



Speech by

**Hon. R. WELFORD**

**MEMBER FOR EVERTON**

---

Hansard 20 June 2001

### **MINISTERIAL STATEMENT**

#### **Native Title**

**Hon. R. J. WELFORD** (Everton—ALP) (Attorney-General and Minister for Justice) (10.00 a.m.), by leave: I would like to draw to the attention of the House a significant day in our state's history and our government's ongoing commitment to the reconciliation process. Last Thursday, I was pleased to represent our government at a special sitting of the Federal Court, convened by Chief Justice Michael Black, on the remote eastern Torres Strait island of Dauar. This hearing ratified a native title agreement negotiated by our government over the islands of Dauar and Waier in the Murray Islands group. It was an agreement that closed the chapter on a journey begun 20 years ago by the late Eddie Mabo for land rights over the Murray Islands. It also marked a culmination of a 20-year process for the Meriam people—a process which commenced in 1981, when a legal team was first retained to prepare a claim on their behalf. That claim sought recognition that the Meriam people had a connection with their country that significantly predated European settlement and had been maintained through the generations.

As members would be aware, in 1992 the High Court gave recognition to native title and consigned the doctrine of terra nullius to history. It was the first time the Australian legal system—Australian common law—had recognised the traditional ownership of indigenous people in Australia. While the Mabo case was groundbreaking and set a precedent for all future native title claims, it did not completely fulfil the hopes of the traditional owners of the Murray Islands. That is because the High Court only recognised native title on one of the three islands, Mer Island. It left in abeyance a decision about the islands of Dauar and Waier, part of the Murray Islands group and an important part of the claim initially made by Eddie Mabo.

The court reserved for separate determination whether commercial leases over parts of Dauar and Waier, granted in 1931 for a sardine factory, had extinguished native title. Nine years on from that High Court decision, this agreement—negotiated by our government and ratified by the Federal Court—finishes what Eddie Mabo started. It was his dream that traditional ownership of all the Murray Islands land be recognised.

This important outcome demonstrates the value of our government's policy of negotiation over litigation. It shows what can be achieved when all parties come to the negotiating table with goodwill and a practical approach. It is important to note in that context that, of the 19 native title consent determinations negotiated throughout Australia, 16 of these have now been achieved in Queensland.

I think it is fitting that we place on the record of this House our appreciation and acknowledgment of the genuine commitment and health of spirit of the Meriam people, who for many years have waited for governments and bureaucracies and our legal system to recognise under our law what they always knew, that the Mer Islands were their country.

I would also like to place on record my thanks to Chief Justice Michael Black and the Federal Court for agreeing to convene a sitting of the Federal Court on Dauar Island, the homeland of these people, to hand down the determination which endorsed the consent agreement between our government and the Murray Islanders—the Meriam people. It was an honour for me, as Attorney-General, to appear on behalf of the people of Queensland before the Federal Court at that sitting and to acknowledge in our state yet another agreement that our government has negotiated with traditional owners of lands which they have sought for many years. It is a recognition not only of the patience,

persistence and goodwill that the traditional owners have brought to this process but also a recognition of our government's positive approach to resolving native title issues.

---