

# News from the IPA Justice Contact

JUNE/JULY 2011

**We acknowledge the traditional caretakers of the land in which we live. We acknowledge their deep spiritual connections to this land and we thank them for the care they have shown to the Earth over thousands of years.**

The post-Easter celebration of Feast Days- Pentecost, Trinity Sunday, Corpus Christi have been succeeded by the Sundays of Ordinary Time. 'We spend most of our lives in ordinary time, but this must not be dismissed as unimportant just because it is prosaic, daily, uneventful.

For it is through the grit and grind of the ordinary that the light of the

extraordinary shines.

Without the routine we would not know the revelatory. The occasional golden moment gleams through the haze of the humdrum and we know we are blessed.' (Ann Rennie)

These words came to me as I reflected on the celebrations of the Quandamooka and Torres Strait Island peoples. After many years of

what often seemed unrewarding struggle, their hopes continue to unfold into the golden light of justice and a fair and equitable society for all.

For those who've come across the sea and for the Palestinians, the struggle ensues. And the challenge for us continues.

*Peta Anne*

## *Historic Decision - Quandamooka people are Traditional Owners of North Stradbroke Island*



Monday 4 July marked an historic occasion for Aboriginal land justice. The Federal Court of Australia determined that the Quandamooka people are the traditional custodians of their country on North Stradbroke Island. This is the first successful native title claim in South East Queensland, providing land justice right on Brisbane's doorstep.

The Quandamooka People have cared for country in this area for thousands of years. Now their long and enduring connection with the land and sea of North Stradbroke Island has finally been recognised. This decision by the Federal Court is for two claims that these people commenced in 1995 and 1999, respectively. The claims cover the majority of North Stradbroke Island, Peel Island, Goat Island, and the

surrounding waters of Moreton Bay.

This decision means that Australia's legal system has finally acknowledged the Quandamooka people's rights to camp, hunt, fish and gather in accordance with their traditional laws and customs. They also now have legal entitlements and a certainty about their land use and property rights.

Their recognised rights include the right to live and conduct traditional ceremonies; take, use, share and exchange traditional natural resources; conduct burial rites, teach about the physical and spiritual attributes of the area; and maintain places of importance and areas of significance.



Terra Bulla Leumeah  
A beautiful place - here I rest

The Queensland Government and the Quandamooka people signed an Indigenous Land Use Agreement which will ensure that the traditional owners have a key role in shaping the future of North Stradbroke Island.



The vision for North Stradbroke Island is based on joint management of national parks with the traditional owners, and the creation of new opportunities that harness the rich cultural and environmental history of the island. The Quandamooka people will be permanently involved in the management of the Naree Budjong Djara National Park on North Stradbroke Island, as well as the Teerk Roo Ra National Park on Peel Island.

Sources: [www.international.to](http://www.international.to) News  
[www.optuszoo.com.news](http://www.optuszoo.com.news)  
[www.abc.net.au](http://www.abc.net.au)



**Follow the stars: Indigenous culture,  
knowledge and intellectual property rights.**

*Terri Janke*

## The Mabo Oration 2011

### Eddie Koiki Mabo



Eddie Koiki Mabo was born on Mer (Murray) Island in Torres Strait in 1936 and was raised on his family's land until moving to mainland Australia

In 1959 he married Bonita Nehow and they raised ten children.

In 1967 Eddie began work as a gardener at James Cook University on Townsville where he educated himself by reading, attending lectures and through building relationships with academics involved in Indigenous issues.

In 1974 he learnt that his family did not own their traditional land; by law, it was owned by the Crown.

This discovery was to change the course of his life. At a land rights conference in 1981 Eddie delivered a speech clearly spelling out the land ownership and land inheritance in Murray Island. A lawyer at the Conference suggested there should be a test case to claim land rights through the court system. He and other began a ten year journey to gain recognition of native title.

Sadly Eddie died just five months before the historic decision was reached. He lives on in the memories of his family and friends, the High Court's decision, and through the biennial oration which proudly bears his name.

### The Mabo Decision – a turning point in Australia's history

On 3 June 1992, the High Court of Australia delivered the landmark Mabo decision which recognised that Australia was occupied by Aboriginal and Torres Strait Islander peoples, who had their own laws and customs and whose 'native title' to land survived the Crown's annexation. This decision reversed the accepted doctrine of terra nullius (land belonging to no one).

Every two years, the Mabo Oration, celebrates the High Court of Australia's landmark decision on native title rights and the overturning of the proposition of Terra Nullius.



### Terri Janke

Terri Janke is the first Torres Strait Islander to present a Mabo oration. She was born in North Queensland and has family connections to Cairns, the Torres Strait Islands and Cape York Peninsula.

Terri graduated in law in 1995, and in 2000 established her own law firm. She has had extensive experience as a lawyer specialising in Indigenous intellectual property, cultural heritage and business law. She is an accredited mediator and a prominent and energetic public speaker. Terri is also a graduate of the Company Directors Course. She is currently enrolled in a PhD at the National Centre for Indigenous Studies, Australian National University.



Terri has won several awards including John Koowarta Reconciliation Law Scholarship (1995), Evolving Business Winner in the NSW Aboriginal Employment and Business Awards (2001).

In her oration, Terri paid tribute to Eddie Koiki Mabo and reflected on his life's work. She then examined Indigenous cultural and intellectual property rights within a human rights framework.

Native title recognises Indigenous people's collective rights to land and seas. Terri showed that Eddie Mabo fought not just for the rights to

land as an area of soil and water, but for the holistic Indigenous notion of 'customs and traditions' associated with the land and including cultural expression and knowledge.

For many years works of cultural significance have been copied in poor quality and the spiritual connection between the artist and art, and the land, has been degraded.

Terri continues to work with other lawyers, both Indigenous and non-Indigenous, in the hope that Australian law will recognise the Indigenous peoples' legal rights and copyright to their cultural knowledge and expressions.

*ADCQ Mabo Oration 2011 booklet*

**Australian law should recognize our rights to  
Indigenous cultural knowledge and expressions,  
our Ailan Kastom**

*Terri Janke*

**Land Rights, Culture Rights:  
what people are saying**

A Torres Strait Islander person's connection to Torres Strait Islander heritage, like all Indigenous people, is expressed in contemporary life through his or her relationship with land, seas, plants and animals, and their relationships with other people. It informs our day to day life, our creative output. It is the heart of our identity. We can keep culture strong, follow the stars, like the seafaring people of the Torres Strait, and follow protocols.

*Terri Janke*



Tag Mauki Mauki  
Teter Mauki Mauki

'Your hand can't take something  
that does not belong to you  
unless you have permission.

Your feet cannot walk in, or  
through someone else's land,  
unless there is permission.'

*Malo traditional god of Murray Island*

In 2009, the Australian Government supported the declaration on the Rights of Indigenous Peoples. The Declaration emphasises the right of Indigenous peoples to maintain and strengthen their own institutions, cultures and traditions.

Nineteen years since the High Court's Mabo decision, and despite the contribution of many, there remain significant challenges before we can achieve the ambition of a fair and equitable society for all.

*Kevin Cocks*

*Anti-Discrimination Commissioner, Queensland*

**Voices heard on Stradbroke Island**

Ian Delaney Quandamooka man who has been fighting for North Stradbroke Island for decades said:



The decision has brought me joy and relief. It's been a long, hard road and I always thought we'd never get there.

I'm just proud of belonging to the Quandamooka people. The State Government has given us our land back. We own the majority of the island and some will be national park, some will be freehold, some of it will be Aboriginal land. But it's there for everybody you know. We've always been like that, the Quandamooka people. We shared our land with everybody.

Now the North Stradbroke Island claim is settled, it could set a benchmark for future Native Title claims in south-east Queensland.

If people stick together you can achieve things. The Quandamooka people have proven this today. We've all got different opinions how we want to run this place, what we want to do with the land or what deals we've done with the Government. But at the end of the day we've all come to a consensus that says yeah we'll take it.

I think the hard work is only just beginning

These are the people who gave us Oodgeroo Noonuccal, one of the great poets of Australia. These are a proud and industrious people and they've worked very hard for this outcome. They deserve a moment to celebrate today.

The Native Title recognition is important for many reasons but it will certainly underpin joint management of the national park here at Stradbroke Island as that park is declared. That means economic opportunities and prosperity for the Quandamooka people.

*Anna Bligh, Queensland Premier*



Quandamooka people celebrate

I am proud to have represented my ancestors in the native title process. The most important thing is the recognition of who we are on this island and surrounding areas. It's been a long time coming. It's finally been approved and it's fantastic.

*Dwayne Little, Quandamooka man*

*A world where human rights are violated with impunity  
will never stop producing refugees of all kinds.*

*Refugees: A Challenge to Solidarity*  
Vatican 1992

## What's Been Happening in Brisbane?

### World Refugee Day Rally

Saturday 25 June saw several Presentation Sisters in Brisbane join the rally and march to protest the treatment of asylum seekers. Among the supporters of this event were the Brisbane Catholic Justice and Peace Commission, Catholic Multicultural and Pastoral Care, The Uniting Church in Australia, Dean of St John's Anglican Cathedral.

Among the speakers were Bobby Whitfield, Liberian refugee, and Sediqa Karimi, Qld President of Australian Tertiary Students from Afghanistan.

Bobby spoke of the sufferings in refuge camps, while Sediqa shared her family's experiences in making their way to Australia.

Sonia Caton, Immigration lawyer, outlined the lack of respect for human rights in Australia's detention centres, while Dr Ignacio Correa-Velez explained the effects of trauma on the refugees.

The messages we want our Government to hear are:

***End mandatory detention!***  
***Children out of detention now!***  
***Don't send asylum seekers to Malaysia!***



Fr Pan Jordan told us that when he went to celebrate Mass, he was not allowed to take Altar wine into a Brisbane detention centre.

### Bring Down the Wall

The Brisbane Rally for Palestine on Saturday 9 July was part of an International Call for an end to the Israeli wall which prevents Palestinian citizens from moving freely in their own country.

We heard how Palestinians are under Military Law and face the constant threat of arrest and detention without charge. They have no right to representation or trial. Israelis living in illegal settlements in Palestinian land have all the privileges of Israeli Civil Law.

Over 17 000 Palestinian houses have been demolished, creating thousands of homeless people. Over a million Palestinian olive and fruit trees have been uprooted.



Construction of the Separation Wall began in 2002. When completed, the total length will be approximately 760 km. **Brisbane to Newcastle is 785 km, Brisbane to Rockhampton is 649 km.**

The barrier is a *fence* with vehicle barrier trenches surrounded by an exclusion area approximately 60 metres wide (90% of its length), and an 8 metre tall concrete *wall* (10% of its length).

The barrier is built mainly in the West Bank.

**Close to 90% of the route of the fence/wall is on Palestinian land inside the West Bank:**

- encircling Palestinian towns and villages;
- cutting off communities and families from each other;
- separating farmers from their land and Palestinians from their places of work and education and health care facilities and other essential services.

In the Psalms when we read *Pray for the Peace of Jerusalem*, let us remember the Palestinian people - the people of Jesus and Mary.