

INTRODUCTION

The election of the Rudd Government closed the page of one of the most destructive chapters in the history of Indigenous affairs. Over a decade the Howard Government dismantled many of the inroads made by Indigenous activists since the 1970s. The delivery of ‘bucket loads’ of extinguishment of native title, the loss of a national representative body, and attempts to tie the delivery of essential services and infrastructure to punitive welfare reforms, were part of a sustained assault on our collective humanity.

For many, the euphoria of 24 November 2007 owed more to the death of the Howard Government than to our confidence in the good will of the new Prime Minister and his Government. The Australian Labor Party has a long history of sacrificing social justice for Indigenous people in the interest of political expediency. Bob Hawke’s abandonment of national land rights legislation in order to bolster the electoral prospects of the Burke Government in Western Australia was perhaps the most blatant example of such pragmatism, prior to Labor’s capitulation over the Northern Territory National Emergency Intervention.

This year has seen Prime Minister Rudd offer a moving apology to the members of the Stolen Generations. Although the symbolic importance of this gesture should not be underestimated, it is concerning that the Rudd Government has flatly ruled out compensation. More recently, it has affirmed its commitment to punitive welfare reforms that became synonymous with the Howard Government, such as the tying of income support to school attendance. Therefore, it is imperative that scholars of Indigenous law and policy maintain the rage.

This issue of *Ngiya* offers rich and diverse commentary relevant to current debates within Indigenous affairs. Jason Behrendt offers an insightful analysis on the inability of native title jurisprudence to accommodate the sea rights of Indigenous people. Madeleine Heyward examines the conceptual barriers to Indigenous management of sea country. In an exciting piece, Helen Hatchell explores the invisibility of whiteness in the context of a private boys school. Loretta de Plevitz interrogates the effectiveness of anti-discrimination legislation and Megan Davis has provided an interesting article on free trade agreements. In the final piece, I argue against the application of the theories of Hernando de Soto to Australian Indigenous lands. We hope you enjoy this edition and the insights offered by our contributors.

Nicole Watson (Editor)