

**Submission
No 116**

**INQUIRY INTO INQUIRY INTO ELDER ABUSE IN NEW
SOUTH WALES**

Name: Mr Reuben Brown and Mrs Gwendoline Brown

Date received: 7/03/2016

**NSW Parliamentary Committee Inquiry Into
Elder Abuse in Indigenous Communities
Monday 7th March 2016**

Submission by

Mr. Stanley Reuben Brown & Mrs Gwendioline Laura Brown

Traditional Custodians & Tribal Council Elders

of the

Korewal – Elouera – Jerrungurah People

7th March 2016

Mr. Rick Welsh
Facilitator
Indigenous Issues Committee
The Law Society of New South Wales

Dear Sir / Rick,

RE: NSW parliamentary committee inquiry into Elder abuse in Indigenous communities.

We submit that as Traditional Custodians & Tribal Council Elders of the Korewal – Elouera – Jerrungurah People (KEJ) (La Perouse to Batemans Bay) we have suffered abuse that is both behavioural and structural with respect to legislation and organisation.

In the first section of this submission we set out what we believe to be key issues in avoiding Elder abuse. For some twenty years we have been crying out, to whoever may have the time and authority, for **JUSTICE** and which has yet to be offered.

Appendix A contains a selection of documents that evidences our zeal and our transparency in seeking justice. Such zeal is not evidence of a guilty party but evidence of being unwitting victims of a system that continually fails the progress of our Community.

Yours sincerely,

Stanley Reuben Brown

Gwendoline Laura Brown

1. Definition of Elders and Communities

White man's laws have contributed to the disintegration of respect for Aboriginal Elders.

In principle, one way of addressing this issue is to incorporate into legislation the following definitions that are submitted for discussion:

- 1.1 Priority definition = Elders = Traditional Custodians of a particular country who know and honour their local tribal lore (law);
- 1.2 Secondary definition = Elders = Respected Aboriginals that know Aboriginal lore (law) from other areas, totems and Aboriginal nations.
- 1.3 Priority Community = Traditional Custodian Aboriginal people residing in their own country but not necessarily in one location. Eg. Located in various groups from La Perouse to Batemans Bay;
- 1.4 Secondary Community = Aboriginal people residing in a country that is not their totem, area or Aboriginal nation.

See section 3 below for an example of this outworking.

2. Abuse

We were a driving force in the establishment of the Illawarra Aboriginal Medical Services (IAMS) in the mid 1980's. Wrongly convicted and acquitted on Appeal we have suffered serious health problems and loss of respect arising from the abuse by Aboriginals and the injustice of the court system since 1997. We were not given the option of innocence until proven guilty. To this day we seek 'Natural Justice.'

Appendix A contains a set of documents that provide an indication of the challenges we faced in the vain attempt to obtain support and justice. These documents are a witness to the abuse we received as Elders and Traditional Custodians. Hence why we have set out our criteria above (Section 1) for defining one of the problems facing our Elders.

3. Prevent Elder Abuse

To prevent Elder abuse:

- 3.1 Local Aboriginal Land Council's and other Aboriginal organisations, such as IAMS, defer to Traditional Custodians and Tribal Council Elders and local Aboriginal lore (law). To be enshrined in legislation;

- 3.2 All dealings by Federal, State, and Local Government authorities give explicit rights to the Traditional Custodians to receive and engage in information exchange, discussions, events, projects and funding matters;
- 3.3 Local Aboriginal Land Council's (all Aboriginal organisations) and Traditional Custodians and Tribal Council Elders to take disputes to an independent Mediator, such as the Community Justice Centres in New South Wales. This is expected to minimise debilitating acrimony and enhance progress of the community.
- 3.5 That is, all Aboriginal organisation contain within their constitutions an explicit acknowledgement, recognition and role for the Traditional Custodians and Tribal Council Elders.

4. Support Elders

- 4.1 Substantial training for Elders to be efficient and effective in managing people, systems, projects, funding responsibilities and reporting structures.
- 4.2 Formal training of younger generations on Aboriginal customs and respect for others.
- 4.3 Readily accessible mentoring resources if and when needed.

5. Legal System Problems

- 5.1 Appendix A contains evidence of a particular problem that the legal system tore us apart in terms of health and community respect.
- 5.2 We were inadequately trained and then hung out to dry because we made mistakes.
- 5.3 We had no defender - advocate to walk with us as we were crying out for help. Even a defendant in a court of law has a spokes person. We cried out to many politicians, civil liberties organisation and others but to no avail as they kept referring to another – we were isolated but innocent –In other words 'set up'

6. Support Groups

- 6.1 There are no safe places for restoration and healing (from abuse) for Elders.