TREATY IN THE AUSTRALIAN CAPITAL TERRITORY

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HISTORY OF TREATY IN THE AUSTRALIAN CAPITAL TERRITORY
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What is Treaty?

Treaty is a legally binding agreement that has come through acknowledgment, discussion, and negotiation, concluding with substantive outcomes for each party.

Treaty formalises the relationship between the parties and brings binding obligations on them.

Each Treaty can be different in its characteristics as First Nations groups such as the Ngunnawal people, the Ngambri and the Ngarigu people in the ACT will have their own expectations and requirements that need to be met.

An aspect that is relevant for Aboriginal people in formulating treaties is the right to self-determination, which involves the right to freely determine their political status and freely pursue their economic, social and cultural development. This includes the right to autonomy and self-governance.

Other nations have developed and formed Treaties with the Indigenous peoples including the United States, Canada and New Zealand. Australia is currently still in the early stages of treaty making, opening the conversation for the nation.

References

Click to view resource online (if supported)
1. SBS, Explainer: What is a Treaty?
3. What is the Aboriginal History of Canberra? Tegan Osborne, 28 April 2016
4. NITV, Treaty for Dummies
History of Treaty in the ACT

1971

In 1971, nine months following the land rights decision in Milirrpum v Nabalco Pty Ltd, the Prime Minister William McMahon announced that the Government would not legislate to permit Aboriginal title to land. In response to McMahon’s statement, four young Aboriginal men drove from Redfern to Canberra and established a tent embassy on the lawns of Parliament House. This tent embassy served as the symbol of ‘unextinguished Indigenous sovereignty’, and called for a treaty.

2018

In 2018, the Australian Capital Territory Minister for Aboriginal and Torres Strait Islander Affair declared the ACT government was open to talking Treaty with the First Nations of the Canberra region.

The Minister has spoken with community leaders, including individual Traditional Owners and members of the ACT Aboriginal and Torres Strait Islander Elected Body (ATSIEB) about whether a state-based Treaty in the ACT should be pursued.

1979

In August 1979 protesters at Capital Hill in Canberra demanded that the Government enter treaty negotiations with Aboriginal People. The Prime Minister agreed to discuss the matter of a treaty with the National Aboriginal Conference.

References

Where are we up to?

In 2019, an agreement emulating characteristics of Treaty has been developed and formulated for the Australia Capital Territory. This Agreement intends to build on the strength of the previous Agreement [2015 – 2018] to provide equitable services to improve community and be accountable to the First Nations peoples of the ACT.

The ACT Aboriginal and Torres Strait Islander Agreement 2019-28 sets the long-term direction in Aboriginal and Torres Strait Islander affairs in the ACT and obligates the parties of the agreement to work together with the aim of improving the social, environment, economic and cultural infrastructures within their communities.

The formal signing of the Agreement took place in February 2019 between the Aboriginal and Torres Strait Islander Elected Body, the ACT Government and ACT Public Service.

The Agreement recognises that the land known as the ACT has been occupied, used and enjoyed since time immemorial by Aboriginal peoples in accordance with their traditions.

The right to self-determination is founded in the acknowledgement that Aboriginal people are Australia's first people and includes the ability and resources to have their own solutions and leadership, and this Agreement is a step in the right direction towards achieving this.

“the ACT government is committed to self-determination and we have heard loud and clear that Treaty is an important issue for Ngunnawal people. Embarking on a Treaty process with government is arguably the ultimate expression of self-determination, and the ACT government and ACT Labor is proud to support that process.”

Rachel Stephen-Smith, ACT MLA and Minister for Aboriginal and Torres Strait Islander Affairs
Where are we up to?

As an outcome of previous Treaty discussions, implementation of this agreement has now been embedded into the South Australian Government’s Aboriginal Affairs Action Plan 2019 to 2020.

Several other activities in the Action Plan will also be place-based, enabling the government to work in partnership with local Aboriginal Nations to pilot new and innovative activity, which, where successful, will provide a model for implementation across the state.

The previous government released the policy in 2016, with six organisations being recognised as Aboriginal Regional Authorities in 2016 and 2017.

Although the government has advised that they will continue to work collaboratively and engage with these groups through implementation of the Action Plan, the prospect of a Treaty does not appear to be at the forefront of the Government's mind.

This however is not the case for the South Australian Aboriginal groups who wish for the treaty conversation to re-commence.

References

Click to view resource online (if supported)

1. ACT Aboriginal and Torres Strait Islander Agreement 2019 – 2018
2. Aboriginal and Torres Strait Islander Agreement Community Conversations Report March – August 2018
3. Agreement 2019-2028, ACT Government Community Services
“What Aboriginal people ask is that the modern world now makes the sacrifices necessary to give us a real future. To relax its grip on us. To let us breathe, to let us be free of the determined control exerted on us to make us like you... recognise us for who we are, and not who you want us to be. Let us be who we are – Aboriginal people in a modern world – and be proud of us.

Acknowledge that we have survived the worst that the past had thrown at us, and we are here with our songs, our ceremonies, our land, our language and our people – our full identity. What a gift this is that we can give you, if you choose to accept us in a meaningful way”

Referendum Council member, Galarrwuy Yunupingu in his essay ‘Rom Watangu’