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The Mabo judgment overturned the legal fiction of

finding that native title to

recognised a set of Indigenous rights at the same time affirming that government can validly extinguish these rights.

Delivering the inaugural 2005 Mabo Oration in Brisbane, Noel Pearson said the principles established by were

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Mabo, he said, established an

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For Indigenous and non-Indigenous Australians alike, the Eddie Mabo story has become legendary. His crusade symbolises the determination of so many to overturn 200 years of accepted and seemingly entrenched legal precedent.

The great challenge for us, as a Government, is how we harness the symbolism and use the

national apology has built trust in the Government and means that Indigenous people are willing, for the first time in years, to work with the Government to develop solutions. That moment in the Australian Parliament gave us the national impetus to, in the words of the Prime Minister,

But now it is up to us, the policy makers, to harness the momentum of the apology and align

makers is to build on traditional forms of tenure, to find ways to enable native title holders to engage with and form part of our broader economy.

Native title should reflect the changing needs and aspirations of Aboriginal and Torres Strait Islander people in a market economy. Almost 20 per cent of the Australian continent is owned or controlled by Aboriginal and Torres Strait Islander people more than half of this derialder people

The recognition of native title and the establishment of new institutional arrangements have brought huge gains but substantial challenges remain. With rights come responsibilities for individuals, for corporations, for communities and for governments.

As a Government, it is our responsibility to make sure that the operates effectively and in the interests of the community. Fifteen years after the passage of this

Achieving these outcomes is not straightforward. The financial transfers will be characterised by some as outside the scope of appropriate policy—as not properly the subject of government interference or regulation. We say that the responsibility of government is to work with people to harness whatever resources are available.

There will be a need for innovative and far-sighted thinking on the part of government and industry. And, there will be a need for hard-headed leadership from Indigenous interests. It is not tenable for people to continue to live in overcrowded housing in dysfunctional, despairing communities while substantial funds, nominally allocated for their benefit, are either locked up in trusts or distributed as irregular windfalls to be frittered away with no long term good. The policy challenge is to both respect the rights of native title holders and claimants to make such agreements in relation to their land, and to make sure that the funds which flow are used to make a difference to their lives and to the lives of their children and grandchildren.

We would all have cause for shame if the huge proceeds expected to flow to Indigenous people from the mining boom, are not harnessed to help dose the gap between Indigenous and non-Indigenous Australians.

I am not the first person to identify these issues, and certainly not the only one looking for solutions. Many of the key stakeholders in the native title arena are already working to find ways through the native title maze. Oritical to this is removing the expectation that resolution of native title daims lies exclusively with the courts.

Again as the Attorney-General points out we must put aside old attitudes and resolve issues through negotiation rather than always resorting to litigation. As he says, courts are being asked to resolve issues that are not well suited to the winner take all judicial process. In the meantime, tragically people are dying before daims are resolved. But there are signs that progress is being made.

In Cape York recently, I had extremely constructive discussions with the Cape York Land Council regarding new negotiated approaches to resolving outstanding land and economic development issues in the Cape aimed at resolving outstanding daims more quickly. Following my discussions with the Cape York Land Council in March this year, the Cairns Indigenous Coordination Centre has been working with Kowanyama Aboriginal Shire Council, traditional owners, the Attorney-General's department and Queensland government agencies to fast-track land dealings. And in Victoria and South Australia discussions have started between Indigenous interests and the respective state governments to cut through

the imbroglio of native title claims to make real and tangible progress on a range of social, economic and environmental fronts. Yesterday, on Groote Eylandt I signed a landmark Regional Partnership Agreement with the Anandilyakwa Land Council incorporating a comprehensive range of program and service arrangements along with an associated agreement to enter into a township lease for a period of 40 plus 40 years. This is the first Regional Partnership Agreement to be signed in the Northern Territory. It is groundbreaking for a number of reasons.

It has been driven by the priorities and aspirations of the local Groote Eylandt communities. It crosses agency and portfolio silos, and includes the Northern Territory and Australian Governments. It is truly a whole of government initiative, encompassing housing, economic development, health, law and order and leadership and governance. It is also groundbreaking because the communities on Groote, and particularly their far sighted leaders, have recognised that reforming land tenure will underpin their future, and the future life chances of their children.

Strait Islander interests and industry. But they would remain entirely focused on finally resolving outstanding and potential daims within the regions or areas that are the subject of the negotiations.

So, for example, in the Cape, a comprehensive settlement would resolve outstanding daims, but might add in a range of other land acquisitions, agreements for joint management, and perhaps even include the negotiation of a regional partnership agreement similar to that which we signed yesterday at Groote.

The reform package will need to include proposals for strengthening the resourcing and statutory basis of the existing Native Title Representative Body structures, including their role in resolving disputes within and between claimant groups. We will need to look at encouraging stakeholders to change the ways payments are negotiated and structured to improve accountability and provide greater assurance to Indigenous interests. The payments that flow to Indigenous companies and trusts must be distributed and invested equitably and effectively in the interests of both current and future generations. Direct payments to individuals should be minimised in favour of payments that create ongoing benefits for the whole community. This will involve a range of extraordinarily difficult issues and I am extremely conscious that the devil is in the detail.

Accordingly, the Attorney-General and I propose to convene a small informal group of key players involved in native title issues to work through these issues over the next few months. We have already asked Marcia Langton and Ian Williams to be part of this group. We will also be talking to the National Native Title Council.

The long-term consequences of inaction are too important to ignore, and I plan to make this one of the key agenda issues of my tenure as Minister with responsibility for Indigenous Affairs.

It would, I think, please Eddie Koiki Mabo that the judgment continues to define the path to real reconciliation. That those who have followed him can use his great achievement to build a better life for Indigenous Australians.

The passage of the Native Title Act prefaced a new chapter in our national history.es and It()9(p)3(refac)11(ed)]

But there is no room for complacency. Native title is a right which must be used. Used as a tool to bring about positive change. For social purposes. For cultural purposes. And for economic purposes.

It must be used as part of our armoury to dose the gap between Indigenous and non-Indigenous Australians.

It must be used to take us forward so that Aboriginal and Torres Strait islanders and the nation as a whole can make the most of the opportunity we have.

Eddie Mabo would have expected no less.