

Item 13.3

Notices of Motion

City of Sydney Recognition of and Support for Mabo Day

By Councillor Davis

It is resolved that:

(A) Council note:

- (i) Mabo Day is recognised annually on 3 June, following legal precedent set by the High Court in 1992;
- (ii) the Mabo Case set a precedent and was a significant legal case in Australian history that recognised the land rights of the Meriam people, traditional owners of the Murray Islands (which include the islands of Mer, Dauer and Waier) in the Torres Strait;
- (iii) the five Meriam people who mounted the case were Eddie Koiki Mabo, Reverend David Passi, Sam Passi, James Rice and one Meriam woman, Celuia Mapo Sale. Eddie Koiki Mabo was a driving force as the first named plaintiff therefore the case became known as the Mabo Case;
- (iv) the Mabo Case was successful in overturning the myth that at the time of colonisation, Australia was 'terra nullius' or a land belonging to no one;
- (v) the High Court recognised the fact that Indigenous peoples had lived in Australia for thousands of years and enjoyed rights to their land according to their own laws and customs; and
- (vi) in 1993, 12 months after the Mabo ruling, the Native Title Act 1993 was passed by the Australian Parliament;

(B) Council further note:

- (i) consequently, the Australian government enacted the Native Title Act in 1993. Native Title legislation provides a framework for Aboriginal and Torres Strait Islander Australians to claim traditional rights to land and waters, further cementing Mabo's legacy in the legal and cultural recognition of Indigenous land rights;
- (ii) today, almost 60 per cent of Australia is now subject to some level of First Nations' land and water rights and interests (i.e. Native Title), including exclusive possession rights (akin to freehold) over a quarter of the continent;
- (iii) in 2022, Torres Shire Council CEO Mrs Dalassa Yorkston, like many others, formed part of an historic event being a signatory to both the Uluru Statement from the Heart and the Masig Statement. Mrs Yorkston noted, "2022 is a very significant year. The Masig Statement seeks to achieve self-determination for the peoples of the Torres Strait and Northern Peninsula Area";

- (iv) the Masig Statement extends to a culturally united path from the regional area to all Torres Strait Island peoples working across Aboriginal lands of Australia;
 - (v) this motion acknowledges the need to address the impacts of climate change that are affecting the Torres Strait Islands continued cultures and stewardship of their traditional lands;
 - (vi) this motion also acknowledges the impact on Torres Strait Islanders living and working in the City who are witnessing rising seas threatening to displace their relatives living in the Straits; and
 - (vii) the need for capacity building and collaboration with the Torres Strait Islander communities across Sydney to mitigate the impacts of climate change;
- (C) Council endorse submission of this motion for consideration at the upcoming 2024 Local Government NSW (LGNSW) Annual Conference calling on Local Government NSW to work with relevant stakeholders to coordinate a program for state-wide recognition across all NSW councils to officially recognise and support Mabo Day annually; and
- (D) the Chief Executive Officer be requested to:
- (i) investigate ways to support recognition of Mabo Day and the Meriam people who mounted the Mabo Case across the City through a program of events that commemorates Eddie Mabo and celebrates the culture and contribution of Torres Strait Islander people living on mainland Australia; and
 - (ii) work from a cultural framework as noted in the Masig Statement with the existing self-determined Torres Strait Islander cultural authorities in both the Torres Strait and in Sydney that can assist with culturally specific program development.

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