The Mabo case was commenced at a time when there was no national land rights legislation for Aboriginal people at a national level and the prospects for it were not high, with opposition from mineral rich states such as Western Australia. It came in the wake of a High Court which had indicated in the Koowarta v Bjelke Petersen in 1982 that it was prepared to adopt a view of the law which was favourable to the obligation of the Commonwealth to respect the rights of indigenous people as equal citizens in international law. The High Court’s 1992 decision recognising the native title of the Meriam People of the Torres Strait spear-headed a national movement of Aboriginal and Islander people which resulted in the historic negotiation of the Commonwealth Native Title Act 1993 through the Commonwealth Parliament. It has created a statutory mechanism for Aboriginal and Torres Strait islander peoples to sit at the negotiating table with government and industry at a national, state, territory and local level, and has brought with it a range of incidental benefits, such as an intense attention being given to the recording of the laws and customs and family relationships of Indigenous peoples. It created a change to the way in which the broader society viewed Australia’s Indigenous inhabitants and avoided the possibility of Australia’s Indigenous people and their culture succumbing to the pressure towards assimilation and absorption into the broader undifferentiated Australian society.

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The views expressed in this lecture are those of the presenters and do not necessarily represent the views of The Australian National University.