



## WHAT IS A TREATY?

A Treaty is a settlement or agreement arrived at by *treating* or negotiation. A treaty gives rise to binding obligations between the parties who make them. It acts to formalise the relationship between the parties to the agreement(s).

As evidenced by modern treaty making between Governments and First Nations peoples in Canada and New Zealand, treaties are not restricted to agreements between countries. Treaties can be negotiated between states, nations, governments and/or people.

## WHY IS A TREATY NEEDED IN THE NT?

The relationship between Aboriginal Territorians and the Northern Territory Government needs to be re-set on a foundation based on self-determination. The NT Government now recognises that Aboriginal Territorians as First Nations peoples have distinctive rights and a special status in the NT based on their occupation prior to European settlement. This is a big step forward.

Treaty or Treaties will set the foundation for future agreements between Aboriginal people and the Northern Territory Government. A Treaty will allow both parties to negotiate and agree on rights and responsibilities and establish a long lasting legally based relationship.

## ARE THERE LIMITS TO A NT TREATY?

The overarching law that must be complied with is the Australian Constitution.

Constitutionally, because the NT is a territory and not a state, its ability to self-govern is granted by the *Northern Territory (Self-Government) Act 1978 (Cth)*. A NT Treaty cannot be inconsistent with what this Act allows.

Additionally, a NT Treaty cannot be inconsistent with any Commonwealth legislation. Critical pieces of Commonwealth legislation in the NT that will need to be considered carefully in this context are the *Aboriginal Land Rights (Northern Territory) Act 1978 (Cth)* and the *Native Title Act 1993 (Cth)*.

## TREATY OR TREATIES?

The option presented in the NT Treaty Commission's Discussion Paper released in June 2020 is for overarching (enabling) legislation that sets out the framework and



all of the rules for Treaty making in the NT. This can be viewed as an “umbrella” Treaty.

The “umbrella” Treaty could allow for individual Treaties between individual (or collections of) First Nations and the NT Government.

### **WHEN WILL A TREATY OR TREATIES BE MADE?**

In order to negotiate a Treaty, both parties, that is: the First Nation; AND the NT Government, need to be “treaty ready”. This will take both parties some time to achieve and needs to be part of a deliberate and planned process for both parties.

Also, we need to make sure we get this right. As a start, the foundations of any treaty making framework must be based on: mutual respect; good faith; equality of standing; and cultural appropriateness across all stages of Treaty development. Based on international experience, and the amount of change anticipated, it will also take some time to achieve this.

Our best guess is that it will be at least three years before the “umbrella” treaty is legislated and then a further 15-20 years before the first treaty is signed.

### **MORE INFORMATION**

The NT Treaty Commission’s web site: [www.treatynt.com.au](http://www.treatynt.com.au) contains a wealth of information. In particular, the Publications page contains a full copy of our Discussion Paper; a separate copy of the Executive Summary; and audio recordings in 18 Aboriginal languages plus Plain English, of the Executive Summary.

At the bottom of the About Us page, there is a brief video of the Commissioner, Prof Mick Dodson AM, explaining his role.

Alternatively, you can:

Send an Email to: [admin@treatynt.com.au](mailto:admin@treatynt.com.au)

Or

Call: 08 8999 5413