burdens the Crown's radical title."*

Do our people understand what this means? I think not. At least the white lawyers will tell you nothing. They will say that it means nothing and go onto to tell you all that the Crown (Federal Government) can extinguish your rights. Under International law this is an 'internationally wrongful act' and is not acceptable.[UN General Assembly Resolution 56/83 12 December 2001, Responsibility of States for internationally wrongful acts.]

That is why John Howard amended the *Native Title Act* 1993, because the Commonwealth government could not extinguish our title, as they would have to pay compensation under their own Constitution. Money they do not have. John Howard's

1998 amendments made it easy to extinguish our land rights under *their* law.

That was the Mabo decision 1992 but an important precedent was created in 1841.
In the NSW Supreme Court in 1841 created legal precedent in *R. v. Ballard or Barrett* (1829) [NSW Sup C26; sub nom. R. v. Dirty Dick 1828, Case (Dowling) 2. Published by the division of Law, Macquarie University]. But all courts in this country continue to avoid this precedent.
Justices Forbes and Dowling both made judgments on the status of Aboriginal 'Natives' under the British Law. Chief Justice Forbes stated:

> "*Certainly this is a case sui generis, and the Court must deal with it upon general principles, in the absence of any fixed known rule upon the subject… I believe it has been the practice of the Courts of this country, since the Colony was settled, never to interfere with or enter into the quarrels that have taken place between or amongst the natives themselves… It has been the policy of the Judges, & I assume of the Government, in like manner with other Colonies, not to enter into or interfere with any cause of dispute or quarrel between the aboriginal natives".*

Justice Dowling stated that:

> "*This point comes upon me entirely by surprize, & therefore I have had no opportunity of considering it in a manner satisfactory to my own mind. It appears to me however that the observations which have fallen from his Honour the Chief Justice, are most consentaneous with reason & principle. Until the aboriginal natives of this Country shall consent, either actually or by implication, to the interposition of our laws in the administration of justice for acts committed by themselves upon themselves, I know of no reason human, or divine, which ought to justify us in interfering with their institutions even if such an interference were practicable… The savage, or the foreigner is equally entitled to protection from British law, if by circumstances that law can be administered between Britons & the savage or foreigner. Amongst civilized nations this is the universal principle, that the lex loci, shall determine the disputes arising between the native & the foreigner. But all analogy fails when it is attempted to enforce the laws of a foreign country amongst a race of people, who owe no fealty to us, and over whom we have no natural claim of acknowledgment or supremacy".*

Then there was another NSW Supreme Court case in 1841 *R v Bonjon* in which Justice Willis held that: "*the Supreme Court of New South Wales had no jurisdiction to proceed with the trial of Bonjon*" and Bonjon was discharged and released from jail. [in Macquarie University Decisions of the Superior Courts of New South Wales 1788-1899]
Justice Willis stated in his judgment that:

> "…*if this colony were acquired by occupying such lands as were uncultivated and unoccupied by the natives, and within the limits of the sovereignty asserted under the commission, the aborigines would have remained unconquered and free, but dependent tribes, dependent on the colonists as their superiors for protection; their rights as a distinct people cannot, from their peculiar situation, be considered to have been tacitly surrendered. But the frequent conflicts that have occurred between the colonists and the Aborigines within the limits of the colony of New South Wales make it, I think, sufficiently manifest that the Aboriginal tribes are neither a conquered people, nor have tacitly acquiesced in the supremacy of the settlers".*

Justice Willis adds:

> *"I repeat that I am not aware of any express enactment or treaty subjecting the Aborigines of this colony to the English colonial law, and I have shown that the Aborigines cannot be considered as Foreigners in a Kingdom which is their own".*

Justice Willis then reasoned that:

> *"Aboriginal people remained 'unconquered and free, entitled to be regarded as 'self-governing communities'. Their rights 'as distinct people' could not be considered to have been 'tacitly surrendered'. As they were 'by no means devoid of legal capacity' and had 'laws and usages of their own', 'treaties should be made with them'. The colonists were 'uninvited intruders', the Aborigines 'the native sovereigns of the soil.'"*

The *Report to the Parliamentary Select Committee on Aboriginal Tribes* 1837 [published by William Hall, Aldine Chambers, Patersonoster Row and Hatchard & Son Piccadilly 1837] concluded:

> *" It might be presumed that the Native inhabitants of any land have an incontrovertible right to their own soil, a plain and sacred right, however, which have not been understood. Europeans entered their boarders uninvited, and when there, have not only acted as if they were undoubted lords of the soil, but punished the natives as aggressors if they have evinced a disposition to live in their own country. If they have been found upon their own country, they have been treated as thieves and robbers; they were driven back into the interior as if they were dogs or kangaroos"… "In the formation of these settlements it does not appear that the territorial rights of the natives were considered, and very little care has since been taken to protect them from violence or the contamination of the dregs of our countrymen. Their land has never been taken away from them without the assertion of any title than that of superior force; and by the Commissions under which the Australian Colonies are governed".*

The Magnificent Seven Aboriginal people, plus the few others, had NO legal right to

negotiate away any rights or interests when they negotiated the Native Title Act. One thing is for sure, my mob as with many others, have at no material time given them our free prior and informed consent. They chose to do it in their own interest and now for all of us Native Title bludgeons us into being tricked through an illegal act called “deceit by fraud”.

We all must stand together and say NO MORE. We DO have greater rights, our inherent sovereign rights, and we must stand and fight. Otherwise you kiss everything that you say you hold near and dear away to a cheating lying white man who cannot beat us except with Deceit by Fraud.

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