

ABORIGINAL LAND RIGHTS IN N.S.W.

An important report on Aboriginal land rights, sacred sites and places with special meaning to the Aborigines of N.S.W. has been put to the N.S.W. Parliament.*. It makes suggestions about land rights:

- how Aborigines living in country areas can own the land they live on;
- how Aborigines living in towns can be given land to make up for what was lost by their ancestors;
- how sacred and other sites can be cared for.



MS 1867/20

Item 193

*1980 Parliament of New South Wales Aboriginal Land Rights and Sacred and Significant Sites — First Report from the Select Committee of the Legislative Assembly upon Aborigines.

SOMETHING TO TALK ABOUT

This paper explains what is in the Report to the Government. BUT it must be understood that these are only suggestions, not laws. The Parliament of N.S.W. has the job of making laws based on the Report. Before it does so it is very important that all Aborigines living in N.S.W. understand what the Report says, talk about it among themselves and let the Government know what they think of the ideas in it.

THIS IS WHAT THE REPORT SUGGESTS

Aboriginal people be able to claim land

1. because it was traditionally theirs
2. because they have lived there for a long time (such as on reserves)
3. because they need it for better housing
4. to start a business or workshop



HOW WILL LAND BE CLAIMED?

Land to be given to Aboriginal groups. One person could not make a claim for himself.

Aboriginal Community Councils to be able to make land claims for their members. These councils will have to be made into **corporations** before the land they claim can be legally granted to them as group land-holders.

N.S.W. to be divided into regions and Aborigines will help fix their boundaries. Each region to have an **Aboriginal Regional Land Council** to which each **Aboriginal Community Council** will send members to represent them on it.

To make a claim for land an **Aboriginal Community Council** will have to talk over its plans with the **Aboriginal Regional Land Council**. If the Regional Council approves, it will help work out a claim.

The **Regional Land Councils** will take all Aboriginal land claims to an **Aboriginal Land and Compensation Tribunal** which will have the power to decide all claims. It will have 5 members:

The President (to be a Judge)

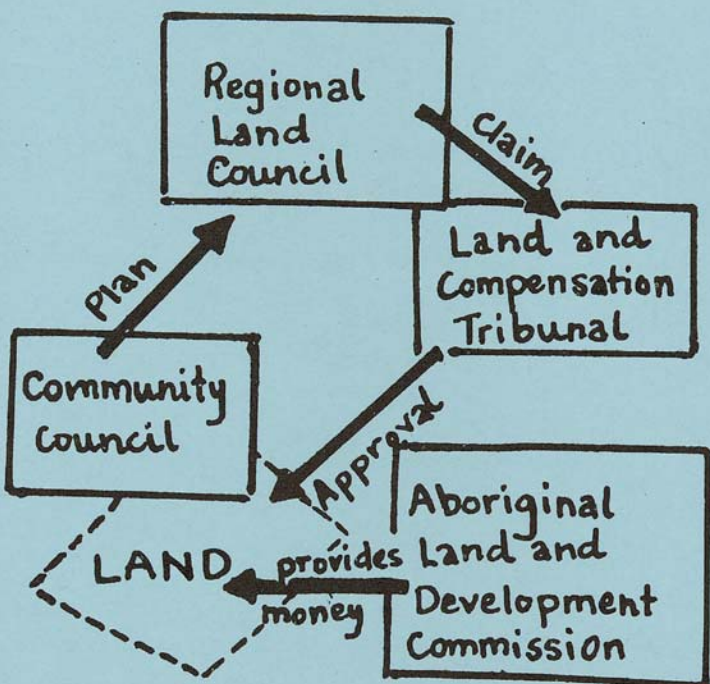
2 Aborigines elected by the Aborigines of N.S.W.

2 persons with a good understanding of Aboriginal culture, and care and use of land (to be named by the Minister of Aboriginal Affairs after talking with Aboriginal groups)

HOW WILL LAND BE BOUGHT?

An **Aboriginal Land and Development Commission** to be set up to give money for land, to start a project such as a factory or a shop, a farm or a garden. This Commission to have two Aboriginal members elected by all N.S.W. Aborigines, and members representing each **Regional Land Council**.

This diagram will help make all these suggestions clear:



WHERE WILL THE MONEY COME FROM?

The N.S.W. Government to provide the **Land and Development Commission** with $7\frac{1}{2}\%$ of its State land tax each year for 14 years.

Half of this money to be spent each year.

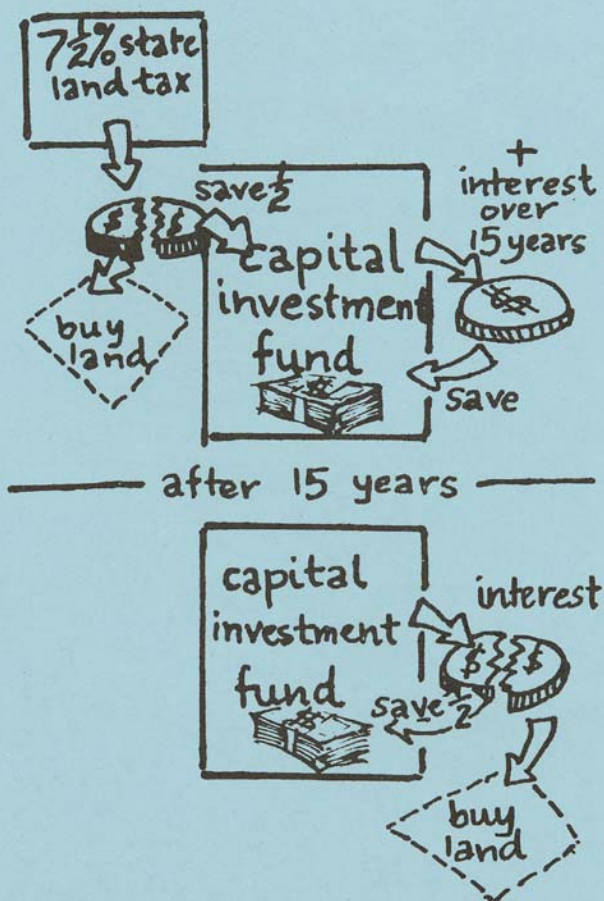
The other half to be put into a **Capital Investment Fund**.

After the 14th year the State to give no more money (the Commission would probably have less to spend, but it is hoped it would need less).

Each year afterwards only half the interest earned on money in the **Capital Investment Fund** would be spent.

The other half of the interest would be kept in the fund (so the money would keep on growing and never run out).

This diagram shows how the plan will work:



ABORIGINAL RIGHTS OVER CLAIMED LAND

The Report suggests Aborigines should have some special rights on their claimed land:

- 'Sub-surface rights' — that is minerals and other substances under the land can be used by them if they wish.
- Plans important to Aborigines can be carried out on their land even if they do not meet local government planning regulations; so long as the project does not interfere with the rights of neighbouring land-owners.
- **Aboriginal Regional Land Councils** to have the right to know about and give their opinions on plans by governments, companies or private people to develop land next to Aboriginal land.
- Rates to be paid on all land granted. **The Aboriginal Land and Development Commission** could decide to get some or all of it back from the **Community Councils** who would be managing the land.

SACRED SITES

Aboriginal Community Councils to care for sacred and other important sites in their area. If they do not wish to do this themselves, an **Aboriginal Heritage Commission** should be set up to take charge and care for them. Where sacred sites are on private property, tracks, which could not be closed off, should be made for Aborigines to reach them.



OTHER SUGGESTIONS IN THE REPORT

Large areas of land in National Parks could be managed by Aborigines. The parks to be open for all the people of N.S.W. to enjoy.

The N.S.W. Government should:

- try to make it possible for Aborigines to hunt, fish and gather traditional foods on land which is privately owned,
- set up a committee to keep watch on how plans to help Aborigines are being carried out,
- ask the Federal Government to make a **Treaty** with all the Aboriginal peoples of Australia.



ABORIGINAL VIEWS ARE IMPORTANT

The ideas in this Report are only suggestions which the Government of N.S.W. is asked to consider. Aboriginal people must talk about them, let the Government know if they think they are good ideas or not, and make their own suggestions to the Government. In this way, when the Government does make laws on how Aborigines can get land rights in N.S.W. there is a better chance they will be good laws.

Prepared for the Aboriginal Treaty Committee by Mildred Kirk with advice from Dr C. D. Rowley and Dr D. E. Barwick.
Illustrations by Ted Deveson.

For a wider understanding of Aboriginal Land Rights.
Aboriginal Treaty Committee, P.O. Box 1242, Canberra City, A.C.T. 2601.
Telephone (062)470648.

Aboriginal Treaty Committee Papers

AIATSIS Library, MS 1867 Box 22, Items 193-199

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