

## PREFACE

The High Court handed down its decision in *Mabo v Queensland [No 2]* (1992) 175 CLR 1 (*'Mabo'*) on 3 June 1992, a decision that changed forever how native title is seen in Australia.

Eddie Koiki Mabo, the first-named plaintiff, was born on the island of Mer (Murray Island) in the Torres Strait on 29 June 1936 and moved to Townsville in 1959. He worked in a number of occupations before being employed eight years later, at the age of 31, as a gardener at the Townsville campus of James Cook University. It was there that he met historians Henry Reynolds and Noel Loos – and that was where it all began. The genesis of what was to become the *'Mabo'* decision was a conversation that he, Henry and Noel had over lunch in Henry's office in 1974. It was during that conversation that he first became aware that the land on Mer which he regarded as his own was, in law, then regarded as Crown Land.

In 1981 Koiki spoke at a land rights conference that the students had organised at JCU, explaining the customary land inheritance system that operated on Mer. An attendee, barrister Barbara Hocking, suggested that that system could form the basis for a test case on Native Title. Another attendee, Perth-based solicitor Greg McIntyre, agreed to take the case on and he, in turn, brought two other barristers, Ron Casten and Bryan Keon-Cohen, on board.

On 20 May 1982 Eddie Koiki Mabo (together with fellow Mer Islanders, the Reverend Dave Passi, Sam Passi, Celuia Mapo Salee and James Rice), commenced their action in the High Court.

Unfortunately Koiki did not live to see the outcome of the case, dying of cancer on 21 January 1992, a little under five months before the High Court decision was handed down. His role will, however, live on in both Indigenous and legal history in the name of the case.

At James Cook University his role (and his association with the University) is also commemorated in the name of its Townsville library, which was formally named the *'Eddie Koiki Mabo Library'* in his honour in 2008.

To further commemorate both the man and the 25<sup>th</sup> anniversary of the decision that bears his name, this edition of the James Cook University Law Review has been dedicated to the theme *'Mabo – 25 Years On'*. Included are a number of invited papers from key participants in the original case (Henry Reynolds and Bryan Keon-Cohen), current key participants in the area (Raelene Webb QC and Nyunggai Warren Mundine) and the Commonwealth Attorney-General, Senator George Brandis. All other papers in this special 25<sup>th</sup> anniversary edition are also devoted to articles specifically focussed on that general theme.

We hope that Koiki would have seen this as a fitting tribute.

Emeritus Professor Stephen Graw

Townsville

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