



Aboriginal Partnerships and Reform

NT Government response to NT Treaty Commission's Final Report

When this Territory Government was elected in 2016, it promised to open discussions about a Treaty with First Nations, the Territory Government heard loud and clear from Aboriginal Territorians this is a necessary step towards achieving genuine reconciliation and self-determination.

The Northern Territory (NT) Government honoured that commitment with the signing of the historic Barunga Agreement in 2018, a Memorandum of Understanding between the NT Government and the four Aboriginal Land Councils under which we pledged \$4.2 million dollars over three years to fund a Northern Territory Treaty Commission (the Treaty Commission) to consult and report about a possible treaty-making framework in the Northern Territory.

On 28 June 2022, after significant research and a two-staged Territory-wide consultation process, the Treaty Commission delivered its Final Report (the Treaty Report) to Government, which I subsequently tabled in Parliament on 26 July 2022. At that time, the Territory Government confirmed its commitment to:

- continuing the treaty journey
- supporting the Treaty Report's vision of a two-step process comprising an overarching Territory-wide treaty followed by individual treaties with First Nations
- working with Land Councils to develop a First Nations Forum to work with Government around Treaty
- exploring Truth-Telling, and
- providing a comprehensive response to the Treaty Report and its recommendations by the end of 2022.

Since then, Government has been carefully considering the Treaty Report and its recommendations, and discussing them with key stakeholders. What is clear is that the pathway to treaty will be complex and require more work to inform development of a final treaty-making framework.

This work is likely to be influenced by developments nationally, namely the Commonwealth's own treaty agenda and the development of Aboriginal and Torres Strait Islander Voices at the regional, local and national levels.

Careful consideration will also need to be given to how any future Territory-wide agreement and First Nations treaties recognise, interface with and build on the various existing laws, policies and structures devoted to recognising, protecting and advancing the rights and interests of Aboriginal Territorians. Local Decision Making, the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth), Aboriginal Land Councils and Aboriginal Peak Organisations of the Northern Territory are all recognised in the Treaty Report as an integral part of the treaty landscape.

Working through these complexities will take time and require more thinking and talking to make sure that we get treaty right.

And by right, I mean ensuring a framework that builds stronger, safer, more resilient communities, clan groups and families. Treaty is about First Nations determining their own path and taking back control - control of decisions that affect their communities and people and the way government services are delivered to them.

Building this capacity and capability in Aboriginal communities is something this Government has been doing since 2016 through initiatives like Local Decision Making, and will continue to do in-line with our commitments under the National Agreement on Closing the Gap.

Unfortunately, there is no consensus view, even among Aboriginal Territorians and organisations, on what treaty framework is right for the Territory. Our job as Government is to hear and understand the different perspectives and ensure that we progress a model that best serves the community and delivers the best possible outcomes for Aboriginal Territorians. This will lead to a stronger Territory for all Territorians.

To this end, Government will seek to test the Treaty Report's recommended treaty-making framework and pathway against the views of Aboriginal Territorians to ensure it aligns with their aspirations. This is work that should be led by Aboriginal Territorians, working at their own pace, and will occur through a series of First Nations Forums to be developed in conjunction with the four Aboriginal Land Councils and run over the next 18 months to two years.

Through these Forums, Aboriginal Territorians will be able to: provide their views on the proposed Treaty Framework; share their vision and expectations for a Territory-wide treaty; inform development

of and engage in the truth-telling process; and inform development of regional, local and national Voices.

The NT Government will ensure that these conversation are taken out of the major centres to towns, communities and homelands to hear the views of clan groups, families, and households.

The NT Government will also ensure that the treaty pathway is underpinned by Truth-Telling. Truth-telling is a process where we collectively confront the pain, trauma and injustices visited on Aboriginal Territorians through colonisation. It is also about understanding how these impacts shape the lives of people and systems today, and why there is a need for change, healing and genuine reconciliation.

Truth-Telling is something we can and will progress as a priority through the Aboriginal Interpreter Service, which will be resourced to commence capturing peoples' stories early next year in regional offices currently equipped with recording booths. The NT Government will also establish mechanisms for Truth-Telling to take place in cities and towns, and for people who do not speak an Aboriginal language.

This will be a difficult process for many people. It will bring up past hurt and trauma. The NT Government will make sure that we have support services in place to help people who come forward to tell their stories.

The Territory Government looks forward to sharing more details with Territorians about the Truth-Telling process and the First Nations Forums, and about how people can continue to be part of the treaty journey.

Further next steps will be informed through 2023 in-line with the results of stakeholder engagement and developments at the Federal level, and will be led by the Treaty Unit within the Office of Aboriginal Affairs.

Beyond the matters outlined above, the Treaty Unit is responsible for developing and implementing treaty-related legislation and policy and engaging with the Commonwealth around Voice developments and funding for the treaty process.

While the NT Government does not expect Aboriginal Territorians to speak with one voice when it comes to treaty – we encourage everyone to make sure their voice is heard in the process so we can deliver on a framework that underpins and drives real outcomes for Territorians, no matter where they live.

