

New national policy on Aborigines

LAND RIGHTS NOT TO BE RECOGNISED

The Federal Government has decided as a matter of policy not to recognise Aboriginal claims of a legal right to land on the basis of affinity with the land.

Recognising a legal right to land on the basis of Aboriginal affinity with it could lead to uncertainty and possible challenge to land titles in Australia, the Prime Minister, Mr McMahon, said in a statement issued in Canberra yesterday.

In the statement, on Commonwealth policy and achievements in relation to Australian Aborigines, Mr McMahon announced a new form of land lease, called a general purpose lease, to be made available on certain conditions to Aborigines as individuals, groups and communities on Aboriginal reserves in the Northern Territory. It would be for economic and social purposes, including educational, recreational, cultural and religious activities.

"This will enable Aborigines to have greater opportunity to acquire title to land in a form recognisable in Australian law", Mr McMahon said.

The Northern Territory Supreme court decided in April last that Australian law did not recognise Aboriginal title to land.

Mr McMahon said the new

leases covered areas adequate for all the economic and social purposes contemplated and would be for periods up to 50 years, in line with existing pastoral leases.

They would also be subject to the existing law that all mineral and forest rights are reserved by the Crown.

However, they would differ from existing Northern Territory leases in that they would allow for a combination of uses for general purpose.

This was one of the new decisions as the result of the first stage of a review of policy by a Cabinet committee of Ministers, established after the NT Supreme Court decision last April.

Others included:

A special allocation of funds, with an initial appropriation of \$5 million, to buy for Aboriginal communities recommended areas of land off reserves as they come on the market.

Grants, in addition to existing loans, through the Aboriginal Advancement Trust Account to assist Aboriginal enterprises which have a reasonable prospect of success.

Aboriginal communities in the States to have access both to the funds for land purchase and to the grants referred to above.

Other measures announced by the Prime Minister include a Government investigation of procedures to bring about the incorporation of Aboriginal communities and the strengthening of the law to protect Aboriginal reserves and provide explicitly for hunting and foraging rights.

The Government would also complete as soon as possible a program to delineate and protect religious and ceremonial areas on and off reserves.

Mining

The Government would not prohibit mining activities in reserves, but it would introduce new measures to safeguard the Aborigines' welfare and special interests when considering applications for exploration and mining rights on reserves.

"The Government has concluded that it was in the national interest, as well as largely in the interests of the Aborigines themselves, for mineral exploration and development on Aboriginal reserves to continue", Mr McMahon said.

Earlier in his statement, he said that programs to give effect to Government policy must take into account "the expressed wishes of Aboriginal Australians themselves".

A new detailed mining code had been drawn up to safeguard Aborigines' welfare, which called for companies to conduct their enterprises in genuine collaboration with the Aboriginal residents.

A degree of preference in the granting of exploration rights was also to be given to Aboriginal applicants with particular interests in the area if they could show the capacity to carry out an exploration program.

In addition, mining companies would be obliged to improve communal and recreational facilities for Aboriginal communities, and to widen the range of opportunity for them by providing on-the-job training.

The Yirrkala Aborigines, whose land the Swiss company Nabalco, has begun bauxite mining and almost established an alumina plant, are singled out for special treatment.

Mr McMahon said the Government had decided that 10 per cent of the royalties paid by the Nabalco operation at Gove would be available from the Aborigines benefit trust fund to the Aboriginal community at Yirrkala.

MELBOURNE, Tuesday. — The director of the Victorian Aborigines Advancement League, Mr Bruce McGuinness, commended parts of the Prime Minister's statement, but said they were almost useless unless Aborigines were granted full land rights.

"All these side benefits are nothing more than a political shopfront", he said.

Edited text of statement. —
Pages 12, 13.