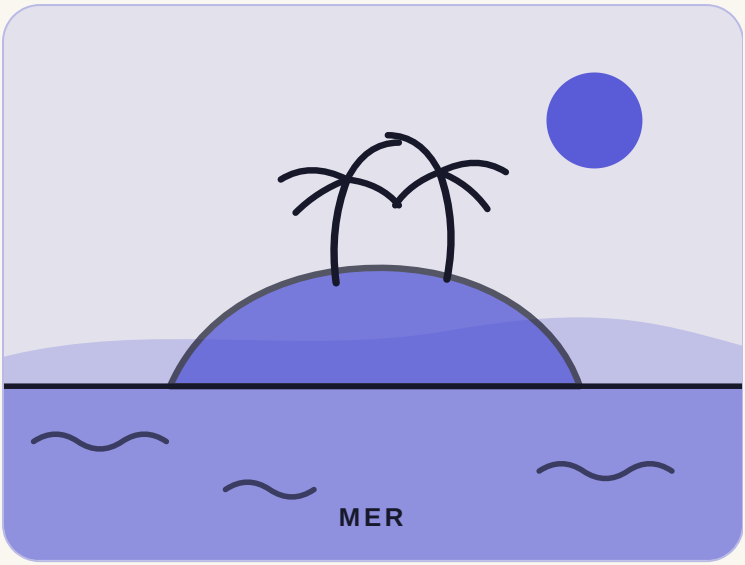

AUSTRALIA

The gardener who changed Australia's law

Eddie Mabo asked who owned his island. His ten-year court case changed the law of a whole country.

WHERE	Mer (Murray Island), Torres Strait
WHO	Eddie Koiki Mabo, a Torres Strait Islander gardener who brought the Mabo case
WHEN	1936 to 1992

4 min read

CHAPTER ONE

The story

Eddie Koiki Mabo was born in 1936 on Mer, a small island in the Torres Strait, north of Australia. Mer is one of the Murray Islands, with Dauer and Waier. The islanders are the Meriam people. They had their own laws about who owned each piece of land.

As a man, Mabo worked as a gardener at a university in Townsville, on the Australian mainland. One day, two historians told him something shocking, one account says. In Australian law, his island was not his. It belonged to the Crown.

> **No way, it's not theirs, it's ours.**
>
> EDDIE MABO, AS REMEMBERED BY HISTORIAN NOEL LOOS

Ten years in court

Australian law had a rule called terra nullius. It means "land belonging to no one." When Britain claimed Australia, the law said the land had belonged to nobody.

In 1982, Mabo and four other Meriam people took their claim to court. The Queensland government argued that the island became Crown property when it was taken over in 1879. The case dragged on for years.

10	6 of 7	500+
years the case took	High Court judges agreed	successful native title claims by 2022

Five months too late

Mabo became ill with cancer. He died on 21 January 1992, aged 55. Three of the five who brought the case died before the ruling.

Five months after Mabo's death, on 3 June 1992, the High Court gave its answer. Six of the seven judges agreed. The Meriam people were "entitled as against the whole world" to their islands.

More than that, the judges said Australia had not been a land belonging to no one. Indigenous people have lived here and kept their ties to the land for over 65,000 years. Indigenous people across the country could hold rights to land under their own laws. Those rights stayed unless the law had ended them.

The next year, Parliament passed the Native Title Act. By 2022, there had been over 500 successful claims. Each year on 3 June, Australia marks Mabo Day.

How it unfolded

- **1936** Eddie Mabo is born on Mer in the Torres Strait.
- **1982** Mabo and four other Meriam people begin their court case.
- **1992** Mabo dies in January. On 3 June, the High Court rules for the Meriam people.
- **1993** Parliament passes the Native Title Act.

CHAPTER TWO

What makes it special

He was a gardener, not a lawyer. A lunch-time chat became a ten-year fight.

He did not live to see the ruling. But his name is on a case that changed the land law of a whole country.

OUR TAKE

One man refused to accept that his home belonged to no one. The law had to change to agree with him.

CHAPTER THREE

What we can learn

1

Ask the plain question

He asked who owned his island, then refused to accept “no one”.

Try this: Write down one rule you have always accepted. Ask who decided it and why.

2 Know your own story

The Meriam people had old, detailed laws about land ownership.

Try this: Write down one thing your family knows that no document records.

3 Share the fight

Five Meriam people brought the case, with historians and lawyers beside them.

Try this: Name two people who could share one of your goals this month.

4 Play the long game

The case took ten years. Mabo did not see the end.

Try this: Pick one goal that will take years. Do one small thing for it each week.

ONE THOUGHT TO TAKE AWAY

A simple question, asked again and again, can move a country's law.

Sources

Parliament of Australia
The Mabo decision

ANU College of Arts and Social Sciences
1992 – Mabo v. Queensland, by Henry Reynolds (2024)

Justice and Peace Office, Archdiocese of Sydney
Mabo Day (2017), drawing on AIATSIS

Wikipedia
Eddie Mabo

Fact-check note: The sources agree on the main story and differ on details. The ruling and its meaning are from the Parliament of Australia and the ANU article by Henry Reynolds (republished from the Australian Dictionary of Biography), which agree on 3 June 1992, a majority of six of the seven judges, the rejection of terra nullius and the quotation “entitled as against the whole world”. The claim began in May 1982 with five Meriam people (ANU); the Parliament of Australia calls it ten years of legal proceedings. Queensland argued the island became Crown property when it was annexed in 1879 (ANU). Three of the plaintiffs, Sam Passi, Celuia Mapo Salee and Eddie Mabo, died before the ruling (Parliament of Australia). Mabo’s life details (born 1936 on Mer, gardener at James Cook University, died 21 January 1992 aged 55 of cancer, five months before the ruling) are from Wikipedia, which cites other sources; they were not checked against a second page, so the story keeps them to a minimum. The conversation in which two historians told Mabo his island was Crown land is told by historian Noel Loos in the account quoted on Wikipedia; Wikipedia dates it to 1974, while other accounts link his decision to sue to a 1981 land-rights conference, so the story gives no date and says “one account says”. The quote “No way, it’s not theirs, it’s ours” is Loos’s memory of what Mabo said, not a recorded statement. The terra nullius rule is dated 1788 by ANU and to Cook’s claim in 1770 by the Parliament of Australia; the story gives no date. The Native Title Act came into effect on 1 January 1994 after Parliament passed it in December 1993 (Parliament of Australia); the story says Parliament passed it “the next year”. More than 500 successful native title claims by 2022 is from ANU. The Parliament of Australia page warns Aboriginal and Torres Strait Islander readers that it names deceased persons; so does this story. Mabo Day on 3 June is from the Parliament of Australia. The “more than 65,000 years” is from the Parliament of Australia. The pin shows the island of Mer. Lines marked "Our take" are interpretation. Everything else comes from the sources above.