

DRAFT TREATY

introduction

Let it be clearly understood that the Aboriginal position on Land Rights is a Sovereign Aboriginal Position.

From the Beginning of Time; time immemorial, our people, our culture, our land areas were clearly defined in the law and have so remained. The Aboriginal Law was not available to vagaries of change and 'amendment'. The Law was, and remains, a constant and unchanging law of rights, duties and responsibilities.

The Law governing our ownership and possession of land is such a constant Law and remains, in perpetuity, unchanged. Aboriginal Sovereign Rights in land covers the whole of this land on this continent of 'Australia'.

In 1770, our land was first invaded by Captain James Cook. As the Accredited, lawful representative of the Crown of England, Cook was legally bound by his Orders from the Admiralty to 'take Possession with the Consent of the Natives'. He failed to do so, and in so failing to act to that legally binding instrument of Orders, he acted in a criminal, unlawful manner which then allowed the terror and invasion, the massacre and theft of our land.

The instruments of law in Britain recognised Aboriginal Sovereign titles and rights in land. Such rights were an established fact of British and international law at that time. Such recognition of native right was the very legal basis of Captain James Cook's instructions.

From the fact of the instruction, which was a legally and internationally binding order upon Cook, all subsequent duties and rights of a legal standing flowed. So too, the departure from this order, or use of fraud in act or claim by Cook, the Accredited agent of the Crown, made null and void any act or attempt to establish a legal position by the Crown.

The British and Australian 'Government' have no valid title to the Sovereign Root Title of Aboriginal land and cannot acquire a legal, valid title except by entering into a legal, binding TREATY of international status with Aboriginal People of this our country.

Our TREATY encompasses all the lands of this continent. Therefore our Treaty shall insist upon these conditions:

- . recognition of our Sovereign Aboriginal Nation State;
- . Recognition of Aboriginals as a People;
- . Recognition that the 'Federal Government' and the 'State Governments' of Australia have no valid claim or right to title or compensation over those areas of land registered as 'Crown' lands, Crown parklands, forest, reserves, national parks, commons.

The Commonwealth and every State shall legally:

- . recognise original ownership, possession and Root Title of Aboriginals to land;
- . restore immediately all unalienated 'Crown' lands, including State and National Parklands, Aboriginal reserves, travelling stock reserves;
- . negotiate Aboriginal State Boundaries;
- . recognise that Aboriginal State Lands are Sovereign Aboriginal Lands with title in perpetuity and inalienable;
- . agree that the Aboriginal land base be not less than 40% of the total land mass of each 'Australian State' land holding;
- . agree to the Aboriginal State being sovereign and autonomous in our community government, development, culture and law.

International Bill of Rights overrides all discriminatory laws and practices throughout the Commonwealth wherein those areas of State; and where Aboriginal traditional law applies that Aboriginal Law prevails.

All hunting, fishing, camping and usufructuary rights continue without constraint to Aboriginals.

A negotiated compensation fund (war reparation fund) be established from a 7% of National Gross Product for the loss of the rest of the land and the social, physical, psychological ravages made upon us.

The 'Australian Government' to enter into a Treaty in good faith in the interest of the Aboriginal people, the other peoples settled within our lands nationally, and the international community of which we all are a part.

SOVEREIGN TREATY: EXECUTED BETWEEN US, THE SOVEREIGN ABORIGINAL PEOPLE OF THIS OUR LAND, AUSTRALIA, AND THE NON-ABORIGINAL PEOPLES WHO INVADED AND COLONISED OUR LANDS

1 sovereign position

1.1 GENERAL

- 1.1.1 We, the Sovereign Aboriginal People hold and maintain our Sovereign Root Title to these our lands now known as 'Australia'.**
- 1.1.2 Our Sovereign Root Title inherent, has been held by our forebears since the Beginning, Time Immemorial, and has never passed from us in any way, nor have we lost our inherent Root Title of Sovereign Possession.**
- 1.1.3 Our Sovereign Aboriginal Ownership, Possession and Sovereign Root Title to these our Lands and our People have never been lost, removed or ceded in any form or manner by any legal act or claim.**
- 1.1.4 Our Sovereign Root Title is therefore intact and remains intact over all of these our Sovereign Domains of land, now known as 'Australia', and those areas of land off-shore from the Mainland wherein reside Aboriginal People.**
- 1.1.5 We are free to manage our own affairs both internally and externally to the fullest possible extent, in the proper exercise of our Sovereign Right as a Nation.**
- 1.1.6 No other State shall assert or claim or exercise any right of jurisdiction over our Aboriginal Nation State, or People, or area of Land or Sea inherent to us as lands of our Sovereign Domains, unless pursuant to a valid treaty freely made with our lawful representatives accredited of our Nation.**
- 1.1.7 Our Sovereign Aboriginal Nation, fulfilling the criteria of Statehood, having Inherent Possessory Root Title to Lands, a permanent population and a representative**

governing body according to our indigenous traditions, having the ability to enter into relations with other States, possesses the right to autonomy in self-determination of our political status, to freely pursue our economic, social and cultural development and to retain our rights in religious matters, tradition and traditional practice.

1.1.8 We, the Sovereign Aboriginal People are to be accorded our right and proper recognition as a People and a Nation State, subjects of international law.

1.1.9 Inherent in this Treaty is the immediate Proclamation of our Sovereign Aboriginal Rights of State.

1.1.10 The failure of Britain and subsequently the successional government, Australia, to enter a legally valid treaty with our Aboriginal Sovereign State has resulted in a position of national and international consequences which must be resolved in accordance with the proper standards of principle, good faith and requirements to international law as applies to the validity of States. Australia's claim to 'sovereignty' in root title is not a valid claim.

2. LAND

2.1 GENERAL

2.1.1 As root title to all such land and territory was unlawfully claimed and assumed as 'property of the crown', those colonial institutions known as 'State Governments of Australia', have no lawful basis of claim of right or compensation for such areas of these our territorial lands to be returned unencumbered to us.

2.1.2 Certain portions of lands will be cedable title under a fully accredited treaty enacted and executed at the direction of the Aboriginal People by and through our fully accredited Sovereign Representatives.

2.1.3 Aboriginal Sovereign Domain

shall not be reduced in area at any time under any treaty to an area of the total land mass to a lesser degree or portions than 40%. The total land mass to be assessed on what is presently known and recognised as 'state' boundaries, i.e., New South Wales, Victoria, Queensland.

2.2 CROWN LANDS

2.2.1 There shall be immediate restoration to us of those parts and parcels of land registered as 'crown lands'. These 'crown lands' have no legal justification to being so termed and bear no encumbrance or responsibility upon the local inhabitants or the international States with whom we are most concerned.

2.2.2 All those areas of land that have been gazetted as 'crown lands' such as those areas of our exile known as 'Aboriginal Reserves', state forests, travelling stock reserves, are to be returned forthwith in correct legal status as Sovereign Aboriginal Domain.

2.2.3 Aboriginal lands, now encumbered by the imposition of invalid title known as 'crown leasehold' and 'freehold' require consideration by us in any negotiating of such lands and any ceding, leasing or extending Territorial right to any third party for the purpose of ceding jurisdiction or Statehood to those areas. All such leases and other title was illegally obtained and require legitimising by negotiation and legal endowing of title.

2.2.4 Where such excisable land is to be freed, exempted or ceded from Sovereign Aboriginal Domains for the purposes of compensation or sale, such exemption, freeing or ceding is by mandate treaty, fully accredited with the concensus of the Aboriginal people through our fully accredited representatives.

2.2.5 The Aboriginal Sovereign State shall legitimise the occupancy and formation of the Federated States of Australia by ceding of title to those areas of land not

specified in the foregoing articles, in consideration for fair and equitable compensations for the loss of such lands, the damage done to the land and our cultural heritage, usurpation of our authority and the unlawful massacre of our people.

2.2.6 All Aboriginal sacred sites and sites of significance to be protected; under the authority of the Aboriginal State and in ceded areas.

2.3 LEASEHOLD

2.3.1 Where the 'leasehold' comes directly within the ambit of Aboriginal Sovereign Domain as a crucial portion of that claim, all rights resume to the Aboriginal State, with this proviso: Fair and equitable compensation is made at present market value. Lessee and Aboriginal State enter a negotiated use, lease or joint venture arrangement for the remaining period of the lease before expiry; negotiated lease with Aboriginal State encompassing dual obligation and citizenship of lessee.

2.3.2 Where 'crown leaseholds' are held in rural areas, a leasehold arrangement shall continue, with these reservations: Where such 'leases' encompass traditional tribal lands and are central to cultural and religious observance, such lands are to be resumed, the lessee paid full compensation at market value, or where the lessee desires to exercise a residential lessee right of prior contract for the remaining period of that lease, the lessee may do so, with these reservations and optional development proposals:

2.4 FREEHOLD

2.4.1 Freehold title, where residences and usages, with or without buildings, fences or improvements, a right shall retain in the 'proprietor', with this reservation:

2.4.2 Where such areas of land are encompassed in Sovereign Aboriginal Domain, any such area may be revoked and proper compensation paid at

market value.

2.4.3 If the 'proprietor' desires to retain residency on the claim of 'good faith' when obtaining the original transfer of deed and indicates the will to retain a right, such right may be so acknowledged and title registered in transfer accordingly under Aboriginal State law. Such transfer to give the equivalent right as due under the existing title.

2.4.4 All dues and responsibility as well as benefits will mutually apply to the Freehold proprietor under legitimate Aboriginal State title as would be forthcoming under the other title.

2.5 RIGHTS OF PASSAGE

2.5.1 That rights of passage, air flight (passover for peaceful purposes), and trade access between States will be without restraint, except where certain land entry restrictions apply in classified areas or near sacred sites.

3. GROUP CULTURE

3.1 GENERAL

3.1.1 Where so desired, Aboriginal groups, individuals or families are free to develop and practice their individual religious rights in accordance with the standards upheld by international charter of human rights.

3.1.2 Where, by reasons of previous disruptions, by massacre and dispersals from traditional areas, and in exercise of their inherent sovereign right, a group defining itself by the geographic borders, tribal areas such as Wiradjuri, Ngemba, Kamilaroi, etc, now may, if they will by free determination, choose to associate in regional autonomy, as self-governing units or associate Statehood. Exercising such inherent Sovereign Right of association, Aboriginal People in such definable areas may freely determine to enter into such relationships and to alter those relationships if they so choose.

3.1.3 The entering of such association or autonomous state does not and cannot extinguish or cede Sovereign Aboriginal Domain Lands which are inalienable, except in those categories already outlined in section notwithstanding that those Aboriginal Domain Lands are owned and in Possession thereof of the group so defined in inalienable title forever.

3.1.4 The Aboriginal National Coalition, bearing full representative sovereign accreditation, supports our diverse groups who so desire the full rights and obligations of internal self-determination, including the right to control our own economies through accredited bodies of our elective choice, freely pursue our economic, social and cultural development in conformity with our traditions and social mores, restore, practice and educate our children to our cultures, languages, traditions and way of life.

3.1.5 We be accorded such degree of independence, right to determine the form, structure and authority of our institutions, in effect, to retain unto ourselves the prerogatives of freedom and sovereign choice as contained in our ancient culture, provided such customs and institutions retain equality of being and station and are not incompatible with those freedoms, responsibilities and duties as inherent in our ancient cultures and compatible to international charter of human rights.

3.1.6 No State, except the Sovereign Aboriginal State shall assert any jurisdiction over our indigenous Nation, our People, our community or our territory except in accordance with the freely negotiated and enshrined instruments of treaty.

3.1.7 No State shall deny our indigenous People, residing within ceded borders, the right to participate in the life of the State in whatever manner and whatever degree they may choose. This includes the right to participate in other forms of collective action and expression,

including community social, political, legal responsibility, participation and benefit. However, in defining the rights and duties, regard shall be had to our customary laws.

3.1.8 Such resident Aboriginal groups or populations shall be allowed to retain their own customs and institutions where these are not incompatible with the domiciliary State or nation's legal system.

3.1.9 The application of the preceding article shall not prevent members of our Aboriginal population from exercising, according to their individual capacity, the rights granted to all citizens of that State and from assuming the corresponding duties, to the extent consistent with the interests of the national community and municipalities or external ceded States and the legal systems therein.

3.1.10 Release Aboriginals/children from prisons and institutions.

3.2 RETURN OF CULTURAL ITEMS

3.2.1 All human remains gathered and now held as collections in museums and galleries, etc are to be returned forthwith to our Aboriginal State.

3.2.2 All traditional artifacts and religious objects, including ceremonial bark paintings and tjchuringas are to be returned forthwith along with documents

3.2.3 Also to be returned include miscellaneous:

- . pickled heads
- . human gloves
- . scrotum tobacco pouches
- . dried scalps
- . pickled foetus
- . cicatured skins
- . complete stuffed (mummified) children's bodies and women with child.

4. COMPENSATION

4.1 GENERAL

4.1.1 That jointly and through the

accredited Representative Body of the 'Federal Government of Australia', the Australian people compensate the Aboriginal State and purchase the lands ceded by an annual payment of seven per cent of gross national income for the first ten years of this Proclamation; five percent of gross national product for the following ten years, and two and a half percent of gross national product thereafter.

4.1.2 The first initial payment of one billion dollars to be paid within one month of signing of this Treaty.

4.1.3 The 'Federal Government', 'State Governments' of Australia make available and without restriction to Aboriginals all those benefits, social, political and educational and legal, as enjoyed by their citizens, (welfare payments, pensions, health benefits). Such benefits are not to be deducted from, or assessed in the product sum of gross national product compensation percentage.

4.1.4 Those structures presently in place as public utilities servicing Aboriginal needs such as the Department of Aboriginal Affairs and the Aboriginal Development Commission or that joint body now assuming the role of those Departments, are to remain in place, be funded at the present level of funding, and be directed by an Aboriginal Bureau of Aboriginal State Affairs.

An appropriate Aboriginal Executive Commission will be set in place to direct the objectives and day to day administration of this body.

4.1.5 All towns and cities in the ceded areas shall set aside parklands with sea or river frontage where such sea or riverways exist and, in all instances in all towns and cities, nominate and preserve these areas as 'Aboriginal Domain'. Such areas to be no less than twenty acres in extent. These areas are to be made readily available to Aboriginals for purposes of gathering together for social or religious observance according to tradition and culture, and for camping at

those times. At all other times, these 'domains' are to be for the enjoyment and benefit of the public, and maintained at municipal expense.

4.1.6 In urban areas where 'crown' lands are not available, suitable areas of land and housing shall be returned to Aboriginal population on a compensation and needs basis. All such lands are to be free of government or municipal 'land' rates, etc, but responsible for such service as provided in water or electricity supply and waste disposal.

4.1.7 Where desired by the urban Aboriginal population, certain areas will be set aside as 'Aboriginal Domain' territory, containing its own executive administration and funding and political control.

4.1.8 All houses previously supplied as 'Aboriginal Housing', allocated from funding under the Federal Budget Allocation for the purpose of housing Aboriginal families through the Housing Commission Department in each State of Australia, plus all housing allocated or purchased in provision specifically for Aboriginals, be returned to our Aboriginal State administration with deed title as part of State comprehensive housing initiative as part compensation.

4.2 COMPENSATION FOR LOSS OF USUFRUCTUARY HARVEST RIGHTS

4.2.1 TOLLS:

- a. All 'national' freeways and highways interconnecting cities and States to erect toll gates for vehicular traffic fees, based on the CPI index with a primary rate of two dollars per car, three dollars per vehicle with trailer, caravan or bus, 50 cents per motorbike;
- b. One third percentum of all monies raised by such toll to be paid to the Aboriginal Sovereign State;
- c. Where it is clearly established by registration of vehicle and residence that toll points are crossed daily for purpose of

employment by local residents, an appropriate pass system is to be employed.

4.2.2 HARVEST RIGHTS:

- a. All minerals including gold, diamonds, semi-precious metals and stones are to be levied by a tax of not less than three percent.
- b. All natural resources are to be taxed in a like manner.

4.2.3 Where commercial activity is engaged in for reasons of continuation and resource, a fair and equitable Royalty payment arrangement is to be entered into.

5. LAND MANAGEMENT

5.1 ABORIGINAL MEMORIAL PARK LANDS

5.1.1 The areas of our land proclaimed as 'National Parks' 'Nature Reserves', etc and now having a special significance, both within this country and in international perceptions of continuing ecological heritage, are also Aboriginal State Domain. Conditions relating to such areas are:

- a. Aboriginal sovereign title remains intact over these areas;
- b. the title is inalienable and inviolate forever;
- c. the areas of land known as "National Parks" are to be the common heritage for the benefit and enjoyment of all who reside in or visit these our lands;
- d. Aboriginals and our descendants forever hold the right to seek our herbs and foods with complete usufructuary rights, including the right of hunting, fishing, camping unhindered in these our estates.

5.2 ABORIGINAL SOVEREIGN DOMAIN

Administered under our internal law.

5.3 CEDED AREAS

5.3.1 No felling of trees, land-clearing, poisoning or ring-barking of trees will be permitted to occur without full authority and permit from a nationally constituted body of land and conservation management. No State shall permit the burning off or clearing of trees unless an erosion control plan has been entered into, and where the tree product is shown to be utilised, either as timber, firewood or woodchip.

5.3.2 All areas of land cleared for pastoral or agricultural use shall retain a minimum of no less than forty trees per acre average, either as boundary or shelter clumps.

5.3.3 All sheep and cattle grazing areas are to be replanted or otherwise contain adequate shelter belts of tree and shrubs sufficient for the holding capacity of the area.

5.3.4 All boundary line areas are to be replanted where possible with hardwood species of eucalypt, pine or acacia.

5.3.5 Where private boundaries, either singly or in common, fence off all public access to rivers, a public access road shall be provided at a distance of each fifteen kilometres, provided the river is not more than six kilometres from the highway or major road. Where the river is further inland, and not more than fifteen kilometres, access shall be at no more than forty kilometres apart.

5.3.6 Such access road will be not less than 7 metres wide and, at river frontage, no less than sixty metres across, (wide) by eighty metres deep. These access areas to serve as national heritage access areas and be readily available as campsite areas and this clause applies in ceded areas throughout the Australian continent.

5.3.7 Every township or city enjoying a river frontage shall make freely available areas for barbecues and campsites for travellers and holiday makers free of charge.

Where special facilities such as toilets, water taps and showers have been provided at public cost a minimum surcharge may apply. All such areas shall be in perpetual title as Aboriginal Domain Common.

5.4 ANIMALS AND PLANTS

5.4.1 No fauna culling or control program is to be entered into or executed without the prior permission of the Aboriginal State, or its executive arm controlling land management, flora and fauna.

5.4.2 No export of indigenous fauna shall be permitted for any reason without the prior and specific approval of the Aboriginal State.

5.4.3 The Aboriginal State holds, and reserves the right of all or any such export of indigenous flora for zoological or commercial purposes.

5.4.4 Where the Aboriginal State approves commercial exploitation, a percentum royalty fee shall apply of no less than 4% of the wholesale market price in Australia. That fee shall be paid to the Aboriginal State clear of any administrative charges.

5.4.5 All permits issuing for the collecting of and sale of indigenous flora shall be increased by 30% of the total of the present fees now applying. Two thirds of all such permit fees shall be paid to the Aboriginal State clear of any administrative charges.

5.5 WATER

5.5.1 All States throughout the continent shall effect water conservation management by developing sea channel inlets into arid zones such as the Nullabor region, and fresh water reticulation from inland rivers to agricultural and pastoral zones in conjunction with coastal river/inland reticulation systems.

5.5.2 All river-ways of consequence in water supply and irrigation are the responsibility of those States throughout the continent which those waterways serve, and shall be

maintained, cleared of debris and sludge and, where required, trees replanted and regeneration works be established.

5.5.3 Dumping of sewerage into rivers, waterways or seas and pollution of air by burning of refuse, and use of hydrofluro-carbons in aerosols to cease.

5.6 RECYCLING

5.6.1 All solid matter sewerage to be calcified, or reduced to ash by treatment and utilised as organic fertilizer.

5.6.2 All residual timber product such as bark and sawdust to be utilised as organic soil building substances, either in conjunction with treated sewerage ash, or urea based conversion and made available for agricultural and pastoral regenerative works.

5.6.3 All disposal of garbage and rubbish by burning must cease throughout this continent. It is mandatory that all organic materials be utilised in recycling process to conserve resources within the continent, including metals.

5.6.4 Methane extraction: household refuse, organic matter, grass clippings, etc, to be contained in large disposal pits, which are to be covered with tarmac when filled for possible future methane extraction.

5.7 REGENERATION

5.7.1 There shall be joint States programs in arid and pastoral zone land management and regeneration practices.

6. LAW

6.1 HUNTER-GATHERER RIGHTS IN LAW

6.1.1 Aboriginal usufructuary and complete hunting and camping rights is a legally enforceable prerogative throughout the Australian continent territories, including leaseholds and pastoral areas.

PHOTOGRAPHIC IMAGE REMOVED

In accordance with AIATSIS policy images to be made available through the internet must be free of photographic images of Indigenous Australians.

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6.1.2 Traditional camping places and sacred sites upon the leasehold land are to be protected, Aborigines given full access at all times to such areas, including water rights.

6.1.3 Each camping place shall not be constrained in area nor fenced off.

6.1.4 All laws of Aboriginal State apply equally across all State borders where Aboriginal Domains extend over areas of land where a different jurisdiction may be in place.

6.1.5 The Aboriginal State will hold a right of extradition in criminal proceedings, and the right of deportation.

6.1.6 No infringement or trespass will be allowed by any legal enforcement agency upon sovereign territory without the express permission of Aboriginal State Legal Enforcement Office.

6.1.7 The methods of social control practised by the populations concerned shall be used as far as possible for dealing with crimes or offences committed by members of these population resident groups.

6.1.8 Where use of such methods of social control is not feasible, the customs of our external resident group shall be borne in mind by the authorities and courts exercising jurisdiction to ensure in every possible instance, examination and judgement is to be effected by our peers.

6.2 FIREARMS

6.2.1 All firearms within the continent, in all states and territories, shall be registered separately and serial numbers taken. Each firearm shall incur a fee of five dollars per annum. One third of all such fees shall be paid to the Aboriginal State clear of any administrative charges.

6.2.2 All owners and bearers of firearms are to be licensed including police, security guards,

army personnel; and fingerprint records maintained.

6.2.3 All ammunition and firearms shall bear a sales tax of no less than a minimum increase of one hundred per cent of the tax these items now bear. One third of all such taxes shall be paid to the Aboriginal State clear of any administrative charges.

6.2.4 All non compliance penalties shall be doubled in statute, and be mandatory in application by all States in situation within the Australian continent.

6.2.5 Permanent confiscation of firearms shall be the minimum penalty for acts of vandalism, discharging a firearm at a public property or sign, and within one kilometre of a town or private house. Such penalty in law to be mandatory in application by all States in situation within the Australian continent.

6.2.6 There shall be a complete three year moratorium on the shooting of ducks and there shall be a complete twelve month moratorium on kangaroo shooting pending enquiry.

6.2.7 Aboriginal People are to be exempt from all such licenses applying to our hunting equipment and in pursuit of our hunting and usufructuary right. However, in terms of commercial application of pursuit, the commercial levy and normal procedures apply.

6.3 DOMESTIC ANIMALS

6.3.1 All animals and birds used as 'pets' must be protected by uniform law throughout the continent by all States.

6.3.2 No residence to be permitted to own more than two dogs, except where in rural areas the dogs are working dogs, or the residence is registered for breeding purposes.

6.3.3 No household to be permitted to have more than two cats per residence.

6.3.4 Dogs to be registered municipally.

6.3.5 These clauses to be strictly enforced so as to protect native birds and small animals. Fines for non compliance to be no less than five times the normal registration fee plus cost of proceedings.

6.4 UNIFORM CRIMINAL LAW

6.4.1 In certain instances, a uniform criminal law shall apply to and be mandatory for all citizens in all ceded States in this continent Those laws shall be applied for the protection of humanity and preservation of life such as:

- a. Premeditated murder - penalty: imprisonment for life, minimum sentence to be served before release, twenty one years; maximum, term of natural life.
- b. Crimes of murder involving child rape, rape, robbery: mandatory sentence of death without reprieve; order to be executed at expiry of legal processes, appeal, etc. Execution by elective means, i e, injection or cyanide.
- c. Crimes of knowingly administering drugs, or infectious morbid disease such as AIDS, to so effect the death of a person; life imprisonment. Minimum period to be served, fifteen years.
- d. Dealing in drugs such as cocaine and heroin; minimum period of imprisonment of five years for any quantity under a tenth of a gram. Any commercial quantity, or dealings involving a long period of time; minimum fifteen years, maximum death. In all cases, confiscation of property or properties including finances.
- e. Crime of child rape; minimum sentence of fifteen years. Maximum death.
- f. Crimes of incest involving children of pre-pubic age; five to fifteen years. In all other

cases, two to fifteen years.

- g. Criminal assault upon a child involving torture, flagellation beyond the interpretation of discipline, burning, starvation or imprisonment shall carry a mandatory sentence of no less than two to ten years imprisonment.
- h. Administering cocaine, heroin, amphetamines, alcohol to a child under the age of fifteen; minimum imprisonment of five years.
- i. Sodomy, oral or anal penetration or lesbian acts upon a child under the age of fifteen; minimum imprisonment of five years. Maximum ten years.
- j. Robbery at night, burglary and robbery from an occupied place of residence; minimum fifteen years imprisonment. Robbery with violence; minimum period of imprisonment, five years.
- k. Criminal assault upon a person without provocation; minimum three years. All such sentences stated as 'minimum' means the time to be served completely before any parole or other system of release be ordered.
- l. Corruption in office, abuse of office; minimum five years. Maximum ten years.
- m. Death of a citizen resulting from dangerous, negligent, reckless driving or driving while under the influence of intoxicating liquor or drugs; minimum seven years. Maximum life imprisonment.

6.5 DRIVERS LICENCE

6.5.1 No licence to drive shall be issued unless the intending applicant has undergone a minimum period of sixteen hours of professional driver coaching from an accredited school of instruction. All instructors to be bearers of a C class licence.

6.5.2 Driving in a dangerous manner, exceeding the speed limit by 20Km per hour, or drunk driving to be punishable by confiscation (impound) of vehicle, plus other appropriate legal actions.

6.6 REPRESENTATION IN PARLIAMENT

6.6.1 Seven Aboriginal representatives are to hold full seats of representation in the Commonwealth Federal Parliament. Each of these representatives to maintain an objective and non-aligned political position to obtain a balance of power in overall national and international concerns of nation continent.

6.6.2 These parliamentary positions to be enshrined.

6.6.3 Three Aboriginal seats will be held in the Senate and four in the House of Representatives.

6.6.4 Holders of these seats to be elected for office by those Aboriginals resident in the Aboriginal Nation State.

6.7. TRAINING PROGRAMS

6.7.1 All people throughout the continent from age of 16 are entitled to nurture, social development and training in the acquiring of skills for a participatory place in the community to enable them to fulfil their aspirations.

6.7.2 It is mandatory for programs involving such employment or training or skill development to be instituted throughout the continent.

6.7.3 It is mandatory for all unemployed to receive training to equip them for situations of national emergency or disaster, either a catastrophic natural event such as uncontrolled fires, tidal waves or nuclear disaster, and where possible, all citizens throughout the continent will participate in land regeneration and reafforestation.

6.7.4 All citizens throughout the continent, attaining the age of

eighteen to thirty will undergo a period of no less than six weeks per annum of national emergency and para military home defence training, including rudimentary first aid, traffic control, city evacuation, food supply and maintenance flow.

6.7.5 There will be ten thousand hectares of land set aside in each Commonwealth State, in perpetual title as Aboriginal Memorial Commons, free of imposition of any taxes or land rates. These Memorial Commons to be made available to lower income groups whose individual members receive a poverty level income, or no more than 25 per cent average weekly income above that income of welfare recipients. These lands to benefit those displaced, or impoverished section of the Euro-Australian population.

6.7.6 Such groups will be able to develop sustenance economies, art/skills collectives and training programs.

6.7.7 In no instance will such lands be utilised for intensive agriculture or economic exploitation such as the planting of commercial crops, pastoral grazing ventures, or mining.

6.7.8 Alternative type buildings, cultural and group mores shall be permitted upon these lands, subject to controls of contagious diseases acts, and within the lawful bounds of these acts governing the quality of life for humankind.

6.7.9 No any one area shall contain more than two thousand hectares in any one location. In effect, there shall not be less than ten such areas set aside in each State.

6.7.10 No area of Common Lands will be for the establishing of a religious organisation, but shall serve the social needs and aspirations of the financially impoverished and the socially deprived, and/or the creative and impoverished members of the community.

7. INTERNATIONAL

7.1 EXISTING CONTRACTS, LEASE HOLDINGS AND INTERNATIONAL AGREEMENTS

7.1.1 All existing international covenants binding on Human Rights shall remain in place.

7.1.2 All States shall accept the right of any other nation State to develop its own political philosophy and structure, and to maintain their cultural and traditional rights.

7.1.3 There shall be free and unhindered trade relations and cultural exchange with world nation States free of political and cultural bias, with special emphasis on human development, aid, and cultural exchange.

7.1.4 The 'Federal Government' to undertake, together with the Aboriginal State, to maintain the religious and spiritual philosophy of this our land to a commitment of humanity, life, justice and peace by negotiation and to make this, the spiritual base of our land and heritage, manifest in practical terms throughout the world.

7.2 WORLD PEACE

7.2.1 All States shall develop a comprehensive role for world peace:

a. American satellite and army intelligence gathering facilities such as Pine Gap, North West Cape, etc, to be removed forthwith.

b. All defence matters shall be placed totally and in the most complete manner in the hands of the defence forces of States on this continent, completely independent and unassociated with any participation, commitment or joint sharing of information or commitment with any other external, foreign State.

c. This continent to remain a nuclear free continent.

d. Uranium mining to cease forthwith.

e. There shall be no rights of passage or port facilities throughout the continent to be made available to nuclear vessels.

f. No State on this continent shall contract with or make treaty with any external State to join in war or attack upon any other State or nation States.

g. All treaties that commit or promise to involve Australia with external warfare at the dictate or commitment of some other State external to Australia to be abrogated forthwith.

h. Active participation in world effective famine relief.

i. No overseas aid to be supported by funds from gross States revenue for the purposes of road making, municipal works or army supply in any form. All overseas aid to be in the form of supply of agricultural and farm produce, medical aid and personnel with development expertise.

7.2.2 Five percent of the 'Federal' Budget allocation for Defence, or the equivalent thereof, shall be allocated yearly for commitment to famine relief and purposes of humanity in overseas aid.

7.3 DIPLOMATIC RELATIONS AND DEFENCE

7.3.1 As a consequence of attempting to gain and assume a legitimate title of State by acts of invasion, massacre, terror, genocide and exile of Aboriginal People, and by fraudulently establishing a profile of State, international States have entered in good faith into binding contracts and agreements with the 'Australian Governments' that involve Defence, Trade, Diplomatic relations and internal economies.

7.3.2 The assumption of European 'State' legitimacy has also enticed migrants to take up 'citizenship status' and has encouraged national and international investments and

participation.

7.3.3 It is with these interests of State concern, especially in the area of economy and defence, that we must address the present and legal issues in contemporary Australia and meet the responsibilities and duties implied and undertaken internally and internationally in good faith.

7.3.4 All States to share in and develop the common objectives of defence and economy, individual and corporate rights as enjoined under the United Nations Bill of Human Rights and the International Labour Organisations Convention, and World Heritage Act.

7.3.5 All States within this continent will support a common policy of defence and self-protection within the continent and with our immediate neighbour States in the Pacific region.

7.3.6 The Federal Government shall, in the interest of defence of the Continent of Australia, take full responsibility for effecting such defence systems, with the proviso: this continent to remain a nuclear free continent free of uranium mining.

8. DISPUTES

8.1 GENERAL

8.1.1 Disputes regarding the jurisdiction, territories or institutions of our Aboriginal State and People are a proper concern of international law and must be resolved by valid treaty under the Vienna Convention on the Law of Treaties.

8.1.2 The tradition and customs of our Aboriginal Sovereign Nation Peoples must be respected by States and recognised as a fundamental source of law.

8.1.3 The laws and customs of our Aboriginal People must be recognised by States' legislative, administrative and judicial institutions and, in case of conflicts with State laws,

Aboriginal laws and custom shall take precedence.

8.1.4 The Aboriginal Sovereign Nation State (Aboriginal Coalition Member States) shall establish an appropriate procedural instrument based upon accredited representational consensus according to custom for the binding settlements of disputes or claims or matters relating to such areas of concern.

8.1.5 All States bordering peripherally Aboriginal State Domains in the continent shall establish with us, through negotiation or other appropriate and mutual means, a binding procedure for the settlements of disputes, claims, or other matters relating to our respective nations or groups, provided such procedures shall be mutually acceptable to the parties, fundamentally fair, and consistent with international law. All procedures presently in existence, which do not have the endorsement of the Aboriginal Sovereign Nation State shall be ended and new procedures will be instituted consistent with the Treaty declaration.

8.1.6 It is the duty of States to engage in dispute resolution in good faith with respect to their differences and, where possible, resolve such differences by agreement or negotiation by fully accredited parties of State. Where resolution is unattainable by these processes, the matter is to be placed before an impartial third party according to the Law of Nations.



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"Aboriginal sovereignty: justice, the law and land", Kevin Gilbert
Canberra 1988.

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