HYLUS MARIS MEMORIAL LECTURE. 30 APRIL 2003

FORMAT: ACKNOWLEDGE TRADITIONAL OWNERS OF LAND ON WHICH THIS IMPORTANT GATHERING IS TAKING PLACE-THE WURUNDJERI PEOPLES

TONIGHTS MEMORIAL LECTURE IS BOTH HISTORIC & UNIQUE: COMMEMORATE THE WORK OF HYLLUS MARIS A YORTA YORTA WOMAN WHO WAS A GREAT FIGHTER FOR YORTA YORTA JUSTICE.

TONIGHTS GATHERING IS THE FIRST TIME DURING THE PERIOD OF THE CLAIM (1994-2003) THAT THE YORTA YORTA NATION HAVE BEEN GIVEN THE OPPORTUNITY TO SPEAK FOR OURSELVES AND FOR THE ANCESTRAL LANDS THAT WE LOVE SO MUCH. IT'S YORTA YORTA PEOPLES TURN TO OCCUPY THE SPACE AND TO SPEAK WITHOUT FEELING SHACKLED BY THE CONSTRAINTS THAT THE NATIVE TITLE PROCESS HAS IMPOSED. WITHOUT HAVING TO SIT IT OUT ON THE EDGE OF THE PROCESS WHILE OUR VOICES HAVE BEEN SPIRITED AWAY BY OTHERS OUTSIDE OUR GROUP. IM TALKING HERE ABOUT THE NATIVE TITLE INDUSTRY AND
THE LONG GRUELING AND OFTEN DIVISIVE NATURE OF THE NATIVE TITLE PROCESS THAT WE HAVE COME THROUGH.

IT GIVES ME GREAT PLEASURE AND ADMIRATION TO BE ABLE TO SPEAK WITH THE PRIDE AND THE PASSION FOR JUSTICE LIKE OUR DEAR SISTER HYSLIS DID, AND LIKE OUR ANCESTORS HAVE ALWAYS DONE. LET ME SAY AT THE OUTSET THAT THE GLOVES ARE OFF WITH NATIVE TITLE AND IN LIGHT OF THE ACHIEVEMENTS IN LAND JUSTICE SINCE MABO, MANY INDIGENOUS PEOPLE, WOULD AGREE THAT PERHAPS THE GLOVES SHOULD NEVER HAVE BEEN ON?


THAT SETS THE TONE FOR TONIGHTS EVENT.


QUOTES: NEARLY A DECADE AGO (ATSI SOCIAL JUSTICE COMMISSIONER REPORT ON NATIVE TITLE 1994-95)

WHAT RIGHTS ARE WE GOING TO GET IF WE GO THROUGH ALL THIS? ARE WE GOING TO GET A PROPER SAY OVER THE LAND? OR ARE THEY JUST GOING TO RUN IT LIKE BEFORE? IF WE GO THROUGH ALL THIS ARE WE GOING TO GET SOMETHING WORTH HAVING? (KENNETH BRIGGS).

THE OTHER PARTIES ARE PROTECTED BY THE GOVERNMENT. WE ARE FIGHTING FROM OUR OLD POSITION OF NOWHERE. HAVE WE PROGRESSED? THERE'S BEEN YEARS OF TRYING AND SO METIMES I THINK WE HAVEN'T GAINED ANYTHING (ELIZABETH HOFFMANN).

THESE PHOTOGRAPHS ON THE WALLS UP THERE, AND ALL THIS HISTORY, THAT'S JUST A SAMPLE OF OUR CULTURE. HERE, SO WHY DO WE HAVE TO PROVE OURSELVES? WHY AREN'T OTHER PEOPLE
MADE TO PROVE BY WHAT AUTHORITY THEY ARE ON OUR LAND? IT IS AN INSULT TO OUR PEOPLE (MARGARET WIRAPUNDA TALKING AT THE YORTA YORTA NATIONS INC BARMH).

AN OLD SAYING" HAVE WE BEEN HOODWINKED AGAIN OR WHAT?" APPLYES TO THE DOUBT AND SUSPICION CREATED BY THE NATIVE TITLE ACT'S FAILURE TO EMPOWER OR PROVIDE LAND JUSTICE FOR MAINLAND AUSTRALIA... IT MAY BE PREMATURE, TO MAKE THIS RATHER CRITICAL JUDGEMENT, PARTICULARLY IN LIGHT OF OUR CURRENT CLAIM. HISTORY WILL BE THE FINAL JUDGE OF THAT. BUT UNLESS WE CAN SEE SOME SCORES ON THE BOARD PRETTY SOON THE OLD SAYING MIGHT COME HOME TO REST (WAYNE ATKINSON).

WE ARE STILL NOT AT THE STAGE WHERE WE CAN SAY WHO WE ARE AND NOT BE INSULTED (NEVILLE ATKINSON).

THE MAIN QUESTION IS ... WHO IS EMPOWERED UNDER THE ACT? ABORIGINAL AND 'TORRES STRAIT ISLANDER PEOPLE FOR WHOM IT WAS ULTIMATELY DESIGNED, OR MEMBERS OF THE INDUSTRY THAT IT CREATED, PARTICULARLY THE LAW PROFESSION, ANTHROPOLOGISTS, HISTORIANS, CONSULTANTS AND OTHER NON-ABORIGINAL BENEFICIARIES (WAYNE ATKINSON, SENIOR RESEARCHER YORTA YORTA NATIVE TITLE CLAIM)

PEOPLE CAN DRAW THEIR OWN CONCLUSIONS FROM THESE STATEMENTS BUT IT IS PAINFULLY CLEAR TO ME THAT ANY SUSPICIONS OR APPREHENSIONS ABOUT THE NATIVE TITLE PROCESS WERE WELL FOUNDED. THEY WERE BASED ON THE REALITIES OF PAST EXPERIENCES, THE MINDSET OF ANTIPATHY TOWARDS OUR PEOPLE THAT STILL EXISTS AND THE INABILITY OF THE ANGLO LEGAL SYSTEM TO DELIVER REAL JUSTICE TO OUR PEOPLE. NO TIDE OF HISTORY WILL EVER WASH AWAY THOSE VIEWS. THEY ARE FOREVER ETCHED INTO THE MEMORY BANK OF OUR PEOPLE.

WOULDN'T LIKE TO COME BACK TO THE KEY QUESTION OF WHO HAVE BEEN THE MAIN BENEFICIARIES OF NT.

RESOURCES BEING COMMITTED TO NATIVE TITLE HAVE CREATED A 'NATIVE TITLE INDUSTRY' AND NATIVE TITLEHOLDERS TO WHOM THE INDUSTRY OWES ITS EXISTENCE BENEFIT THE LEAST. THIS WAS CLEARLY DEMONSTRATED IN THE NATIVE TITLE PROCESS. THE YORTA YORTA SAT PATIENTLY AT THE BACK OF THE COURT, WAITING FOR JUSTICE TO BE DELIVERED, WHILE THEIR INDEPENDENT VOICES WERE SPIRITED AWAY BY OUTSIDERS.

THE EXPENDITURE OF THOSE OPPOSING THE YORTA YORTA CLAIM
HAS NOT BEEN MADE PUBLICLY AVAILABLE. THE VICTORIAN (KENNETT) GOVERNMENT ALONE IS SAID TO HAVE SPENT FOUR MILLION DOLLARS, NOT TO MENTION THAT EXPENDED BY NEW SOUTH WALES AND OTHER LAND AND WATER AUTHORITIES (AGE, 8 MARCH 2000; RIVERINE HERALD, 28 APRIL 2000).

THE ABILITY OF STATE GOVERNMENTS TO ABSORB SUCH HIGH LEVELS OF EXPENDITURE IN OPPOSING CLAIMS WITHOUT PUBLIC PROTEST INEVITABLY LEADS TO A MASSIVE INCREASE IN THE COST AND COMPLEXITY OF THE PROCESS FOR ALL PARTIES. IT ALSO SUBSTANTIALLY ENRICHES MANY OF THOSE WHO HAVE OPTED TO RIDE ON THE NATIVE TITLE BANDWAGON. GIVEN THE ENRICHMENT OF NON-INDIGENOUS PARTIES, PARTICULARLY THE LARGE COHORT OF LAWYERS, IT SEEMS LIKELY THAT THEY STAND TO GAIN MORE FROM PROLONGING THE PROCEEDINGS RATHER THAN TRYING TO SEEK A RESOLUTION. INDIGENOUS PEOPLE HAVE BEEN FURTHER DISEMPowered BY THESE LITIGIOUS AND PROTRACTED PROCEEDINGS. NON-INDIGENOUS PROFESSIONALS HAVE BECOME RICHER, WHILE INDIGENOUS CLAIMANTS HAVE HAD TO WAIT IMPOVERISHED ON THE PERIPHERY OF THE NATIVE TITLE PROCESS.

EXCEPT FOR THE STEEP LEARNING CURVE THAT WE'VE BEEN THROUGH, ONE IS NOW IN A POSITION TO SAY WITHOUT FEAR OF DISTORTION THAT NATIVE TITLE GIVES YOU 'BUGGER ALL'. INDEED THE WORDS OF MANY INDIGENOUS VOICES THAT MAMBO 'GAVE AN INCH BUT TOOK A MILE' AND WOULD DELIVER 'NOT ONE IOTA' OF JUSTICE TO KOORIS IN THE SOUTH, ARE CLEARLY VINDICATED.

OTHERS WILL HAVE DIFFERING VIEWS, BUT AS WE HAVE SEEN SO FAR, NATIVE OR THE ORIGINAL TITLE HAS BEEN REDUCED THROUGH THE POLITICAL AND LEGAL PROCESSES TO A FORM OF PERMISSIVE OCCUPANCY, SIMILAR TO THAT OF THE INFAMOUS RESERVE SYSTEM OF 19TH CENTURY AUSTRALIA.

MANY WOULD ALSO AGREE THAT THERE MUST BE A BETTER WAY THAN LITIGATION BECAUSE AT THE END OF THE DAY THERE ARE NO WINNERS, AND THERE IS NO WAY THAT WE WILL FORGO SOMETHING THAT WE KEEP SAYING 'ALWAYS WAS AND ALWAYS WILL BE YORTA YORTA LAND'.

FINISH HERE

TALK ABOUT YORTA YORTA FROM MEETING SUNDAY 27 APRIL.

YORTA YORTA NATIONS INC HAS BEEN DRAINED OF ITS RESOURCES MOST OF WHICH WERE SIPHONED OFF BY THE EXPERT INDUSTRY. AT
PRESENT IT IS AMBLING ALONG WITH THE ADMINISTRATOR WORKING ON A CDEP AND WITH THE SUPPORT OF HIS PARTNERS PENSION. THE ONLY FUNDS COMING INTO THE ORGANISATION ARE THOSE BEING RAISED BY STUDENTS THROUGH JUICE FOR JUSTICE AND CAKE STALLS.

THERE ARE A FEW OPTIONS OPEN FOR THE YORTA YORTA TO PURSUE IN OUR LAND JUSTICE STRUGGLE. THESE ARE DOMESTIC AND INTERNATIONAL AVENUES THAT CAN BE USED TO PUT PRESSURE ON GOVERNMENTS IN AUSTRALIA AND TO EXPOSE THE BLATANT DENIAL OF YORTA YORTA PEOPLES RIGHTS.

DOMESTIC & INTERNATIONAL OPTIONS

NEGOTIATED SETTLEMENT: RECOGNISE THE SPECIAL SIGNIFICANCE OF CLAIM AREA TO YORTA YORTA AND ENTER INTO A NEGOTIATED SETTLEMENT

BARMAMIMILEWA CAMPAIGN: NATIONAL PARK & JOINT MANAGEMENT- YORTA YORTA. THIS IS A PEOPLE'S MOVEMENT STRATEGY THAT REQUIRES SUPPORT FROM FRIENDS, SUPPORTERS AND PEOPLE INTERESTED IN PRESERVING BARMAMIMILEWA FORESTS AS A NATIONAL PARK UNDER A JOINT ARRANGEMENT WITH YORTA YORTA

VIC GOVT INTRODUCES LAND RIGHTS LEGISLATION-LAND CLAIMS PROCESS. NOW THAT BRACKS GOVT HAS NUMBERS IN BOTH HOUSES COULD INTRODUCE LAND RIGHTS LEGISLATION LIKE THAT WHICH WAS ATTEMPTED BY PRIOR LABOR GOVERNMENT IN 1980S.

PURSUE MATTER THROUGH UN HUMAN RIGHTS MECHANISMS - HEROC, ICCPR.

Dr Wayne Atkinson
30 April 2003