



**Message from CKW Executive Director Karlene Willcocks
and Manager of Aboriginal and Torres Strait Islander Health Services Tracy Grant**

Kia Ora CKW Team

Today, 3 June marks the 32nd anniversary of the significant legal case, which saw the Mabo Case have success in overturning the myth that at the time of settlement or colonisation, Australia was 'terra nullius' or land belonging to no one. The High Court of Australia recognised that Aboriginal and Torres Strait Islander peoples had lived in Australia for thousands of years, enjoying their rights to land and waters and practicing their culture and customs for many millennia.

The successful decision then bought about the Native Title Act 1993 (Cth). There were five Meriam people involved in the case, they were Eddie Koiki Mabo, Reverend David Passi, Sam Passi, James Rice and Meriam women, Celuia Mapo Sale. As Eddie Koiki Mabo was the first named plaintiff, it has become known as the Mabo Case. You can read more on the case [here](#).

"The new doctrine of native title replaced a seventeenth century doctrine of terra nullius on which British claims to possession of Australia were justified on a wrongful legal presumption that Indigenous peoples had no settled law governing occupation and use of lands. In recognising that Indigenous peoples in Australia had prior rights to land, the Court held that these rights, where they exist today, will have the protection of the Australian law until those rights are legally extinguished." – Source: AIATSIS - *The Mabo Case online*.

The case commenced on 20 May 1982 when the above plaintiffs bought forth the action against the State of Queensland and the Commonwealth of Australia in the High Court, claiming 'native title' to the Murray Islands. The Mabo case challenged the Australia legal system regarding two points:

- The assumption that Aboriginal and Torres Strait Islander peoples had no concept of land ownership prior to the British contact in 1788, claiming terra nullius;
- Sovereignty to the lands of Australia were taken in ownership by the Crown and therefore abolishing all native rights that existed prior to colonisation.

The Plaintiffs were able to physically show legal representatives from the case, the areas of Mer or Murray Island which proved that Meriam customs and laws are fundamental to their culture and traditional ways and have ownership of their traditional rights to the land.

Torres Strait Islander staff member, Stella Bamaga has told us what Mabo Day means to her:

"Mabo Day is an emotional day for me. My grandmother's people, the Meriam people, it's a very significant day and what my grandfather (Athe) Eddie Koiki Mabo did – he proved to all people of Australia, that the cultural connections to his land and traditional ways is 'Us our way'." Stella Bamaga.

Unfortunately, Eddie Koiki Mabo passed away some months prior to the successful decision, this day will forever be marked as Mabo Day and is celebrated by all Torres Strait Islander peoples and Aboriginal peoples.

I encourage all staff to join in celebration and knowledge sharing with our Aboriginal and Torres Strait Islander colleagues.

Kind regards,

Karlene and Tracy