

# Let's talk...

## 20th anniversary of Mabo



*This year, 3 June marks the 20<sup>th</sup> anniversary of the Australian High Court's landmark Mabo decision, which removed the myth of terra nullius from Australian law and recognised the unique rights that Aboriginal and Torres Strait Islander peoples have to land and waters according to traditional laws and customs, paving the way for the legal recognition of land rights known as native title.*

*This Mabo Day, take some time to learn about how the Mabo decision reshaped our history and our laws, and a bit about the man himself, Eddie 'Koiki' Mabo.*

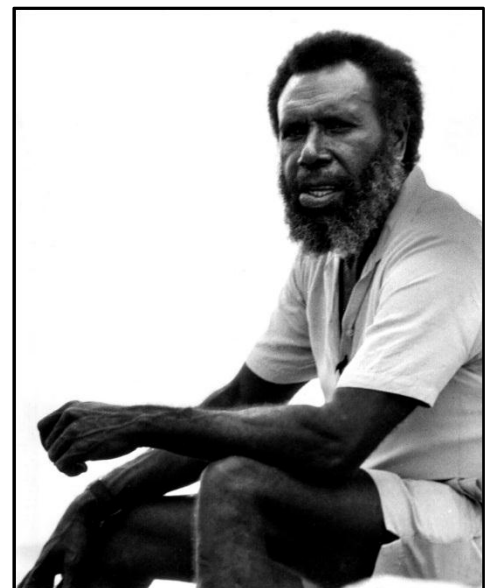
### **Meet... Eddie Koiki Mabo**

Eddie 'Koiki' Mabo was born on 29 June 1936, in the community of Las on Mer, known as Murray Island in the Torres Strait. His birth name was Eddie Koiki Sambo; however he was raised by his Uncle Benny Mabo through a customary 'Island adoption'. When Eddie was growing up, life for the people of the Torres Strait Islands was strictly regulated with laws made by the Queensland Government. However, the Meriam people strived to maintain continuity with the past and continued to live a traditional lifestyle based on fishing, gardening and customary laws of inheritance. At the age of 16, Eddie was exiled from Murray Island for breaking customary Island law, and he set off for the mainland where a new life was waiting for him.

Eddie had many jobs throughout his life, including an assistant teacher; a deck hand on pearl lugger and tug boats; a fletcher on the Queensland railway tracks; a cane cutter; and a grounds keeper. Eddie was also an artist and writer. Some of his art works and writings can be found at the National Library of Australia.

It was during his time as a grounds keeper at James Cook University in Townsville that Eddie learned about Australian land ownership laws. He believed the land he grew up on, Murray Island, belonged to the Torres Strait Islander people who had lived there for thousands of years. But, Australian law stated that the Government owned the land. Eddie believed that these laws on land ownership were wrong and decided to fight to change them.

In 1981, Eddie Mabo made a speech at James Cook University in Queensland, where he explained his people's beliefs about the ownership and inheritance of land on Murray Island. A lawyer heard the speech and asked Eddie if he would like to challenge the Australian Government



through the court system to decide who the true owner of land on Murray Island was—his people or the Australian Government.

Eddie did not live to see the final decision passed down from the High Court. Ten years after the case was first heard, at the age of 55, Eddie died from cancer. Five months later the High Court ruled in the plaintiff's favour, expelling the notion of terra nullius from Australian law and paving the way for the creation of land rights legislation called Native Title. In 1992, Eddie was posthumously awarded the Australian Human Rights Medal by the Human Rights and Equal Opportunity Commission and in 1993, the Australian newspaper named Eddie the Australian of the Year for 1992.

Three years after Eddie passed away, a traditional Torres Strait Islander memorial service known as a tombstone opening was conducted in Townsville. The very next day, his gravesite was vandalised with racist emblems and his tombstone partially destroyed. Due to this vandalism, Eddie was reburied on Murray Island, where he was given the traditional burial ceremony of a Meriam King, the first performed in over 80 years.

### Some quick statistics...

**1,158,876** ... the amount of land in square kilometres where there are registered determinations of native title.

**15.1** ... the percentage of Australia's land mass where there are registered determinations of native title.

**139** ... the total number of determinations that native title exists since the passing of the *Native Title Act 1993*.

**443**... the total current number of claimant applications with the National Native Title Tribunal.

### Did you know...?

- *Terra nullius* is a Latin expression meaning 'land belonging to no one'. In the 1971 Gove land rights case, Justice Blackburn ruled that Australia had been terra nullius before European settlement. Subsequent cases in 1977, 1979 and 1982 challenged this judgment – all were rejected.
- The *Mabo* case was a legal challenge by plaintiffs Eddie Mabo, Celuia Mapo Salee, Sam Passi, Father Dave Passi and James Rice, against the State of Queensland to establish traditional ownership of the Murray Islands in the Torres Strait.
- The *Mabo* case was heard over ten years, starting in the Queensland Supreme Court and progressed through to the High Court of Australia. During this time, three of the plaintiffs passed away, including Eddie Mabo.

- Following the Mabo decision, Australia's Federal Parliament passed the *Native Title Act 1993* which established a legal framework for native title claims throughout Australia by Aboriginal and Torres Strait Islander peoples.
- The first 'consent determination' of native title on mainland Australia was for the Dunghutti people at Crescent Head on the North Coast of New South Wales in 1997.

## Watch and learn



The tele-movie *Mabo* will premiere on June 10 at 8:30pm on ABC1. It traces the life of Eddie from a carefree young man through his courtship and marriage and the handing down of the historic high court decision.

Mabo classroom is a valuable multimedia resource where students can learn about the significance of Eddie Mabo in shaping our national identity and modern Australian history.

## Take Action...

- Go along to some of the great events being held all over the country to celebrate National Reconciliation Week. To find out more go to: <http://www.reconciliation.org.au/nrw>
- If you're in Canberra, visit the National Library of Australia's 'Mabo Collection' and attend the 'Mabo 20 Years On' forum at the National Museum of Australia from 6pm until 7pm on 30 May 2012, Bookings essential by email: [bookings@nma.gov.au](mailto:bookings@nma.gov.au) or phone (02) 6208 5021.
- If you're in Sydney, get along to the 2012 Sydney Film Festival on 7 June to watch the new movie about Eddie Mabo, *Mabo*. For more details check out the Sydney Film Festival's schedule here: <http://www.sff.org.au/public/schedule/>. Or, you can catch the movie on 10 June on ABC1 at 830pm AEST.
- If you're in Townsville, check out 'Echoes of Mabo: Honour and Determination' at 'Native Title Conference 2012' between 4 and 6 June at the Townsville Entertainment and Convention Centre. Also, check out the 'Townsville Reconciliation Festival' between 2 and 3 June at Townsville's Strand Park.
- Watch the ABC's Four Corners documentary 'Judgement Day' to discover more about what happened after the historic *Mabo* decision: <http://www.abc.net.au/4corners/stories/2012/05/03/3494661.htm>