

A treaty between Indigenous and non-Indigenous peoples in Australia could contain

The **recognition** of past injustices (in that Aboriginal & Torres Strait Islander societies have been harmed throughout the colonisation process and just compensation is owed).

The **status** of Aboriginal and Torres Strait Islander peoples (recognising the original sovereignty of the Indigenous peoples).

An **agreement** about the necessary reforms for a more just society, including:

- ✓ ownership and control of land, waters and resources
- ✓ the protection of Indigenous laws, cultures and languages
- ✓ reparation and compensation
- ✓ access to education, training and employment
- ✓ law and justice issues
- ✓ resolution for the Stolen Generations
- ✓ economic and social development

A **framework** for settling relationships between Indigenous peoples and governments at local, regional, State, Territory and Federal levels (by the setting of national standards to inform local or regional treaties and agreements).

Protection of any existing agreements, to ensure that they are not adversely affected by the treaty.

Legal recognition of Indigenous rights, including recognition that Aboriginal peoples and Torres Strait Islander peoples have inherent rights which must inform all processes of governments in Australia, the prohibition of racial discrimination, and the recognition of the rights of equality.

Improved service delivery (including health, housing, education and employment in accordance with the legitimate aspirations of Indigenous peoples).

Self-determination, (that is, the Aboriginal peoples and Torres Strait Islander peoples' right to make the decisions about matters that affect Indigenous peoples and communities. Aboriginal and Torres Strait Islander models of government could also be included.)

Four possible legal forms a treaty between Indigenous peoples and the Australian Government could take

- ✓ An agreement under international law
- ✓ An agreement that is supported by the Constitution
- ✓ An agreement that is supported by legislation
- ✓ A contract

Information on this page is from the "Treaty – Let's Get it Right!" package produced by ATSIC, available from ANTaR Victoria.

TREATY

let's get it right!

What New Zealand's Treaty of Waitangi contains

Three Major Principles

Partnership: the Treaty was a compact between the Crown and Maori, which required its partners to act in good faith with each other

Participation: the Treaty required that each partner was able to participate in the affairs of the nation

Protection: there was an obligation on the Crown to actively protect Maori interests

It's purposes

The Treaty was an 'enabling document' – it recognised two parties and provided a basis for on-going discussion.

It provides a framework for action, which requires the involvement of both the Government and Maori – that is, it is a joint process.

It provides a framework from which to consider Maori health improvement within wider Maori development. A Treaty approach is holistic – it does not artificially displace key parts of Maori development from others.

The Treaty also allows for the alignment of actions in Maori health policy to Maori community development activity in other areas (such as economic, land and cultural development).

Information on this page is from "The Treaty Project – Issues Paper 4" "Could a Treaty make a Practical Difference in Peoples' Lives? The Question of Health and Well-Being", issued by the Gilbert & Tobin Centre of Public Law. Law, UNSW

Thoughts of Ria Earp, (a Maori woman & the most senior official in the NZ Government, responsible for Maori health) on the Treaty of Waitangi:

It was about negotiation not force

It recognised that there were two parties to the agreement

It is a relatively concise document

It's written in two languages (which both differ in meaning!)

It has come to be regarded as the founding.

In Australia it is Aboriginal and Torres Strait Islander people who will decide what the contents of a Treaty will be. The above information is just a suggestion, a starting point for discussion and further clarification.

What You Can Do

- Start talking about it - invite a speaker to a local event or hold a workshop

- Sign ANTaR Victoria's Treaty Scroll, a unique petition for treaty

<http://www.antarvictoria.org.au/TreatyScroll.htm>

- use this factsheet or the UNSW Treaty project issues papers as a discussion starter in your classroom or organisation

<http://www.gtcentre.unsw.edu.au/publications/treatyissues.asp>

- Join ANTaR and get active

<http://www.antarvictoria.org.au/join.php>