



TWO HUNDRED YEARS LATER ...

Report by the Senate Standing Committee on
Constitutional and Legal Affairs
on the feasibility of a compact or 'Makarrata'
between the Commonwealth and Aboriginal people

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CONTENTS

	Page	Para
TABLE OF STATUTES	ix	
TABLE OF CASES	x	
RECOMMENDATIONS	xii	
PART A		
PRELIMINARY MATTERS		
Chapter 1		
INTRODUCTION	1	
Terms of reference	1	1.1
Conduct of the inquiry	1	1.2
Chapter 2		
THE DEVELOPMENT OF THE IDEA OF A TREATY OF COMMITMENT	7	
Origins and rationale	7	2.1
Evolution of the concept	14	2.15
Terminology	20	2.31
PART B		
THE LEGAL ISSUES		
INTRODUCTION	29	B.1
Agreement in the form of a treaty	29	B.2
Agreement with constitutional backing	29	B.2
Agreement with legislative backing	30	B.2
Simple agreement	30	B.2

	Page	Para
Chapter 3		
AGREEMENT IN THE FORM OF AN INTERNATIONAL TREATY AND THE ISSUE OF SOVEREIGNTY	31	
The meaning and functions of treaties in modern law	31	3.2
Definition of sovereignty	34	3.9
The acquisition of sovereignty	35	3.13
The disputed question of sovereignty in Australia	37	3.18
Request and consent legislation	48	3.42
Conclusion	50	3.46
Domestic treaties of other nations as a model for Australia	50	3.47
New Zealand	51	3.48
The United States of America	52	3.51
Canada	55	3.59
Conclusion concerning domestic treaties	57	3.64
Chapter 4		
AGREEMENT WITH CONSTITUTIONAL BACKING	67	
Introduction	67	4.1
(a) Inclusion of full text within Constitution	68	4.3
(b) Broad enabling power	69	4.7
Chapter 5		
AN AGREEMENT WITH LEGISLATIVE BACKING WITHIN THE COMMONWEALTH'S EXISTING CONSTITUTIONAL AUTHORITY	79	
Section 51(xxvi): the 'races power'	79	5.2
Background to section 51(xxvi)	80	5.4
Commentaries on section 51(xxvi)	81	5.7
Judicial opinion of section 51(xxvi)	84	5.12
Could section 51(xxvi) support legislation for a compact	92	5.26

	Page	Para
Section 51(xxix): the external affairs power	93	5.30
Effect of Aboriginal affairs on Australia's external relations	95	5.32
Section 51(xxxvii): reference of powers by States	104	5.48
 Chapter 6		
A COMPACT IN THE FORM OF A SIMPLE AGREEMENT OR CONTRACT	109	
Nature of the proposal	109	6.1
Advantages of the contract form	110	6.4
Disadvantages of the contract form	111	6.5
CONCLUSION	114	B.4
 PART C		
FURTHER ISSUES INVOLVED IN ANY IMPLEMENTATION DECISION		
INTRODUCTION	119	C.1
 Chapter 7		
OBJECTIVES	121	7.1
 Chapter 8		
REPRESENTATION OF THE PARTIES TO A COMPACT	129	8.1
Non-Aboriginal representation	130	8.5
Aboriginal representation	134	8.16
 Chapter 9		
DISSEMINATION OF THE IDEA OF A COMPACT	151	9.1
 Chapter 10		
TIMETABLE	159	10.1

		Page	Para
APPENDIX 1	Individuals and organisations who made written submissions to the Committee	167	
APPENDIX 2	Witnesses	169	
APPENDIX 3	Makarrata demands as proposed by the National Aboriginal Conference	177	

N.B. Any reference in this Report to Aboriginal people should, unless the context otherwise requires, be taken to include Torres Strait Islanders.

TABLE OF STATUTES

	Paragraph
Aboriginal Councils and Associations Act, Act, 1976	8.27
British North America Act, 1867 (UK)	3.65
Constitution Alteration (Aboriginals) Bill, 1967	5.5, 5.8
Financial Agreement Enforcement Act, 1932	4.11
Racial Discrimination Act, 1975	5.36
Treaty of Waitangi Act, 1975 (NZ)	3.50

TABLE OF CASES

	Paragraph
Administrator of Territory of Papua New Guinea v Guba Doriga, unreported, 12 Dec 1973 (1973-74) 2 ALR xxiii	3.17 (note 16)
Amodo Tijani v Secretary, Southern Nigeria [1921] 2 AC 399	3.17 (note 16)
Ansett Transport Industries (Operations) Pty Ltd v The Commonwealth of Australia and Others (1977-78) 17 ALR 513	6.5 (note 4)
Arantzazu Mendi, The [1939] AC 256	3.12
Attorney-General for Australia (at the relation of McKinlay) and Others v Commonwealth of Australia and Others (1975) 7 ALR 593	5.8 (note 9)
Attorney-General for the Province of Quebec and Others v Attorney-General for the Dominion of Canada and Others [1921] 1 A.C. 401	3.17 (note 16)
Cherokee Nation v State of Georgia (1831) 5 Pet. 1	3.57
Coe v The Commonwealth (1979) 53 ALJR 403	2.1 (note 1) 2.31, 3.38
Commonwealth v Tasmania (Tasmanian Dam Case) unreported, High Court of Australia, 1 July 1983	5.14, 5.19-5.29, 5.41-5.46
Cooper v Stuart (1889) 14 App.Cas. 286	3.32
Ex Parte Meneling Station (1982) 57 ALJR 59	3.24
Fletcher v Peck (1810) 6 Cranch 87	3.17 (note 16)
Hanasiki v O.J. Symes (1951) Solomon Islands, unreported judgment of Charles J, cited in B. Hocking, <u>Native Land Rights</u> , unpublished Masters thesis, Monash University, Melbourne, 1970, Appendix 2	3.17 (note 16)
Hoani Te Heuheu Tukino v Aotea District Maori Land Board [1941] AC 308	3.17 (note 16)

Johnson v McIntosh (1823) 8 Wheat. 543	3.17 (note 16)
Koowarta v Bjelke-Petersen and Others (1982) 39 ALR 417 5.46	5.14-5.18 5.21, 5.36-5.40
Milirrpum and Others v Nabalco Pty Ltd and the Commonwealth of Australia (1970) 17 PLR 141	3.23, 3.33
New South Wales v The Commonwealth (1975) 135 CLR 337	5.37
New South Wales v The Commonwealth and Others (1932) 46 CLR 155	4.11 (note 5)
R v Burgess; Ex Parte Henry (1936) 55 CLR 608	5.31 (note 27)
R v Jack Congo Murrell (1836) Legge 72	3.31 (note 41)
Robtelmes v Brennan (1906) 4 CLR 395	5.12
St Catherine's Milling and Lumber Co. v The Queen (1889) 14 App.Cas. 46	3.17 (note 16)
South Australia v The Commonwealth (1962-63) 108 CLR 130	6.5 (note 4)
South Australian Commissioner for Prices and Consumer Affairs v Charles Moore (Aust) Ltd (1977) 139 CLR 449	5.8 (note 9)
Vayjesingji Joravarsingji v The Secretary of State for India [1924] LR 51 IA 357	3.17 (note 16)
Victoria v Commonwealth of Australia and Hayden (The AAP Case) (1975) 134 CLR 338	5.13, 6.1
Western Sahara Case (1975) ICJ 13	3.26, 3.27
Worcester v Georgia (1832) 6 Pet. 515	3.17 (note 16)

RECOMMENDATIONS

1. The Government should, in consultation with the Aboriginal people, give consideration, as the preferred method of legal implementation of a compact, to the insertion within the Constitution of a provision along the lines of section 105A, which would confer a broad power on the Commonwealth to enter into a compact with representatives of the Aboriginal people. Such a provision would contain a non-exclusive list of those matters which would form an important part of the terms of the compact, expressing in broad language the types of subjects to be dealt with (para B.9, p. 115).

2. (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 (para 8.37, p. 146).

(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 (para 8.37, p. 147).

(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 (para 8.37, p. 147).

3. 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 (para 9.9, p. 155).