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## ABORIGINAL LAW NOTES

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## ABORIGINAL LAW CENTRE

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

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## ABORIGINAL LAW BULLETIN

The August issue (Vol 2, No 45) is about to be published. Contributions for the October issue are now invited. The proposed theme for this issue is Aboriginal Women and the Law.

## ABORIGINAL LAW CENTRE

Two publications previously available at the Aboriginal Law Centre are now available from Blackbooks, 13 Mansfield Street, Glebe NSW 2027.

They are:

Allan Tegg, "*Negotiating with Resource Developers: A Handbook for Aboriginal Organisations and Communities*", Aboriginal Law Centre, 1989.

Garth Nettheim, "*Victims of the Law: Black Queenslanders Today*", Allen & Unwin, 1981.

## BOURKE STREET OFFENCES

In November 1989, a number of Aboriginal people were charged with 'consuming alcohol in a public street contrary to resolution of the Bourke Shire Council of 13 December 1988'.

This resolution was said to be pursuant to the powers given to councils under the *Local Government Act* s.249(k) to "regulate the use by the public of the road".

Ken Horler Q.C and Peter Howill were briefed by Eric Wilson of the Western Aboriginal Legal Service to argue that the councils resolution was beyond its power. The courts attention was drawn to the penal provisions of the *Summary Offences Act* NSW 1988 (s.6 Obstruction), the *Crimes Act* (malicious injury) and the *Liquor Act*.

The Magistrate Mr Langton Gould L.C.M reserved his decision. On Friday 10 August 1990 the Magistrate gave his reserved decision upholding the defendants submission and ordered costs against the Council.

The Bourke Shire Council is said to be considering an Appeal.

It is hoped that a full case note will be published in the October *Aboriginal Law Bulletin*.

## ABORIGINES AND THE LAW

Geoffrey Airo - Farulla has commenced the teaching of an elective subject to 10 Law students, with 13 Aboriginal field officers also in the class at the Law School at the Northern Territory University.

The subject has been taught in 1990 at the University of Adelaide Law School by Marlene Le Brun. It is to be taught next at the University of New South Wales in the first semester of 1991.

A book of teaching material; McRae, Nettheim and Beacroft, *Aboriginal Legal Issues: Commentary and Materials*, Law Book Co, Sydney, is expected to be available in April 1991.

## THE TREATY PROPOSAL

Back in 1979 the idea of a treaty between Aboriginal people and Australia was given a powerful boost by the publication of Stewart Harris's book " *It's Coming Yet....* " .

The book was written by Mr Harris for the Aboriginal Treaty Committee. The material in the book is of continuing relevance in 1990. Unsold stocks of the book have now been supplied to the Aboriginal Law Centre. Organisations and individuals interested in buying a copy should contact the Centre. Copies will be available for \$5 from the Aboriginal Law Centre.

## PUBLIC APPEAL

In December 1989, the Aboriginal Law Centre arranged the publication of a half page advertisement in *The Weekend Australian*, *The Age*, and *The Sydney Morning Herald*. The advertisement was signed by a number of eminent Australians and invited readers to give money " which could be used by Aboriginal Australians to prepare for their treaty with all other Australians. Money is also needed to support Aboriginal participation at the United Nations in the associated task of developing a Universal Declaration of Indigenous Rights".

So far, over \$11 000 has been received in response to the appeal, some of it donated by those who signed it. It has been used to support attendance in Geneva, for the UN's Working Group on Indigenous Populations, of representatives of the National Aboriginal and Islander Legal Services Secretariate (NAILSS) and the National Coalition of Aboriginal Organisations.

## ROYAL COMMISSION SUBMISSIONS

The Royal Commission is inquiring into the deaths of Aboriginal and Torres Strait Islander people which occurred in custody between 1 January 1980 and 31 May

1989, and to report on the underlying issues associated with the deaths taking into account social, cultural, and legal factors.

The Commission has set **30 September 1990** as the closing date for submissions on underlying issues.

## **PUBLICATIONS RECEIVED**

Minnesota Lawyers *International Human Rights Committee Annual Report* 1990-91.

John Cawte, "*Fourth World Suicide and Stress: Contrasting Reactions in North America and Australia.*", A submission to the Royal Commission into Aboriginal Deaths in Custody, Aboriginal and Torres Strait Islander Commission and the Royal, Australian and New Zealand college of Psychiatrists, (July 1990).

Human Rights and Equal Opportunity Commission (HREOC), July 1990, "*A Report by the Race Discrimination Commissioner on a visit to Baryulgil and Malabugilmah*", New South Wales.

"*Towards Self Determination: A Report of the Indigenous Peoples Forum*", Chiangmai, Thailand, August 1990.

*Land Rights News*, Vol.2 No.19, (July 1990), published by the Northern Territory Land Councils.

Campaign Against Racial Exploitation (CARE) *Aust. Inc. Newsletter*, May - August 1990

*Pacific News Bulletin* Vol.5 No: 6 June 1990  
Vol.5 No: 7 July 1990  
Vol.5 No: 8 August 1990

*Philippine Human Rights Monitor*, Official Publication of the Human Rights Centre, Ateneo Law School - Vol.3 no.2 Feb. 1990  
Vol.3 no.3 March 1990

"*On the Record: the Bi-monthly newsletter of NSW Community Legal Centres*", Issue 12 May/ June 1990.

IWIGIA - International Work Group for Indigenous Affairs - *Document No: 65*, April 1990.

*Assembly of the First Nations Bulletin*, Vol.7 No:4, May - June.

## **VIDEOS RECEIVED**

ATSIC - *How to Enrol for the ATSIC Elections.*, Aboriginal and Torres Strait Islander Commission, 1990.

## **CONFERENCES**

Stout Research Centre for the Study of New Zealand Society History and Culture: Seventh Annual Conference 1990.

"Te Tiriti O Waitangi: One Treaty Among others?"

The Conference will be held at Victoria University of Wellington and will start at 4pm on Friday 31 August. For further information contact: Stout Research Centre, Victoria University, PO BOX 600, Wellington.

## **CURRICULUM WRITER / LECTURER**

The Institute for Aboriginal Development, an Aboriginal controlled Adult Education centre in Alice Springs is seeking;

a person/s with expertise to develop materials or teach in one or more of the following areas:

- **Aboriginal Organisations, History and Issues.**
- **Politics and Economics.**
- **Personnel Management, Training and Development.**
- **Financial Management.**

For the next five months several tasks must be undertaken including

- **writing course materials in the above areas.**
- **directing the accreditation process for the Associate Diploma in Business (Aboriginal Management).**
- **Lecturers for the Associate Diploma and the Advanced Certificate in Management (Aboriginal Organisations) are required from January 1991.**

The successful applicant/s will be employed under contract for a period of between three months and two years depending on availability and length of project.

Attractive salary negotiable.

**Aboriginal people are urged to apply.**

Applications close 7/9/90

For further information contact Nea Harrison ph (089)522688.  
Applications to The Director, IAD, P.O. Box 2531, Alice Springs N.T.

To the Honourable the Speaker and Members of the Legislative Assembly of New South Wales in Parliament assembled.

The Petition of certain citizen of New South Wales respectfully showeth that the NSW Land Rights Act 1983 (as amended) has by its implementation been of great benefit to the Aboriginal people of NSW by providing land, commercial enterprises, rural properties and financial resources to the Koori people.

Because of the benefits arising from the provisions of the NSW Land Rights Act 1983 (as amended) the Aboriginal people have commenced to manage their own affairs and control their own destinies through the process of self-determination and self-management in place of the past failed policies of assimilation and paternalism.

The success of the Land Rights Legislation has brought many benefits not only to the Koori people but to the wider community as well particularly in the areas of small business, employment and social interaction within rural and urban communities.

Your Petitioners therefore humbly pray that your Honourable House will support the retention of the Land Rights Act, 1983 (as amended) and the three tier Land Council structure.

And your Petitioners, as in duty bound, will ever pray.

Signature

Address

RETURN TO: NEW SOUTH WALES  
ABORIGINAL LAND COUNCIL  
PO BOX 208  
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