
Ten years after Mabo, Aborigines seek a new way

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Aboriginal leaders are considering a radical shift in approach after concluding that the plight of indigenous Australians has not improved in the decade since the historic Mabo decision.

Aboriginal and Torres Strait Islander Commission chairman Geoff Clark said last night it was time to reappraise the system for recognising land rights and dealing with native title.

Delivering the Eddie Mabo Memorial Lecture in Melbourne, Mr Clark called on Aboriginal, rural and mining interests to explore whether there was a "better way".

The High Court's decision was commemorated with marches, speeches and celebrations across the country yesterday, with the family of the late Eddie Mabo repeating their call for the anniversary to be declared a national holiday.

On the tiny island of Mer in the Torres Strait, celebrations included an address by James Rice, one of two surviving plaintiffs in the action brought by Mabo against the Queensland Government in 1982. Mr Rice said the judgment delivered freedom, but urged the islanders to pursue their native title claim over the waters of the Torres Strait.

The case took 10 years before the High Court rejected terra nullius, the notion that the land was owned by no one before white settlement.

Speaking before an audience that included Mabo's widow, Bonita, and the other surviving Mabo litigant, Father Dave Passi, Mr Clark said Australia owed the Mabos "a profound debt for their struggle, perseverance and faith".

But Mr Clark said legislation to implement the Mabo decision of June 3, 1992, which was amended by the Howard Government in 1998, had not worked in practice.

"We have lots of systems and procedures, but the traffic using these systems is jammed and the parties are going nowhere fast."

A more optimistic view came from Fred Chaney, deputy president of the National Native Title Tribunal, who told the audience a new culture of negotiation and agreement-making had flowed from the decision. "What has been achieved in 10 years? Much more, I suspect, than almost anyone realises." Among those to be involved in the policy rethink are indigenous leaders Patrick Dodson, Peter Yu, Noel Pearson and the respected academics Professor Marcia Langton and Professor

Larrisa Behrendt. The review will cover land rights, Aboriginal structures and welfare reform and explore whether it is possible to come up with a settlement that can then be presented to government.

"Only if the stakeholders can come up with the workable solutions can we break the gridlock," Mr Clark said. "Governments cannot impose a solution any more."

Mr Clark said the universal picture to emerge from discussion with a cross-section of Aboriginal leaders was that on key indicators like life expectancy, incarceration, education, health and employment "we are behind and going nowhere".

"Communities are crippled by social problems, substance abuse, domestic violence and chronic division and disputation within communities and families," he said.

This sentiment was echoed earlier yesterday by Democrats deputy leader Aden Ridgeway, who said native title had been a spectacular failure and all 590 remaining native title claims should be "fast-tracked" for immediate resolution.

"In terms of efficiency and good outcomes, I would regard it as being a spectacular failure," he said.

Senator Ridgeway said the nation's political leadership squandered the opportunities opened up by the High Court's Mabo decision and failed Aborigines in the process.

The government could not continue to divorce the acknowledgement of indigenous rights - including issues such as a formal apology - from the continuing poor standards of living that Aborigines experience.

Aboriginal Affairs Minister Philip Ruddock said fifteen per cent of Australia was now in the hands of indigenous people. He said the challenge was to deliver economic benefits and better standards of living to Aborigines through the land and native title rights they had gained.

Opposition Leader Simon Crean appeared to support Mr Clark's initiative when he said earlier yesterday that the anniversary was an opportunity to recommit to finding a lasting solution for native title.