

"Land in the State of New South Wales was traditionally owned and occupied by Aborigines. Land is of spiritual, social, cultural and economic importance to Aborigines. It is fitting to acknowledge the importance of such land to Aborigines and the need of Aborigines for land. The Government has accepted that as a result of past Government decisions the amount of land set aside for Aborigines has been progressively reduced without compensation."

fact sheet



New South Wales
Aboriginal Land Council
www.alc.org.au

LAND CLAIMS CAMPAIGN 2010: BACKGROUND TO ABORIGINAL LAND RIGHTS IN NSW

European occupation of Australia saw the beginning of the Land Rights struggle in Australia. It was at this time that colonisers believed that Australia was *terra nullius* (land belonging to no-one). The reality was that land has always been an important factor in the lives of Aboriginal people throughout Australia for over 60,000 years and continues to be today.

The removal of Aboriginal people from their lands devastated Aboriginal identity and has continued to define and shape the socio-economic status of Aboriginal people in modern Australia.

So often forgotten is fact that the development and prosperity of Australia came not only from European occupation, but also through dispossession of lands and the denial of basic human rights being afforded to Aboriginal people.

Today land rights are an important part of the lives of both urban and regional Aboriginal communities throughout NSW.

Land rights and access to adequate housing provides the foundation for an economic base in the step towards being independent and the historical reliance upon the government to alleviate the disparity between the Aboriginal and non-Aboriginal communities.

Access, ownership and control of land by Aboriginal allows for long-term planning and development that will eventually raise the economic, health and social status of Aboriginal people.

Although there were many Aboriginal social justice issues that were highlighted and advocated during the early part of the 20th century, it was not until 1966 when the issue of land rights was placed into the national spotlight.

It was in 1966 when advocacy for land rights commenced after the Gurindji stockmen working on the Wave Hill cattle station in the Northern Territory walked off demanding better working conditions, and control of their traditional lands.

Ten years after that walk-off, and as a result, a Commission of Inquiry into land rights conducted by Woodward J, the Aboriginal Land Rights (Northern Territory) Act 1976 was enacted.

Although a significant step in the land rights social justice movement, the Northern Territory Act didn't apply to NSW.

LAND RIGHTS – NSW

In NSW, the struggle for land rights continued despite the success of the Northern Territory with a number of groups undertaking land claims throughout NSW, leading to the Aboriginal Lands Trust being established in 1979.

This Trust was granted freehold title to most former reserves as well as the power to sell or acquire further lands.

The key legislation for land rights in NSW, the *Aboriginal Land Rights Act* 1983 resulted from the recommendations of the Select Committee Report upon Aborigines in 1980.

The Committee included representatives of all political parties and was chaired by Maurie Keane, MP.

A key recommendation of the Report was that Aboriginal land rights was fundamental to Aboriginal self-determination and autonomy, and the economic base needed for Aboriginal self-management depended on providing a viable land base.

BACKGROUND TO ABORIGINAL LAND RIGHTS IN NSW

Three years later, on 10 June 1983, the *Aboriginal Land Rights Act* came into effect, recognising through Parliament the dispossession and dislocation of Aboriginal people in NSW.

The preamble to the Act acknowledges four different but key aspects of the relationship between Aboriginal people and land in NSW. Stating that:

1. Land in the State of New South Wales was traditionally owned and occupied by Aborigines.
2. Land is of spiritual, social, cultural and economic importance to Aborigines.
3. It is fitting to acknowledge the importance which land has for Aborigines and the need of Aborigines for land.
4. It is accepted that as a result of past Government decisions the amount of land set aside for Aborigines has been progressively reduced without compensation.

The Aboriginal Land rights Act 1983 established a statutory fund consisting of funds derived from annual payments until 1998 of 7.5 percent of gross State Land Tax revenue, half of which is set aside as capital to finance Aboriginal development in the future with the balance meeting the costs of land council administration and land purchases.

Today the NSW Aboriginal Land Council does not rely on government funding and financially independent in ALL its operations.

Importantly, the Act provides a system of Aboriginal Land Councils that obtain inalienable freehold title to land through the process of land claims, purchase or bequests.

Land rights are fundamental to redressing the past injustices, alleviating social and economic disadvantage.

The NSW *Aboriginal Land Rights Act* assists Aboriginal people on the path for social and economic independence through the acquisition of land for housing, business enterprises, education and training as well as promoting Aboriginal culture, identity and heritage.