

DISSEMINATION OF THE IDEA OF A COMPACT

9.1 In the course of its inquiry, the Committee found there was widespread lack of information and understanding among Aboriginal communities of the idea of a compact between Aboriginal people and the Commonwealth.¹ For example, Mr Les Collins, a witness appearing before the Committee in a private capacity, speaking of the Makarrata concept, advised the Committee:

I think at the grass roots level people do not understand what it means. They have heard some interpretation that it means "all is well after the fight" or something. Then we come to people who have a little more awareness. They are very confused as to what are going to be the consequences of such an agreement; what is going to go in it; should we even go into it at this stage. I think the general feeling is that it should be deferred until there has been a hell of a lot more consultation; a hell of a lot more explanation so that Aboriginal people can be in a position to hire the people they feel are adept and who will explain to them exactly what they want to know. A lot of people at this stage are quite ignorant of what this Makarrata is all about. We never hear anything about it. All we hear is Makarrata being negotiated.²

The Committee also found, in some instances, that there was only a limited understanding of the concept even among informed non-Aboriginal witnesses, from which it could be inferred that the wider non-Aboriginal community also lacks an understanding of the idea. The Committee is concerned to point out that this lack of understanding of the compact should not be confused with

hostility to the idea. Rather it indicates that the concept is only a relatively recent one, still very much in its formative stages. Accordingly, a more effective way of disseminating understanding of the idea of a compact is required.

9.2 Before commencing negotiations on the content of a compact, the Committee believes that considerable thought must be given to the question of how to inform the Australian community, both non-Aboriginals and Aboriginals, about the concept, purpose and effect of the compact. Active and informed discussion about it must be promoted among both parties to provide an environment from which the actual terms of the compact may evolve.

9.3 Such a wide community discussion as is proposed should also include a consideration of the desirability or otherwise of a compact, its benefits and disadvantages for the present and the future and a consideration of alternative means of achieving the same ends. (For example, it has been suggested to us that to ask an Aboriginal community what it seeks to include in the terms of a compact is to pre-empt that community's right to decide first whether or not it wants a compact at all).³

9.4 Apart from its innovative nature, the idea of a compact is very complex, involving, among other things, difficult legal and political issues. Witnesses advised the Committee that the process of thoroughly explaining and discussing the concept to Aboriginal communities would be time consuming. But the Committee considers such a process is necessary, if the compact is to be effective, and if a cry from future generations that the compact had been forced upon the Aboriginal people is to be avoided. Suggestions as to the time needed to fully explain the concept to Aboriginal communities ranged from two or three to five or even ten years.⁴

9.5 Another significant factor affecting the speed with which this educational process could be concluded is the difficulty created by the significant diversity of Aboriginal linguistic and tribal groups. As an illustration of this, the Committee encountered serious misunderstandings about the meaning of the term 'Makarrata'. This key word for an agreement between the Aboriginal and non-Aboriginal communities, proposed by the National Aboriginal Conference, gave rise in certain Aboriginal communities to serious misconceptions and a lack of understanding as to the intent and purpose of such an agreement. Unlike, for example, the situation in the United States where separate treaties were negotiated with each individual tribe, here in Australia it is usually proposed to conclude a single compact between the Commonwealth and all Aborigines.⁵ This will involve during the negotiation process such matters as provision of interpreters, translation of documents into local languages and production of explanatory tapes in local languages.

9.6 Mr Paul Coe, Chairman of the Aboriginal Legal Service proposed to the Committee a technique for establishing an effective educational process about the compact.⁶ (This is distinct from any proposed models for political representation for the Aboriginal people). In his view the idea of a single team, or existing National Aboriginal Conference representatives with greater resources, well versed in both the idea of a compact and of negotiating with the Commonwealth, travelling from community to community, might not be successful because such a team may not be trusted by all communities and would not be able to remain long enough in any one community to fully explain the concept.⁷ Mr Coe considered that each Aboriginal community requires a leader who fully understands the concept, whom the community trusts, and who can remain in the community to lead discussions and respond to questions on the concept. He suggested that such leaders should be selected by and from each community to undertake, say, a three month seminar, established

purely to explain the issues of a compact. Such a seminar would seek to create among the leaders an understanding of the constitutional, political and social ramifications of a compact for present and future generations of Aboriginal people. The seminar could be financed and co-ordinated by the Commonwealth Department of Aboriginal Affairs.⁸ At the conclusion of the seminar, these people would return to their communities where they would lead discussions about compact. The leaders would be selected from the Aboriginal communities and from special interest groups such as the National Aboriginal Conference, land councils, Aboriginal medical and legal services and Aboriginal housing and hostel agencies.⁹ The Committee sees much merit in the Commonwealth Government taking steps to ensure that a consultative progress of this nature, drawing on the widest possible range of Aboriginal leadership, takes place.

9.7 Miss Margaret Valadian and Mrs Natascha McNamara, Directors of the Aboriginal Training and Cultural Institute in New South Wales, both considered that such a scheme had merit.¹⁰ They reinforced the Committee's belief in the requirement for an extensive program of education among the Aboriginal community, but noted that this would require adequate facilities and extensive travelling allowances, as well as considerable time. Mrs McNamara noted that such a program was preferable to a community information program which may not educate or may not be understood by the people.¹¹ Miss Valadian emphasised, however, that the education of the leaders could only be a preliminary stage:

... it is not enough to educate leaders. The ordinary people in the community are the ones who need to be fully informed, because it is they who will either be the beneficiaries or bear the brunt of what is going to come out of an agreement.¹²

In particular, Miss Valadian was concerned that in a program to educate leaders, minority clans and those Aborigines who might not necessarily be covered by participation in an Aboriginal organisation should not be overlooked.

9.8 Certainly the Committee accepts the need for extensive information about, and discussion of, the compact proposal and all the issues which touch upon it at the basic Aboriginal community level. Our visits to Aboriginal communities made us aware of the vital role played in these communities by such bodies as legal aid, health and welfare services, housing associations and land councils. They have direct links with the communities they serve and generally appear to have their confidence and support. Accordingly we see great advantage in their involvement in the educative and consultative processes preceding a compact. We would urge the Aboriginal community to use these existing means of ascertaining community views and ultimately to pass them on to their negotiators.

RECOMMENDATION

9.9 In order to ensure that the negotiation process towards a compact is conducted on a basis of understanding and acceptance of the concept by all Aboriginal communities, the Commonwealth should ensure that the widest range of Aboriginal community leadership is involved in that preliminary task.

9.10 An explanation of the idea of a compact would also need to be undertaken among the non-Aboriginal community. The promotion and discussion of an understanding of the concept was a task which the Aboriginal Treaty Committee set for itself at its establishment. The ATC sponsored a series of 12 academic seminars and conferences to examine different aspects (including legal and constitutional matters) of Aboriginal and non-Aboriginal relationships in Australia and the possible relevance of a compact to those relationships. The discussion

and variety of papers which these seminars provoked greatly increased the awareness of issues relating to a compact among certain sections of Australia's non-Aboriginal society. The ATC was dissolved in June 1983 as, having stimulated an awareness of the compact idea, it believed its task was completed.

9.11 The Committee considers that there now exists a sufficiently informed and committed sector among non-Aboriginal Australians to provide a resource from which a future nationwide community education program about the compact proposal can be based. In our view there still remains, however, a significant lack of understanding of the concept among the wider non-Aboriginal community. If the compact is to find acceptance in the broader community, it will be necessary for the Commonwealth to sponsor the provision of programs which will raise the community's consciousness about Aboriginal matters to a level where the compact can be discussed in an informed fashion.

9.12 The Committee sees this as an essentially political task, in the sense that for the Committee's preferred method of legal implementation to be available to the Commonwealth (that of a section 105A-type amendment to the Constitution), a referendum would be necessary. Clearly there would be no point in putting a question of such significance to the Australian electors, and expecting the necessary majorities to assent, unless a widespread discussion of the issues had occurred in the years preceding such a referendum. It will be seen, therefore, that in relation to both the Aboriginal and non-Aboriginal communities a long process of discussion of the idea of a compact would be required as a sound base for the actions of the elected representatives of both parties to the compact.

Endnotes

1. Evidence, pp. 26, 31, 43, 71, 87, 1020, 1094.
2. Evidence, p. 195.
3. Evidence, pp. 1028, 1029.
4. Evidence, pp. 935, 1031.
5. Evidence, p. 1039.
6. Evidence, p. 936.
7. Evidence, p. 939.
8. Evidence, p. 937.
9. Evidence, p. 940.
10. Evidence, p. 1021.
11. Evidence, p. 1019.
12. Evidence, p. 1021.

