***EDDIE MABO AND SEASONS OF HOPE***

Jeff McMullen

Good evening. I am here to talk to you about Eddie Koiki Mabo and *seasons of hope*. Here on Gadigal land I honour the wisdom and custodianship of the Traditional Owners who have nurtured this country for longer than anyone truly knows. I smile when I hear the palaeontologist, Mike Archer estimate that the First Peoples have been here for at least 65 thousand years but probably closer to 80 thousand years. Just this week, Bruce Pascoe, author of the marvellous tome, DARK EMU, cited archaeology indicating a human timeline of 120,000 years. It brings us to a recognition of the astonishing beauty and timelessness of what is being offered to us in this country, an unbroken system of human knowledge handed down to us all by the Children of the Sunrise. Most surely the story of Eddie Koiki Mabo that we celebrate now shines ever so brightly in the longer timelines of the history of this land. My thanks to Gail Mabo and the Museum of Applied Arts & Sciences for this opportunity to add a few humble brushstrokes to our portraiture of this inspiring Australian.

The name Mabo is now enshrined in law and in legend. I want you to think about the qualities of character that allowed this Everyman to achieve the extraordinary. How did the man from Mer in the Murray Islands learn to fashion a *season of hope* no matter what life was offering? What does this tell us about the new season of political possibility that we are entering?

I sense that Eddie Mabo shows Australians how to make the most of our unique opportunities, how to take the ancient strengths of the many cultures that have co-existed successfully here for so long and then blend the human creativity that comes from our modern diversity so that together we may write one of the world’s most hopeful narratives in the 21st Century.

By improvising, sometimes desperately, by listening and learning in wonderful ways, by bold thinking and courageous action and, crucially, through his special talent for engaging with others, Eddie Mabo shows us how to be part of the change.

I see Mabo as a man for all seasons but one drawn magnetically to the season of hope. Being banished from Mer at the age of sixteen, standing before the Court of the Murray Islands and being expelled for drinking alcohol, might have broken many young men. I thought of this when I was in a Juvenile Justice Centre last week talking with young Indigenous brothers. Poverty, rejection and alienation crushes most young people. Look deeper into the over-incarceration of young Indigenous men and women and the loss of hope expressed in so many suicides and you find family crisis, the early death of a parent, domestic violence, foetal alcohol syndrome, drugs or abuse. Any or all of these afflictions can eat away at your will to live. If you were standing before authorities being judged, as Eddie Mabo was at such a young age, you may well feel that you do not belong anywhere, even in the land of your ancestors.

This man had to work incredibly hard on options for survival. Down south he couldn’t use the multilingual skills that allowed him to be a teacher’s aide and then a translator for medical researchers in the Murray Islands. Instead he sailed away on a pearling boat and had the job of diving deep to release the anchor. How poetically fitting for a man trying to find a place in the world. Despite his songs of homesickness and longing for Mer, he kept his eyes on the stars, one of which is now named after Koiki.

What brilliant recognition of an extraordinary life. If you look tonight at the bottom right of the heart of the Southern Cross, think of how different Australian history might have been if Koiki had not taken the risk and jumped ashore from that boat in Cairns.

Wandering and working as a labourer, he cut sugar cane near the little town of Halifax, north-west of Townsville. There he found camaraderie with the community of South Sea Islanders. Their village, known as The Gardens, had a familiar abundance. The planting of yams and bananas, the hunting of crabs and the good fishing, reminded him of home. It was at The Gardens, Bonita Mabo told me, that Koiki fell in love with her.

The granddaughter of a South Sea Islander ‘blackbirded’ from Tanna in Vanuatu, Bonita Mabo too would become an advocate for all of her people, for South Sea Islanders, Torres Strait Islanders and all Aboriginal people still struggling for their rights. Let us honour the shining grace and dignity of this wonderful woman who in so many ways helped Eddie Mabo change history.

Here was the fusion of a powerful love, empathy and the human rights struggle of the dispossessed. The treachery, exploitation and racism that shaped our past and to a significant extent the disadvantage and inequity remaining in our nation today, is demonstrated both in the dispossession of the First Peoples and in our own history of *servitude akin to slavery*.

The racial supremacy implicit in the doctrine of *terra nullius* allowed settlers to look right through the First Peoples, to pretend that Eddie Mabo’s people were not really here, that they had not nurtured this land for countless millennia and so were not fully human. It is a twisted logic built on racism and sheer delusion but from then on it meant that almost all of the fundamental human rights of the First Peoples were tragically denied. This exclusion was made explicit in the Australian Constitution and the deep stain of that racism remains in the document today.

Similarly, the racial exploitation implicit in the transportation of some 62,500 South Sea Islanders, Bonita Mabo’s ancestors, involved cruelty and exploitation. This Australian brand of slavery existed from the late 1840s to around 1904. An estimated 15000 of the South Sea Islanders died from sickness and the harsh conditions. That is a decimation rate of one in four. After Federation in 1901 Australia added a particularly tragic twist to our slavery story. Using the White Australia policy as the racist logic of expulsion, about 10,000 South Sea Islanders were forcibly expelled. Many saw their meagre wages confiscated to pay for those passages to homelands ravaged by the slave trade.

What troubled Eddie and Bonita Mabo about all of this was the legacy of racism, exploitation and dispossession. You see my generation of Australians born at the end of World War Two was staring impassively at a new and terrifying epidemic of chronic illness: diabetes, renal failure, strokes, hypertension and heart disease, which once more was threatening to cut the heart out of the world’s oldest continuous cultures. Looking back with honesty we can see that first came smallpox after invasion and European settlement. A profound disruption of life quickly followed, through the Frontier Wars, massacres and dispossession on the Traditional Lands, through the harsh discrimination imposed by the so-called Chief Protectors and the Aboriginal Acts of Parliament that denied basic human rights. A tsunami of trauma swept this land. We still see the damage today.

The lack of wellbeing, adequate housing, fresh food and water, access to education and the gross inequity of reward for the work Indigenous people did to build the modern nation created the cross generational poverty that exists today. The Productivity Commission estimates that about 700,000 Australians live in dire poverty while the Australian Council of Social Services expands the number struggling to around 3 million.

The real world poverty, the Fourth World reality endured by so many of the First People, fired Eddie and Bonita Mabo’s passionate support for the long campaign towards the successful 1967 referendum. This unquestionably was a season of hope. Over 90% of Australian voters expressed our belief in equality but for reasons I will explain our political leaders failed to carry this momentum into a sustained effort to end deep disadvantage in the heartland. Few of us who voted “yes” in 1967 were to know that the Federal Government would use its so called ‘race power’ to make laws on behalf of Indigenous people to introduce top down ‘Interventions’ and blatantly discriminatory policies. Without advice from the Indigenous communities impacted by these discriminatory policies this pattern of paternalism is embedded in our approach. It shows us that we do need to get the words right in the Constitution because as it stands the racist stain and discriminatory threat remains. As yet Australia’s guiding principles as a nation include no real Constitutional protection of anyone’s human rights let alone the fundamental entitlements set out in the UN Declaration on the Rights of Indigenous Peoples.

Eddie and Bonita Mabo had to improvise on other strategies for survival. They supported the establishment of Townsville’s Aboriginal and Islander Health Service. They set up the Black Community School in Townsville and extended the gift to children of the cultural pride to be found in the longer timelines of history.

Gail Mabo is full of stories about how her father yarned with the kids and sketched his view of how to live in balance with nature. Custodianship of the land and waters came naturally to Koiki.

Now we can see a few more colours in the Mabo portrait. Here is *the Man of Flowers*, tending the lush gardens of James Cook University in Townsville. This man was proud of his culture and his law, and yet relentlessly curious to learn more.

A scholar in gardener’s clothes, he spent much time pouring over the work of anthropologists who attempted to fathom the cultural knowledge that he had been deeply educated in from childhood. The loss of Koiki’s mother, five days after his birth, meant his father had to find work. and it was Uncle Benny Mabo who taught the boy about his ancestral connections through seventeen generations on the Island of Mer.

Over lunch one day at James Cook University, yarning with the historians, Henry Reynolds and Noel Loos, our Man of Flowers was told that it was the Crown that held title to the place of his birth. Impossible, he explained, because the First Peoples had their own ancient relationship to country. This was expressed through their law and it was deeper and older than any semblance of justice imposed by English precedent.

Thresholds of important change so often involve the confluence of factors that may appear to be happenstance. But Eddie Mabo’s story reveals that certain human ingredients are required for a new season of hope. From the open-minded conversations between those who understood the oldest laws in existence and the legal team, the ‘white fellers’, who recognised the merits of this claim for justice, came a unity of purpose and ultimately the monumental decision, acknowledging the relationship between the First Peoples and this land and its waters. We surely all know the history. The High Court’s Mabo decision in 1992 recognised Native Title where there was continuous relationship to country. Six of the seven judges found in favour of Eddie Mabo and his four co-claimants from Mer.

Eddie Mabo created that season of hope but did not live to see the High Court’s Mabo decision. He did not live to hear Prime Minister Paul Keating’s moving eloquence in the Redfern Speech later that year acknowledging the damage of dispossession and hailing all that the First People offer us at the heart of our Australian story. After a life of struggle and more than 9 years of exhausting legal negotiations, Koiki’s body was breaking. The cancer in his spine spread to his lungs and throat. As the family offered comfort until the very end they assured him of what he had done for his people and this nation. It is legend that among his last words he murmured, “land claim.”

Four months after Koiki’s death, the Mabo decision changed Australian history. Despite the complexity of the Native Title process, the protracted time involved in settling land claims and the weakening of the legislation through Prime Minister John Howard’s ten-point plan of extinguishment, the Mabo judgement ended the long-held delusion in law and history about a so-called “land without people”. The extraordinary legal fiction and racist conceit underlying the doctrine of *terra nullius* were swept away. Perhaps our eyes were opened at last.

In a memorable night of conversation earlier this year I heard former Prime Minister Paul Keating restate his belief that the Mabo decision was an historic opportunity to recognise that the First People and their cultures are a defining element of our nationhood. In this important sense, Eddie Mabo created an opportunity for Australians to transcend the cruelty and the violence of dispossession.

In the last years of their lives I asked two other former Prime Ministers, one Liberal and one Labor, why our nation had failed to make the most of the seasons of hope? Why had we faltered after Mabo or that earlier season of possibility after the 1967 Referendum?

Malcolm Fraser answered that it was the collective lack of political will and the limitations of the experience of working with Indigenous people across several governments, as well as key ministerial appointments, that led to so many disappointments. Bob Hawke told me that the promise he had made after accepting the Barunga petition from elders in 1988, that pledge to negotiate a Treaty, was yet to be fulfilled and remained the most important social justice challenge Australians faced today. In other words, these formidable Liberal and Labor Prime Ministers agreed with Indigenous people that Australia still has very serious unfinished business. This should be motivation for us all.

Australia’s 30th Prime Minister, Scott Morrison, unquestionably has an opportunity to achieve what none before him has done and lead the nation to enshrine the legal rights of the First Peoples in the Constitution. This is the missing foundation stone on which can be built a just nation.

Is this then the start of a new season of hope? Can we see signs of a spirit of cooperation in the federal parliament and across the nation? Can our politicians match the courage demonstrated for so long by Eddie Mabo, Vincent Lingiari, Fred Maynard, Pearl Gibbs, William Cooper, William Ferguson, Oodgeroo Noonuccal, Rosalie Kunoth-Monks and so many other unsung champions of the First Peoples on this long road towards recognition? Can we move the story of the First Australians to the constitutional heart of our nation.?

Prime Minister Morrison said that his government is “committed to getting an outcome” on Constitutional Recognition that all Australians can get behind and that his government will “take as long as is needed to achieve that.” The Attorney General, Christian Porter, said that there was still a huge amount of co-design work to do and described the proposal for an Indigenous ‘Voice’, an advisory body to the Federal Parliament, as “exceptionally vague.” Despite two years of work by an array of constitutional lawyers outlining how an Indigenous body enshrined in the Constitution could inform the Parliament on Indigenous affairs, the Attorney General said senior Liberal politicians were opposed and that the Government already had expressed opposition to a model of ‘Voice’ that they characterised as a third chamber of the Federal Parliament.

If this is to be a Mabo like season of possibility clearly someone like Koiki has to engage and unify people to rise to the legal challenges. For this reason, huge expectations are now focussed on the appointment of Ken Wyatt, the Noongar health and education administrator who makes history as the first Indigenous person to hold the Federal position of Minister for Indigenous Australians. Equally burdened with responsibility and opportunity are Senator Pat Dodson, who would have held this same Ministerial power if the Australian Labor Party had been elected to government, along with his Aboriginal colleagues, Linda Burney and Malarndirri McCarthy. From within a political system that has so frequently created policy disasters for Indigenous people, can these Voices inside ‘the machine’ create a nation-wide chorus of bi-partisan agreement? This is where we all come in. We need to raise our voices. Before the successful 1967 referendum, all federal politicians were united for a YES vote, so that a formal case for NO was never mounted and an extraordinary consensus followed around the country.

Ken Wyatt, echoing the Prime Minister’s caution, has signalled that it is not likely to be a rapid run up to a referendum to match Labor’s pledge of a vote within twelve months. The Minister’s argument is that it would better to have a delay even beyond this term of government than risk defeat of these initiatives for another generation. Some of the architects of the 2017 *Statement from the Heart* calling for an Indigenous ‘Voice’, truth seeking and a Makarrata process with negotiations on a national Treaty, are also improvising in the face of political reality. Noel Pearson, for one, concedes that the Recognition process in this season will require a specific model, rather than enshrinement of the general principle of ‘Voice’.

We cannot tell as yet whether a winning majority of Australians will grasp that this is an historic opportunity for a structure of representation and advice more effective than the National Congress or ATSIC or the many Indigenous Advisory Councils whose advice has fallen on deaf ears in the Prime Minister’s office.

We have no idea as yet what Prime Minister Morrison’s proposed Indigenous Agency will look like and whether it can surmount the age-old pattern of paternalism and top down policies that are not supported by the First Peoples. If a new agency can empower Indigenous initiatives to ease the suicide crisis, reduce over-incarceration, build adequate housing, improve health and education then clearly the new Minister for Indigenous Australians will need the personal trust of his Prime Minister, the widespread goodwill of Indigenous people and the whole- hearted support from the rest of us.

Inspired by Eddie Mabo I say that we must try to find the common ground. If we turn back to the ideological clash of values we will only get the status quo. Rather than surrendering to an eternal sense of hopelessness and rejection we need to believe that people can be inspired to change. The brightest people I have met in this world have always had the ability to empty their heads of their own conditioning and to look afresh for that season of hope.

The key understanding that we need to share to find common ground is that the solutions to our most pressing social challenges do not lay with Governments but in the knowledge and experience of communities. The Government has the wherewithal to empower the First People to change what they see as necessary to control their destiny. All of the global evidence on how to end the crippling poverty within nations such as ours says that we must enable the most deeply disadvantaged.

When the Prime Minister states that his immediate priorities will be seeing Indigenous kids in school getting an education, reducing Indigenous suicide and creating jobs that allow them to plan for their future with confidence, I have no doubt that he is expressing his own beliefs as well as a *realpolitik.*

Hope rises with warm hearted pledges but as the words of three other Prime Ministers I have shared with you remind us, expectations fade when Governments fail to transfer trust and decision making authority to the communities that carry the burden of making change.

The Morrison Government’s agreement to work with Indigenous peak bodies on why we are not making fast enough progress to improve the main indicators of wellbeing is a signal of hopeful engagement. If the First Peoples can be assured that all Governments are investing in the long-term efforts required to end disadvantage that spirit of determination will gather force.

Look at the resilience and unity of purpose in the communities around Bourke that have reduced violent crime and domestic violence. Be inspired by the Yarrabah community’s lead against youthful suicide, Fitzroy Crossing’s reforms on alcohol damage, Kalgoorlie’s pioneering work on renal illness and Mt Druitt’s national leadership on tackling the social damage linked to Ice. The regional Aboriginal assemblies in New South Wales and Victoria’s rapid progress on an Aboriginal body to forge a Treaty are proof that we can work together, creating a season of possibility on many fronts.

Eddie and Bonita Mabo used every breath. This is their legacy for us all. With such spirited Voices, there is always hope.

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Mabo Address at Museum of Applied Arts & Sciences

Ultimo. Sydney, NSW. 5.30pm May 31st 2019.