



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

PROOF

Federation Chamber

STATEMENTS ON INDULGENCE

Mabo Native Title Decision

SPEECH

Monday, 25 June 2012

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

SPEECH

<p>Date Monday, 25 June 2012 Page 164 Questioner Speaker Brodtmann, Gai, MP</p>	<p>Source House Proof Yes Responder Question No.</p>
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Ms BRODTMANN (Canberra) (17:20): Sunday, 3 June marked the 20th anniversary of the Mabo native title High Court decision. As the Prime Minister stated some weeks ago, this was a sublime moment in the life of our nation. The Mabo decision, as it has affectionately become known, had a profound impact on Indigenous land rights, extinguishing the terra nullius myth that had been in existence for so many years. It is a case that has gone down in Australia's legal and cultural history as a turning point in our nation's story. When the High Court of Australia handed down its historic judgment, it accepted the claim of Eddie Mabo and other claimants that their people had occupied the island of Mer for hundreds of years before the arrival of the British. This was a landmark decision, finding that the Meriam people were entitled, as against the whole world, to possession, occupation, use and enjoyment of the lands in the Murray Islands. The decision overturned the idea that Australia was terra nullius—a land belonging to no-one—at the time of colonisation. It had profound implications for the Aboriginal and Torres Strait Islander land rights movement nationally.

It was wonderful earlier this month to see so many people celebrating the 20-year anniversary of the High Court's decision, and it gives me great joy that this landmark case will always have a special place in our nation's heart. This year the ACT Torres Strait Islanders Corporation, established in 1996, hosted the ACT celebration of Mabo, and they have been doing that for a number of years. The corporation organised a high-level event in partnership with the National Museum of Australia during National Reconciliation Week. The event, held at the National Film and Sound Archive, was attended by special guest speaker Gail Mabo, the eldest daughter of Eddie and Bonita Mabo.

I was disappointed not to be able to attend, as parliament was sitting at the time, but I believe the day was a wonderful success and the celebrations befitted this momentous day. Last year I did manage to attend the events, held here at Parliament House. Again it was a lovely day of celebration and, most importantly, of dance and culture. There were Thursday Islanders and Torres Strait Islanders from all over Australia, primarily from the Sydney community but also from the ACT community. They joined together in song and dance and also to reminisce about their stories. It was a wonderful event last year and it is a pity I had to miss it this year.

We should always continue to mark this day because the decision acknowledged and affirmed what Indigenous people have always known—that this land was not empty or vacant but was occupied by a proud and peaceful people who had lived on this land and as part of this land for many thousands of years. To really get a grasp of their place as Australia's first people, you only have to consider recent archaeological finds in Arnhem Land, where rock art has been carbon dated to around 28,000 years ago. This is one of the earliest examples of rock art in the world, and its significance should not be underestimated. When we consider the Mabo decision in this context, why would we not want to celebrate having one of the oldest cultures on this earth?

The Prime Minister at the time of the Mabo decision was Paul Keating, and he recognised Mabo for what it was—not a burden, not a problem, but an opportunity. He noted that Mabo was a historic decision, one which Australia could make into a turning point and the basis of a new relationship between Indigenous and non-Indigenous Australians. He said:

The message should be that there is nothing to fear or to lose in the recognition of historical truth, or the extension of social justice, or the deepening of Australian social democracy to include Indigenous Australians.

These words continue to be relevant today, 20 years on. Prime Minister Keating reminded us that the big things, the great things in Australian politics, never come easily, yet we should embrace them and accept them as part of our nation's continuing history.

To me the Mabo decision reinforces Australia's cultural diversity and our differences, which we should celebrate and not conceal. Several years ago, I had the opportunity to visit Thursday Island, in the Torres Strait, as part of a tour I was doing with Australian Defence Force Cadets. There is a naval cadet unit there and it is incredibly

popular with the kids—and I am talking about the school-age cadets here—because it links into their culture. As we all know, this is a great fishing and great pearling culture. There is a huge and very strong connection with the sea. The beauty about this Navy Cadets facility was not only that they had linked into that culture and strong tradition but also that they were introducing the kids to the notion of discipline and the naval tradition. So they got the best of both worlds in many ways: the history and tradition of the Navy plus the history and tradition of their own people, the Thursday Islanders. The kids loved going to the Navy Cadets after school once a week. It was very strongly supported by the community, particularly the schoolteachers. We were up there to launch the new cadet facilities and it was a great event. From memory, it was a very hot event but it was a wonderful event.

What really underscored the diversity for me during that visit was that I had the opportunity to go to the graveyard. I love visiting graveyards and I was given a tour by one of the people who lived on Thursday Island. I am not sure whether many people are aware of this but I was told that, when they bury their dead, they bury them in the traditional way and then they wrap the headstone with plastic or ribbons or something to mark the fact that a person has only recently been buried. After 12 months, I understand that they open up the grave and open the coffin—all the families are there—and that is designed to set the soul free. They then close it up and the person is truly on the way to the next life.

It is a really strong tradition that I had never heard of or seen beforehand and it underscored the diversity of Australia's people. During that visit I went to Thursday Island and after that I went to Bamaga, where there is a completely different Indigenous community. I then went to Nhulunbuy, which also has a different Indigenous community. I was then up at the Coburg Peninsula for another event and, again, there was a completely different Indigenous community. So the diversity, tradition, cultural strength and richness of the Australian Aboriginal and Torres Strait Islander communities are extraordinary, and decisions like the Mabo case underscore and recognise that.

The 20th anniversary of Mabo celebrates one of our great and proud achievements as a nation. It righted a wrong and set our nation on a new course towards greater acceptance and reconciliation and, as I said, a greater understanding and appreciation of its diversity. I commend the anniversary.