

# Advancing the Victorian Treaty Process

Annual Report and Plan 2018-19





**TREATY**  
**FOR VICTORIA**

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# Contents

<b>Acknowledgement</b>	<b>3</b>
<b>Statutory context and reporting requirements</b>	<b>4</b>
<b>Message from the Minister</b>	<b>5</b>
<b>Annual Report</b>	<b>6</b>
<b>Colonisation and Aboriginal advocacy in Victoria</b>	<b>9</b>
<b>The Victorian treaty process</b>	<b>10</b>
<b>Phase 1: Representation, engagement and preparation</b>	<b>12</b>
Self-determination, community aspirations and legislation .....	13
Establishing a representative body for Aboriginal Victorians .....	14
Engaging Victorians in the treaty process .....	18
The State prepares to work with the Aboriginal Representative Body .....	20
<b>Progress towards establishing the treaty elements by agreement</b>	<b>21</b>
<b>Key events and activities</b>	<b>22</b>
<b>Plan for declaration of Aboriginal Representative Body</b>	<b>28</b>



*Aboriginal readers are advised that this document may include photos, quotations and/or names of people who are deceased.*





## Acknowledgement

We proudly acknowledge the First Peoples of Victoria and their ongoing strength in practising the world's oldest living culture. We acknowledge the Traditional Owners of the lands and waters on which we live and work and pay our respects to their Elders past and present.

Victorian Traditional Owners maintain that their sovereignty has never been ceded, and Aboriginal Victorians have long called for treaty. From time immemorial Victorian Traditional Owners have practised their laws, customs and languages, and nurtured Country through their spiritual, cultural, material and economic connections to land, water and resources. Through the strength, resilience and pride of Aboriginal Victorians, their cultures, communities and economies endure and continue to grow and thrive today.

The State acknowledges the diversity of Aboriginal Victorians, their communities and cultures, and the intrinsic connection of Traditional Owners to Country.

## Statutory context and reporting requirements

In August 2018, the *Advancing the Treaty Process with Aboriginal Victorians Act 2018* (Treaty Act) became law, having passed through both houses of the Victorian Parliament in June 2018.

Under the Treaty Act, the Minister for Aboriginal Affairs is required to prepare an annual report on the work of the State in advancing the treaty process. The reporting requirements under the Treaty Act are set out in Part 8, which also requires the Aboriginal Representative Body, once established, to report annually on its work.

These reporting requirements ensure that the Aboriginal Representative Body and the State are transparent in their work to advance treaty in Victoria.

**Part A of this document constitutes the Minister's annual report for the 2018-19 financial year, in accordance with Part 8 of the Treaty Act.**

Section 11 of the Treaty Act provides that the Minister for Aboriginal Affairs, on the recommendation of the Victorian Treaty Advancement Commissioner, must declare an entity to be the Aboriginal Representative Body. Section 13 of the Treaty Act adds that, if this declaration has not been made before 1 July 2019, the Minister must cause a plan for making a timely Aboriginal Representative Body declaration to be laid before each House of Parliament on or before 15 sitting days after that day.

**Part B of this document includes the Minister's plan for making a timely declaration.**

# Message from the Minister



*When the **Advancing the Treaty Process with Aboriginal Victorians Act 2018** passed through both houses of Parliament in June 2018 it became the first piece of treaty-related legislation in Australia's history. In partnership with the Aboriginal community, the government is leading the nation in developing a transparent, positive and impactful path for advancing treaty.*

I began working in Aboriginal affairs almost 40 years ago and to play a role in the Victorian treaty process as Minister for Aboriginal Affairs is something that I am honoured to do.

We would not be here today without the Aboriginal Victorians who have fought for the recognition of their rights. Our current treaty process is only possible because of the strength, hope and unwavering dedication of generations of Aboriginal Victorians. It has been a long and focused fight and a lot is owed to the people who stood at the front of that fight, often in the face of racism, oppression and marginalisation.

I acknowledge there is a sorry history associated with the last 200 years in this country – a history that adversely disrupted what had been an extraordinary habitation of this continent for tens of thousands of years. There is unfinished business in this nation of addressing those matters that should never have come to be.

Treaty is about recognising past wrongs committed against the Aboriginal community. About acknowledging the unique position of Aboriginal Victorians in this state. About official apologies and truth-telling. About a commitment to true self determination and autonomy. Treaty is about reconciliation.

This government is committed to reframing relationships with Aboriginal Victorians to one of true self-determination. A relationship where government understands that the best outcomes for Aboriginal people will come when Aboriginal people are given control and power over decisions that affect their own lives, and their communities.

I want to acknowledge the work of the Aboriginal Treaty Working Group. Since July 2016, the Working Group has provided sound advice to the community and government in the treaty making process and I continue to value their guidance.

I want to also acknowledge Victorian Treaty Advancement Commissioner Jill Gallagher AO. The Commission's continual drive to maintain the momentum of the treaty process and work to set up the First Peoples' Assembly of Victoria is to be celebrated. Without the Commission, the treaty process would not be where it is today.

This government also recognises that treaty is for all Victorians. Treaties can help to heal the past and place the present on a more just footing. But treaties are also about our collective ambitions for a future to which all can aspire. This means that all Victorians can, and should, be able to claim that they benefit from treaty.

Aboriginal Victorians and Traditional Owners have a diverse range of views on treaty and the treaty process in Victoria. This is appropriate. It reflects the seriousness of the undertaking.

It is unlikely that the treaty process will please all people, all the time. Nevertheless, all views, in all their diversity, need to be heard and respected throughout the entire process.

We are not baulking at how challenging this is.

We understand that the path to treaty or treaties is not simple. Treaty is something that has not been done before in Australia. We are doing nothing less than breaking new ground in the way that government must work with Aboriginal Victorians.

A handwritten signature in blue ink, appearing to read 'Gavin Jennings', written over a stylized blue graphic element that resembles a signature or a set of initials.

**Gavin Jennings MLC**  
Minister for Aboriginal Affairs

# Annual Report

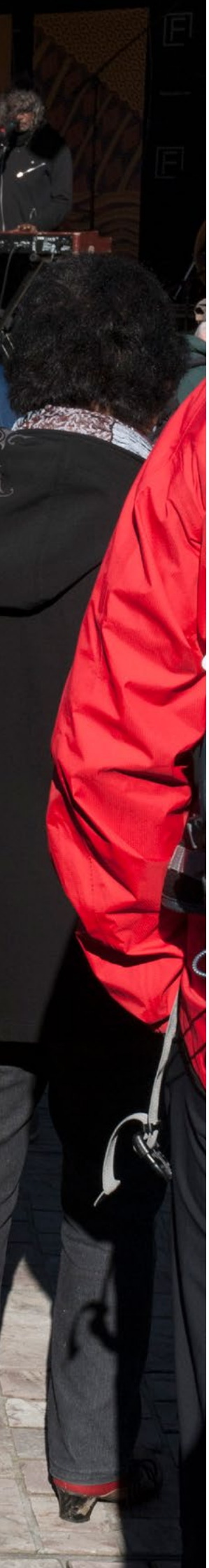


Credit: AFL Photos.









# Colonisation and Aboriginal advocacy in Victoria

The Victorian treaty process should be understood against a history of dispossession, displacement and cultural loss which is also, and at the same time, a history of resistance, strength and passionate advocacy by generations of Aboriginal Victorians.

Victoria now seeks to lead the nation by making self-determination the cornerstone of policy in Aboriginal affairs. But it is also important to acknowledge that it once led the nation in ways that denied and undermined that very self-determination.

The early years of colonial settlement caused rapid, and massive, population loss among Aboriginal Victorians. Compounding the suffering this must have caused, Aboriginal Victorians were subjected to ever-increasing levels of supervision, intervention and monitoring as they were forcefully moved onto missions and reserves. Indeed, Victoria was the first Australian colony to introduce comprehensive formal legislation empowering missionaries and station managers to regulate where Aboriginal people lived, ate and slept, as well as their employment.

Far from subsiding in the twentieth century, intervention into the lives of Aboriginal Victorians grew gradually more intrusive. Connection to Country was further damaged as lands were taken, policies of assimilation systematically sought to undermine culture and families were broken apart by the enduring shame that is the Stolen Generations.

It is true that similar patterns of personal, cultural and territorial loss were experienced by first peoples in other British settler societies. But there is an important difference. For, in what is now the USA, Canada and New Zealand, there was early and ongoing recognition of the political organisation and authority of first peoples and, importantly, a practice of treaty-making.

In these countries, treaties with first peoples are not merely pieces of history.

They are living documents. They ground mutual rights, responsibilities and relationships. At their best, these treaties create shared social, political and legal frameworks which establish ground rules for the interactions between peoples, while maintaining respect for difference.

In Victoria, as in Australia more generally, the pernicious and erroneous doctrine of *terra nullius* meant such treaty-making did not occur. This is to the disadvantage of all Victorians, not only Aboriginal Victorians.

It is important to acknowledge here that Aboriginal Victorians have never been merely passive victims of this history.

Generations of Aboriginal Victorians, Traditional Owners, Elders, nations, families, organisations, communities and others have resisted, petitioned, protested and fought to keep connection to culture and Country alive, have rights protected and their political status and authority recognised. And Aboriginal Victorians have long called for treaty.

It is not possible here to do justice to all these stories of dedication, hope and advocacy in the face of dislocation and trauma, denial and dispossession. Besides, these stories are not government's to tell. But the Victorian Government is committed to listening and to working together with Aboriginal Victorians and Traditional Owners to finally, belatedly, progress treaty in Victoria.

The next section of this annual report outlines the progress that has been made so far to advance treaty in Victoria. It highlights, too, the significant work left to do to develop a treaty or treaties able to address the consequences of Victoria's past and create new relationships for its future.

# The Victorian treaty process

Calls by Aboriginal Victorians for treaty are as old as the colony of Victoria. However, it wasn't until 2015, when the Victorian Government committed to embedding self-determination as the guiding principle in Aboriginal affairs, that these calls started to find receptive ears. At a self-determination forum in February 2016, the Aboriginal community was clear and consistent that there could be no self-determination without treaty. The Victorian Government heard this call and, in partnership with Aboriginal Victorians, is leading the nation to progress treaty and advance Aboriginal self-determination.

Victoria has embarked on a treaty process comprised of three phases.

## Phase 1 – Establishing an Aboriginal Representative Body

Phase 1 began with the Victorian Government's commitment to treaty. Since then many steps have been taken to make this commitment a reality. These steps include extensive community consultation, the appointment of a dedicated Victorian Treaty Advancement Commissioner, the launch of an award-winning campaign to build public awareness and support for treaty and the passage of the Treaty Act, Australia's first treaty legislation.

Phase 1 will culminate in the Commissioner establishing the First Peoples' Assembly of Victoria and recommending that the Minister for Aboriginal Affairs declare it to be what the Treaty Act calls the Aboriginal Representative Body. The Aboriginal Representative Body will be the first statewide, elected representative body for Aboriginal Victorians in the state's history. It is this body that will work with the State of Victoria in Phase 2.

To avoid confusion, in this report the Assembly will be referred to as the Aboriginal Representative Body, unless otherwise stated. The Aboriginal

Representative Body will be an independent and culturally strong body comprised of Victorian Traditional Owners.

This report describes the work undertaken in Phase 1 in further detail. An overview of key events and activities of Phase 1 can be found in the table on pages 22 – 25.

## Phase 2 – Developing a treaty framework

Phase 2 will commence once the Minister for Aboriginal Affairs makes a declaration of the Aboriginal Representative Body by means of notice in the Victorian Government Gazette. This will trigger certain obligations for the Aboriginal Representative Body and State under the Treaty Act. These obligations require the Aboriginal Representative Body and State to work in partnership to establish the elements necessary to support future treaty negotiations: a Treaty Authority, treaty negotiation framework and self-determination fund.

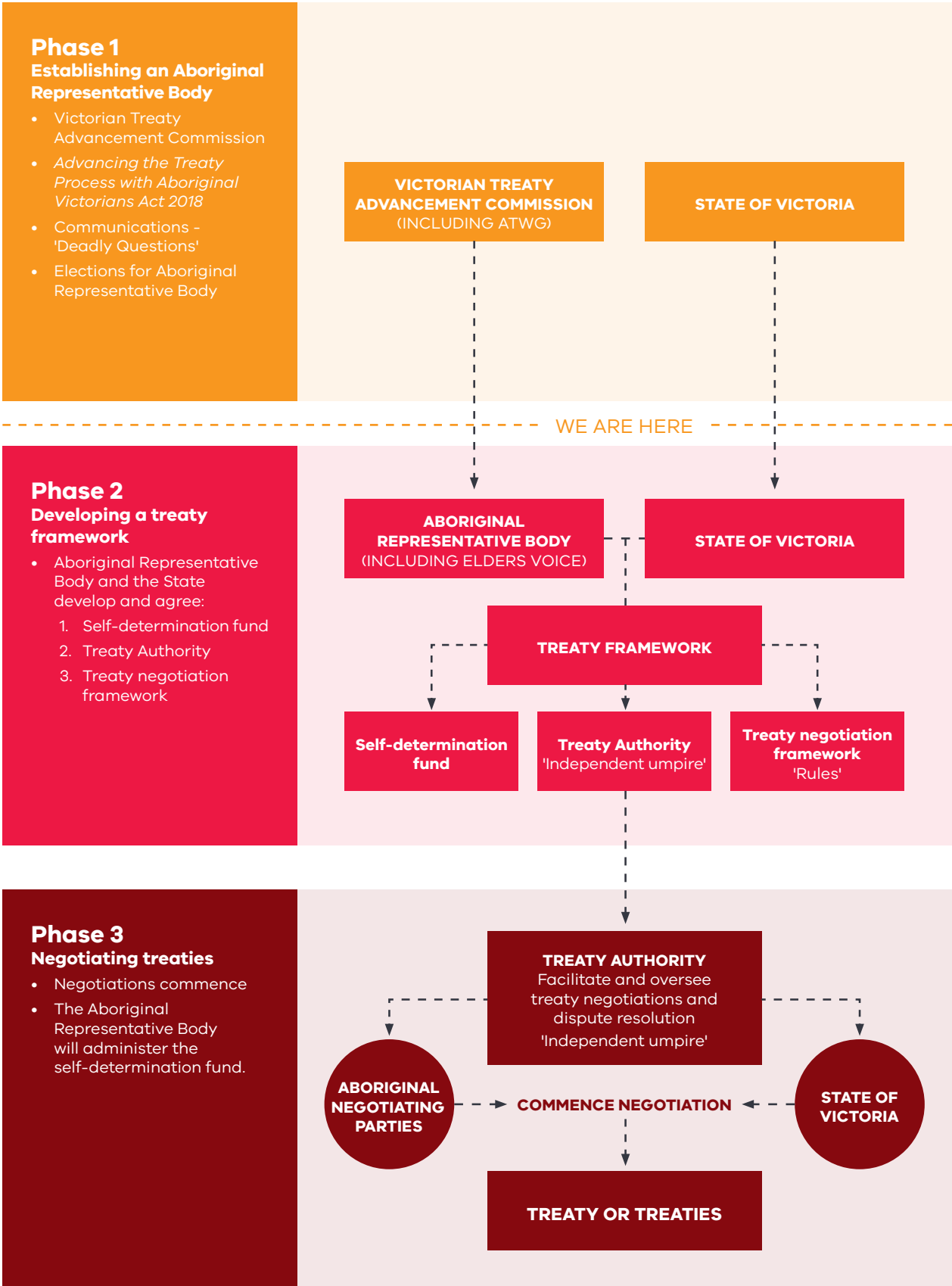
Phase 2 will not involve the negotiation of a treaty or treaties, as it is not the function of the Aboriginal Representative Body. Instead, the Aboriginal Representative Body, as the representative of all Aboriginal Victorians, will determine the entities that will be parties to the treaty process and which will negotiate a treaty or treaties with the State in Phase 3.

## Phase 3 – Negotiating treaties

Phase 3 will commence once the State and the Aboriginal Representative Body have set up the elements required to support future treaty negotiations and once the parties are ready to begin negotiations.

As set out in the Treaty Act, the treaty negotiation framework must provide for the negotiation of a treaty or treaties that recognise historic wrongs, support reconciliation and have positive impacts for Victoria, among other matters. What this might look like, and any other content of a future treaty or treaties, will be subject to negotiation between the parties to any treaty or treaties.

During Phase 3, the self-determination fund will play a critical role in supporting Aboriginal negotiating parties to have an equal standing with the State in treaty negotiations. The Aboriginal Representative Body will administer the self-determination fund.



**Note:** there may be many different Aboriginal negotiating parties which work within the rules of the treaty negotiating framework, representing entities such as clans or nations.

# Phase 1: Representation, engagement and preparation

This section of the report outlines the progress made by the government in advancing the treaty process, in partnership with Traditional Owners and Aboriginal Victorians. It is comprised of four parts.

The first part briefly provides the policy, community and legislative context that will aid understanding of the work that has happened to progress treaty since 2016. The second part focuses on the efforts that have been made by both government and community to establish a representative body for Aboriginal Victorians, the Aboriginal Representative Body. The third part outlines the extensive work that has been undertaken to engage with all Victorians on treaty. The fourth, and final, part provides a brief account of the ways in which government is preparing the State to work effectively with the Aboriginal Representative Body.



# Self-determination, community aspirations and legislation

## A significant shift in Aboriginal affairs

A significant shift in Aboriginal affairs has occurred over the past few years, as the Victorian Government works to create a new relationship with Aboriginal peoples based on self-determination. This radical change in approach was announced by the Premier of Victoria, the Hon Daniel Andrews MP, in a speech given early in 2015 on the topic of Closing the Gap. In his speech, the Premier said:

*Aboriginal health outcomes are best when Aboriginal Victorians control them. And that's the direction we have to lead.*

*At the moment, our definition of leadership is giving Aboriginal Victorians a seat at our table. But real leadership is about making it their table, too.*

*Our effort must have heart and it must have ears. It must be for Aboriginal people and by Aboriginal people.*

*It cannot simply be an obstacle course full of whitefella targets.*

## A renewed call for treaty

In February 2016, a self-determination forum was held, at which the Victorian Aboriginal community continued calls for treaty in Victoria as necessary for promoting Aboriginal self-determination. This led to the Premier making a public commitment to exploring treaty. In April and May 2016, the Department of Premier and Cabinet conducted extensive community consultations on treaty and self-determination in Mildura, Horsham, Shepparton and Bairnsdale. These consultations gave rise to the first Aboriginal Victoria Forum, held over two days on 26 and 27 May 2016.

Out of the first Aboriginal Victoria Forum came a commitment to create an Aboriginal Treaty Working Group to develop a procedure for the next stage of the treaty process and identify the potential roles and functions of an Aboriginal Representative Body.

Government has since been committed to working in partnership with Aboriginal Victorians to take concrete and meaningful steps to advance the treaty process, while ensuring that community leads the way in determining its own form of representation in that process. To this end, government has hosted further Aboriginal Victoria Forums, worked closely with the Aboriginal Treaty Working Group, supported the creation of the office of the independent Victorian Treaty Advancement Commissioner and ensured funding is available for community to lead its own discussions on treaty.

Treaty is for all Victorians. To this end, government has also undertaken activities with the aim of engaging all Victorians in the treaty process through the development of an award-winning 'Deadly Questions' campaign and support for Reconciliation Victoria.

## Australia's first treaty legislation

In August 2018, this work received added impetus when the Treaty Act came into force. The Treaty Act formalises in statute a roadmap for advancing treaty in Victoria. It is the first piece of treaty-related legislation in Australia's history.

The Treaty Act requires the State to work in partnership with a future Aboriginal Representative Body to establish by agreement:

- an independent **Treaty Authority**, to oversee and facilitate treaty negotiations
- a **treaty negotiation framework**, which sets out the rules and process for future treaty negotiations
- a **self-determination fund**, which will provide Aboriginal Victorians with an independent financial resource to support their equal standing with the State in treaty negotiations.

# Establishing a representative body for Aboriginal Victorians

## The Aboriginal Treaty Working Group leads early community consultations

The Aboriginal Treaty Working Group was established in July 2016 to bring community voices into the heart of the treaty process. Working Group members are Victorian Traditional Owners from across the state, representing Elders, young people and statewide Aboriginal community-controlled organisations.

Initial consultations revealed that a statewide representative body for Aboriginal Victorians was needed, to act as the State's equal partner in designing a treaty framework. From July 2016 to December 2016, the Working Group engaged with the Aboriginal community on the potential functions of this representative body and to design principles to inform its creation. The Working Group also supported the Aboriginal community to hold 'treaty circles' – smaller community-led consultations – and have their say through an online 'message stick'.

Further consultations were held in March 2017 to ask Aboriginal Victorians what structure the representative body should take and how it should represent the community.

## The Aboriginal Community Assembly resolves outstanding questions

An Aboriginal Community Assembly was convened in November and December 2017 to resolve outstanding questions relating to the design of the Aboriginal Representative Body. The Community Assembly was designed by the Working Group and comprised 31 Aboriginal Victorians selected through an open process independent of government. Membership of the Community Assembly reflected the diversity of Victoria's Aboriginal community, with strong representation of Elders and Traditional Owners.

The Community Assembly looked at questions relating to community representation, governance and the entity structure of the Aboriginal Representative Body. From its deliberations,

the Community Assembly developed a series of detailed recommendations on the design of the Aboriginal Representative Body. Together with community consultations, these recommendations informed the Working Group's final report on the design of the Aboriginal Representative Body.

The Community Assembly's *Final Statement and Recommendations to the Aboriginal Treaty Working Group* can be found on the Victorian Treaty Advancement Commission website, at: [victtreatyadvancement.org.au/publications](http://victtreatyadvancement.org.au/publications).

## A dedicated, independent treaty commissioner is appointed

The office of the Victorian Treaty Advancement Commissioner was established in December 2017. Following an open recruitment process, Ms Jill Gallagher AO was appointed as Commissioner and commenced in the role in January 2018. Ms Gallagher is a Gunditjmara woman from western Victoria who has dedicated her life to advocating for the Victorian Aboriginal community.

The Commissioner is not subject to ministerial direction. The Commissioner is supported by the Victorian Treaty Advancement Commission, an independent office set up to establish the Aboriginal Representative Body and maintain the momentum of the treaty process, which commenced operation in January 2018. The creation of the Commission has promoted self-determination and provided greater independence for Aboriginal Victorians in the treaty process. This separation between government and the Commission has ensured that work to establish the Aboriginal Representative Body is led by Aboriginal Victorians.

## The Aboriginal Representative Body takes shape

In March 2018, the Working Group presented its *Final Report on the Design of the Aboriginal Representative Body 2018* to the Minister for Aboriginal Affairs and the Commissioner.

The report explicitly states that the Aboriginal Representative Body will not negotiate a treaty or treaties for Country. Rather, its primary



responsibility will be to establish, in partnership with the State, the elements to support future negotiations. The report also recommends that the Aboriginal Representative Body be democratic, made up of Traditional Owners and take the form of a company limited by guarantee.

The Working Group's report is available online and can be found at: [vic.gov.au/aboriginalvictoria/treaty/final-report-on-the-design-of-the-aboriginal-representative-body.html](http://vic.gov.au/aboriginalvictoria/treaty/final-report-on-the-design-of-the-aboriginal-representative-body.html).

## Working with community to make the Aboriginal Representative Body a reality

Since launching, the Commission has run more than 80 community discussions across regional Victoria and metropolitan Melbourne, speaking to over 1,500 Aboriginal people.

The Commission has also spoken to 400 Aboriginal people in 15 corrections facilities about the treaty process and the establishment of the Aboriginal Representative Body, to ensure that all Aboriginal Victorians have had an opportunity to have their voices heard in the process.

In September 2018, the Commission held the Treaty Statewide Gathering and Elders Forum. More than 400 Aboriginal Victorians attended the Treaty Statewide Gathering with many more watching a livestream broadcast online. This was a chance for participants to discuss and question the initial Aboriginal Representative Body model which had been developed based on the recommendations of the Aboriginal Treaty Working Group and years of community consultations.

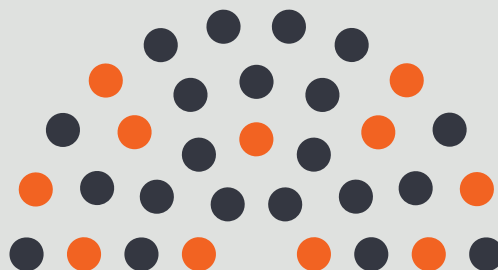
The Elders Forum was attended by 100 Elders from across Victoria and fostered discussions about how to incorporate an Elders' structure or enduring Elders' voice within the future Aboriginal Representative Body.

The Commission has prepared two reports on the discussions and community feedback as expressed at the Treaty Statewide Gathering and Elders Forum. These reports, together with reports from earlier community gatherings, can be found on the Commission's website at: [victreatyadvancement.org.au/publications](http://victreatyadvancement.org.au/publications).

## The final design of the Aboriginal Representative Body is announced

After reviewing feedback and engaging with Aboriginal communities across the state, the Commissioner announced the final design of the Aboriginal Representative Body in February 2019.

The Aboriginal Representative Body will comprise 32 Victorian Traditional Owners, including 11 designated seats for a representative of each of the 11 formally recognised Traditional Owner groups and 21 representatives that will be elected from across Victoria.



21

members will be elected through a vote of Victorian communities.

11

seats will be allocated to the 11 formally recognised Traditional Owner groups. As more groups reach recognition, the number of seats will adjust.

**Aboriginal Representative Body members will elect an executive and co-chairs to lead Aboriginal Representative Body business.**



# First Peoples' Assembly of Victoria

*The Victorian Treaty  
Advancement Commissioner  
has announced that the  
Aboriginal Representative  
Body will be known as the First  
Peoples' Assembly of Victoria.*

A competition inviting Aboriginal Victorians to submit entries for the Aboriginal Representative Body logo was won by Tom Day, a Kerrupmara-Gunditjmara, Yorta Yorta and Wemba Wemba artist.

## Elections to the Assembly open

The Commission has been undertaking preparations for the election to the Assembly throughout 2019.

In May 2019, the Commission released eligibility rules for those enrolling to vote and nominating as candidates. Eligibility to vote is open to Aboriginal and Torres Strait Islander people aged 16 and over, who are either Traditional Owners of country in Victoria or have lived in Victoria for at least three of the past five years. Only Victorian Traditional Owners are eligible to nominate as candidates.

The Assembly will be comprised of 32 seats. These will include 21 seats for general representatives elected through a vote of all eligible Aboriginal Victorians (General Members) and 11 seats for representatives appointed to guaranteed seats by each of the formally recognised Traditional Owner Groups (Guaranteed Seats Members).

Enrolments to the Aboriginal Electoral Roll for the Assembly election opened on 10 May 2019. Candidate nominations for those seeking to be elected as representatives opened on 27 May 2019.

In response to community feedback, in June 2019 the Commissioner announced that the timeframe for the election was being extended. This is to give the Aboriginal community more time to participate in the election process.

The election will take place between 16 September and 20 October 2019, with voting available online, by post and in person at designated electoral booths. Information and enrolment was hosted at [firstpeoplesvic.org](http://firstpeoplesvic.org).

## The Commission raises awareness of the election

To encourage participation in the election process, the Commission is working with the Victorian Aboriginal Community Controlled Health Organisation and the Federation of Victorian Traditional Owner Corporations to employ eleven Assembly election officers to be responsible for facilitating community participation in the election process.

From May to October 2019 the Assembly election officers will provide face-to-face information about the election process and assist in facilitating community participation and increasing nominations for the election across both regional and metropolitan areas.

Awareness of treaty and the election was increased through the Treaty For Victoria website, launched on 11 May 2019 ([treatyforvictoria.org.au](http://treatyforvictoria.org.au)).

This awareness was further boosted by a partnership with 'Dreamtime at the G' on 25 May 2019, with an opportunity for voters to enrol prior to the game. Alongside this event, partnerships with both Richmond Football Club and Essendon Football Club created further awareness of treaty and encouraged greater participation in the process through the launch of respective guernseys displaying the Treaty For Victoria logo.

The Commission has also delivered a targeted enrolment campaign, raising awareness through television advertisements, Facebook live events where community members submit questions live and through hosting treaty conversations and attending community events.

## The future of the Assembly

The Minister, on the recommendation of the Commissioner, must declare an entity to be the Aboriginal Representative Body, for the purposes of the Treaty Act. Once the election outcomes are finalised, the Commissioner will recommend to the Minister for Aboriginal Affairs the Assembly be declared to be the Aboriginal Representative Body. A plan for how the Minister will make this declaration is set out on pages 28 - 31.

The Treaty Act gives the future Aboriginal Representative Body formal, legal standing in the treaty process. The Aboriginal Representative Body will be the sole representative of Aboriginal Victorians in shaping the treaty process and will represent the diversity of the Victorian Aboriginal community. The Aboriginal Representative Body will work as the State's equal partner in establishing the elements necessary to support future treaty negotiations.

# Engaging Victorians in the treaty process

## The Commission's work extends beyond the Aboriginal Representative Body

The Commission has undertaken wide spread community consultations, partnered with high-profile organisations and created an online presence for treaty. This work has been instrumental in developing a meaningful process for establishing the Aboriginal Representative Body. But it has also provided an important forum through which Aboriginal Victorians and Traditional Owners have been able to engage in the broader treaty process, keep up to date with developments and share their aspirations for treaty.

## The Deadly Questions campaign successfully changes attitudes

The Deadly Questions campaign was launched by the government in June 2018. It aims to build understanding between Aboriginal and non-Aboriginal people and give Aboriginal Victorians a platform to tell their stories and amplify their voices. Deadly Questions will also play an important role in ensuring all Victorians understand the progress and significance of the treaty process.

Deadly Questions provides an opportunity for non-Aboriginal Victorians to acquire a deeper understanding of Aboriginal cultures, history, and the issues facing Aboriginal communities. To this end, the Deadly Questions website ([deadlyquestions.vic.gov.au](http://deadlyquestions.vic.gov.au)) contains videos and written content from Aboriginal Victorians in response to a range of questions posed by the Victorian public.

Since its launch, the Deadly Questions website has received more than 616,000 page visits and close to 4,000 questions have been asked. Beyond this, the campaign has had significant reach, with over 48 million online impressions. Advertising has been used throughout the state, across digital platforms, billboards, radio, television and print media.

Independent research has highlighted the success of the campaign and the ability to increase engagement with treaty through its continuation. Of surveyed Victorians for the research, 51 per cent agreed/strongly agreed that the "State Government should formalise new relationships with Aboriginal Victorians", and increase of seven per cent from before the campaign.

## The Treaty Community Engagement Program strengthens engagement

In June 2018, the government and the Commissioner announced the launch of the Treaty Community Engagement Program. The Treaty Community Engagement Program supports Traditional Owner groups, non-formally recognised groups and other Aboriginal organisations and businesses to:

- engage with Victorian Aboriginal communities and non-Aboriginal Victorians on key matters relating to the treaty process
- gain practical insights into how self-determination and treaty can strengthen Victorian communities
- build capacity amongst Traditional Owners and other Victorian Aboriginal groups in preparation for the next phase of the treaty process.

There are two funding streams. Treaty Engagement Grants, of up to \$100,000 each, support deep, ongoing consultation, strategic planning and research regarding self-determination and treaty. Treaty Circle Grants, of up to \$10,000 each, fund smaller consultations on key matters relating to treaty.

As at June 2019, the Treaty Community Engagement Program has provided nearly \$2 million in grants to over 30 Aboriginal organisations across Victoria, with more grants to come. These grants have gone to both formally and non-formally recognised groups, highlighting the importance placed by the government on equitably supporting the engagement of all Traditional Owners and Aboriginal Victorians in the treaty process.

Further information on the Treaty Community Engagement Program, and a list of recipients to date, can be found on the Aboriginal Victoria website at: [vic.gov.au/aboriginalvictoria/grants-funding-and-training/treaty-community-engagement-program](http://vic.gov.au/aboriginalvictoria/grants-funding-and-training/treaty-community-engagement-program).

## The Federation of Victorian Traditional Owner Corporations talks treaty

In April 2018, the government provided a grant to the Federation of Victorian Traditional Owner Corporations to engage Traditional Owners in the treaty process. The aim of the Federation's work is to engage, inform, prepare and empower Aboriginal Victorians to participate in the treaty process. This work supports the broader Federation vision of resilient and strong Traditional Owner groups across Victoria.

As part of this work, the Federation has held meetings with Traditional Owner groups in formally recognised and non-formally recognised areas across Victoria, in collaboration with the Commission. The Federation has offered support and designed engagement strategies in ways that fit best with the needs and interests of each group. The Federation has reported on the outcomes of its' engagement to the Commission, to assist in informing the Commission's work.

## Reconciliation Victoria engages non-Aboriginal Victorians

In 2018, the government provided funding to Reconciliation Victoria, the statewide body promoting reconciliation across Victoria. This funding was provided to engage the non-Aboriginal community in the treaty process. Reconciliation Victoria's activities have included accompanying the Commission for some of their regional roadshows and providing support to local reconciliation action groups to ensure the community is informed about the treaty process.



# Deadly questions

You ask. Aboriginal Victorians answer.

What's the best thing about being Aboriginal?

2 ANSWERS

mean to

What will a Treaty mean for Aboriginal people?

Aboriginal people still  
experience racism every day?

2 ANSWERS

Why can't Aboriginal people get over the past?

2 ANSWERS

Are light-skinned Aboriginal people treated differently?

## The State prepares to work with the Aboriginal Representative Body

We are currently nearing the end of Phase 1 of the treaty process, which will be complete with the declaration of the Aboriginal Representative Body later in 2019.

For the remainder of Phase 1, government will prepare the State to work with the Aboriginal Representative Body to progress the elements necessary to support treaty making, as required by the Treaty Act.

These preparations will involve ensuring that representatives of the State understand the obligations set out in the Treaty Act. In particular, the Treaty Act requires both the Aboriginal Representative Body and the State to act in accordance with certain guiding principles. These guiding principles are:

- Self-determination and empowerment
- Fairness and equality
- Partnership and good faith
- Mutual benefit and sustainability
- Transparency and accountability.

The government is committed to ensuring that these guiding principles shape all its interactions with the Aboriginal Representative Body. To this end, it is undertaking work to consider how the guiding principles in the Act should be applied in practice.

The government's preparations will also involve the establishment of a specialist team to represent the State in Phase 2 discussions with the Aboriginal Representative Body, as well as the development of an appropriate and efficient authorising environment and approvals process to ensure the State can participate in discussions in a responsive and accountable manner.



# Progress towards establishing the treaty elements by agreement

Under the Treaty Act, the State and a future Aboriginal Representative Body must work together to create:

- the Treaty Authority
- the treaty negotiation framework
- the self-determination fund.

These elements can only be established by agreement with the Aboriginal Representative Body. As such, the progress towards establishing these elements consists of the steps the government has taken to support the Commission to establish the Aboriginal Representative Body.



## Key events and activities

The table below presents a brief overview of key events and activities conducted for the purpose of working in partnership with Traditional Owners and Aboriginal Victorians in advancing the treaty process. It also highlights activities conducted by the State to engage Traditional Owners, Aboriginal Victorians and non-Aboriginal Victorians in the treaty process.

Date	Event / activity	Number of consultations	Description
<b>3 February 2016</b>	Self-determination forum	10 consultations, in: <ul style="list-style-type: none"> <li>Bairnsdale</li> <li>Ballarat</li> <li>Bendigo</li> <li>Geelong</li> <li>Heywood</li> <li>Melbourne</li> <li>Shepparton</li> <li>Traralgon</li> <li>Wangaratta</li> <li>Warrnambool</li> </ul>	Open community meetings are held across the state to discuss what self-determination means to Aboriginal Victorians. Community calls for treaty.
<b>26 March 2016</b>	Government commits to progressing treaty		Government heeds the call for treaty and commits to beginning treaty discussions with Aboriginal Victorians.
<b>April – May 2016</b>	Self-determination and treaty consultations	4 consultations, in: <ul style="list-style-type: none"> <li>Bairnsdale</li> <li>Horsham</li> <li>Mildura</li> <li>Shepparton</li> </ul>	Communities meet to discuss what self-determination and treaty means for Aboriginal Victorians.
<b>26 and 27 May 2016</b>	Aboriginal Victoria Treaty Forum	1 Statewide forum in Melbourne	The first statewide treaty forum is held. Key themes discussed include treaty, representative structures and self-determination.
<b>July 2016</b>	Aboriginal Treaty Working Group formed		The Aboriginal Treaty Working Group is formed to lead consultations on the treaty process and establish an Aboriginal Representative Body.
<b>October – December 2016</b>	Phase 1 of community consultations	10 consultations, in: <ul style="list-style-type: none"> <li>Bairnsdale</li> <li>Ballarat</li> <li>Bendigo</li> <li>Horsham</li> <li>Melbourne</li> <li>Mildura</li> <li>Morwell</li> <li>Shepparton</li> <li>Swan Hill</li> <li>Warrnambool</li> </ul>	The Aboriginal Treaty Working Group works with community to identify the potential roles and functions of an Aboriginal Representative Body.
<b>13 December 2016</b>	Aboriginal Victoria Treaty Forum	1 Statewide forum in Melbourne	This forum presents the findings from Phase 1 of community consultations as well as options to guide development of the Aboriginal Representative Body. Round-table workshops enable further consultation.

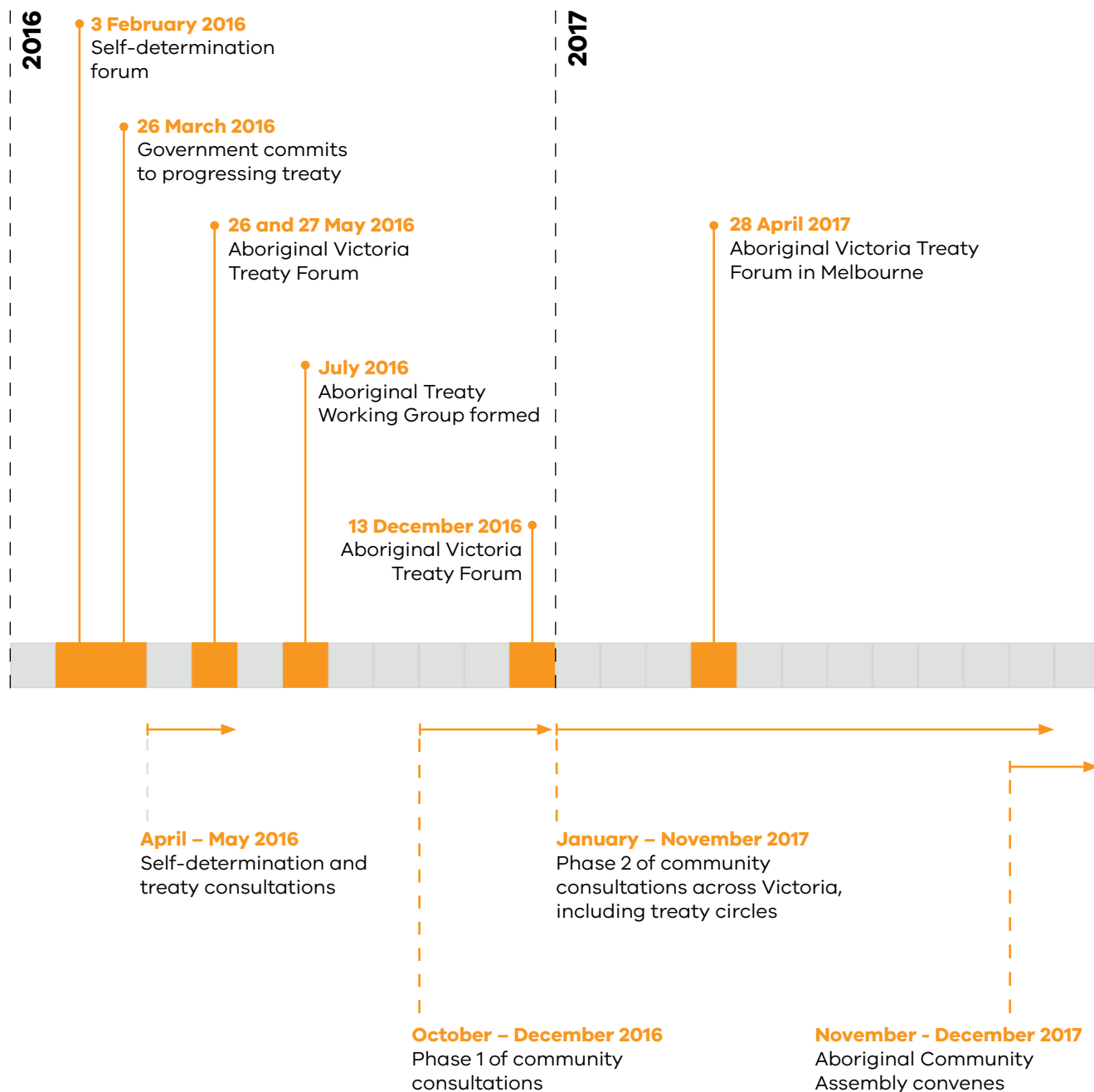


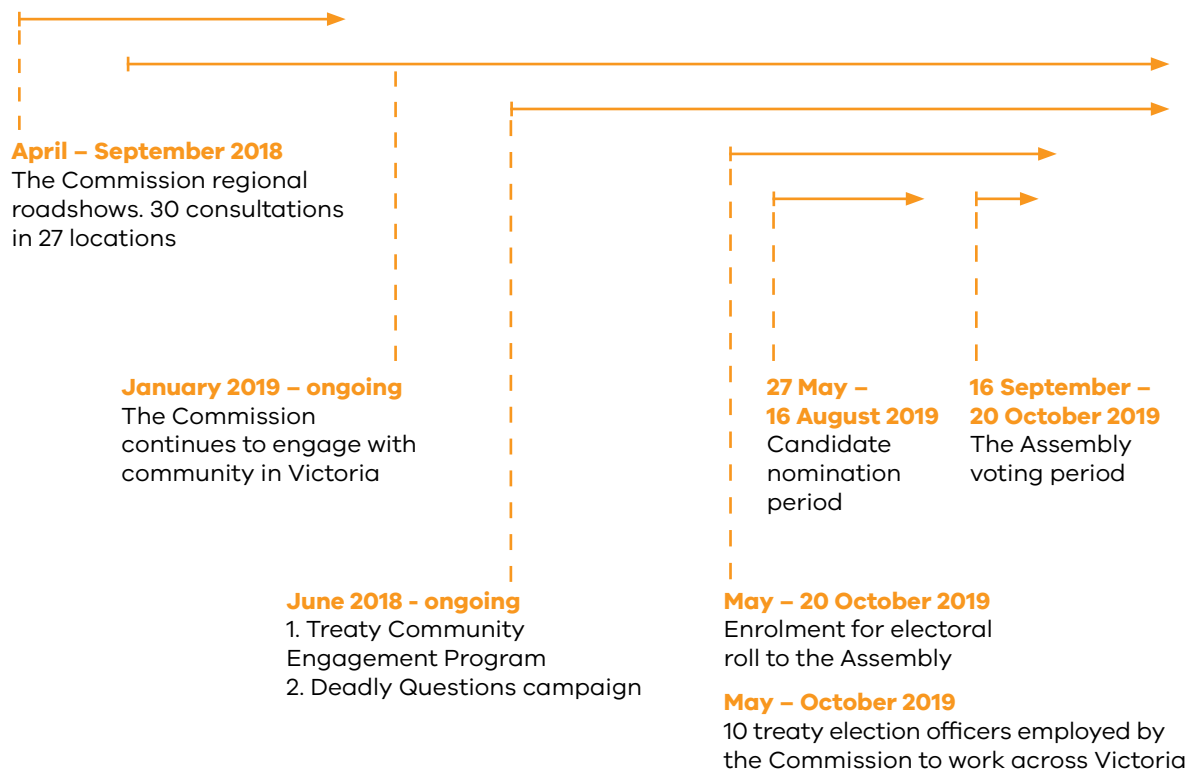
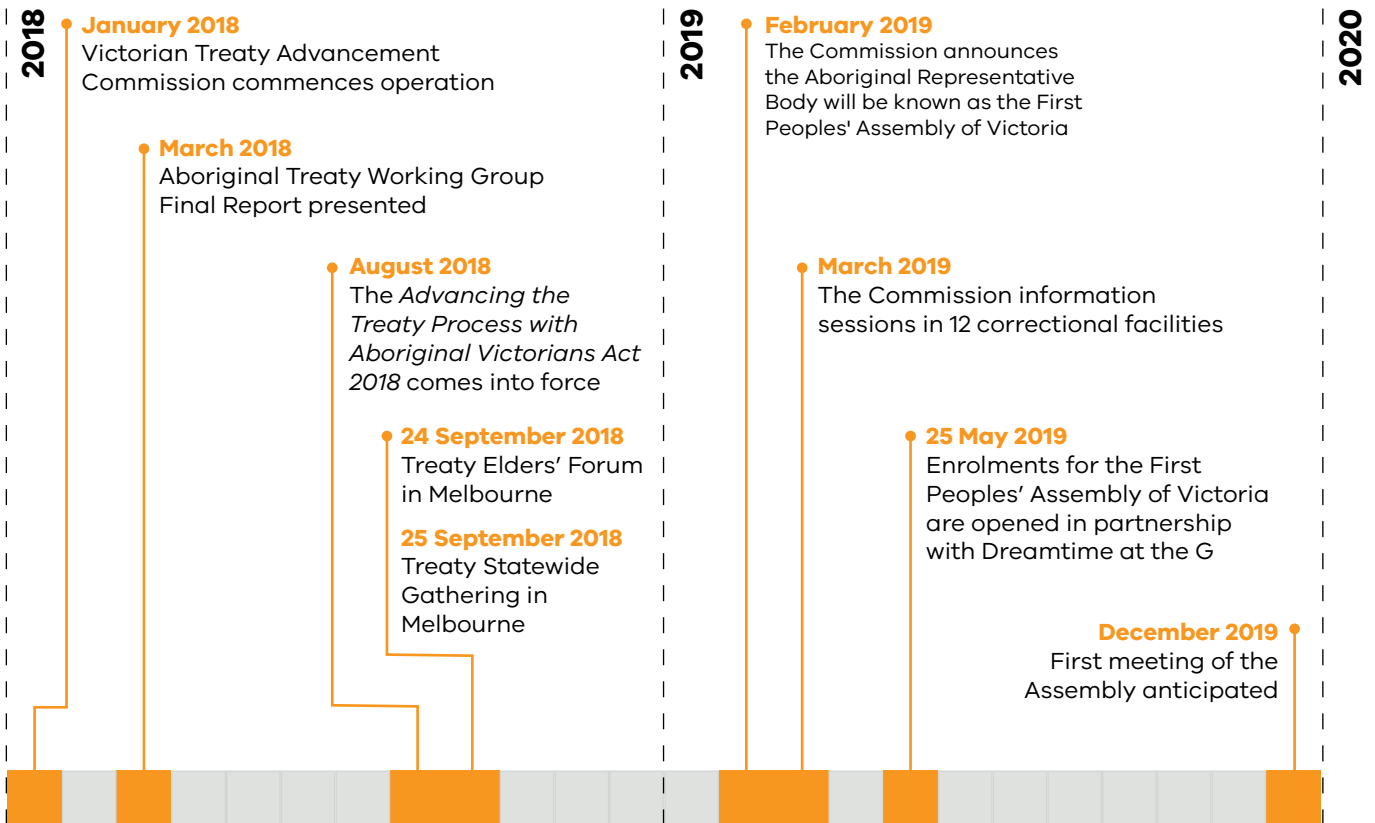
Date	Event / activity	Number of consultations	Description
<b>January – November 2017</b>	Phase 2 of community consultations, including treaty circles	6 consultations (in March 2017) in 6 locations: <ul style="list-style-type: none"> <li>Echuca</li> <li>Melbourne</li> <li>Mildura</li> <li>Portland</li> <li>Sale</li> <li>Wodonga</li> </ul>	The Aboriginal Treaty Working Group works with community and government on questions relating to representation, voting, candidate eligibility and the structure of the Aboriginal Representative Body. Discussions are held via treaty circles, face-to-face consultation and online 'message stick'.
<b>28 April 2017</b>	Aboriginal Victoria Treaty Forum	1 statewide forum in Melbourne	This forum presents the outcomes of the 10 consultations of March 2017, treaty circles and the online message stick, and advises on next steps in the treaty process.
<b>November 2017</b>	Aboriginal Community Assembly	1 Community Assembly convened over 6 days	The Aboriginal Community Assembly convenes to make recommendations to the Aboriginal Treaty Working Group on governance, representation and structure of the Aboriginal Representative Body.
<b>January 2018</b>	The Commission commences operation		Headed by the Victorian Treaty Advancement Commissioner, Jill Gallagher AO, the Commission is responsible for establishing the Aboriginal Representative Body, maintaining the momentum of the treaty process and ensuring community remains at the heart of the treaty process.
<b>March 2018</b>	Aboriginal Treaty Working Group Final Report presented		Following two years of engagement and consultation the Aboriginal Treaty Working Group presents its final report on the Aboriginal Representative Body. This report sets the direction for the work of the Commission.
<b>April 2018 – ongoing</b>	Federation of Victorian Traditional Owner Corporations is funded to engage on treaty	Various meetings with Traditional Owner groups in regional and metropolitan Victoria	The Federation of Victorian Traditional Owner Corporations are funded to engage on treaty and hold meetings with Traditional Owner groups in collaboration with the Commission.
<b>April – September 2018</b>	The Commission regional roadshows	44 discussions in 27 locations: <ul style="list-style-type: none"> <li>Bairnsdale</li> <li>Ballarat</li> <li>Bendigo</li> <li>Colac</li> <li>Echuca</li> <li>Framlingham</li> <li>Geelong</li> <li>Halls Gap</li> <li>Hamilton</li> <li>Heywood</li> <li>Horsham</li> <li>Lakes Entrance</li> <li>Lake Tyers</li> <li>Melbourne</li> <li>Mildura</li> <li>Morwell</li> <li>Orbost</li> <li>Portland</li> <li>Robinvale</li> <li>Sale</li> <li>Shepparton</li> <li>Swan Hill</li> <li>Wangaratta</li> <li>Warragul</li> <li>Warrnambool</li> <li>Wodonga</li> <li>Yarram</li> </ul>	Commission undertakes regional roadshows, leading consultations across Victoria with community on treaty and the Aboriginal Representative Body.

Date	Event / activity	Number of consultations	Description
<b>June 2018 - ongoing</b>	Treaty Community Engagement Program	Over 30 Aboriginal organisations have been funded across Victoria	The Treaty Community Engagement Program launches to support Traditional Owner groups and other Aboriginal organisations to engage with community and build capacity in preparation for the next phase of treaty. Treaty Circle Grants support small, community-led consultations and Treaty Engagement Grants support in-depth, ongoing engagement.
<b>June 2018 - ongoing</b>	Deadly Questions campaign	More than 616,000 page visits Approximately 4,000 questions asked	Deadly Questions provides an opportunity for non-Aboriginal Victorians to acquire a deeper understanding of Aboriginal cultures, history, and the issues facing Aboriginal communities. The Deadly Questions website contains videos and written content from Aboriginal Victorians in response to a range of questions posed by the Victorian public.
<b>July 2018 – June 2019</b>	Reconciliation Victoria is funded to carry out treaty engagement	Various 'Local Treaty Conversations' are hosted across metro Victoria	Reconciliation Victoria supports local and statewide conversations with non-Aboriginal communities.
<b>August 2018</b>	<i>The Advancing the Treaty Process with Aboriginal Victorians Act 2018</i> comes into force		Australia's first treaty legislation comes into force, setting out a roadmap for progressing treaty. The State and a future Aboriginal Representative Body must work together to create a treaty negotiation framework, a Treaty Authority and a self-determination fund, which, together, will make possible the future negotiation of a treaty or treaties.
<b>24 September 2018</b>	Treaty Elders' Forum	1 statewide forum in Melbourne	The Commission hosts a forum for Elders from across Victoria to discuss how the knowledge and skills of Elders can best be utilised to ensure the cultural integrity of the future Aboriginal Representative Body.
<b>25 September 2018</b>	Treaty Statewide Gathering	1 statewide forum in Melbourne	More than 400 Aboriginal Victorians attend the Treaty Statewide Gathering to discuss the initial Aboriginal Representative Body model developed by the Commission.

Date	Event / activity	Number of consultations	Description
<b>January 2019 – ongoing</b>	The Commission continues to engage with community	Consultations and events across Victoria	The Commission continues to seek feedback from community and works to maintain the momentum of the treaty process.
<b>January - March 2019</b>	Commission information sessions in correctional facilities	370 Aboriginal people in 12 corrections centres	Consultations take place in correctional facilities to ensure all Aboriginal Victorians have an opportunity to have their voices heard.
<b>13 February 2019</b>	The Commission announces the final design of the Aboriginal Representative Body, to be called the First Peoples' Assembly of Victoria.		After considering feedback from community, the Assembly will comprise 33 Victorian Traditional Owners, including 12 designated seats for a representative of each of the 11 formally recognised Traditional Owner groups and 21 representatives elected from across Victoria (figures accurate at time of announcement).
<b>May – October 2019</b>	10 treaty election officers employed by the Commission	Working with community across Victoria	Treaty election officers are employed to help community enrol, vote and run in the Assembly elections.
<b>10 May – 20 October 2019</b>	Enrolment for electoral roll to Aboriginal Representative Body		Eligible voters can enrol to vote. Enrolment closes on the last day of voting.
<b>11 May 2019</b>	The <i>Treaty For Victoria</i> website is launched		Awareness of treaty increased through launch of website.
<b>25 May 2019</b>	Partnership with Dreamtime at the G		Alongside this event, partnerships with both Richmond Football Club and Essendon Football Club create further awareness of treaty.
<b>27 May – 16 August 2019</b>	Candidate nomination period		Nominations open for Victorian Traditional Owners to stand for election to the Assembly.
<b>16 September – 20 October 2019</b>	Aboriginal Representative Body voting period		Voting will take place online, by post or in person at voting booths.
<b>December 2019</b>	First meeting of the Assembly anticipated		

# Timeline of key events and activities





# Plan for declaration of Aboriginal Representative Body





# Completing Phase 1: A plan for making a timely declaration of the Aboriginal Representative Body

This is the plan required under section 13 of the *Advancing the Treaty Process with Aboriginal Victorians Act 2018* (the Treaty Act).

The Victorian Treaty Advancement Commissioner Jill Gallagher AO has provided government with a clear timeline of actions to finalise the Aboriginal Representative Body's establishment. This plan is based on information provided by the Commissioner.

## Election of First Peoples' Assembly of Victoria

The Commissioner has announced that the Aboriginal Representative Body will be called the First Peoples' Assembly of Victoria (the Assembly).

The Assembly will be comprised of 32 seats. These will include 21 seats for general representatives elected through a vote of all eligible Aboriginal Victorians (General Members) and 11 seats for representatives appointed to guaranteed seats by each of the formally recognised Traditional Owner groups (Guaranteed Seats Members).

Enrolment to vote in the election for the Assembly opened on 10 May 2019 and will remain open until the close of voting on 20 October 2019. Aboriginal and Torres Strait Islander people aged 16 and over, who are either Traditional Owners of country in Victoria or have lived in Victoria for at least three of the past five years, are eligible to enrol and vote.

Candidate nominations for General Members to the Assembly opened on 27 May and closed on 16 August 2019. Only Victorian Traditional Owners are eligible to nominate as candidates.

The election for General Members to the Assembly will take place over five weeks from 16 September to 20 October 2019. Online, postal and in-person

voting options will be available. The election results are expected to be released in November 2019.

Traditional Owner groups will select their own representatives for the guaranteed seats, according to their own chosen processes. The Commission advises that the outcomes of the various processes to select these Guaranteed Seats Members are also expected to be released in November 2019.

## Supporting Aboriginal Victorians and Traditional Owners

The office of the Commissioner was established to be independent of government. The Commissioner is supported in her work by the Victorian Treaty Advancement Commission. The government is supporting Aboriginal Victorians and Traditional Owners in establishing the Aboriginal Representative Body, primarily by funding the Commission to undertake this work. In addition, the Minister for Aboriginal Affairs and the Commissioner meet regularly to enable the Commissioner to provide regular updates, as required by the Commissioner's Establishing Instrument, and to discuss any additional support required by Traditional Owners and Aboriginal Victorians.



## Establishment of First Peoples' Assembly of Victoria

The Commission has established temporary operational arrangements and has set up the corporate and legal structures for the Assembly as outlined in the Treaty Act, including:

- a. the name of the entity
- b. how the entity is established
- c. the legal structure of the entity.

Prior to the conclusion of the first election, a temporary board of directors will be appointed to the Assembly. Following the conclusion of the first election, the Commissioner will promptly advise the temporary board of directors of the full names of the first General Members and first Guaranteed Seats Members. The temporary board must then admit these members and call the inaugural meeting of the Assembly. This inaugural meeting is expected to occur in early December 2019.

## Declaration of Aboriginal Representative Body

The Commissioner is required to make a recommendation to the Minister for Aboriginal Affairs that the Assembly be declared to be the Aboriginal Representative Body for the purposes of the Treaty Act. The Commissioner intends to make this recommendation at or prior to the first meeting of the Assembly.

In accordance with the Treaty Act, the Minister will then make an Aboriginal Representative Body declaration by notice published in the Government Gazette. The Minister expects to be able to make this declaration at or prior to the inaugural meeting of the Assembly.







This document is available for downloading at [www.vic.gov.au/aboriginalvictoria](http://www.vic.gov.au/aboriginalvictoria). Please contact [Aboriginalaffairs@dpc.vic.gov.au](mailto:Aboriginalaffairs@dpc.vic.gov.au) if you require other accessible formats.

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