



**2005 Mabo Oration by Mr Noel Pearson  
Playhouse, QPAC  
Friday 3 June 2005, 6pm**

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**The Hon P de Jersey AC,  
Chief Justice**

**Opening Remarks**

In opening our formal proceedings this evening, I acknowledge, not only the traditional indigenous ownership of Australian lands, but more specifically today, judicial confirmation of that ownership; and I acknowledge the presence of Brisbane Indigenous Elders.

And I also welcome you, ladies and gentlemen, to this inaugural Mabo oration. I note with pleasure, especially, the presence of the Hon Gough Whitlam, one time Prime Minister of this nation, and enduring icon, and Queensland Attorney-General the Hon Rod Welford; as well as my judicial colleagues, and members of Parliament.

I at once commend the Anti-Discrimination Commission Queensland, and the Commissioner Ms Susan Booth, for their initiative, with QPAC, in convening this significant event.

The objects bear repetition – to inspire public thinking about the standing of our indigenous communities, to promote the rights of indigenous people, and to raise public awareness of human rights concerns for first nation peoples. And, as the name of the oration implies, we honour the late Mr Eddie Koiki Mabo, and members of the Mabo family.

It is a matter of great delight that Mrs Bonita Mabo has come all the way from Far North Queensland to be present this evening. We honour and welcome her, and other members of the Mabo family.

I hope I will not presume in offering some brief introductory observations.

Comparatively recent Australian decades have been punctuated by two historic events of prime significance to Aboriginal and Islander peoples. The first was the repeal in 1967 of s 127 of the Commonwealth Constitution, effectively according them Australian citizenship.



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The second was the judgment of the High Court in *Mabo and ors v The State of Queensland* (1992) 175 CLR 1, recognizing native title.

Each of those beneficial developments was enormously significant for all Australians: the former a long overdue recognition that indigenous people stand side by side with other Australians; and the latter, at the very least, an acceptance of the profound attachment of Aboriginal and Islander peoples to their traditional lands, not only in terms of ownership, but as a veritable life force.

Today marks the 13<sup>th</sup> anniversary of that pivotal judgment. It was the culmination of a decade's tenacious application on the part of Mr Eddie Mabo, who sadly missed the delivery of the historic judgment by just five months.

Our distinguished speaker, Mr Noel Pearson, has written and spoken about the Mabo judgment and its sequelae, the *Native Title Act* and the later court decisions, with incisiveness, inspiration, indeed passion. We are greatly privileged that he should be delivering this inaugural Mabo oration, not only because of his insightful analysis of those judgments, but also because of his leadership of indigenous peoples – a leadership which sits well with the tenacious while compassionate commitment of Eddie Mabo.

Noel Pearson has described his model of leadership as “getting things done the way you want them...You take people's hopes of a better future, and formulate a coherent vision by which these hopes can become reality...There is no substitute (he says) for making people sense that a revelation is at hand.”

One revelation he lays before us, and which many are discomforted to hear, is the pernicious culture, within some indigenous communities, of passive welfare dependency, and the scourges of substance abuse and violence – scourges of epidemic proportion. I respectfully agree with the view he has expressed that “there can be no other policy than a complete intolerance of illicit drugs”.



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My own professional perspective is drawn to the scandalous over-representation of indigenous people in our prisons. The latest, 2001 Census, showed 3.5% of Queenslanders were of Aboriginal or Islander descent: yet as of mid last year, as much as 23.4% of the prison population was indigenous. Aboriginal deaths occur at three times the total population rate. Indigenous people are three times more likely than others to be unemployed. Health problems abound. Life expectancies are absurdly disproportionate.

Responsible Australians genuinely try to confront these issues laterally. In the law, for example, we have developed our Murri and Koori courts. But I sadly acknowledge these sorts of expedients, while valuable, are probably not even holding the tide. How tragically lamentable that an ancient spiritual civilization should be jeopardised by erosion of responsibility through what Mr Pearson terms “passive welfare dependency, substance abuse and...resulting criminal justice predicaments”.

We need candidly to acknowledge these realities within some communities, however discomfiting. That is, I believe, occurring. But beyond that, we need circuit-breaking leadership which cuts away cant and double-talk, takes the hard decisions, and exudes inspiration apt to convince others to accept those hard decisions. I venture the view Mr Pearson amply demonstrates those capacities.

Tonight he will speak on the subject “Indigenous governance and leadership”, raising the prospect of “a shift to permanent sovereignty”.

As an extremely well-known and respected Australian leader of insight and accomplishment, he needs no further introduction. Ladies and gentlemen, please welcome Mr Noel Pearson...

### **Closing Remarks**

Our guest speaker has the enviable capacity to mould intelligent analysis, abundant honest common sense, and the ability to inspire, in perfect proportion.



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His address was very important, and beyond that, very significant. It signified the Indigenous thirst for solutions; our being here has signified the thirst of very many Australians, I would like to say almost all, to learn how to facilitate those solutions.

I won't presume to comment on Mr Pearson's address save in four brief respects.

First, it occurred to me, listening to him, what a sad reflection on our society that the recognition of native title should have depended on the declaration of a court, important though courts be. Nevertheless, thank goodness for the circuit-breaker which *Mabo v The State of Queensland* in 1992 truly was.

Second, I relished our speaker's honest courage in his criticism of the judicial approach! We judges are used to criticism, often robust, but rarely is it so measured and so intelligently based.

Third, I would suggest that correlation of rights and responsibilities, a generally unfashionable concept these days, is and must be acknowledged as axiomatic.

Fourth, the case for the recovery or resuscitation or reform of indigenous economies, supplemented by vibrant contemporary education is, I suggest, compelling.

We are greatly indebted to Mr Pearson for the brilliant challenge he has levelled through this, the inaugural Mabo oration, a challenge ultimately to recognize our lands as a veritable life force for all Australians.

Would you join me please, ladies and gentlemen, in again thanking Mr Pearson for his immensely valuable contribution.