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## The 'Land Rights' Movement

The 'land rights' movement is a religious and political movement that seeks to secure the rights of Aborigines to their land. The movement was established to ensure that Aboriginal religion, language, sacred sites and cultural integrity is preserved and maintained. The Aboriginal people are inextricably linked to the land. For Aboriginal people the land is the core of all spirituality and their identity is sustained by people and culture. Land rights are necessary to provide ability and assurance for the continuation of rituals and ceremonies.

Aboriginal spirituality revolves around the interconnectedness of the elements of the earth and the universe. All plants, animals, landforms and celestial bodies are interrelated. The dreaming is the foundation of aboriginal spirituality and culture. For aboriginal people, ownership of the land means that they have responsibility to nature, care and protect the land, as it is a strong aspect of their identity. The land and all the forms of life it includes are regarded as a sacred trust, to be preserved and passed on in an endless cycle of mutual dependence. The dreaming gives life purpose and guidance for Aboriginal adherents, therefore the removal of the land removes their purpose of life and any form of guidance.

Since the dreaming has a complete connection to the Land, regaining access and ownership of sacred sites and traditional lands was critical in attempting to re-establish ceremonial life, reconnect to the Dreaming and to preserve Aboriginal spiritualities. Returning to sacred sites was especially important so that balance, rites and rituals could be fulfilled. Aboriginals rightly believe they are custodians of the land. It is this land which is home to their ancestral beings and totems. These elements form the foundation of their beliefs and traditions. It is because of this bonded link that land rights were and are so important. Securing land rights helps the Aboriginal people to conserve and protect their culture which helps them to fulfil their role as custodians of their culture. Connection to the Dreaming was a driving force for the Land Rights movement.

Indigenous Australians have struggled with the land rights battle since European invasion in 1788. The policies of protection, assimilation and integration as well as issues such as dispossession, the stolen generations and terra-nullius have had a vastly detrimental impact upon Aboriginal spiritualities which originate from the Dreaming. However, through the Land Rights Movement Indigenous Australians have rekindled motivations and gained partial ownership of native title to the land that is rightfully theirs. The three movements of Native Title Act, Mabo and Wik are of vital importance in the ongoing process by which Indigenous Australians are trying to attain unconditional land rights and ownership.

The modern land rights movement unofficially began with Vincent Lingiari, as illustrated in source 1. In 1975, Lingiari successfully helped pass land rights legislation under the Whitlam Labor Government giving Aborigines specific parcels of land. Daguragu was acquired by the Aboriginal Land Fund Commission and on August 16th 1975, Prime Minister Whitlam transferred the leasehold title to the Gurindji and the symbolic exchange of the soil to Vincent Lingiari and the Gurindji campaign was an important influence on the events leading to passing the Aboriginal Land Rights act (Northern Territory).

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In evaluating the imagery on source 2, which depicts an aboriginal community banded together with a banner that delivers a simple message “Our Land is Our Life.” Whilst simple, the message says all that needs to be said. The saying “A picture speaks a thousand words”, in this case, rings true. I look at the sincere, calm and peaceful faces staring out. They are together, wrapped in colour and fellowship waving what looks like a peace sign on one of their flags. The backdrop of red earth and green bush behind them. Australia their land. They are not saying others are not welcome they are simply stating; from the land began their lives and the land became their lives. It is their culture, religion, livelihood, connection their home. Ultimately, as they state, it is their life.

It was not until June of 1992 when the next major land rights progression occurred. Source 3, - Eddie Mabo and his clan sought to gain full rights of ownership of their land. After a series of legal events ‘terra-nullius’ i.e. land belonging to no one, was overthrown. Aborigines and Torres Strait Islanders were finally recognised as the traditional custodians of the land. The judgments of the High Court in the Mabo case inserted the legal doctrine of native title into Australian law. In recognizing the traditional rights of the Meriam people to their islands in the eastern Torres Strait, the Court also held that native title existed for all Indigenous people in Australia prior to Cook's Instructions and the establishment of the British Colony of New South Wales in 1788. This decision altered the foundation of land law in Australia. The new doctrine of native title replaced a 17th century doctrine of terra nullius (no-one's land) on which British claims to possession of Australia were based. The Mabo decision thus solved the problem posed by the Gove Land Rights Case in 1971, which followed the 'legal fiction' of terra nullius.

The next key event was Native Title which was consolidated through the Native Title Act 1993. Native title recognises an Aboriginal or Torres Strait Islander people's traditional law and custom, kinship groups, rights and interests to the claim areas based on their traditional connection to the area, which enabled their dreaming and spirituality to not only survive but also educate and evolve..... This gave further acknowledgement to Indigenous Australians as the first owners of Australia's land.

The Wik decision of 1996 stated native title could co-exist with other rights through a pastoral lease. This made it is easier for Indigenous Australians to continue land right claims in the Federal Court. Unfortunately, the Howard Government reworked native title conditions through the Native Title Amendment Act 1998. This was a Ten Point Plan which was of advantage to the leasehold title holder. The legislation enabled leaseholders to upgrade to freehold title at the level of State Government. This had terrible consequences on Aboriginal land claim opportunities as it meant many Aboriginal groups lost the rights to pursue native title claims which in turn gave them little to no hope of achieving any form of land rights/ownership.