

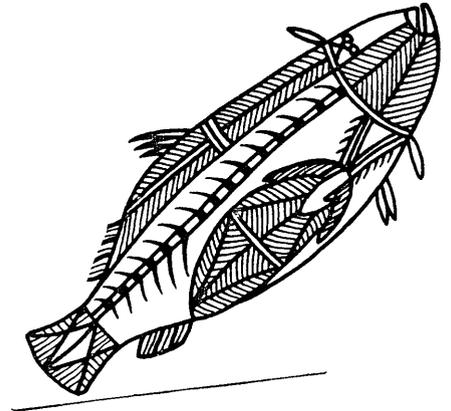
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ABORIGINAL LAW NOTES

86/2

MARCH, 1986

ISSN 0811 - 9597



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DISTINGUISHED VISITORS

Four distinguished visitors from abroad will be in Australia in April-May. The occasion is a Seminar on "The Rights of Indigenous Peoples" to be held on 1-2 May, at University House, Canberra. The Seminar is organized by the Australian National Commission for UNESCO in conjunction with the Aboriginal Law Centre. Contact for UNESCO, the Conference and the Speakers: John Adams (062) 837641.

Agusto Willemsen-Diaz (Arrives in Sydney 29 April - open return) He was formerly in the U.N. Centre for Human Rights, Geneva, where he did pioneering work in the evolution of the UN's concern for human rights.

Howard Berman (Arrives Sydney 23 April - open return) Harvard Law Professor, USA, legal counsel to the Six Nations Confederacy and the Mohawk nation.

Eddie Durie (Arrives 29 April, departs 3 May) Chief Judge, Maori Land Court, New Zealand.

Doug Sanders (Arrives 30 April, departs 10 May) U.B.C. Law Professor, Canada, legal counsel to the World Council of Indigenous Peoples.

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THE ABORIGINAL LAW CENTRE

Faculty of Law. University of New South Wales, P.O.Box 1, Kensington, N.S.W., Australia, 2033. Telephone: 697-2256 or 697-2252.

Chair and Acting Director:	Garth Nettheim
Associate Director & Consulting Editor:	Tony Simpson
Editor:	Alastair Walton
Typing:	Penny Lawry

Aboriginal Law Notes are distributed to members of the Centre's Network. Subscriptions \$5.00 per annum.

The Centre also publishes the Aboriginal Law Bulletin.

Registered by Australia Post - Publication No. NBP 5530.

Another distinguished Canadian colleague, Brad Morse, University of Ottawa Law Professor, counsel to the Native Council of Canada, will be in Brisbane for the Conference of the Association for Canadian Studies in Australia and New Zealand (ACSANZ) 14-16 May, at Griffith University.

#### CONTINUING LEGAL EDUCATION

The Aboriginal Law Centre has been approached by the University of New South Wales Continuing Education Centre to inquire whether the ALC would be interested in co-producing a radio/cassette program covering Aboriginal legal issues.

At this stage the ALC is positive about such a project. It would involve the production of approximately 3-5 programmes of 30-45 minutes duration. They would be aimed at a market of persons comprising lawyers, students, academics, managers, administrators, bureaucrats and others who are wanting to know.

What is needed are views and ideas at this basic stage. That is in what areas people would like to gain greater information, who by and whether they are interested at all.

It would be envisaged to include as many people and issues as possible without losing depth to subjects.

The time planned for production would be the second half of the year.

Contact:           Alastair                   697 2256 or  
                      Garth                           697 2252

#### NT LOCAL GOVERNMENT

Recently in the March 1986 issue of *Australian Society*, Martin Mowbray wrote an article "Government in black and white" which was concerned with the NT Government's attempt to hand Aboriginal communities local government control, but which are usually 'poor' relatives of local councils where there is a predominance of non-Aboriginals.

Mr Mowbray gathers many significant points in relation to the difference in power, autonomy and ability to raise finance for those councils which are incorporated under the Northern Territory Local Government Act or those incorporated under the Associations Incorporation Act.

Also mentioned in the article is the Commonwealth Local Government (Personal Income Tax Sharing) Act 1976 and the very recent National Inquiry into Local Government Finance, chaired by Professor Peter Self.

Mr Martin Mowbray lectures in social work at the University of New South Wales.

The Aboriginal Law Centre has a copy of a report entitled "First Class and Economy Class Councils: Local and Community Government in the Northern Territory" - Report to the CLC (1985).

## LAND CLAIMS - N.T.

The Minister for Aboriginal Affairs has recommended the grant of the final part of the Warlmanpa Kaytej land claim comprising some 61,700 km<sup>2</sup> west of Tennant Creek and the Timber Creek land claim comprising some 132 km<sup>2</sup> south-west of Katherine.

## THE UNIVERSITY OF NEW SOUTH WALES

FACULTY OF LAW  
ABORIGINAL LAW CENTRE

RESEARCH ASSISTANT/  
SENIOR RESEARCH ASSISTANT (ARGS)

Position initially available for 6 months. The appointee will participate in research on ABORIGINAL LAND RIGHTS LAW IN SOUTH AUSTRALIA. The appointee will preferably be based in Adelaide under local supervision. Alternatively the work may proceed in Sydney, possibly with visits to Adelaide and Alice Springs. Applicants should have a good law degree and proven research and writing skills. Practical experience in, or knowledge of, Aboriginal land rights law would be an advantage.

Further information from Professor G. Nettheim in Sydney (02) 697 2252 or Dr H. McRae in Adelaide (09) 228 5333.

SALARY: Research Assistant: Up to \$23,473.

Please submit written application to the General Staff Office, P.O.Box 1, Kensington, N.S.W. 2033 by 25 April, 1986.

Equality of employment opportunity is University policy.

Aboriginal Land Claims - NSW  
at 18 February 1986  
(Koorier, March 1986)

## Claims

<i>Present Position</i>	<i>Totals</i>
Total Received.....	2605
Number being recorded within Aboriginal Land Claims Unit.....	9
Number Granted.....	150
(Approx. area).....	ha. 1008
Number Not Granted on basis that land claimed not claimable (i.e. freehold, leasehold etc).....	619
Number not granted, *Minister Agriculture will not enter into an Agreement under Section 37.....	51

Number not granted, land not claimable, (lawfully used and occupied).....	61
Number Not Granted where Minister not satisfied land claimed is claimable Crown land (36(5)(b)).....	2
Number Not Granted essential public purpose 36(8).....	3
Number of claims over Travelling Stock Reserves for investigation under Section 37(3).....	90
Number Withdrawn.....	96
Number Invalid as claims are not within Aboriginal Land Council Boundaries.....	195
Number under investigation (C.L.O. and W.R.C.).....	1155
Number under investigation (W.L.C.).....	174
	4.12.85

CORRESPONDENCE ETC.

- with Heather McRae, Andrew Collett, Paul White and Christopher Charles about research project "Aboriginal Land Rights in South Australia".
- with Bob Weatherall, FAIRA, about John Lesly's article
- with University of New South Wales about composition of the Advisory Committee for the Aboriginal Law Centre.
- with Law Foundation of NSW about funding for Acting Director, Aboriginal Law Centre.
- with Brett Midenra, Northern Land Council about resource development agreements.
- with Brad Morse, Ottawa, exchanging materials and information.

PUBLICATIONS ETC. RECEIVED

Land Rights. An Act of Justice and Social Reform, a kit put out by the Tiwi, Central and Northern Land Councils including pamphlets titled "Land Rights and Mining: The economic and social realities", "Refugees in their own country: 5000 people with nowhere to live", "A Foundation for Reconciliation: The 1976 Commonwealth Land Rights Law", "Access to Aboriginal Land", "Development on Aboriginal Land", "A Law that ensures positive development".

John McCorquodale, "The Myth of Mateship: Aborigines and Employment", The Journal of Industrial Relations, March, 1985, 3.

## The International Foundation Directory

Aboriginal Newsletter, No. 147, February 1986.

J. Walker and D. Biles Australian Prisoners 1984, results of the National Prison census - June 1984 (Australian Institute of Criminology).

Roy and Miller, The Rights of Indigenous Peoples in International Law. An Australian Bibliography (Native Law Centre, Saskatoon).

Aboriginal Development Commission, Annual Report, 1984-85.

Koorier, Newsletter of the NSW Ministry of Aboriginal Affairs, March 1986.

### East Kimberley Impact Assessment Project:

Dr D.B. Rose, Preliminary Report: Ethnobotany in the Bungles (July, 1984) (Working Paper No. 5).

N.H. Scarlett, A Preliminary Account of the Ethnobotany of the Kija People of Bungle Bungle Outcamp (Working Paper No. 6).

Dr W. Christensen, Aborigines and the Argyle Diamond Project. Submission to the Aboriginal Land Inquiry (Working Paper No. 3).

R.A. Dixon, C. Elderton, S. Irvine, I. Kirby, A Preliminary Indication of some effects of the Argyle Diamond Mine on Aboriginal Communities in the Region: A Report to the Kimberley Land Council and the National Aboriginal Conference (Working Paper No. 8).

M.C. Dillon, Structural Change in Wyndham (Working Paper No. 9).

Central Land Council, Fifth Annual Report, 1984-85.

Garth Nettheim, "Justice or Handouts? Aborigines, law and Policy", (1986) 58 Australian Quarterly 60.

Hiatt, L.R. "Aboriginal Political Life" The Wentworth Lecture 1984. Australian Institute of Aboriginal Affairs.

Aboriginal Cultural Heritage, Victoria. Discussion Paper.

TUCAR (NSW Trade Union Committee on Aboriginal Rights) Newsletter, No. 8, March 1986 and No. 9, April, 1986.

Brady, M. Children Without Ears: Petrol Sniffing in Australia Drug & Alcohol Services Council, SA.

Aboriginal Employment News, No. 9, March 1986.

CANADA

Papers for Workshop on "Aboriginal Self-Government" for project, Aboriginal Peoples and Constitutional Reform Institute of Intergovernmental Relations, Queen's University, Kingston, Ontario, CANADA (February 1985):

David C. Hawkes, "Aboriginal Self-Government. What does it mean?", Discussion Paper.

Noel Lyon, "Aboriginal Self-Government. rights of Citizenship and Access to Governmental Services", Background Paper No. 1.

David A. Boisvert, "Forms of Aboriginal Self-Government", Background Paper No. 2.

Bradford W. Morse, "Aboriginal Self-Government in Australia and Canada", Background Paper No. 4.

Douglas Sanders, "Aboriginal Self-Government in the United States", Background Paper No. 5.

Bryan Schwartz, "First Principles: Constitutional Reform with Respect to the Aboriginal Peoples of Canada 1982-1984", Background Paper No. 6.

David C. Hawkes, "Negotiating Aboriginal Self-Government. Developments Surrounding the 1985 First Ministers' Conference", Background Paper No. 7.

Native Law Centre, Saskatoon, Library Accessions List, March 1986.

Geoffrey S. Lester, Inuit Territorial Rights in the Canadian Northwest Territories. A Survey of the Legal Problems (1984).

1983 Constitutional Accord on Aboriginal Rights Amending our Constitution. The rights of the Aboriginal Peoples (Dept. of Justice, Canada, 21 June, 1984).

Bill C-93 for an Act relating to the establishment of self-government for the Sechelt Indian Band.

Communique "Legislation introduced for Indian self-government for Sechelt" (DIAND).

Living Treaties: Lasting Agreements. Report of the Task Force to Review Comprehensive Claims Policy (DIAND) (December, 1985).

COMMISSION ON FOLK LAW AND LEGAL PLURALISM

Folk Law and Indigenous Rights:  
A Comparative Perspective

An informal conference at the University of New South  
Wales, Sydney, in conjunction with the 12th Congress  
of the International Academy of Comparative Law  
Saturday 16 Monday 18 August 1986

You are cordially invited to a 3-day informal conference of the  
Commission on Folk Law and Legal Pluralism, to be held in Sydney from  
16-18 August 1986, in conjunction with the 12th Congress. At the 12th  
Congress, two sessions will be devoted to related issues, viz:

- I.A.1        The Aborigine in Comparative Law
- I.A.2        'Mixed' Civil and Customary Law Jurisdictions  
              in Developing Countries

It is proposed that these 2 sessions be held on the morning and  
afternoon, respectively, of Tuesday 19 August, thus following on from  
the earlier meeting. There will be an opportunity for presentation of  
National Reports for both topics, and of nay other papers submitted  
within the fields of interest of the Commission on Folk Law and Legal  
Pluralism, and for discussion, at the 3-day meeting. Sessions will be  
of 3 broad kinds, concentrating on:

- .    particular regions or geographic areas
- .    particular themes common to various papers
- .    several plenary sessions on special themes, on which papers  
      or presentations are particularly invited. The following  
      themes have been suggested for inclusion:
  - .. Adjudication, Negotiation or Imposition: A Comparison  
      of Claims Processes
  - .. Indigenous Women: Influence or Impotence
  - .. Individual Rights within Indigenous Groups: Whose  
      Rights, Whose Control?
  - .. Religious Revivalism, Indigenous Peoples and the law
  - .. Child Welfare and Indigenous Peoples

(Other suggestions would be welcome)

Enclosed are:

- . Congress Registration Brochure & Forms
- . Registration Form for 3-day Conference

. List of papers so far nominated for presentation at 3-day  
Conference.

Accommodation and travel arrangements should be booked through the  
Congress Form.

We look forward to seeing you in Sydney.

Diane Bell	Research School of Social Sciences, Australian National University.
James Crawford	Law School, University of Sydney.
Garth Nettheim	Law School, University of New South Wales.
Richard Chisholm	Law School, University of New South Wales.
Ken Maddock	School of General Studies, Macquarie University.

Organizing Committee

28 February 1986

Please address all correspondence to:

Professor J. Crawford,  
Law School,  
University of Sydney,  
173-175 Phillip Street,  
SYDNEY, N.S.W., 2000.

COMMISSION ON FOLK LAW AND LEGAL PLURALISM

Conference, University of N.S.W., Sydney  
16-18 August 1986

Registration Form

Name: .....

Address: .....

.....

.....

I shall be attending the 3-day Conference on 'Folk Law and Indigenous Rights: A Comparative Perspective', held in conjunction with the 12th Congress of the International Academy of Comparative Law.

I would like to present the following paper(s) to the Conference:

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Other Comments:

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Registration fee (Australian residents only) \$40.

(Cheques should be made out to the Commission on Folk Law and Legal Pluralism, Australian Conference.)

Please return (with Registration fee, if applicable) to Professor J. Crawford, Law School, University of Sydney, 173-175 Phillip St., Sydney, N.S.W., 2000.