

**MABO LECTURE  
NATIONAL NATIVE TITLE CONFERENCE  
3<sup>RD</sup> JUNE 2016**

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CHIEF EXECUTIVE OFFICER  
NORTH AUSTRALIAN INDIGENOUS LAND & SEA MANAGEMENT  
ALLIANCE**

Good morning, Ladies and Gentlemen.

I would like to acknowledge the Traditional Owners of Darwin, the Larrakia People and pay my respects to their Elders past and present and to thank them for allowing me to speak on this beautiful Country. I would also like to pay my respects to all of the Traditional Owners here today and in particular my mob from North Queensland and to thank the Chair of the Northern Land Council and AIATSIS for inviting me to speak at this important event.

I would also like to acknowledge my board members who are also here today, Cissy Gore-Birch, Peter Yu, Teddy Carlton, Sammy Bush-Blanasi and Joe Morrison.

Before I begin though, I would like to pay a special acknowledgement to the Girringun Aboriginal Corporation from Cardwell in North Queensland who are represented here today, who this year celebrated the 10 year anniversary of their Traditional Use Marine

Resource Agreement. Your leadership in Sea Country Business within the Great Barrier Reef continues to shape the legacy of your old people and has for a long time inspired me to do the things that I do. Congratulations on taking up that fight and continuing to lead the way towards a proper co management framework for Traditional Owners within the Great Barrier Reef.

When thinking about what I was going to say today I must admit there were times when I was unsure of how to approach this. There are so many things to say.

In the end the thought that kept coming back to me was this idea common before and at the time of its inception, that Native Title was going to keep our Country strong, deliver our communities prosperity and our culture longevity. This thought was common amongst my old people and I am sure all those old people who fought for our Rights.

Today I would like to share with you my thoughts around Native Title and Land & Sea management and the unrealised opportunities that they can achieve. But also to reflect on where these opportunities are being marginalised and sometimes put up as a barrier for Strong Culture, Strong Country and a Strong Future.

This year marks some significant milestones for Aboriginal and Torres Strait Islander peoples. The 50<sup>th</sup> Year of the Wave Hill Walk Off, the 40<sup>th</sup> Year since the establishment of the Northern Territory Land Rights Act, the 25<sup>th</sup> Year since the findings of the the Royal Commission into Aboriginal Deaths in Custody where handed down. And of course the historic Mabo vs Queensland decision which was handed down on this day the 3<sup>rd</sup> June some 24 years ago.

Recognising that without these historic events we would be more than likely be in an even worse position than we are today. A scary thought but true.

When ever I think about this idea of Land Rights it always brings me back to that famous catch cry of the early days:

**WHAT DO WE WANT? LAND RIGHTS, WHEN DO WE WANT IT?**

**NOW. WHAT HAVE WE GOT?... FUCK ALL.** I did have something else written down, but I will just say NOTHING! These Three questions that brought our people together to march in the streets to defy and question the establishment have been much in my mind as I reflect on my own efforts of the last 20 years and the efforts of those whose shoulders I stand on. I keep returning to the three critical questions which mirror the protest of my parents and their Aboriginal and Torres Strait Islander brothers and sisters from every corner of this Country, thier collective family. A time when we all marched together as one mob for one reason. To get our Country Back.

First what do we want? What was the vison of the people who fought and won the Land Rights battle. What was in their minds

when they thought about a post native title future? What kind of Australia did they believe all their effort would deliver my generation and generations beyond?

Second, when do we want it? What has been the lived reality of the post native title determination era? Does the world they imagined align with the daily reality of the life we lead today? And more importantly did they ever imagine that they would not be here to realise their efforts in the struggle. And that today we are still fighting.

Third what have we got? Or more importantly what should we have? What should the current generation of leaders be focused on – what should be the nature of our fight, where should our energy be focused – which fights should we be abandoning and which should we reinforce?

For me much of my fight has been focused on this last question.

About ensuring that the role of Aboriginal and Torres Strait Islander land and sea managers – the doers - is recognised, supported and valued. Now let's face it, this is not an easy task and it is an issue that is multifaceted in its application. Looking after Country is not just about protecting and managing plants and animals or working with weeds and feral's. It's also and more importantly about People. Peoples ability to keep their culture strong, derive an income from their Country, which would create opportunities for their children, and - within all of this - developing the capability of their community organisations to enable them to facilitate strategic long term outcomes.

In essence it is about reclaiming our sovereignty; the capacity for Aboriginal and Torres Strait people to live on our traditional country on our terms and not at the behest of government.

We all know that if you don't have regional and local level organizations that are capable, resourced and functioning we are doomed to failure. It is my view that if we do not strategically argue this case and find solutions, significant opportunities will be missed. Given the urgent focus from government and industry to develop the north this is a CRITICAL issue.

And let's face it, this is not a new idea. At its inception, Native Title, and the benefits it could deliver were viewed more broadly. This found expression in the now forgotten and abandoned Social Justice Package.

This was supposed to be the third tranche of Keating's response to Mabo after the Native Title Act and the Indigenous Land Fund. There was a lot of work put into the proposed Social Justice Package to re-set the relationship between the Australian nation and Aboriginal and Torres Strait peoples involving comprehensive community consultations and submissions put to the Keating Government by



ATSIC, the Aboriginal Reconciliation Council and the Aboriginal and Torres Strait Islander Social Justice Commissioner.

Then Howard got elected and it was all consigned to the dustbin of history. So much for the social compact between First Nation negotiators and the Australian Government that was conceived at the end of 1993.

It is this missing pillar which has troubled so many of us ever since. It is the foundation for the feeling in a post determination environment that Native Title was supposed to deliver us something more. It is the foundation for the genuine question of all who fought and won; “is this all there is?”. It is the foundation for the question after PBC’s have achieved responsibility for Country and a bank account with \$50 bucks in it and sent on their way – what now?

**Some 20 years after the Social Justice package was abandoned we are still dealing with the issues that it set out to achieve:**

*Rights as citizens*

*Recognition and achievement through self determination*

*Ability to exercise our rights and to share equitably in the provision of government programs and services*

*Protection of our cultural integrity and heritage*

*Increasing participation in Australia's economic life*

**The view that Native Title is/was about participating in the economic opportunity that it may deliver, the idea that we would all prosper from our Country.**

**Lack of investment and support in capability through Native Title has ensured that Indigenous interests are marginalized. NO ABILITY TO ENSURE LONG TERM PARTICPATION IN DECSION MAKING FOR COUNTRY – NO SUPPORT FOR GOVERNANCE, NO SUPPORT FOR ORGANISATION CAPABILITY.**

**This is the legacy of the abandonment of the third tranche of Native Title, the Social Justice Package.**

It is a rewriting of history to pretend that these opportunities were not seen to be part of the benefits Native Title might deliver. Native Title is and always was more than a conversation around tenure.

Paul Keating said it so eloquently in his famous Redfern Park speech in December 1992 when he said “ *By doing away with the bizarre conceit that this continent had no owners prior to the settlement of Europeans, Mabo establishes a fundamental truth and lays the basis for justice. It will be much easier to work from that basis than has ever been the case in the past ... Mabo is an historic decision - we can make it an historic turning point, the basis of a new relationship between indigenous and non-Aboriginal Australians.*”

Twenty four years later Aboriginal and Torres Strait Islander peoples are still waiting to negotiate a new relationship with the Australian nation state. I would like to reiterate the views of my colleague Joe Morrison, who yesterday painted a picture of dysfunction and chaos

in the Indigenous affairs portfolio. Even Noel Pearson early in the year described the Australian Indigenous Affairs policy framework as “in crisis”.

*I can attest to this*

As CEO of North Australian Indigenous Land and Sea Management Alliance, I have experienced enormous frustration in dealing with this government.

NAILSMA like many other community organisations were denied funding under the Indigenous Advancement Strategy.

Yet NAILSMA has an impressive track record over many years of supporting traditional owners to manage their country and is at the cutting edge of global leadership on innovative work which our funding application detailed including:

- developing the capability of Land and Sea Management practitioners and their organisations by supporting governance
- Supporting the development of a robust evidence base by which people could make informed decisions around future opportunities
- Supporting whole of Country planning so that traditional owners are empowered to engage government and industry under the principles of free, prior and informed consent: and
- identify opportunities for our young people.

We set out a plan to support people to enable them to participate, to have their hands on the steering wheel and driving their own development opportunities.

Good governance, good organisational capability and investment in people as we all know are the keys to advancement.

Despite this critically important work that is fundamental to the long term development of north Australia, the Australian Government rejected our application on the grounds that NAILSMA is not a 'frontline' service. **Whatever that means.**

Fortunately we are in a position to continue to operate through International and domestic philanthropic investment. While private and philanthropic investment is important, it barely touches the service of what is required.

Fundamentally there needs to be a transformational change in public investment priorities.

But that can never happen while the Australian nation remains stuck in the dysfunctional relationship it has with Aboriginal and Torres Strait Islander peoples, which the Social Justice Package was supposed to fix twenty years ago.

This nation must establish a clear pathway to deal with its relationship with the people it has colonised. We cannot be talking about constitutional recognition of Indigenous people in isolation of the public policy framework that concerns Indigenous people.

The two go hand in hand.

I know there is debate among Aboriginal and Torres Strait Islander people about what should come first constitutional recognition or a Treaty.

Let's suspend that debate for a minute and imagine that we combine the two; what happens the day after. Let us imagine what would be the key elements of a relationship that has been fundamentally re-set between the Australian colonisers and the colonised.

I would like to outline what I think could constitute a reconciled and respectful relationship within the constraints of the federated structure of the Australian polity.

One, Australia must address the racism of the past and commit to a non-discriminatory society. Government must never again impose policies on Indigenous people that are not consistent with the Racial Discrimination Act

Two; formal mechanisms must be established so that there can be transparent and open dialogue and accountability between Indigenous people and government on a regional and national level

Three; All governments must be accountable for the services they provide to indigenous people under agreed national standards through the oversight of a national statutory body agreed by COAG



Four; there must be national agreement on key principles of self-determination as stated in the United Nations Declaration on the Rights of Indigenous Peoples

Five; governments must support the capacity of indigenous people to live on their traditional country

Six; in recognition of land and wealth taken from Indigenous people and generational policies of discrimination and suppression, governments commit to measures of restitution such as compensation funds and special tax arrangements.

Fundamental to all of this though is the need to ensure that our relationship is enshrined and bound by the constitutional necessity and capacity to deliver, uphold and protect our inherent rights and values as the first peoples of this country.

We have to exercise our sovereign interests in the manner in which we live our daily lives, treaties have to be negotiated and agreed under a constitutional framework free from the political whims and particular ideology of any political persuasion.

The spirit of the Mabo decision and the struggle of those brave men and women who have fought the long hard struggle should be recognized by a final settlement of these historical grievances and a

new set of rules that govern our future relationship in a more truthful nation.

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