



Victorian Treaty
Advancement
Commission

What is the history of treaty in Australia?

Treaty is not a new concept in Australia. There have been repeated calls for treaty from Aboriginal and Torres Strait Islander people since British settlement.

Key historical and contemporary calls for treaty include:

- **1835:** John Batman negotiated a treaty with the local Kulin clan Elders on the banks of the Merri River, in Melbourne's north. The treaty was subsequently voided by NSW Governor Bourke two months later.
- **1971:** The Larrakia people, of the Northern Territory, attempted to present a treaty to Queen Elizabeth II seeking land rights.
- **1979:** The National Aboriginal Conference called for a Makarrata.
- **1988:** Bob Hawke adopted the Barunga Statement and committed to concluding a treaty by 1990. This was not delivered.
- **2017:** The Uluru Statement from the Heart called for a Makarrata Commission.

Despite a continued call for treaty, there remains no treaty between Aboriginal and Torres Strait Islander people and any government – national, state or territory.

What is the current situation nationally?

In December 2015, the Referendum Council was appointed by the Prime Minister, Malcolm Turnbull, and the Leader of the Opposition, Bill Shorten to advise on next steps towards a successful referendum to recognise Aboriginal and Torres Strait Islander people in the Constitution.

The Referendum Council held 13 dialogues across Australia and engaged 1,200 Aboriginal and Torres Strait Islander delegates on constitutional recognition.

In May 2017, over 250 delegates gathered at Uluru for the First Nations National Constitutional Convention to make the historic Uluru Statement from the Heart. This statement outlined three key recommendations based on what was heard at the dialogues: voice, treaty and truth.

The recommendations included the establishment of a First Nations voice enshrined in the constitution, and a Makarrata Commission to supervise a process of agreement-making and truth-telling about Australia's history.

In October 2017, Prime Minister Turnbull rejected the recommendations of the Referendum Council stating that the Government does not believe that a 'Voice to Parliament' is either desirable or capable of winning acceptance in a referendum.

Mr Turnbull announced that he would establish a Joint Select Committee to consider the recommendations of work developed by the Expert Panel on Recognising Aboriginal and Torres Strait Islander Peoples in the Constitution (2012), the Joint Parliamentary Committee on Recognition of Aboriginal and Torres Strait Islander Peoples (2015) and the Referendum Council report (2017).

The Joint Select Committee on Constitutional Recognition Relating to Aboriginal and Torres Strait Islander Peoples was appointed in March 2018. It is due to report by late November 2018.