

LQ/K1/A261 **35**

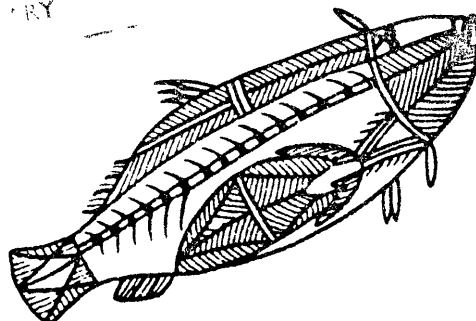
UNIVERSITY OF N.S.W.
31 1990
LAW LIBRARY

ABORIGINAL LAW NOTES

90/2

MARCH 1990

ISSN 08811 - 9597



ABORIGINAL LAW CENTRE

Faculty of Law, University of NSW, PO Box 1, Kensington NSW 2033, Australia.

| | |
|-------------------------------------------------------|-----------------|
| Chair: | Garth Nettheim |
| Acting Director and Research and Information Officer: | Chris Cunneen |
| Editor: | Teresa Libesman |

The Aboriginal Law Notes are distributed to members of the Centre's network.
Subscription \$5.00 per annum
The Centre also publishes the Aboriginal Law Bulletin.

ABORIGINAL LAW BULLETIN

The April issue (Vol 2, No 43) is about to be published. Contributions for the June issue are now invited. The proposed theme for this issue is Aboriginal Youth and Welfare and Criminal Law.

The Department of Employment Education and Training has approved funding for the employment of an Aboriginal editorial trainee to assist with the ALB. Inquiries to the Editor, Teresa Libesman (02) 697 2256.

ABORIGINAL LAW CENTRE - MEETING

The next meeting of the Management Committee of the Aboriginal Law Centre will be held on Tuesday 1 May 1990 at 5.30 - 7.00pm in Room 1038, Level 10, Law School, Library Tower, University of New South Wales. Any member of the ALN "network" is welcome to attend.

ILO CONVENTION NO. 169 CONCERNING INDIGENOUS AND TRIBAL PEOPLES

The Aboriginal Law Centre has prepared a set of background material on the Convention. Any organization wishing to consider advising the Australian Government whether or not it should ratify the Convention is welcome to use the materials. Contact Garth Nettheim (02) 697 2252 or Rocque Reynolds (02) 697 2231.

DIPLOMACY TRAINING PROGRAM

Arrangements are proceeding for a 6 day intensive Diplomacy Training Program to be held in Central Australia between 28 May - 2 June 1990.

Inquiries: Madge Fletcher, Institute for Aboriginal Development (089) 522688.

CONSULTANCIES, RESEARCH, ADVICE, ETC

The Aboriginal Law Centre has engaged in the following recent activities, some of which are continuing:

- (1) Consultancy to the Royal Commission into Aboriginal Deaths in Custody on International Law Issues.
- (2) Research for Townsville ALS in support of forthcoming litigation about fishing rights.
- (3) Advice to Tharpuntoo ALS (Cairns) about various Cape York development issues.
- (4) Research for Central Land Council on protecting essential Aboriginal interests in NT constitutional development.
- (5) Research into Self-Determination and Indigenous Peoples.
- (6) Consultancy for Human Rights and Equal Opportunity Commission on Aboriginal/Police relations.

AUSTRALIA ABORIGINES AND THE FRENCH

A symposium under this title was held in July 1988 organized by the French-Australian Research Centre, University of New South Wales.

The papers are now published, and the book will be launched at the University at 5pm, Thursday 26 April by Paul Behrendt.

Inquiries: Dr Maurice Blackman (02) 697 2415 or (02) 697 2314.

SELF-DETERMINATION AND DECOLONIZATION

The UN Special Committee on Decolonization is to hold a regional seminar on this theme in Vanuatu from 9-11 May 1990. It seems that the UN is preparing to regard the process of decolonization as complete when residual European colonial possessions have undergone an act of self-determination.

Inquiries to Committee Secretary, Room S-3341, UN Headquarters, New York City 10017, NY, USA. (FAX 212-9674879).

PUBLICATIONS, ETC, RECEIVED

Australian Institute of Aboriginal Studies, Annual Report 1988-89.

Donna Craig, "Resolution of Conflict in Australian Water Management: Aboriginal Interests and Perspectives" (December 1989).

Subject: Seminar on De-Colonisation to be held in Vanuatu, May 9 - 11

The UN Special Committee on Decolonisation, which is currently chaired by Vanuatu's representative at the UN Robert Van Lierop, will be holding a seminar on Decolonisation and Self Determination, with a focus on small island countries between May 9 and 11.

The Committee does not often hold events in this region and it is important to look at the reasons behind their decision to run this seminar.

1. There is currently a push from the USA and other major powers to wind up the Committee, on the pretext that its work is now over (this will be news to people in New Caledonia, French Polynesia, Puerto Rico etc). As the Pacific is the last bastion of Colonialism it is here that support for the continuation of the Committee's work must come from.
2. New Caledonia is currently before the Committee although the French are arguing strongly for it to be taken off the list of "non self-governing territories".
3. Self Determination is an issue for Indigenous peoples all over the world, but especially in this region where there are outstanding matters which should be brought before the UN.
4. There is more to De-Colonisation than a political settlement - neo-colonialism, economic dependence, foreign economic control, -resource exploitation etc are just a few of the issues which the Committee may wish to take up.

It is important that Australian NGOs supporting the continuation of the Committee's work make their representations forcefully and effectively at the seminar in Vanuatu. This may be the only chance they get.

Anyone wishing to attend should get in touch immediately with the Committee Secretary in New York - Fax 212 - 9634879 (Room S - 3341, UN Headquarters, New York City 10017, NY, USA)

Statements or Papers which NGOs wish to deliver at the seminar must be with the Secretary by April 20

The seminar will cover the following topics: 1. Self Determination - application to small island countries (SIs); 2. Economic self determination in SIs; 3. Environmental problems in SIs; 4. Protection of marine resources; 5. Options on political status; 6. Racial discrimination; 7. Economic interests of foreign powers

John Scott-Murphy 3 April 1990

Statistics of claims lodged pursuant to the Aboriginal Land Rights Act 1983

The following provides a detailed analysis of the claims received and outcomes as at 2 February, 1990:

| | | | |
|---|----------------------------------------------------------------------------------------------|--------------|------|
| * | Claims Received | | 3552 |
| | Pursuant to Section 36 | - 3378 | |
| | (General Land Claims purportedly over Crown lands) | | |
| | Pursuant to Section 37 (Aboriginal lands in travelling stock reserves) | - 174 | |
| * | Claims Granted | | 582 |
| | (includes claims granted in part, balance still under investigation(9)) | | |
| | Approximate Area of Grants (Freehold) | - 34240.8 ha | |
| | Approximate Area of Grants (Western Lands Leases (9 claims)) | - 1562.5 ha | |
| * | Claims Not Granted | | 1970 |
| | Invalid - land claimed outside constituted area of Land Council | - 206 | |
| | Withdrawn | - 540 | |
| | Refused (not including claims part refused, balance under investigation (9)) | | |
| | - Land area not claimable being freehold, leasehold or lawfully used and occupied | - 973 | |
| | - Land area needed for an essential public purpose | - 97 | |
| | - Minister for Agriculture declined to enter into an agreement pursuant to Section 37(3) | - 54 | |
| | - Land Council did not produce evidence of traditional association pursuant to Section 37(4) | - 100 | |
| * | Claims Under Investigation (includes claims part refused, balance under investigation (9)) | | 1000 |
| | Section 36 | - 985 | |
| | Section 37 | - 15 | |

ABORIGINAL AND TORRES STRAIT ISLANDER LAND TENURE: POPULATION, TYPE OF TENURE, AS AT 30 JUNE 1989

| | Aboriginal and Torres Strait Islander popu- lation, 1988 (a) | AS % total population | Total land area (sq km) | Aboriginal and Torres Strait Islander freehold (sq km) | AS % total land | Aboriginal and Torres Strait Islander leasehold (b) (sq km) | AS % total land | Reserve/ mission (sq km) | AS % total land |
|--------------------|--------------------------------------------------------------------------|-----------------------------|----------------------------------|--------------------------------------------------------------------|-----------------------|-------------------------------------------------------------------------|-----------------------|--------------------------------|-----------------------|
| NSW and ACT (c) | 60,229 | 1.07 | 804,000 | 507 | 0.06 | 842 | 0.10 | -- | -- |
| VIC | 12,610 | 0.31 | 227,640 | 32 | 0.01 | -- | -- | -- | -- |
| Qld | 61,267 | 2.37 | 1,727,200 | 5 | 0.00 | 31,990 | 1.85 | 95 | 0.01 |
| SA | 14,292 | 1.06 | 984,000 | 183,410 | 18.66 | 568 | 0.05 | -- | -- |
| WA | 37,788 | 2.69 | 2,525,000 | 35 | 0.00 | 105,227 | 4.09 | 202,225 | 8.01 |
| NT | 34,740 | 22.43 | 1,346,200 | 453,123 | 33.66 | 26,019 | 1.93 | 46 | 0.00 |
| TAS | 6,712 | 1.54 | 67,800 | 2 | 0.00 | -- | -- | -- | -- |
| Aust | 272,636 | 1.96 | 7,591,800 | 607,353 | 8.01 | 62,576 | 0.82 | 202,276 | 2.63 |

(a) 1988 Census

(b) Includes pastoral, special purposes, and local shire council lease.

(c) Includes Jarvis Bay Territory land

Source: Commonwealth Department of Aboriginal Affairs.