

## Treaty Factsheet

Establishing a Treaty is an essential next step in acknowledging and giving legal effect to the historical and contemporary cultural rights and interests of First Nations peoples. In this context, a treaty is an agreement between First Nations peoples and State and Federal Governments of Australia.

**Australia is the only Commonwealth nation yet to sign a treaty/treaties with First Nations peoples.** New Zealand has *Te Tiriti o Waitangi* signed in 1840, and Canada has *The Numbered Treaties* signed between 1871 and 1921. For decades, a Treaty has been identified by Aboriginal and Torres Strait Islander peoples as an essential step in securing the protection and ongoing recognition and maintenance of First Nations peoples' unique rights and interests. A Treaty can serve as a basis for self-governance and a mechanism for decision making.

In March 2018 the Victorian Parliament became the first to introduce treaty legislation. In June 2018 the Northern Territory Government and the Territory's four Aboriginal land councils signed the Barunga Agreement — a memorandum of understanding outlining the path towards treaty negotiations. In July 2019 Queensland Government launched the "Tracks to Treaty" commitment, part of a pledge to reframe its relationship with the state's Aboriginal and Torres Islander peoples as it paves a path towards a treaty.

### Constitutional Reform and Treaties

A First Nations Voice to Parliament is vital to ensuring First Nations representation in negotiating a Treaty and agreement making processes at Federal and State levels. A constitutionally enshrined First Nations Voice to Parliament will play an important role in both treaty and agreement making processes with Federal and State governments, and will also provide an important function in ensuring the ongoing maintenance of, and adherence to, agreements made with First Nations peoples.

A constitutionally enshrined Indigenous Voice will help balance equal bargaining power in treaty and agreement making negotiations between government and First Nations peoples. Constitutional reform is a key mechanism for ensuring that treaties with First Nations peoples in Australia are established in ways that are informed by the voices, interests and expertise of First Nations people.

The Uluru Statement identifies the establishment of a [Makarrata Commission](#) as a key mechanism for resetting relationships and securing a better future for all Australians.

The establishment of a Makarrata Commission can be set up by legislation and would function to oversee treaty and agreement making processes between First Nations peoples and governments and truth telling about our shared histories.