Chapter 10

TIMETABLE

10.1 Another significant matter which remains to be considered is whether it is possible for a target date to be set for the conclusion of a compact. The 1988 bicentennial year has been consistently suggested by many groups as a target date. It is seen by some as an ideal date, imbued with the necessary symbolic significance, providing a national occasion on which to acknowledge the effects of European occupation and settlement on the original inhabitants of the continent, and on which to herald a new beginning in the relationship between the descendants of the original occupiers and the European settlers. However, others - not least some sections of the Aboriginal community - have suggested that the date is peculiarly inappropriate. It has been put to the Committee that, as 1988 is regarded as the anniversary of the European invasion, the adoption of this date would be demeaning to Aborigines, as the compact could be portrayed in paternalistic terms as a 'birthday present' from the invaders.[1]

10.2 At the time of its first appearance before the Committee in June 1982, the National Aboriginal Conference (NAC) did not appear to be concerned by any offensive implications of the bicentennial date; nor did it envisage consultation difficulties but proposed an ambitious Makarrata settlement program. This program was set out in Attachment B of the Conference's submission, where it proposed that an amendment in the nature of s.105A of the Constitution should be devised and implemented by way of referendum by 1984. It was also envisaged that, in parallel with the development and entrenchment of a s.105A-type clause, an agreement in principle should be

developed and executed between the Commonwealth and the NAC (representing the Aboriginal people) by 1984. This agreement, which is seen as a general statement of fundamental principles and guidelines upon which a further full detailed agreement or agreements may be entered into, is to be executed shortly after the s.105A-type amendment is approved. The NAC envisaged that the final agreements should be ready for execution in 1988, although it expected that a continuing process would be developed setting out procedures for the appropriate implementation into law of the agreement or agreements, together with their administration, oversight, periodical review and possible amendment.

10.3 When the NAC appeared before the Committee a second time in May 1983, however, evidence indicated that no consultation about the Makarrata had taken place since August 1982, due to lack of funds, and the Makarrata Sub-Committee, which carried out earlier consultations, no longer existed. In the words of Mr Riley, Deputy Chairman of the NAC:

> ... at times we have thought that because of the lack of resources, the lack of information and the lack of being able to research information in relation to the Makarrata, it was an impossible task ...[2]

In fact it appears then that by force of circumstances, work on the Makarrata within the NAC has lost priority over the last twelve months.[3]

10.4 Mr Paul Coe of the Aboriginal Legal Service (N.S.W.) suggested that 'negotiations and consultations could go on for a matter of two to three or even five years until those communities are aware of exactly what they are getting themselves into'.[4] On the other hand, two of the Directors of the Aboriginal Training and Cultural Institute, Miss Margaret Valadian and Mrs Natascha McNamara, considered that such a

process could take much longer. Miss Valadian commented that she could see it taking ten years although this would depend on the particular goals and objectives of the Aboriginal people. However, she thought the real time constraint in any such exercise was the speed with which the Aboriginal communities throughout Australia could obtain a full understanding of what was involved.

10.5 In Miss Valadian's opinion each individual has the right to be fully informed and to understand the implications of the settlement process. This desire for full consultation was frequently made in the remote communities and, indeed, is the subject of a recommendation in Chapter 9.[5] In the first place there would need to be extensive, careful and planned discussion before the Aboriginal people could get to the stage of saying that they wanted to proceed. Then, if they did decide to proceed, a further program would have to be undertaken to enable Aboriginal people to understand the legal technicalities and their implications, as well as the goals and final content of such a settlement. The speed with which this education and consultative program could be established, and its likely effectiveness, would depend to a large extent on the amount of funds provided by the Commonwealth Government.

10.6 Dr Coombs considered that the consultative process would take many years. He noted that traditionally the Aboriginal peoples' decision-making processes are very slow and that it was important that they should be allowed to reach consensus on this matter by means of their own choosing. Under these circumstances, he though it might be realistic to expect a statement of principles by 1988, but it was unlikely that a final agreement could be negotiated within that time span.

10.7 While work towards reaching agreement should proceed expeditiously, time consuming processes such as the education of Aboriginal and Torres Strait Island communities on the nature of the concept and its

possible form and contents should be undertaken before the equally time-consuming matter of negotiations begins. At the same time there will need to be a continuing and extended education program occurring in the non-Aboriginal community so that, by the time a compact is ready to be concluded, a valuable process of healing and understanding between both communities will have taken place. Perhaps the fundamental task in this process will be to create an attitudinal change, generated by discussion, consultation and negotiation. The attitudes held by non-Aboriginal Australians towards Aboriginal and Torres Strait Island people and vice-versa lie at the heart of the situation and, until they can be properly oriented, a compact, no matter what its form and content, will at best only create superficial improvement.

10.8 It seems, therefore, that there is little point in setting a date merely for its own sake. Rather, once a commitment has been made to proceed with the compact proposal, it will be necessary to give detailed consideration to the time required for proper completion of each stage of the education and negotiation processes. Once these processes are under way and the complexities involved become more apparent, it should be possible ultimately to establish a concluding date.

The Senate
Parliament House
Canberra

Michael Tate
Chairman

September 1983

Endnotes

1. Evidence, pp. 297-8, 3114-5.
2. Evidence, p. 1125.
3. Evidence, p. 1151.
4. Evidence, p. 935.
5. Evidence, p. 343 ff.