

EDITORIAL

On 20 May, 1982, Eddie Koiki Mabo and four other Murray Islanders lodged a statement of claim in the High Court of Australia, claiming 'native title' over Mer (Murray Island) in the Torres Strait. Over ten years later on 3 June, 1992, the High Court found in favour of the Murray Islanders, recognising native title as a common law property right and rejecting the doctrine of *terra nullius*. In 1992, *Mabo* was considered a turning point in the recognition of Indigenous peoples' rights and interests. Looking back over the last 20 years, how have the rights and interests of Indigenous peoples been influenced by *Mabo* and have the anticipated benefits of native title recognition been fully realised? In this special thematic edition of the *Indigenous Law Bulletin* ('ILB')—in recognition of the 20th anniversary of the *Mabo* decision—our contributors address modern native title issues and themes to shed some light on these questions.

We open this edition with Daniel Lopez's winning entry from the 2012 UNSW Law School Essay Competition, titled *Mabo: A Fundamental Truth and a Basis for Justice*. The recently retired Federal Court Justice, Paul Finn, provides us with his insights into native title jurisprudence and the future of native title in Australia. Mick Dodson offers his thoughts on native title developments over the past 20 years and some shortcomings of the native title process. Glen Kelly and Dr Stuart Bradfield shed light on the merits of 'alternative settlement' in the context of the Noongar claim in the South West of Western Australia. And, Robert Woods reviews *The Limits of Change: Mabo and Native Title 20 Years On*—a compilation of writings on native title over the past 20 years edited by Toni Bauman and Lydia Glick.

In the second half of this edition we focus in on the *Torres Strait Regional Sea Claim*—one of the most important native title cases of the past decade, which is now heading to the High Court. Addressing this claim, Sean Brennan writes for us on native title, commercial fishing rights and the question of 'regulation' versus 'extinguishment'. Expanding on this, Heron Loban et al explore the experiences of Indigenous people in other jurisdictions where Indigenous commercial fishing rights have been significantly progressed.

Inside this edition you will also find a poster-sized *Native Title Timeline* which lists the most significant developments in native title from 1788 through to 2012. I would particularly like to thank both Sean Brennan, UNSW Associate Professor of Law, and Leigh Kinsela, ILC intern, for their work researching, writing and editing the *Native Title Timeline* and their enthusiasm for the project. Thanks also must go to our current student editors, Jacqueline Fetchet, Jim Zovaro and Nichole Soo, for their invaluable contribution to this edition of the ILB.

Robert McCreery

Editor

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SEEKING CONTRIBUTORS

Would you like to submit an article to the *Indigenous Law Bulletin*?

If you are a student, practitioner, part of a community organisation, or are simply concerned about issues affecting Aboriginal and Torres Strait Islander people, the ILB wants to hear from you! We welcome contributions from Indigenous and non-Indigenous authors, on a wide range of topics. For more information, please visit our website at www.ilc.unsw.edu.au, or contact the Editor at ilb@unsw.edu.au.

Aboriginal and Torres Strait Islanders are advised that this publication may contain images of deceased persons.