

Eddie Mabo and the Native Title Act - 1

Eddie Mabo, born Edward Koiki Sambo, is one of Australia's most famous Torres Strait Islanders.

Why is Eddie Mabo so famous?

In June 1992, after a ten-year struggle, Eddie and some of his fellow Islanders won a legal battle against the state of Queensland. The High Court of Australia ruled that native title still existed on Murray Island, the British name for Mer Island, where Eddie Mabo was born.

So what is 'native title'?

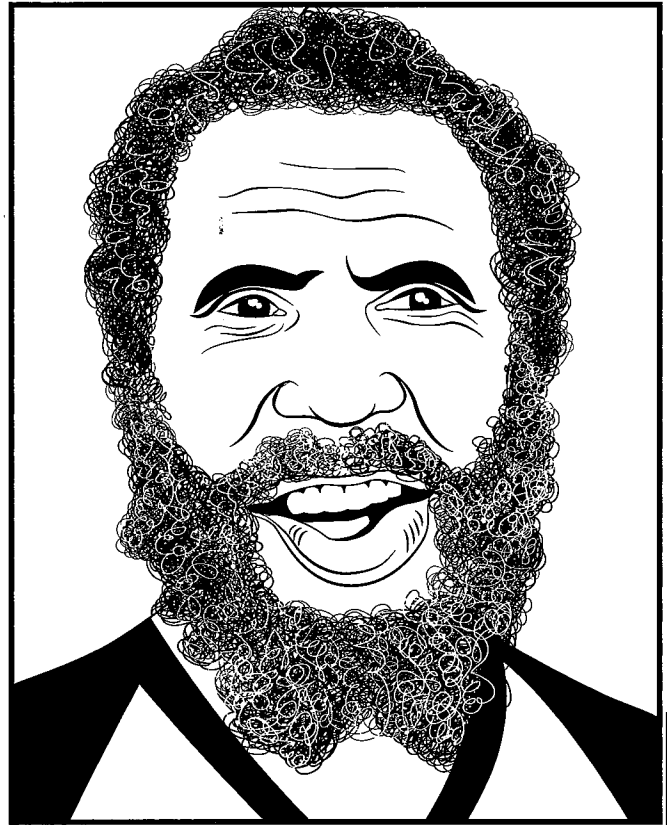
Native title means 'continuous ownership of the land by the Indigenous population'. If Indigenous people can prove they have always had a connection with an area of land, and the land has not been taken by the spread of towns, farming and other industries, then it is possible that native title still exists on that land.

The decision in favour of Eddie Mabo and the Meriam people was the first of its kind in Australia. Sadly for Eddie and his family, he died a few months before the decision was given. But he will always be remembered by the 'Mabo Decision', which is written into the history of Australia.

The 'Mabo Decision' acknowledged that at the time of European settlement, the continent of Australia was not 'terra nullius' and control of the land of Murray Island was returned to the Meriam people.

How does the 'Mabo Decision' affect present-day Indigenous people?

All Indigenous people are now recognised as the original owners of the land and therefore have the right to claim native title to land. But native title is not given automatically. If the land in question is privately owned or commercially developed, the native title of that land is said to be 'extinguished'; it is lost and cannot be retrieved.



If the land is 'Crown land', that is, owned by the Commonwealth, and Indigenous people can show a continuous bond with it, the native rights will be returned either in full or in part. If the rights are returned in part, the Indigenous people are obliged to allow non-Indigenous people access to the land on the understanding that the laws and traditions of the owners are respected.

What is the difference between 'native title' and 'land rights'?

'Land rights' refers to Crown land that was given to the Indigenous people if they could prove a long connection with it. 'Native title' acknowledges that such land originally belonged to the Indigenous people and was not Crown land.

