

REPRESENTATION OF THE PARTIES TO A COMPACT

8.1 Throughout the Report, reference has been made to Aboriginal Australians and the Commonwealth as the two prospective parties to any compact which might be made. The Committee considers that it is necessary to canvass the definition of these two parties, how they should be represented during the stages of negotiation and final settlement, and by what means each party could adopt, ratify or accept a compact.

8.2 The conclusion of such a compact would be an event of major significance in Australia's history, as a definitive and symbolic statement of the relations between the two parties. It is therefore important that each party to the compact fulfils the following essential criteria. First, each signatory's acceptance of the compact must be the legitimate and representative act of the community concerned. It follows that the legitimacy and representative character of each signatory must also be recognised and accepted by the other party.

8.3 As a second criterion, flowing from the first, it is important that each signatory has the capacity and authority to bind its respective party to a lasting future observance of the terms of the compact. Equally it is essential that each signatory be clearly perceived to be independent of the other party to the compact.

8.4 The question of who should be the representatives of the Aboriginal and non-Aboriginal communities in a compact between them, especially with regard to the negotiating and decision-making process, is largely unresolved, and we now turn to a consideration of this issue.

Non-Aboriginal representation

8.5 The Committee sees the negotiation of a compact with Aboriginal Australians to be a national rather than a State responsibility. Since the 1967 referendum, responsibility for Aboriginal matters has been viewed as a Commonwealth matter (see para 5.5 above). Moreover, preliminary discussions and negotiations about a compact have already been conducted at Commonwealth level and it is appropriate that this arrangement should continue and, in fact, be strengthened.

8.6 The Committee also considers that it is only by the Commonwealth representing the national, as opposed to a State or local, interest in dealing with the Aboriginal people on the matter of a compact that a conformity and consistency in the treatment of Aboriginal people throughout the nation will be possible.

8.7 The Commonwealth of Australia is the legitimate representative of the Australian community as a whole. It therefore holds all necessary authority to conduct, on behalf of the Australian people, any negotiations and conclude any agreements, such as alliances, treaties, trade agreements and contracts to which the nation as a whole is party. The people of the Commonwealth, including Aboriginal Australians, choose their parliamentary representatives who determine the direction of Commonwealth policies and actions. An apparent anomaly is immediately evident in that this means the Aboriginal people are represented within the very body with which they are to make a compact.

8.8 This is not, however, a substational problem and was quite readily explained by Mr Rumble in his submission to the Committee. He said

At first it may seem incongruous that the Aboriginal people should be represented in the very body - the Commonwealth - with which they are to make a compact. Our society is well used, however, to smaller communities being at once within and separate from, the larger community. Individuals may be trade unionists, members of employer groups, businessmen etc. (compare the Two Airlines experience) dealing with the Commonwealth and still be part of the Commonwealth of people joined by the Constitution. The Founding Fathers saw no great difficulty in having a Commonwealth which might deal with, as separate entities, the very States which were represented in its own Senate. (Indeed, numerically, the claim of the Aboriginal people to recognition as a separate political entity is comparable to that of Tasmania's people.)

Thus the fact of the inclusion of the Aboriginal people within the people of the Commonwealth is quite compatible with the concept of a compact between the two peoples.¹

8.9 Without being specific as to which particular agent of the Commonwealth would be appropriate or acceptable as the signatory to the compact, the National Aboriginal Conference (NAC) has agreed that the Commonwealth of Australia should be the representative of non-Aboriginal Australians.² The NAC has also made it quite clear that it does not wish to deal with State Governments on this matter of a compact and will only deal directly with the Federal Government.³ The Aboriginal Treaty Committee considered, also without being specific that the Commonwealth would be the appropriate party to represent the non-Aboriginal community in the compact. This suggestion was contained in a draft resolution for the consideration of members of both Houses of the Parliament of the Commonwealth as follows:

1. The Commonwealth should invite the Aboriginal people of Australia to negotiate a Treaty with the Commonwealth of Australia.⁴

8.10 The agents of the Commonwealth who could possibly be a signatory to the compact include the Governor-General, the Prime Minister or a particular Minister. The choice would depend upon political considerations, the chief one of which would be to indicate the importance which the Commonwealth attached to the compact with the Aboriginal people.

8.11 The Ranger Uranium Agreement and the Kakadu National Park agreement provide examples of who has represented the Commonwealth in its dealings with Aborigines. For example, the Government's Deed⁵ for the Ranger uranium project embodies the Commonwealth's and the Northern Land Council's wish to enter into an agreement. The Deed was signed, sealed and delivered for and on behalf of the Commonwealth of Australia by the Hon R.I. Viner MP, Minister of State for Aboriginal Affairs. The Aboriginal party was represented by J.G. Yunupingu, Chairman of the Northern Land Council, and the Common Seal of the Council was affixed to the Deed.

8.12 In the Agreement between the Northern Land Council and the National Parks and Wildlife Service to establish the Kakadu National Park, the Governor-General, pursuant to Commonwealth legislation, executed deeds of grant of an estate in fee simple in the land to the Kakadu Aboriginal Land Trust. This execution was recognised by agreement between the Chairman of the Northern Land Council, J.G. Yunupingu, for the Northern Land Council, and by the Director of the National Parks and Wildlife Service, Mr J.D. Ovington, countersigned for the Commonwealth of Australia by the Hon R.I. Viner MP, Minister of State for Aboriginal Affairs.

8.13 In each instance, the Commonwealth was bound by the signature of its Minister of State. This was the conclusion of a long process of negotiation which had been conducted for the Commonwealth's part by officers of its Departments of State, acting at the direction of the relevant Ministers. The Committee

considers that such a process is an appropriate model for the preliminary negotiation of a compact. The relevant Commonwealth Departments would be the Department of Aboriginal Affairs in conjunction with the Department of Prime Minister and Cabinet. As an alternative procedure, it might be considered appropriate for the Commonwealth to establish a commission with responsibility for conducting preliminary negotiations for a compact. Whatever body is chosen to undertake the negotiations on behalf of the Commonwealth, the Department of the Prime Minister and Cabinet ought to undertake the conclusion of the matter on behalf of the Government. Because of the significance of the compact, the Committee believes that the appropriate person to sign it on behalf of the Commonwealth is the Prime Minister. This could be done after the Executive Council authorised the terms of the compact and also gave the necessary authority for the Prime Minister to sign it on the Commonwealth's behalf.

8.14 In Part B above, the Committee discussed and endorsed the option of a constitutional amendment providing the Commonwealth with a broad enabling power to enter agreements with Aboriginal people and Torres Strait Islanders (similar to section 105A of the Constitution) as a legal means of implementing a compact. The enactment under this power of any proposed legislation for matters likely to be the subject of a compact would amount to parliamentary ratification of those elements of the compact.

8.15 Dr Coombs in his evidence before the Committee also considered the matter of parliamentary ratification of a compact between the Commonwealth and Aboriginal people. In viewing the compact as a matter governing the long-term relations between the parties, Dr Coombs suggested that the compact could be removed from a political association with a particular executive by having it ratified by the Commonwealth Parliament.⁶ The Committee considers that such a ratification would provide a

valuable indication of the Commonwealth's good faith towards the compact. It would provide an opportunity for the political will of the nation as a whole to express its endorsement of the compact. In addition, the compact would not be identified with any particular executive, thereby averting the possibility that a subsequent executive may not wish to uphold the Commonwealth's obligations arising from the compact.

Aboriginal representation

8.16 At present, the Aboriginal community in Australia lacks a universally accepted representative political institution. It would appear that the adoption of Western political representative methods and institutions by the Aboriginal people is in a formative stage, and it would be a Eurocentric error, reminiscent of those outlined in Chapter 3, to treat one elected body as the sole representative voice of the Aboriginal and Torres Strait Islander communities. The National Aboriginal Consultative Committee, established only in 1973, was the first body formed for the purpose of representing Aborigines politically on an Australia-wide basis with elected members. This body evolved into the National Aboriginal Conference (NAC) which is intended to represent Aboriginal people in their dealings with the Commonwealth Government.

8.17 The structure, composition, responsibilities and funding of the NAC may in turn be further refined in the future in accordance with evolving Aboriginal opinion as to what is an appropriate representative body for Aboriginal Australians. Because of this, and in the interests of representing and reaching the widest possible range of Aboriginal society, the Committee sees much merit in evidence it heard that the various Aboriginal agencies such as the land councils, legal, health and housing services all have a part to play in collecting and representing the views of Aboriginal Australians during the negotiation of the terms of the compact. Take, for example, the evidence given by Mr Paul Coe:

CHAIRMAN - How do you see the negotiations (for a compact) going on then? Do you see some other organisation needing to be formed?

Mr Coe - No. I see the NAC as being a body with a large say in negotiations; I see the combined legal services having a large say; I see the combined medical services having a large say; and I see organisations which are not aligned and which are not a party to these, or even various communities which are not a party to these, having a say.⁷

As we will indicate shortly, such a wide method of representation will also be essential in the process of disseminating the concept of a compact.

8.18 The NAC was emphatic in its view that it should represent Aboriginal Australia in any agreement executed with the Commonwealth and, further, that it was the most appropriate body to handle the necessary consultation and negotiation with the Aboriginal people.⁸ In the words of Mr Rob Riley, Deputy Chairman of the NAC:

The representatives of the NAC who form the national body are probably in the best position to be able to provide some degree of emphasis as far as Makarrata is concerned. But because we are an elected body and because we assume the role of advising the Federal Minister of Aboriginal Affairs we think we would be probably the most likely people to be able to put forward a view in respect to Makarrata. Our obligation is then to diversify that and take it back out to the Aboriginal community so that we involve community-based organisations. They are the obligations we have upon us as NAC members and the Conference has upon it as a national body. There has to be that sort of starting point and that is the position I think - my own personal view - the Conference has to take upon itself. It establishes the initiative, then the initiative is developed and then incorporated through consulting

other groups. In that sense the NAC becomes the political lobby group and it facilitates the political needs of the Aboriginal community.⁹

In evidence before the Committee, the Makarrata Sub-committee of the NAC stressed the point that the NAC is a democratically elected body and that in the last election 38% of Aborigines and Torres Strait Islanders voted throughout Australia.¹⁰ The Sub-committee was equally certain that other Aboriginal organisations would be quite unsuitable for the tasks associated with negotiating and concluding a compact.

8.19 The Aboriginal community, however, is by no means unanomous in the view that the NAC is the most appropriate body. For example, the Aboriginal Legal Service (NSW) considered that the NAC should not be the sole negotiating body, nor should it have an exclusive right to consult with Aboriginal communities or to collate and disseminate relevant information concerning a compact. It considered that the NAC was merely one of the negotiating bodies along with the combined land councils and the combined Aboriginal legal services as well as organisations and communities which are not aligned and which are not a party to these groups.¹¹ Although the Chairman of the NSW Aboriginal Legal Service, Mr Coe, acknowledged that the NAC was an elected body with a mandate to determine certain matters, he considered that this mandate was limited and did not extend to the negotiating of a compact.¹² However, the Legal Service was of the opinion that the NAC was the most appropriate Aboriginal co-ordinating body to set the process for negotiations in motion¹³ and requested that this Committee recommend to the Commonwealth Government that substantial funds be made available to the NAC to allow continuing research into the feasibility of a compact.¹⁴

8.20 The views of the Aboriginal Treaty Committee (ATC) on this question were not markedly different from those of the Aboriginal Legal Service. The ATC emphasised the need for appropriate administrative structures to be developed for the negotiating process. Professor Rowley, Deputy Chairman of the ATC, referred to the fact that there was, in a sense, a gap between the NAC and grass-roots Aboriginal communities and organisations, and that a Woodward-type organisation (referring to the land councils), which would be connected in some way to a national organisation, might generally be accepted by the Commonwealth as a middle administrative organisation to fill this gap.

Administratively we are in an unco-ordinated mess in Aboriginal affairs, partly because of differences between Commonwealth and State, and this chaotic mess is just the reverse of what we need to get some sort of logical process of continuing negotiation between Aborigines and other Australians. I think we could benefit by extending the principles and institutions of the Woodward report - the report of the Aboriginal Land Rights Commission - to all Australia. There should be a series of institutions which provide then for continuous negotiation as between corporate bodies. It does seem strange that the central Aboriginal organisation, the NAC, is not a corporate body, for instance, with the kind of legal advice and at least powers existing in the case of the land councils. Agreement on institutional structures involves the land councils, the NAC, Aboriginal corporations etcetera.¹⁵

In commenting on Professor Rowley's evidence, Dr Coombe, Chairman of the ATC, made it quite clear that there was no implied criticism of the NAC, and that any gap that existed between the NAC and grass-roots organisations was not necessarily through any fault of the NAC:

Professor Rowley was emphasising the fact that he believed that there was, in a sense, a gap between the NAC and the grass roots Aboriginal communities and organisations. This was not necessarily through any fault of the NAC. He thought that if there were to be any negotiations it should not be only the NAC which should be involved but certainly some other Aboriginal organisations. In particular the land councils should in some way be involved.¹⁶

8.21 Despite these differences, there appears to have been some common ground between the ATC and the NAC on this issue. On 22 September 1980, Dr Coombs wrote to the Chairman of the NAC suggesting a procedure by which negotiation could take place. In essence, Dr Coombs envisaged the Commonwealth Government authorising the NAC to call a convention of Aboriginal representatives chosen by communities, political organisations and corporate bodies. This convention would choose who were to negotiate on behalf of the Aboriginal people, prepare instructions for their negotiators about content, and choose professional advisers to assist the negotiators. Provisional decisions would then be referred back to the constituent communities and organisations for explanation, discussion and, if necessary, amendment before a final decision was made.¹⁷ The opportunity would also exist for the convention's role to be further enhanced by making it the body which formally accepted and executed a draft compact on behalf of the Aboriginal people, assuming that agreement was reached and that the Aborigines did in fact approve. The substance of this letter, including other matters dealing with the initial consultative process, was incorporated in a position paper and put forward for consideration by the NAC to the World Council of Indigenous Peoples in 1981.¹⁸

8.22 This paper listed six possible negotiating steps, including the calling of a convention, with the NAC acting as the co-ordinating body.¹⁹ These steps are based upon the

assumption that the NAC is the only national Aboriginal organisation which is likely to have the organising capacity and necessary resources to set the process of negotiation in motion. Both the ATC and the Aboriginal Legal Service (NSW) agree with this view, but both acknowledge that with its present pattern of resources the NAC would be quite unable to effectively carry out this program. In addition, the ATC has doubts as to whether the Aboriginal communities of which it was aware would be wholly satisfied with having the NAC serving alone as their representatives in the negotiating process. Dr Coombs expressed his personal opinion that the land councils were closer to the traditional sources of Aboriginal authority, and thus were closer to Aboriginal people in the communities and groups where they live than the NAC. For this reason he considered that the NAC should establish some kind of consultative agency to advise it, which would incorporate at least both the official and unofficial land councils.

8.23 One of the options suggested by the ATC and partially adopted by the NAC in their position paper, that of creating a new national representative body for Aboriginal people, was also mentioned by Mr Rumble in his submission. He suggested the formation of a body or number of bodies independent of control by the Commonwealth Executive. This could be achieved either by independent Aboriginal action or preferably, in his opinion, with specifically designed legislation so as to give the body corporate status. His submission put forward two models for consideration:

First, a national body composed of representatives elected by Aboriginal people, probably on a regional basis (proportional to the number of Aboriginal people or voters in the region). Secondly, regional bodies composed of representatives elected by Aboriginal people. These regional bodies would consider Makarrata proposals, take them to the Aboriginal people of their region and

send delegates, with authority to bind their region's Aboriginal people to a national body ...

Under either model the authority of the elected representatives could be authorised to negotiate and enter a Makarrata or their authority could be limited to the negotiation of the terms of the compact with the final acceptance of the compact being left to a referendum of Aboriginal people.²⁰

Mr Rumble concluded by stating that he also thought it appropriate for this representative Aboriginal body to continue in existence after the execution of a compact so as to enable the Commonwealth's obligations thereunder to be enforced by way of court action or public pressure or both. This point was also raised by Dr Coombs and the Committee agrees that there is a clear need for the Aboriginal people to develop and maintain a representative structure which will enable them to bind future Australian governments to a compact.

8.24 The preceding discussion on this issue has been premised on the basis that there would be only a single agreement with one body representing the whole of Aboriginal and Torres Strait Island Australia. Such an arrangement, while desirable from the Commonwealth's point of view, is by no means assured. Certainly, the NAC Makarrata Sub-committee has left this issue open and, despite its preferences, envisaged that agreement could be achieved in at least three possible ways.²¹ The various options available include:

- (i) A single detailed agreement between one national organisation or body, representing all Aboriginal people and Torres Strait Islanders and the Commonwealth.
- (ii) Two separate detailed agreements between the Commonwealth and:

- (a) Aboriginal Australia;
 - (b) Torres Strait Islanders.
- (iii) A number of detailed agreements between the Commonwealth and:
- (a) individual clans or tribal communities;
 - (b) regional groupings of Aboriginal and Torres Strait Island communities (irrespective of State or Territory boundaries);
 - (c) Aborigines and Torres Strait Islanders on a state-wide basis; or
 - (d) a combination of any of the above.

At present, the matter is largely unresolved and must be left in the hands of the various Aboriginal organisations and, ultimately, to Aboriginal and Torres Strait Island communities.

8.25 The lack of consensus among Aboriginal people as to which body should represent them stems, at least partly, from the very nature of the contending Aboriginal organisations, including their political and legal status. The only national representative Aboriginal organisation is the NAC and it has attracted considerable criticism from Aboriginal people on a number of grounds. As noted earlier it had its origin in the National Aboriginal Consultative Committee, which was formed by the Labor Government in 1973 as a result of the Aboriginal Tent Embassy set up in front of Parliament House. Although it was composed of elected representatives of Aboriginal people from

all parts of Australia, it proved something of a disappointment both to the government and Aboriginal people, urban, rural and traditional.

8.26 Dr Coombs describes the inadequacies of the National Aboriginal Consultative Committee in his book 'Kulinma' in the following terms:

In operation it seemed both isolated from local influences of those whom its members were supposed to represent and ineffective and powerless in its dealings with government. There were not surprisingly, weaknesses in the structure and composition of the National Aboriginal Consultative Committee, but the fundamental deficiency was the failure of the Government to entrust it with real authority or to provide it with resources which would have enabled it to develop its own capacities.²²

The Committee encountered many comments in a similar vein from Aboriginal people concerning this body's successor, the NAC. The criticism is not surprising, as in some respects the inherent deficiencies in the National Aboriginal Consultative Committee are even more pronounced in the NAC. For instance, although the National Aboriginal Consultative Committee was limited to 41 persons, thereby ensuring that each member had a large geographic area to cover, this meagre representation was reduced to 36 persons in the case of the NAC.

8.27 Evidence received by the Committee in outlying areas indicated that the NAC is unable, as presently structured, to adequately represent tribal Aboriginal people because the area which one single representative is asked to cover is often vast and may involve different cultural and language groups to which he or she has little or no access, and among whom he or she has no standing. This situation has been exacerbated by the fact that funding for the NAC has been limited, reaching \$3.7 million

in 1982-83, thereby placing even further difficulty in the path of each member's ability to adequately consult with and represent his or her constituency.

8.28 Comment on the deficiencies in the present structure of the NAC has not been limited to Aboriginal people outside that organisation. The NAC position paper presented to the World Council of Indigenous Peoples reveals an underlying uncertainty within the NAC itself as to its capacity to adequately conduct negotiations for a compact as presently constituted. The paper suggested that before any negotiations commence, the Australian Government should legislate to give the NAC corporate standing and statutory functions, so as to enable it to negotiate on behalf of Aboriginal people throughout Australia. It further suggested that legislation should be enacted to ensure a secure source of funds which would not be subject to political limitation.²³

8.29 As the Committee has already noted, for any compact to be of lasting benefit, it will of necessity have to be the product of negotiation and agreement between independent representative bodies. The independence of the Aboriginal party from the Commonwealth must be clearly perceived. Yet the Committee was advised by Mr Rumble that, in many crucial respects, the NAC is, according to its Charter, subject to control by the Commonwealth Minister for Aboriginal Affairs.²⁴ For instance, the Minister has sole authority concerning the number of members in the NAC and the boundaries of the areas which members shall represent. He also has power to declare, after consultation with the National Executive, that a member is no longer fit to hold office on the grounds of conviction for a criminal offence, gross neglect of duties, or of ill health. Rules for the conduct of elections and any amendments to those rules are subject to the approval of the Minister for Aboriginal Affairs in consultation with the Minister for Administrative

Services. Most importantly, finance for the NAC is totally within government control and specifically subject to budgetary requirements within the context of overall government policy. Even the provision of support staff for the NAC is subject not only to the availability of funds, but also to the approval of the Minister following advice from the Public Service Board. These controls, and the lack of any guaranteed financial security, seriously erode the ability of the NAC to maintain its independence from government.

8.30 In addition, aspects of the Aboriginal Councils and Associations Act 1976, under which the NAC is set up, adversely affect its capacity to politically represent the Aboriginal people. The legislation was not designed to support a body with a representative role like the NAC. Rather, it appears primarily directed towards the formation of locally-based Aboriginal Councils.²⁵

8.31 Whatever role the NAC is eventually to play in the negotiation of a compact, and this is a matter which ultimately must be resolved by Aboriginal people by processes indicated in Chapter 9, it is clear that it or a similar body must be given independent legal and financial status. If the main, or one of the main, Aboriginal negotiating bodies is perceived to be under government control it would not only jeopardise the conduct of the negotiations itself, but could cast doubt in the minds of future Aboriginal generations on the validity of any compact agreed to between the parties.

8.32 In this context, the Committee notes recent statements by the Minister for Aboriginal Affairs in the newly-elected Government about the role of the NAC. In a speech to an NAC Workshop on 12 July 1983 the Minister spoke of

the Government's determination and resolve to ensure that the voice of the NAC will be heard ... as a representative and national voice of Aboriginal people and as a body which accepts ultimate responsibility for the formulation of policy.²⁶

He also referred to the Government's determination that the NAC should be 'the structure, which by its very strength and cohesion unifies Aboriginal people throughout the nation'.²⁷

8.33 In a speech a few days earlier the Minister said:

We've indicated that it is to a restructured National Aboriginal Conference that we are placing our hopes as a structure which will be recognised not merely by the Federal Government, but by the State Governments and more importantly by the broader white community [as the] authoritative voice, the unified voice of Aboriginal people right throughout Australia.²⁸

At the NAC Workshop the Minister referred to the need for the NAC to look at its Charter to see whether it should be amended, raising the possibility that the NAC should be set up by an Act of the Parliament. He also suggested that the NAC should decide whether its electorates are the right size and whether the boundaries are correct.

8.34 As to finance, in the Budget of 23 August 1983 the NAC's appropriation was increased from \$3.7 million in 1982-83 to \$7.3 million for 1983-84. Clearly this is consistent with the enhanced role which the current government wishes the NAC to play.

8.35 The Committee recognises that the decision as to who should co-ordinate Aboriginal viewpoints and represent them to the Commonwealth must rest with the Aboriginal people. Nevertheless, the clear desire by the Government to enhance the

status and role of the NAC as the nationally elected body representing Aboriginal people in its dealings with the Federal Government suggests that it is likely to be the most appropriate body to take a pre-eminent role in this process. The increased funding given to the NAC is an important step in enabling it to carry out its enhanced function. In our view there is good sense in increasing the number of members of the NAC, thereby reducing the size of electorates and enabling each member to better represent his or her constituents. We would also urge the NAC to take up the Minister's offer to establish it on an independent statutory basis. In this way the NAC's independence - both in policy and funding - will be enhanced.

8.36 It appears to the Committee that a re-structured, more independent NAC is best equipped to act as the conduit of Aboriginal viewpoints between the communities and government and ultimately to conclude a compact on behalf of the Aboriginal people. At the same time, as will be seen in Chapter 9, the Committee believes that the fullest and widest consultation with the various Aboriginal groups will need to be undertaken during the negotiation process. In this regard the established land councils - such as those in the Northern Territory, the Kimberley and North Queensland - and other community service groups such as health, legal and housing services have a valuable role to play in educating their local communities and conveying their views to the NAC.

RECOMMENDATIONS

8.37 (a) The National Aboriginal Conference should take the opportunity offered it by the Government to seek re-establishment on an independent statutory basis and with an increase in membership, so as to allow for more effective representation of the Aboriginal people.

(b) The Government should ensure that the increased funding granted to the National Aboriginal Conference in the 1983-84 Budget is maintained so as to enable the National Aboriginal Conference to adequately fulfil its enhanced role as the representative and national voice of Aboriginal people.

(c) If the compact proposal is pursued, the National Aboriginal Conference should be considered as the most suitable organisation to co-ordinate Aboriginal opinion during the negotiation process and, once negotiations are completed, to conclude the compact on behalf of the Aboriginal people.

Endnotes

1. Evidence, p. 452.
2. Evidence, pp. 650, 674, 1123.
4. Evidence, pp. 696, 698.
4. Harris, S, 'It's Coming Yet' 'An Aboriginal Treaty Within Australia Between Australians, Canberra 1979, p. 85.
5. There was also an Agreement, signed between the Commonwealth and the mining companies, Peko-Wallaseid Operations Ltd., and the Electrolytic Zinc Company of Australia Limited.
6. Evidence, pp. 1110, 1111.
7. Evidence, p. 937.
8. Evidence, p. 674.
9. Evidence, pp. 1140, 1141.
10. Evidence, p. 656.
11. Evidence, pp. 937-8.
12. Evidence, p. 938.
13. Evidence, p. 938.
14. Evidence, p. 924.
15. Evidence, pp. 580-1 and pp. 617 ff.
16. Evidence, pp. 1086-7.
17. See also Aboriginal News, Vol. 3, No. 8, 1980, reporting a statement made by Dr H.C. Coombs on the progress of the Aboriginal Treaty Concept.
18. 'The Makarrata: Some Ways Forward', incorporated in the evidence of Dr H.C. Coombs, pp. 1088-1091.
19. Evidence, p. 1091.
20. Evidence, p. 453.
21. Evidence, pp. 650-51.
22. Dr H.C. Coombs, Kulinma, Listening to Aboriginal Australians, ANU Press, Canberra, 1978, p. 241.

23. Evidence, p. 1090.
24. Evidence, p. 452.
25. Evidence, p. 452.
26. Speech to NAC Workshop, 12 July 1983.
27. *ibid.*
28. Speech at the Aboriginal Hostels Ltd. 10th Anniversary Lunch, 8 July 1983.