Yugambeh Nation

Name: _____

Date: _____

AGES 15 AND UP · LAW AND IDENTITY

The Real Issue, Part III

Webster

The facts. A New Zealand citizen held in immigration detention. He identified as a Wathaurong person, but relied on recognition through his “cultural adoption” by a group in the Northern Territory.

The decision. The court rejected the argument that a person can be recognised through a different society from the one he or she descends from.

Limb of the test	Met?
1. Descent	
2. Self-identification	
3. Recognition (by whom?)	

Helmbright

The facts. A New Zealand citizen who identified as a Tasmanian Aboriginal man, proved his descent from a Tasmanian Aboriginal woman, and was supported by the melythina tiakana warrana (Heart of Country) Aboriginal Corporation.

The decision. He proved descent and self-identification, and recognition by the community the corporation represents, but not recognition by “elders or others enjoying traditional authority.”

Limb of the test	Met?
1. Descent	
2. Self-identification	
3. Recognition (by whom?)	

Questions

1. Why did more people come forward after the Love and Thoms decision?

2. According to Webster, how are the three limbs of the test connected?

3. In Helmbright, did a group have to hold native title for its recognition to count? What mattered instead?

4. The article ends with a hard question: what about people whose group has no “traditional” authority? What do you think?

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Text: Yugambeh Nation, “The Real Issue (Part III)”, yugam.be/stories (excerpt)