

MY PERSPECTIVE: THE 1967 REFERENDUM

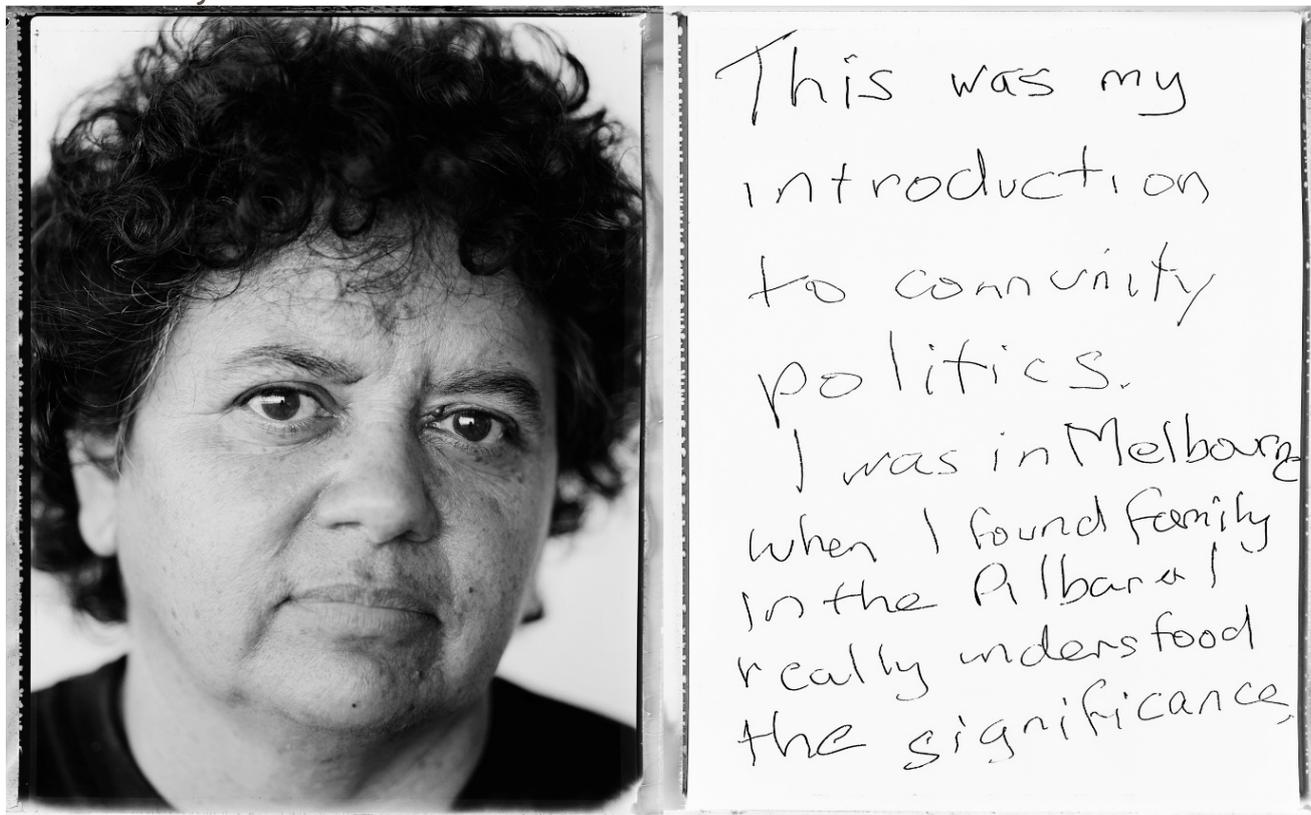
The 1967 Referendum had an enormous effect both symbolically and practically for Aboriginal people. It also resonated widely with the non-Aboriginal population who saw it as a time of progression towards equality and recognition of Aboriginal people's traditions, laws and culture. The following provides a community perspective, with reflections collected from the Aboriginal and non-Aboriginal community about what the 1967 Referendum meant or means to them today. All reflections were recorded between November 2016 and April 2017 unless otherwise stated.

Marnti Warajanga – A Walk Together

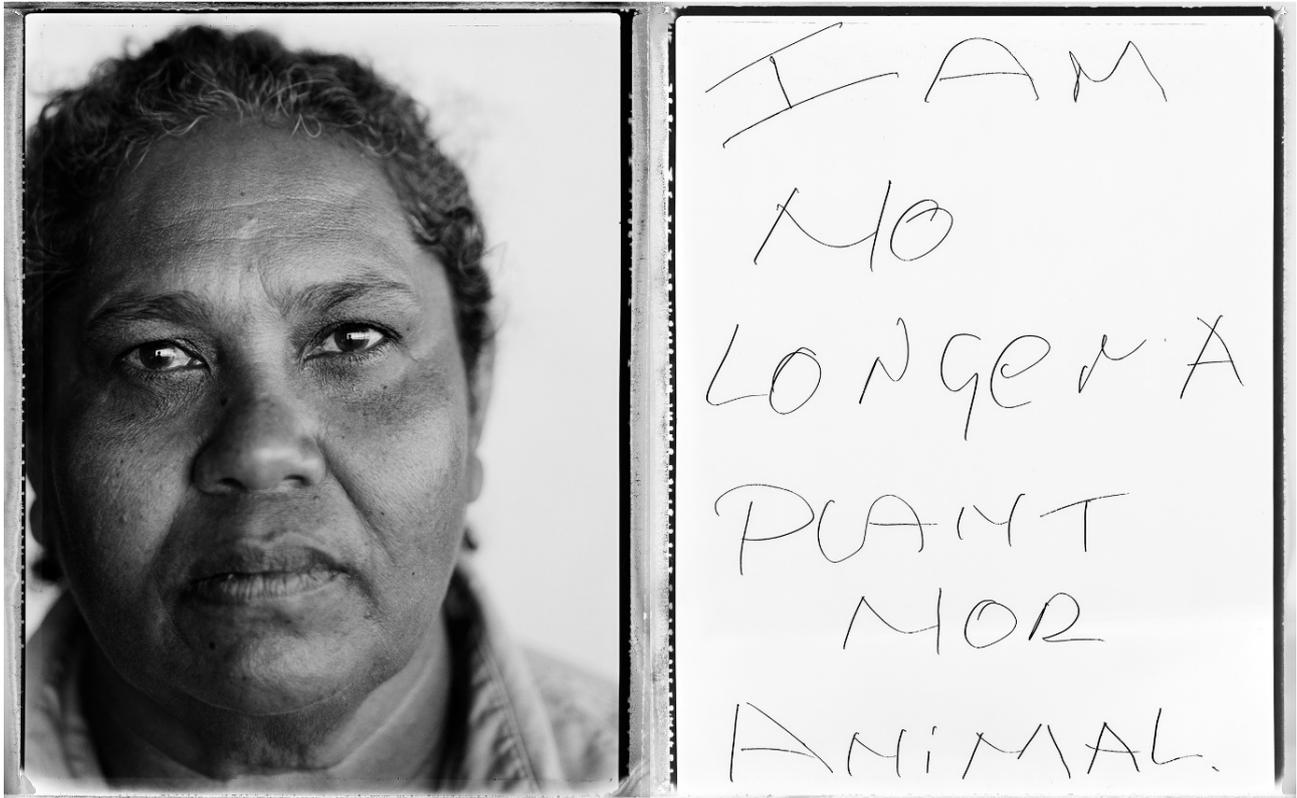
The following images were produced for an exhibition, *Marnti Warajanga- A Walk Together*, 2007, by the Museum of Australian Democracy in association with Wangka Maya Pilbara Aboriginal Language Centre and photographer Tobias Titz.

The exhibition, commissioned to commemorate the 40th anniversary of the 1967 Referendum, explores how the people of the Pilbara have engaged with democratic process and how significant developments in Aboriginal affairs have influenced their life. In their own words, the subjects of the portraits reflect their ongoing work for social and political change at a community and national level.

Rose Murray, 2007

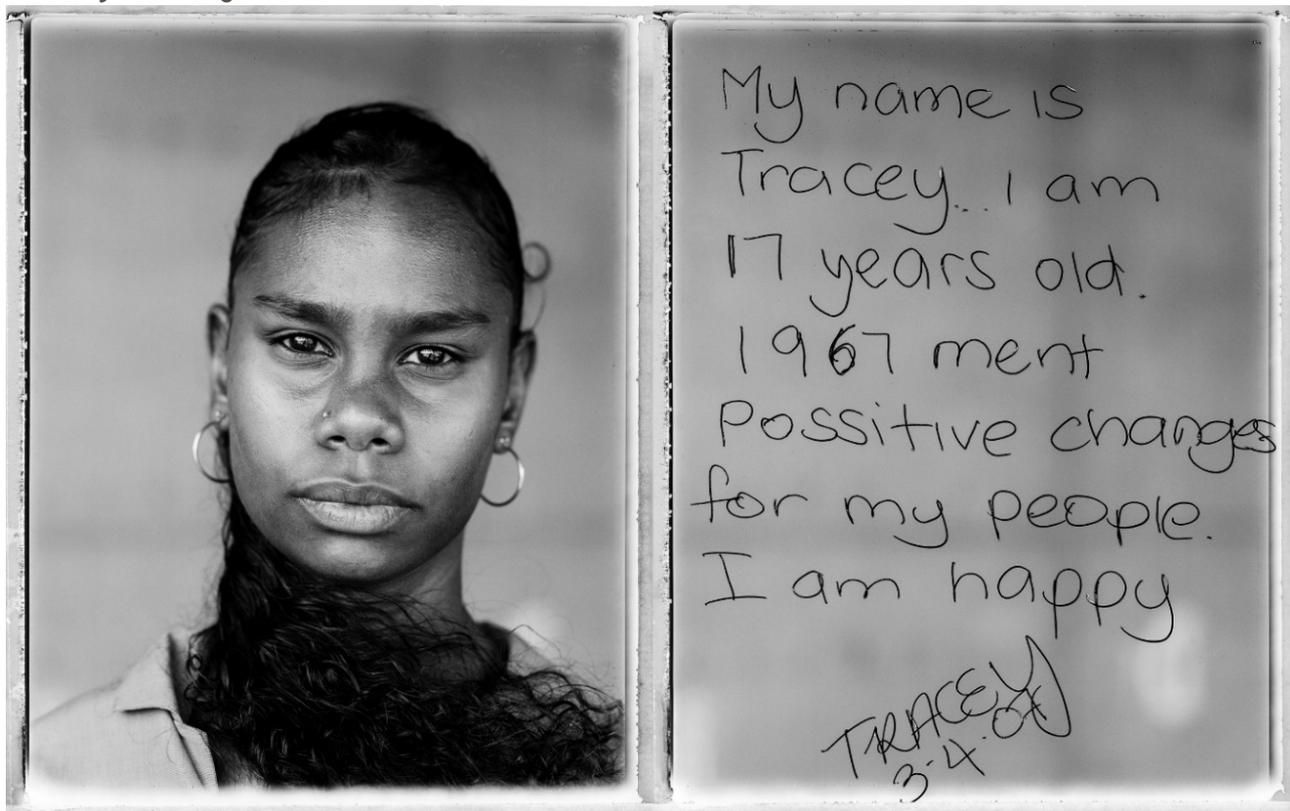


The late Sylvia Clarke, 2007



Sylvia Clarke [deceased] worked at Wangka Maya Pilbara Aboriginal Language Centre on special media projects such as DVDs, recordings, plays and radio broadcasts. She was a graduate of Theatre Arts from WA Indigenous Performing Arts and had worked in groundbreaking productions such as the original theatre musical *Bran Nue Dae* [1990] as Aunty Teresa, and the award-winning SBS series *The Circuit* [2007–09] as Elder Phyllis.

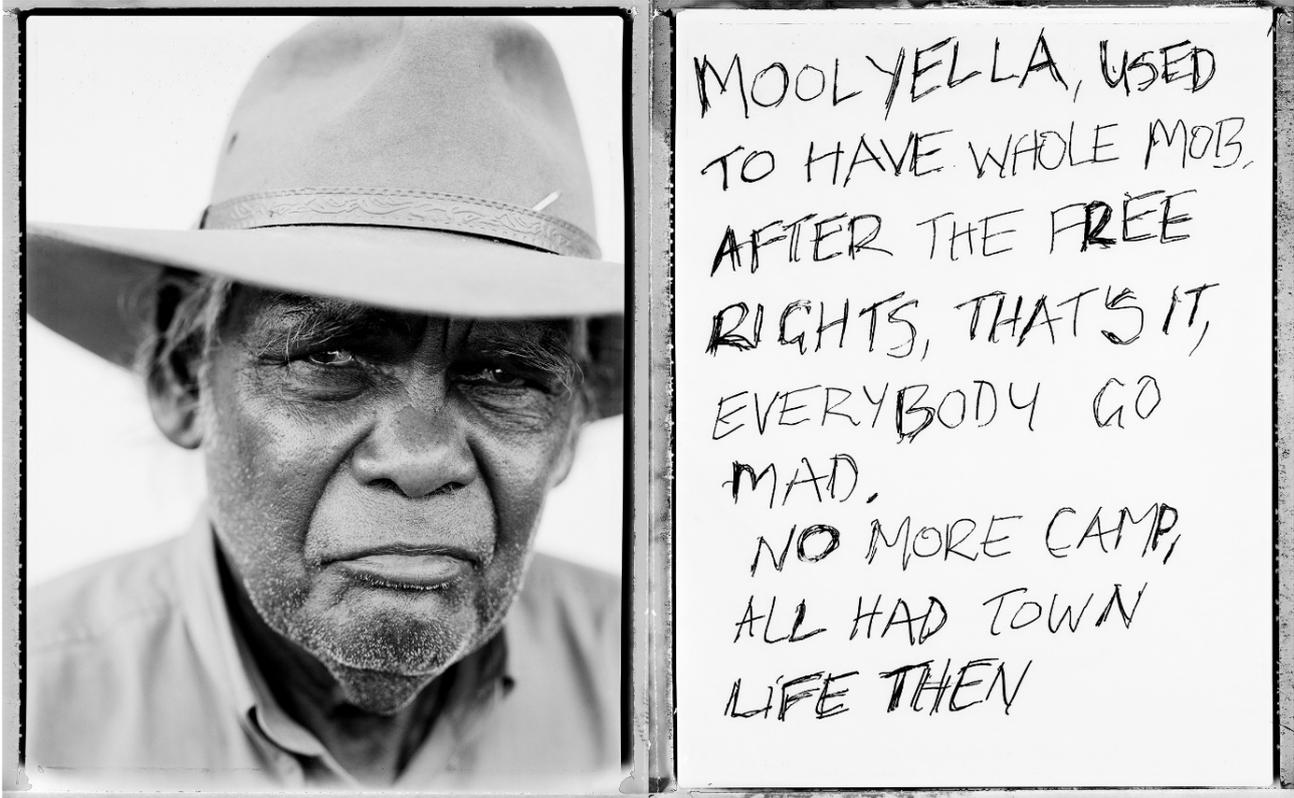
Tracey Monaghan, 2007



The late Ginger Bob, 2007



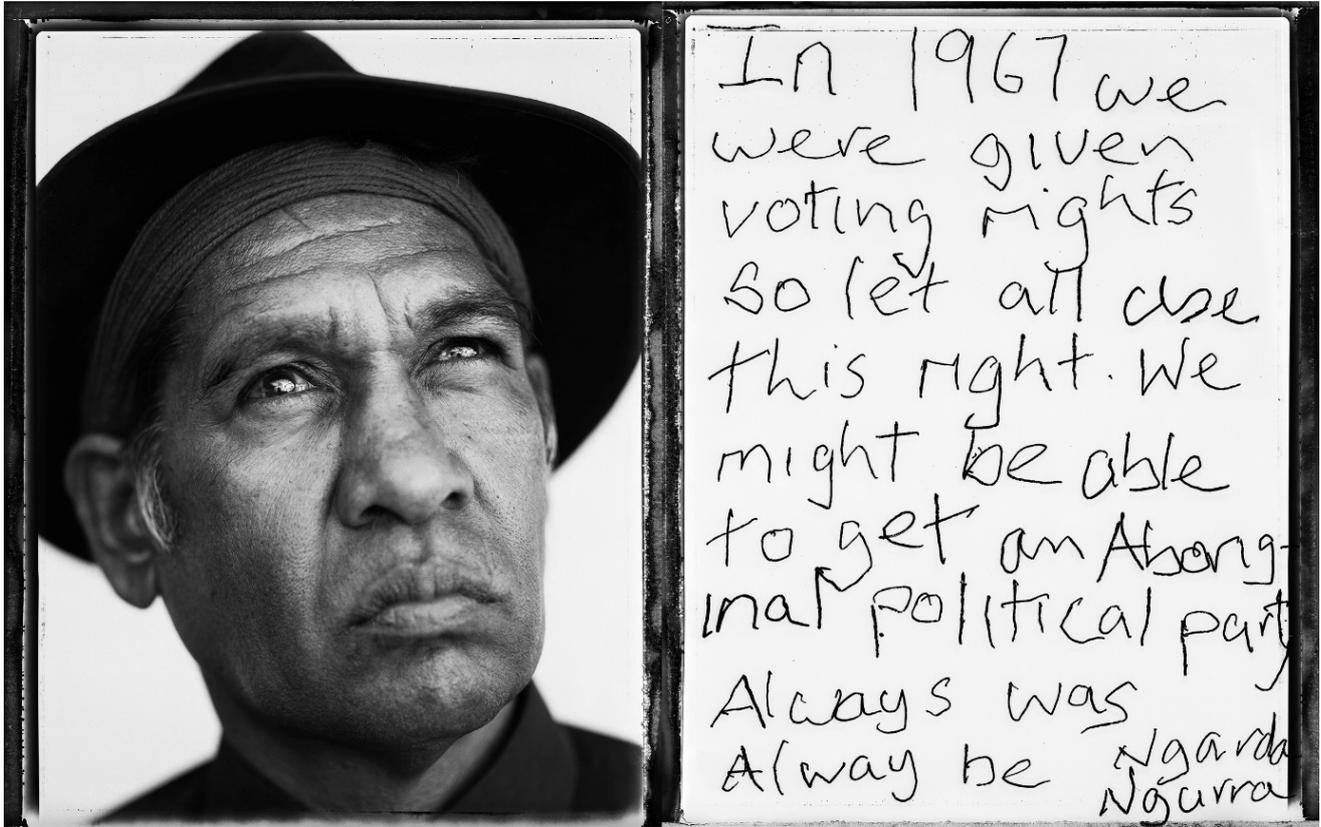
Charlie Coppin, 2007



At the time of the Referendum, Charlie Coppin—born in 1935 at De Grey Station and cousin of the Pastoral Workers’ strike leader Peter Coppin—was working on the Moolyella Station. He went on to work for the Pilbara Native Title Service, where he became Senior Liaison Officer.

On 30 May 2007, he and other Ngarla Elders were recognised as Native Title holders of land east of Port Hedland in the Pilbara. Charlie Coppin said ‘It has taken a long time, but I’m happy that us elders can pass this on to the next Generation’. In 2009 Coppin signed an important agreement in his role as native title holder to preserve and protect the culturally significant Mikurrnya site.

The late Alum Cheedy, 2008



Yindjibarndi man Alum Cheedy (deceased) worked as an Aboriginal Liaison Officer and then Regional Manager for the Pilbara Native Title Service. He left in 2007 to become Manager of Marnda Mia, an independent company he helped develop, owned by the Traditional Owners of the Pilbara. It provides a 'platform for Indigenous people to develop regional standards with companies and improve government service delivery in areas such as education, employment, housing and health.' He was a Court Officer in the Aboriginal Legal Service, Roebourne Court.

Reflections recorded by the Aboriginal History Research Unit

Patrick Dodson



Image: Senator Patrick Dodson by Michael Lawrence, 2016.

Senator Patrick Dodson was a 19 year old school student at Monivae College in Victoria at the time of the 1967 Referendum. His family did not vote.

I was a schoolboy at Monivae College in Victoria when the 1967 Referendum was passed overwhelmingly by the people of Australia. I remember feeling this was a moment when the “dying race” myth was gone forever; when our people were at last recognised as part of the Australian people. It was a time of turbulence, and our voices were now being heard.

I recall Dodgeroo Noonuccal’s [poet and political activist Kath Walker] words at the time that “we had won something... we were visible, hopeful and vocal.” There was a sense that the federal government would now start to fix things for our people. For my family, they believed it marked the end of Native welfare control over our lives.

I believe it was a high point of acceptance of the Aboriginal and Torres Strait Islander peoples’ rights as the first Australians. It also gave the Federal Government not just the power but the moral obligation to act on the issues confronting our people. The poverty, the poor health, the shocking housing, the racism and discrimination could now be addressed in a bipartisan way.

Today people are confused as to why the Aboriginal people of Australia continue to look to the federal government to redress our adversities. There are so many issues not attended to. The best intentions have not achieved change. For many of us, Constitutional Recognition is the priority area, with increasing acceptance of the notion that a treaty or treaties is unfinished business, whose time is coming.

“But in every area of life for our people, inequality persists. Much more needs to be done.”

Jedda Carter

Aboriginal woman Jedda Carter was not old enough to vote in the 1967 Referendum.

My grandfather was a Stolen Generations Aboriginal but lived as per citizenship rules [under the Aborigines Act 1905] as a white man. Our extended family was not allowed to discuss being of Aboriginal heritage for fear of our family being taken away from our grandfather, so my family did not vote in the Referendum. My grandfather was of the view that nothing would change, and very little did change in WA, the Government would not protect Aboriginal people and banks and Government could not be trusted. I was too young to understand.

The result had no impact to our family at all. We were not raised in or with the community we had nothing to do with other Aboriginals as per the citizenship rules, which our family legally prescribed to. Until the death of my grandfather in 1983, my grandfather, mother and uncles were still subject to racism.

Very few people from White Australia even know that it occurred. They don't know why we are kicking up such a fuss, and they have zero knowledge about Aboriginal history in WA. I think it has taken a very long time for any change in Western Australia, and we have a long way to go:

- The 1967 Referendum was the first step.
- Mabo Decision 1992.
- The 2008 'Sorry' apology to the Stolen Generation by the Prime Minister, Kevin Rudd.
- Aboriginal history introduced in the School Curriculum.

We need more Aboriginal history taught in schools, both good [Different mobs and languages, tools used, oldest living society, history of culture and agriculture, dreamtime stories] and bad [massacres, racism, church and institutions, slavery]. Raising awareness to the younger generation, of Australia's past, will reduce racism and allow Aboriginals to be proud of their culture and our place in the world.

"Like in past wars, if the atrocities are not brought to light then how can the healing begin and how can we stop it from happening again?"

Ken Wyatt

Hon Minister Ken Wyatt AM MP was a 15 year old school student at Corrigin District High School in Corrigin Western Australia at the time of the 1967 Referendum.

I was too young to vote. I was only fifteen at the time the Referendum was held, but my mother and father both voted 'Yes'.

I vividly remember the campaign and seeing Aboriginal leaders speaking for the 'Yes' vote. I recall the role of the churches being prominent and promoting the 'Yes' vote and the need for Aboriginal people to be counted. I remember some individuals having strong views opposing the campaign based on their prejudices and their views about Aboriginal people. However, equally I remember more people supporting it. At the time I thought it was about fairness and a fair go.

As with all Constitutional change people had a sense of understanding of the reason for the change but in terms of the 67 Referendum a mythology evolved around what the question really meant. This has continued to prevail since the 67 Referendum.

"At the time I remember my great Uncle George Abdullah talking about the Commonwealth making laws that would improve opportunities for Aboriginal people. I recall that my mother was cynical and saying 'nothing would change'."

The overwhelming 'Yes' vote sent a clear message that Australian people were supportive of change for Indigenous Australians but nothing in our daily life really changed. We were still governed by the Western Australian Native Welfare Act, but the 'Yes' vote left us with a sense of hope that things would change. I don't recall any discussion in the classroom about the Referendum.

The Referendum's legacy is that the Commonwealth under the Head of Power accorded to it by section 51(26) of the Constitution enabled the Commonwealth to provide programs and services and pass legislation in respect to Aboriginal and Torres Strait Islander People. It has enabled the Commonwealth to take a leadership role in the affairs of Aboriginal and Torres Strait Islander people and to fund programs that have been implemented that would improve the lives of Aboriginal and Torres Strait Islander People. These include education, employment, training, health, land issues-Native Title and economic opportunities etc.

The community will recall the 67 Referendum but if asked, many would not be able to tell you the detail because of the time lapse. They would however, appreciate the importance of it.

[I would like to see Aboriginal Affairs address], Constitutional Recognition, the right to better educational and health outcomes, and the intended outcomes of Native Title - achieving economic and cultural independence for Aboriginal people.

Shaye Hayden

Aboriginal man, Shaye Hayden was not born at the time of the 1967 Referendum, however comments on its impact.

It is not something that I have actually discussed with my family, but I do believe it would have had a positive impact on them and their communities at the time. I think the result would have reflected that the majority supported Aboriginal rights, which would have provided hope to the Aboriginal community. I do think that the Referendum created some progress for Aboriginal rights that enabled many Aboriginal people to eventually build successful lives based on independence and autonomy. It certainly led to me eventually having the same opportunities as many other Australians with regard to education, housing and medical treatment. I think that there are a few misconceptions about the Referendum question but I think the community would mostly believe that overall it afforded Aboriginal people additional rights.

The gap between Aboriginal and non-Aboriginal people across many social indicators remains a significant issue that I think needs to be seriously addressed. I also think that Constitutional recognition is another significant issue, much like the 1967 Referendum was, that perhaps could close the gap.

Joan Coffin

Joan Coffin is an Aboriginal woman who was living in Port Hedland at the time of the 1967 Referendum.

I was seven years old at the time, so too young to vote. It is unknown to me whether my family voted and I have no recollection of the attitudes at the time. The impact of the result at the time on myself or my family is a faded memory, however its legacy is that it has allowed me rights [federally]. Many of those affected in those days are no longer alive, so we might [not] get their opinions on what the change has brought since. Today, I would like to see Aboriginal People recognised as the First Australians by the wider Australian Community, I would like to see it acknowledged.

Phil Ramsay

At the time of the 1967 Referendum, Phil Ramsay had not yet been born. His parents had not yet immigrated to Australia.

The Referendum was a significant milestone towards recognition of Indigenous rights. I think the broader community understand the Referendum as the right to vote, equality under the law or at least movement towards it and as community support for Indigenous people's rights. Today we need to work on closing the gap, and providing support for greater autonomy.

Glenn Shaw

Glenn Shaw, an Aboriginal man, was living in Launceston, Tasmania, at the time. Glenn wasn't old enough to vote in the 1967 Referendum, as he was only nine years old.

"The overwhelming 'Yes' vote sent a clear message that Australian people were supportive of change for Indigenous Australians."

Both my Father and Mother [Aboriginal] voted. Tasmania was a very racist place in the 1960's and my mother always found it difficult living with the overt racism of the time. My father, who was a strong unionist, was supportive of the Referendum and I believe both my parents voted 'Yes' in the Referendum. Unfortunately my mother left the family and relocated to Victoria shortly after the Referendum and I did not see her for several years so I am unsure what she felt about the outcome.

I can't remember detailed conversations at the time, but my father spent a long time talking with family [both Aboriginal and non-Aboriginal] on the importance of the Referendum and openly encouraged them to vote 'Yes'. My mother was much quieter on the subject but did actively participate in family and community discussions on it but not necessarily at the same level. I remember the elation of both my parents at the time and the belief things would change for the better. Unfortunately it took a long time to get any real change in attitude, and I don't think it was the catalyst for change many Aboriginal people thought it would be, but it did start a conversation in the Tasmanian Aboriginal community which led to the establishment of Aboriginal community organisations in the

early 1970's. This was a positive flow on from the Referendum. It is unknown if the Referendum was the trigger for the establishment of organisations or whether it was a change of political attitude, and the start of political activism in the Aboriginal community.

However I think there is still confusion within the Aboriginal community about the 1967 Referendum and what it actually provided. There is an ongoing debate about what benefits, apart from being counted in the Census. The Constitutional amendments to s51 [xxvi] and s127 while being positive did not necessarily create the breadth of change many Aboriginal people thought it would. This is why we now have the conversation on Constitutional Recognition by the Commonwealth Government and Treaty and Sovereignty within the Aboriginal community. There is much still to be done and the Referendum while making Constitutional reform, did not necessarily deliver to Aboriginal people, what Aboriginal people really wanted.

There are many issues which need to be addressed and for me they are consideration of a Treaty, Aboriginal and Torres Strait Islander elected representatives in both the State and Federal parliaments, along with a change in process whereby Aboriginal and Torres Strait Islanders have meaningful 'self-determination' through having a formal role in the development and implementation of policies which directly affect us.

Fred Chaney

Fred Chaney AO was 26 at the time, living in Claremont and working as a Solicitor.

Yes I voted. I was politically active at that time as a member of the Liberal party. My father was at that time the Member for Perth in the House of Representatives. I was therefore actively involved in campaigning, pamphleteering, and manning polling booths. All of my family including my wider family of voting age voted.

My recollection is that there was little discussion about the details of the Referendum and of the particular changes being made to the Constitution. The emphasis was on affording Aboriginal people equal treatment. The Referendum certainly was seen by many as an issue of admitting Aboriginal people to full citizenship. The Aboriginal campaigners campaigned cleverly on the emotion around the idea of equality.

I had been concerned about the attitudes to Aboriginal people at the time since first meeting an Aboriginal person in 1955. Over the next few years I established contact with a number of Aboriginal people in the Swan Valley and whilst a university student I visited Aboriginal reserves in the South West. I was aghast at many of the attitudes I came across and was conscious that we were basically segregated legally and socially. The attitudes of many otherwise decent people were extremely harsh although there were many exceptions to that. I then began to have some contact with Aboriginal people through legal practice and again saw Aboriginal people as being without the protection of the law.

We all thought the Referendum had a great result. My wider family were less interested than I was in Aboriginal affairs but respected my interest while my wife and I had a strong interest in race issues and Aboriginal issues in

particular. Clearly the Referendum was a trigger for subsequent Commonwealth intervention in Indigenous affairs. It was one of the significant turning points.

Seven years later I was a member of the Australian Senate and over the next two years we were closely involved in Commonwealth interventions such as the Racial Discrimination Act 1975, the Land Rights (Northern Territory) Act 1976 and over the following 10 years significant clashes between Commonwealth and state governments on Aboriginal issues. It would be bold to claim that everything since 1967 that was authorized by the Referendum has been positive but the changes transformed Australia from a segregated society to a society where Aboriginal people were entitled to full political and civil rights while still struggling to achieve social and economic equality.

We need to work on the continuing failure of governments to work in partnership with Aboriginal people and communities, to do things TO Aboriginal people rather than WITH Aboriginal people, is the main reason why progress in closing the gaps is so slow. Institutional reform of the governance of governments is central to making greater progress and to treating Aboriginal people justly. At the same time governments need to meet their responsibility for providing necessary services to Aboriginal people, which they often still fail to do, there is a need for strong Aboriginal leadership of Aboriginal people and communities so that they make the contribution to change that only they can make. The opportunities, not least those provided by native title, for Aboriginal people to use their stakeholder status to regain control of their lives require leadership that builds coherent responses within the Aboriginal community to the opportunities available.

Gavin Dunn

Gavin Dunn, a non-Aboriginal man, was 13 at the time of the Referendum, living in Sydney NSW. Gavin was too young to vote, and is unsure if his family voted.

I think the result of the Referendum showed that the questions were generally understood. However the result had very little impact on our family as we had very little contact with Aboriginal or Torres Strait Islander people at that time.

The Referendum was a milestone in non-Indigenous people's acceptance and recognition of Indigenous rights. However I think many people misunderstand the result, such as what changed for Indigenous people as a result of the Referendum.

"[I think the next step] is compensation for the stolen generations and proper funding for infrastructure long needed in Aboriginal communities."

Chris Puplick

Chris Puplick was a 19 year old student at the time, living in Dee Why, New South Wales.

I did not vote as voting age was then twenty-one years, but both parents voted in favour. I was personally involved in the 'Yes' campaign via my local Member of Parliament William Charles Wentworth MP and I took part in campaigning actively.

"It showed that the Australian community is basically an open and generous one which does not support discrimination or injustice, especially when issues are explained intelligently."

However, I'm not sure that it has addressed the fundamental and continuing injustices or disparities, which continue to blight national reputation and agenda. I think most people think that the Referendum "gave equality to Aboriginals" – very few people have any idea about it in terms of the Constitution or public policy.

Today, the first and most important issue is dealing with health inequalities, without good health then educational, housing, human rights and other issues cannot be addressed. Second is the need for attention to be paid to interactions/impact of the criminal justice system on Aboriginal people and communities.

Anonymous

Non-Aboriginal person who was four years old at the time.

Once I'd learnt of the Referendum it broadened my understanding of the hardship endured by Aboriginal people knowing that the Traditional Owners of the land were not included in the census up until so recently. The Referendum highlights both the resilience of the Aboriginal community and their determination to keep pushing through barriers. I think the impact has been immense, however it is still one hurdle of many that has been overcome, and still needs to be overcome. I think it has helped the broader community accept that broad scale racism was endemic. [When thinking about contemporary issues] I cannot separate the big three: the high level of incarceration; access to health; and access to education.

Robyn Corbett

Robyn Corbett, an Aboriginal woman who was not yet born at the time of the 1967 Referendum.

The 1967 Referendum result was a positive step forward for my people. Every little step of achievement for equal rights and respect for First Nations People is a step along the journey of struggle for our mob.



Women and children, Jigalong Mission between 1967 and 1969
Courtesy State Library of Western Australia: 139014PD.

Mark Chambers

Mark Chambers was 11 years old and living in Boyup Brook at the time. He was too young to vote.

Given that my family were recent immigrants to Australia my parents could have been somewhat distant as to the requirement to vote. My father worked alongside an Aboriginal person who had been granted Citizenship Rights in 1951. They were to a certain extent, workmates who were simply earning a living with the dual aims of supporting their families and creating a sound financial base for their futures. As far as I can remember the subject of race or inequality was never raised as an issue.

I doubt whether the questions or the result [of the Referendum] had much if any bearing in the small country town where I lived and where people were treated on their own merits. The one or two Aboriginal families residing in the town were relatively long term residents in the district [post war settlers] whose efforts, particularly as laborers, was generally well regarded. There were, from time to time, possible exceptions.

I'm not sure if there was any impact of the Referendum result at all. Life simply went on with little if any discernable change in the conditions endured and the attitudes towards the few Aboriginal families residing in the district.

The position of the Aborigine within the wider Australian community was destined to improve over time irrespective of whether a Referendum had been held or not.

International pressures plus the growing and inevitable integration would have results in a changing ethos leading towards equal footing. To a certain extent, the Referendum can be viewed as somewhat symbolic.

"I am of the opinion that little thought has been devoted to the subject by the broader Australian community, who, to a large extent will view the Referendum as no more than a symbolic gesture marking yet another milestone in race relations in this country."

I also doubt whether there is any overwhelming appreciation as to the magnitude of the event and/or the resultant ramifications.

In a contemporary sense, we need to address the lack of any long-term sustainable State and/ or National well-structured plan to address the acknowledged growing disparity between the Aboriginal community in general and the wider community with a particular emphasis on economic well-being. There is also a lack of coordinated all-inclusive approach at a grass roots level to address growing impoverishment.

Rose Murray

Rose Murray (nee Osbourne), an Aboriginal woman, was a 14 year old student living in Melbourne, Victoria at the time of the Referendum. She was too young to vote.

My mum felt the Referendum was an important part of social justice for people. As a Stolen Generation person she thought the WA government had really done her wrong. She did think that there was a chance the federal government would do better. I think Mum thought that Australia was becoming a bit kinder and thoughtful. If you look at the statistics around the geographical areas, you will find there is still a lot of rednecks in the northern parts who voted 'no'. The Northern Territory did not vote and they would have said no.

I remember we had a huge party at Bill Onu's Aboriginal artefact shop in Belgrave Victoria. I had no memory of ever seeing so many Aboriginal people together in one place. There was only one other Koori student at school. Everyone was happy. I guess it was another step in the right direction. It also was a vehicle for the community and our supporters to campaign together.

[In Aboriginal affairs today we need] to tackle the lack of opportunities for personal change whilst incarcerated, and to provide access for all to relationship counselling.

Anna Haebich

At the time of the Referendum Anna Haebich was too young to vote.

In 1967 I was living in a migrant community of German and Northern Europeans. I can't recall talk about the Referendum but I was only young. My brother was at Sydney University and knew about the Freedom Rides.

*I know from my research about assimilation and citizenship in WA for my book *Spinning the Dream* 'that things were certainly happening here but differently to over east. WA legislation that deprived Aboriginal people of their rights was being repealed during the 1960s and was gone by 1972, but I don't know who was involved from WA in the Referendum.*

A major change from the Referendum was that the federal government could now legislate for Aboriginal state matters. A breath of fresh air. Federal intervention meant the federal government could support Aboriginal child and family initiatives, such as developing the Aboriginal Child Placement Principles and calling the 1997 Bringing Them Home inquiry.

With the election of Whitlam this brought new policies of self-determination, expert bureaucrats and lots of funding that helped the network of Aboriginal community service organisations (eg Aboriginal Legal Service, Aboriginal Medical Service) to develop further and advances in family rights including the Aboriginal Child Placements Principles.

Children are the future. Their rights, enshrined in Australia's laws and UN declarations, must be honoured and protected. This means growing up with their families, cultures and languages, and having all the benefits of healthy living, schooling and wellbeing.

Aboriginal poet Kath Walker [now Oodgeroo Noonuccal]

The following excerpt was featured on page 2 of the June 1970 issue of *New Era Aboriginal Fellowship* (NEAF) Inc – Vol.1 No.1 of their quarterly bulletin. The NEAF Inc describe themselves as “a non-political, non-secretariat West Australian organisation of Aboriginal and other citizens devoted to Aboriginal advancement.”

*“...Much that we loved is gone and had to go,
But not the deep, indigenous things.
The past is still so much a part of us,
Still about us, still within us,
We are happiest
Among our own people. We would like to see
Our own customs kept, our old
Dances and song, crafts and corroborees.
Why change our sacred myths for your
sacred myths?
No, not assimilation but integration,
Not submergence but our uplifting,
So black and white may go forward together
in harmony and brotherhood.”*

MY PERSPECTIVE: THE 1992 MABO DECISION

The landmark Mabo Case and subsequent Native Title Act promised a lot for Aboriginal people. Many saw it as the final recognition that the Australian nation always was Aboriginal country and that Aboriginal people had distinct governing laws and traditions.

The following provides reflections from the Aboriginal and non-Aboriginal community with regard to the High Court Mabo Decision of 1992, Land Rights and Native Title. All reflections were recorded between November 2016 and April 2017 unless otherwise stated.

Patrick Dodson

Senator Patrick Dodson was 44 at the time of the Mabo Decision. He was living in Broome and working with the Kimberly Land and Sea Council.

I remember a time of joyous celebration that the Highest Court in the land had finally recognised that the lie of terra nullius was dead. When the common law of this country recognised the laws, customs and traditions of the people of Mer it transformed our legal and social landscape for all time.

“It was a feeling that truth had found its way into the law.”

Many non-Aboriginal people were, I think, surprised and uncertain. Others thought it was a simple statement of the historical reality of Australia. It was important that it was not a matter of largesse by the Commonwealth, but was inherent in the common law.

At the time, the Mabo Decision opened up for us a series of national debates that focused on the security of title for non-Aboriginal, the land holdings, particularly pre-1975 and questions of compensation. There was little discussion of what Native Title really meant beyond the issues of land tenure and property. For us,

Native Title meant a whole range of things, including recognition of our sovereignty, our culture and our law.

The ruling also opened the door for the Yawuru people to have our own Native Title rights in our land recognised. We were, are and will always be the owners of Yawuru lands, within the confines of the broader social and legal framework. We do now have legal rights that can be exercised as part of our identity as Yawuru people. They give us some measure of a say on the impacts of policy and program design that comes from Government policies and legislation.

The history of Parliamentary changes to Native Title has been challenging. The Howard amendments made to the Keating Act, disillusioned Aboriginal people, with its focus on extinguishment. This legislation reinstated terra nullius, for the legal and political expediency of the Crown.

We have many areas of the country where our people are yet to achieve the recognition of their historical and traditional rights in their land. While that injustice continues, the struggle for native title and land rights cannot be paused. Justice is still to be achieved.

Ken Wyatt

Hon Minister Ken Wyatt AM MP was 39 at the time of the Mabo Decision. He was living in Perth and working as Director of Aboriginal Education at the WA Department of Education.

I remember the High Court handing down the decision that overturned the concept of Terra Nullius giving Aboriginal Australians the opportunity to negotiate agreement on land subject to claim and where it was established that Native Title existed.

“I remember the hype that the decision generated and especially the negative outpouring relating to the assumption that peoples’ backyards would be affected.”

Thank goodness this was but a temporary distraction and that a more rational understanding prevailed. The judgement did not initially impact on me until I had an increased understanding of the enormity of the decision and how it varied from attempts to introduce a form of land title in Western Australia a decade or more earlier.

I remember sitting down with the late Rob Riley and Peter Yu and many other great leaders talking about what the decision would mean and the opportunities it would create. But the other important element was empowerment and empowerment in many forms - not only in the use of land but the economic opportunities it would create for Aboriginal people.

It is important that broader Australia has an understanding of the High Court decision, and the importance of country to Aboriginal people from a cultural perspective and why Eddie Mabo fought for recognition of the traditional ownership of land, and that his legacy lives on today.

Chris Puplick

Chris Puplick was 44 at the time of the Mabo Decision, working in Cremorne, New South Wales as a Public Servant.

I followed the legal debate very closely after having participated in earlier parliamentary debates about land rights legislation. I remember a deliberate scare campaign by the National Party and others that this decision was a threat to “ordinary Australians” and that as a result they would have lands expropriated. I was disappointed at the political discourse around Aboriginal land rights in general, much of it was shameful.

There was very little understanding in the broader community. Most people would not know what it is or was, or its relevance. Much of the public debate about land rights is now confined to more specialist discourse with only occasional public exposure. Very few people understand the centrality/importance of the decision [recognition] to ATSI community members. Most of my family see it as a natural progression in terms of extending human rights and recognising fundamental rights, and that it has no impact on their own daily lives or concerns.

In relation to land rights today, firstly, there is a need for a better explanation of how different land rights claims are actually managed – plus Courts change their decisions all the time about interpreting legislation. Secondly, we need clear evidence of how ATSI communities have benefited from the passage of lands rights legislation.

Glenn Shaw

Aboriginal man Glenn Shaw was 34 at the time of the Mabo Decision. He was working as a Legal Aid Field Officer at the Tasmanian Aboriginal Centre, Aboriginal Legal Service. He moved from Tasmania to Western Australia in 1993 during the Court process.

While there was excitement around the decision, there was also a lack of understanding of what it meant in real terms for Aboriginal and Torres Strait Islander people. It did start a long conversation on what the benefits might be particularly in a debate on National Land Rights and/or a possible treaty. The introduction of the Native Title Act in 1993 complicated the conversation because there was a lack of understanding of the difference between what Native Title and Land Rights could offer the community.

Tasmania never embraced the concept of Native Title and preferred to progress discussions through the development of state Land Rights legislation as it was seen to offer a mechanism for land returns without being party to a contentious legal process, which created internal conflict in the Aboriginal community. Tasmania got its Land Rights legislation in 1995 and the process of land returns remains in place. I however moved to Western Australia in 1993 and later became the Executive Officer of the Land and Heritage Unit as the ALSWA and was part of several successful Native Title Claims with the main one being the Miriuwung-Gajerrong case. I later participated in the formal discussions on the Native Title amendments following the Wik Decision in 1996. In 2014 I again became involved in Native Title while employed as the

Land Unit Manager with the South West Aboriginal Land and Sea Council (SWALSC) and participated in the negotiation of the South West Native Title Settlement.

I think there has been a change in attitude within the non-Aboriginal community, but for many they still don't necessarily understand the complexities of Native Title and complex legal framework [litigious] under which it operates. For the resource industry they have adjusted to consider Native Title into their modelling and it is not necessarily of major concern but many in primary industry [farming etc] still see it as an unnecessary complication to them getting on with business. My family remains committed to the need for Aboriginal people to have access to country and whether it comes through Native Title, Land Rights or an Agreement based process, the focus is on the outcome and the process under which it is reached varies depending upon the circumstances.

While there have been changes through Land Rights and/or Native Title there is still no Aboriginal specific tenure in place at a National level which affords Aboriginal people a form of freehold title which reflects traditional connection and ownership of natural resources. There is a need to consider the current Native Title Act consistent with the principles established in Mabo and change the onus of proof to reflect that decision where Aboriginal and Torres Strait do not need to demonstrate ongoing connection or articulate their claimed bundle of rights (which may or may not be agreed by the court), but that Government needs to have the onus to demonstrate valid extinguishment.

Robyn Corbett

Robyn Corbett, an Aboriginal woman, was 23 at the time of the Mabo decision, living in Perth

I remember thinking it was an historical event for our people that would have a flow on effect to the way land would be dealt with in Australia. I don't recall any negative attitudes to the decision but that is probably because we didn't have social media at that time. These days comments on news articles via social media certainly lets us mob know what some non-Aboriginal people really think of us and that there is a huge challenge with reconciliation in Australia.

"The hatred in their words honestly makes you feel not a part of your own country."

I think non-Aboriginal's believe we shouldn't be given any Native Title rights as it is ALL our country. I remember our mob thinking that there was going to be money paid to them for the taking of our land. I have also sadly seen Native Title tear families apart, as they all fought to be the leader of their family's name in the belief they would financially benefit.

Joan Coffin

Joan Coffin, an Aboriginal woman, was 22 and living in Port Hedland during the Mabo Decision.

Many non-Aboriginal people used to ridicule Aboriginal people for Eddie Mabo standing up for his rights. The Mabo Decision caused a bit of a divide between non-Aboriginal people and Aboriginal peoples. We were still treated as we were normally. We were treated with the usual respect as always. But non-Aboriginal people don't believe in Land Rights for Aboriginal people. They probably don't give it much thought as it happened quite a while ago, I don't hear many discussions on the topic these days.

I believe Aboriginal Land Rights should be respected, we get restricted from our traditional hunting lands, where we used to catch food or gather plants because the lands have been taken up by farmers and station owners. They don't like it if we trespass on their lands. It seems that Big Business has more rights where minerals are concerned; Aboriginal rights are not as important, money talks.

"I would like to see our people have access to their Traditional lands for hunting and gathering as well as just getting back on country. The land heals our souls."

Anonymous

Non-Aboriginal person, was a 21 year old student in Sydney and Darwin at the time of the Mabo Decision.

The Mabo Decision put Aboriginal Affairs at the front and centre of a lot of things for the first time in my living memory, so it was quite big. I was studying sustainability at the time so most of the people in my circle of friends were positively excited by it. Had a few mates from rural areas too who were less excited and thought they'd lose 'their' land. I was attending country Native Title meetings within a few years of the decision which really influenced the direction of the work I wanted to do so it had a huge impact on me. My family was also very positive toward the decision as was my immediate community in Darwin. However I still don't think the Mabo decision and Native Title is well understood by the broader community.

"Aboriginal people need a greater say in decision making with regard to activities on land, and I mean real decision making, as well as the freedom to be on country without being removed due to government policy."

Jedda Carter

Jedda Carter, an Aboriginal woman, was 23 and working as a Vehicle Loan Assessor in Perth at the time of the Mabo Decision.

I thought it was ground breaking, and really hoped that it went through successfully, and was really pleased that it did. I remember racist views, and anger that it could possibly be considered or passed, but it provided hope that things might actually change for Aboriginal people.

In the broader community, there are negative views or people don't understand what it's about. Aboriginals belong to the land and were the first people in Australia. They should have a say in what happens with the land. Appropriate family groups are consulted/included even if they are not currently living in the area. Aboriginal people and families need to be included if they have Aboriginal heritage. Even if they cannot prove they are from that Mob, where records are not available because they were destroyed or those people were part of the Stolen Generations.

Fred Chaney

Fred Chaney AO was 51 at the time of the Mabo Decision. He was living in Perth and working as a research fellow.

I have very clear memories that it was a time of celebration for me as I had been involved in these issues and followed the attempts to get recognition through the Courts from the Gove land rights case in 1971 [Milirrpum v Nabalco] onwards, a time of panic for others in politics and in industry. I was still in Parliament at this time and the panic response at both State and Federal levels was alarming in itself. John Hewson made a goose of himself and Richard Court in WA was alarmed but not as much as the mining industry. There were vile reactions by people like Hugh Morgan and indeed my then parliamentary leader John Hewson and cries of backyards at threat spread alarm.

However, it cheered me and my family immensely.

“I regarded it and still regard it as the most important readjustment for Indigenous people since 1788.”

It altered the balance of power in the Indigenous direction while preserving the power of Parliament and the primacy of the settler society.

The important change was that thereafter Indigenous people could come to the table with governments and industry as stakeholders rather than as supplicants. For a time it was torrid defending the decision but over a period of years the panic subsided as backyards seemed to remain sacrosanct. I think there is a broad comprehension that Aboriginal and Torres Strait Islander people have some form of ongoing rights to land which are distinct from the rest of the community, that they have opportunities for negotiation. After a long period I think there is broad understanding that native title does not impinge in any significant way on the rights on non-Aboriginal and Torres Strait Islander people.

We need greater use of Native Title and Land Rights to be used as a basis for negotiating outcomes, which ensure social economic and cultural gains, which meet Aboriginal and Torres Strait Islander aspirations, in the spirit of the preamble to the Native Title Act. [To accompany this] long-term support for capacity building and further operational support for PBCs.

Rose Murray

At the time of the Mabo Decision, Rose Murray (nee Osbourne), an Aboriginal woman, was a 39 year old Community Worker living in Port Hedland.

I remember huge celebration, a momentous time. I went to Teacher's college with Koiki Mabo. I was sorry he wasn't alive to feel victorious.

I remember divided peoples, cranky miners and pastoralists going off. But there were also happy Aboriginal people with a 'wait and see' attitude. I think there is a broad range of beliefs about the Mabo Decision. Some non-Aboriginal people have no understanding about cultural links to country.

"The getting something for nothing view is still there. The way we relate and use the land is so different, others struggle with that."

[After the result] some just got organised [to make a claim]. Others didn't quite believe it was happening. My family is divided into two sides and I was traumatised by being told that my family was not included in both of the land claims, only the Martu one.

Gavin Dunn

Gavin Dunn was 38 at the time of the Mabo Decision, working in Perth as a Project Manager.

I remember huge scare campaigns by conservatives, pastoralists and mining companies, uncertainty and angst generally.

"Many people were very apprehensive because of the political scare campaign around it."

I think the broader community need to be educated on Native Title and its implications for Aboriginal people, as these are not in the news much anymore because it is a settled process. It is time for Governments, State and Federal, to sort out who will be paying Native Title compensation in the future [this is the next big thing] and take responsibility for past actions, which have impacted on Native Title rights and interests.

Phil Ramsay

Phil Ramsay was a 15 year old Perth school student at the time of the Mabo Decision.

I remember inherent racism and fear mongering about the impacts of the decision. While [the result] was divisive, I think it was an excellent change for Aboriginal relations. There is still minimal understanding [about the Mabo decision and Native Title today], reflected by the fact that major decisions result in major concerns of impact on the broader community.

Working in the area has led to my family being increasingly supportive of recognition. [From here, we need to address] compensation for past extinguishment and the resolution of native title claims still in the system.



Courtesy National Museum Australia.

Chris Owen

Chris Owen was a 25 year old student in Sydney at the time of the Mabo Decision.

The general sense was that this legal judgment was a momentous occasion for Aboriginal people of Australia yet many people were not entirely sure what the decision actually meant. There was widespread fear mongering amongst the more conservative politicians that was filtered through right wing newspapers and radio suggesting people's private property was at risk of being taken by the 'Aboriginals.' In the more politically and socially conservative states like Western Australia there was wide spread fear mongering (if not wide spread panic) about what the ramifications of the Judgment meant. Native Title would especially affect Western Australia (being so hugely dependent resource mining focused and dependent). There was a concerted effort by mining companies as well as pastoral interests in perpetuating falsehoods about the Aboriginal people 'claiming popular beaches' and 'people's back yards'. The Native Title Act itself did not help matters much with it being incredibly legalistic and technical. Aboriginal people were celebrating Native Title yet they too were confused about what it meant for them. Finally [Aboriginal people] had been identified as legally existing in their own country. Symbolically then it was enormously important for Aboriginal people and helped mend a lot of hurt. Practically however the vast majority of Aboriginal people will reap nothing from Native Title even if their Native Title is proved.

Some 25 years after Mabo there is still alarming widespread ignorance about what Native Title really means and delivers.

Native Title generates a limited number of rights, held under pre-sovereignty laws and customs. It does not deliver freehold land and the wealth and equity that would come with that. Native Title cases are also invariably long drawn out court cases where the only people who make any money are lawyers and consultant anthropologists. The most important thing about Native Title is the acknowledgement of Aboriginal people's country.

In hindsight the way Native Title has operated (generating complex court cases often over decades) has been a widespread failure. Many older Aboriginal people die before they see anything tangible out of the process. The requirements to connect Aboriginal families genealogically to certain areas of a claim has created calamitous Intra-Aboriginal conflict. Australian governments at both a State and Federal level have effectually neutered the Native Title Act so much (especially with the 1998 Amendments under John Howards Government) that Aboriginal people have to go to absurd and unreasonable lengths to prove their Native Title. And in addition vast confusion still exists about what Native Title can deliver. It remains confused and conflated with other issues such as Land Rights and notions of 'Sovereignty.' This is such a serious problem that, for example, the current Noongar settlement (that promised a great benefits package to the Noongar people in an area where 99% of their native title has been

extinguished] in the South West of WA has been derailed on a legal technicality.

“Land Rights are different to Native Title rights. Native Title does not generate Land rights. In 1985 the Western Australian government was going to introduce land rights but following pressure from mining and pastoral industries it was abandoned.”

As a consequence Western Australia is probably twenty five years behind other states and territories when it comes to land rights for Aboriginal people. Historically Aboriginal people have been so marginalised, traumatised and underpaid for their labour they have not been able to purchase land (or prohibited from purchasing land) that would have generated equity for themselves and their descendants. This has left an enduring legacy of intergenerational poverty. Land Rights are essential for Aboriginal people in both the symbolic and practical sense.

[In the future] Land Rights that generate freehold title should be established in Western Australia and Aboriginal people should have a greater share of mining royalties.



State Library of Victoria, Box 12/6, Council for Aboriginal Rights [Vic.] Papers, MS 12913.

Ian Rawlings

At the time of the Mabo Decision, Ian Rawlings was 38 and living in Adelaide.

I recall it as a great leap forward for Australia, and a huge burden lifted from our colonial psyche. It was a time of optimism for me. In 1993 I travelled extensively through rural and remote WA staying in country pubs. Conversations were extremely heated and divided. I remember elation for the supporters and fear and dread from the others. There was enormous community backlash on the back of a shameful scare campaign launched by the WA State Government and the mining sector.

“Personally it lifted a weight of national shame. But the misinformation that was around meant that the wider community struggled to come to grips with the reality of what it meant.”

I think Keating as Prime Minister was a great champion for native title but Howard quickly turned the tide.

The wrong doing of the initial smear campaign of conservative governments and miners and pastoralists has never been addressed so community understanding is poor. In reality, the mining industry now sees native title as a part of doing business and generally deal with it, some better than others. Conservative governments still see it as a problem and progressive governments struggle to rise above conservative pressures.

Aboriginal rights and land rights are very important to my immediate family. My wider family has varying views but they are generally supportive.

Although it's a bit late, the burden of proof in Native Title needs to be shifted from the claimants to the State. The wider community also needs to be educated on the issues from an honest and unbiased position.

Mark Chambers

Mark Chambers was 36 years old at the time and based in Port Hedland. He was working as a Coordinator and Land Officer for the Western Desert Puntukurnuparna Aboriginal Corporation.

I had no TV or radio at the time and relied on a Sunday paper to gain a basic understanding of what was happening around me. If anything I viewed the discussion as being somewhat remote with little implication for Western Australia. I was extremely pessimistic for having been involved in two State Land Rights regimes that ultimately failed I may have seen a challenge to, and the overturning of the decision. On a professional work related level I was then over-preoccupied with the more pressing challenges on a day to day basis, including Aboriginal access to National Parks, outstation and infrastructure development, the establishment of an Aboriginal Medical Service and uranium issues.

I had very little interaction with the wider Australian community with most of my time spent in a semi-remote office and in remote Aboriginal Communities and / or on the road. I also distanced myself from the closest town [that I infrequently visited for work purposes] and viewed the townsfolk as generally anti-Aboriginal and unsympathetic. My understanding of the prevalent attitudes at the time was gained from a cursory reading of newspaper reports that I tended to view as reactionary and not well founded.

Neither I nor my immediate family [who lived well over a thousand kilometers away from me] or the community within which I resided were affected in any way by the decision despite the existence of unfounded and unwarranted fears. In many ways it was best regarded as being somewhat remote with little, if any, implication for Western Australia. All this was to change with the first of the successful determinations within this State within three years [of the Mabo Decision].

I am still of the conviction that the overwhelming portion of the community has little if any understanding of the Mabo decision [that is at best now seen as somewhat symbolic] and the extremely limited rights that accrue with successful determinations.

“I believe that the ‘rights to negotiate’ as well as the impact of agreements between Claimant groups and developers (that were destined to occur with the passage of time irrespective of any legislative decision) have to a large extent overshadowed the tenets upon which the issue was raised initially.”

At a local level Native Title has divided once united communities and split families. Overall the majority of successful determinations in Western Australia have resulted in extremely disappointing outcomes despite the initial hype.

Although I cannot speak for the rest of my immediate family I believe that I am still as passionate about Land Rights as I was when I first became involved in the process in 1983. Whilst saying this I am saddened by the loss of so many senior Aboriginal people who contributed to the process as well as those who could have contributed but for one reason or another were overlooked. I have at the same time become extremely disenchanted by the extremely onerous burden of proof required to attain a successful determination as well as the resultant lowly outcomes. I honestly believe [and have maintained this line for that last twenty years] that the whole issue could have been undertaken in a more succinct and professional manner in the true spirit of reconciliation and equal rights.



National Library of Australia: MS 8256/11, Box 175.