



CONSULTATION DRAFT

Strategic Framework for strong relationships and engagement

between the Victorian Government
and Traditional Owners of areas
without formal recognition

ABORIGINAL VICTORIA



Acknowledgment

We acknowledge the Traditional Owners of the land that we now call Victoria. We pay our respects to Elders past, present and future and acknowledge the inherent rights and continuing cultural responsibilities of Traditional Owners to preserve and care for Country while continuing to connect to and practice the oldest living culture in the world.

We also thank the Traditional Owners who participated in conversations about improving relationships and engagement between government and Traditional Owners, and whose voices are recorded in the report *“To be heard and for words to have actions” Traditional Owner voices: improving government relationships and supporting strong foundations (Sept 2019)* (Traditional Owner Voices Report). Your stories and knowledge have helped to shape this Strategic Framework.

We would also like to acknowledge our partners, the Australian Indigenous Governance Institute, for their contribution to the Traditional Owner Voices Report, and the Centre for Aboriginal Economic Policy Research, for their advice and guidance in the development of this Framework.

Artwork



Baring (which translates to Journey/Connection in Dja Dja Wurrung)

The story behind this piece is a depiction of a seed (in the middle), this seed has been planted in Community, this seed is planted as the beginning for many, and this seed has strong connections to the soil it grows within (the Community). The seed also holds strong connections to the roots of the tree, and the roots, our Ancestors are the beginning of all Aboriginal people's growth. Being those of our Ancestors, these roots are there to guide and strengthen the connection to culture, which continues and will continue to flourish. These connections to our Ancestors are how growth will continue to be strengthened into the future. The trunk of the tree is shown as an etching, a web-like element, displaying the interconnectedness of all our stories, our connections, our struggles, our triumphs, and our histories. We will never forget where we have come from, the journey we have taken and the resilience our people have continued to show.

Madison Connors is a Yorta Yorta, Dja Dja Wurrung and Kamilaroi artist based in Melbourne.

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Draft Strategic Framework for strong relationships and engagement between the Victorian Government and Traditional Owners of areas without formal recognition

Consultation Draft

This is a draft document designed for feedback from Traditional Owners, Government staff and other stakeholders. There are many questions directed for your attention throughout the document, but Aboriginal Victoria welcomes feedback on any aspects. The purpose of this draft Strategic Framework is to set the long-term vision and paint a picture of success for engagement between Government and Traditional Owners of areas without formal recognition. It is aspirational and high level in nature.

This draft Strategic Framework comes at a time when a significant shift in the relationship between the Victorian Government and Traditional Owners is emerging through the treaty process and commitment to self-determination in the Victorian Aboriginal Affairs Framework. This process is likely to fundamentally change how government and Traditional Owners work together. This draft Strategic Framework is intended to provide an approach that is both applicable now and that will support these emerging relationships into the future.

The Framework is targeted to areas without formal recognition, but many of the principles, approaches and commitments may be relevant if or when communities from these areas realise formal recognition, as well as elsewhere in Victoria where Traditional Owners are already formally recognised.

Sitting underneath this framework are two additional key documents:

- **Action Plan 2020-2022:** This plan sets out the actions involved in achieving the outcomes proposed in this framework. It is designed for the leadership, executive and policy arms of Government agencies, recognising their roles and responsibilities in influencing how the actions will be implemented in their agencies. The Draft Action Plan is included at **Appendix 1** for comment.
- **Good Practice Engagement Guide:** This Guide has not yet been developed. It will provide practical support and guidance for those involved in engagement processes. It will be designed primarily to support Government staff who work with Traditional Owners in their day-to-day jobs. A concept draft is included at **Appendix 2** for initial comments and input.

INTRODUCTION

A vision for improved engagement

Victorian Traditional Owners have called for government to build stronger and more meaningful relationships with them to take *“everybody – government and community – to a sustainable place.”*¹ Government agencies are committed to this cause, and there is a strong desire and intention among many government workers to engage well with Traditional Owners.

This Strategic Framework sets out a pathway for improving relationships and engagement between the Victorian Government and Traditional Owners of Country over which formal recognition by the State has not occurred under the *Aboriginal Heritage Act 2006 (Vic)*, *Traditional Owner Settlement Act 2010 (Vic)* or *Native Title Act 1993 (Cth)*.

This focus is in response to Traditional Owners of these areas persistently expressing disappointment about government processes and their feelings of being left behind, as articulated in the recent report: *“To be heard and for words to have actions” Traditional Owner voices: improving government relationships and supporting strong foundations (Sept 2019) (Traditional Owner Voices Report)*. In addition, government agencies have identified particular challenges to good engagement in these areas, including not always knowing who to engage or how to coordinate multiple agencies seeking to engage Traditional Owners in this context.

Based on extensive feedback from Traditional Owners captured in the Traditional Owner Voices Report, and consultation with government staff, the following shared vision is being proposed:

The Victorian Government and Traditional Owners have respectful and meaningful relationships that acknowledge shared history and support achieving diverse aspirations.

Question:

What are your thoughts on this proposed vision?

Purpose

The purpose of this Strategic Framework is to set the long-term vision for engagement between government and Traditional Owners of areas without formal recognition, paint a picture of success, and set a pathway to achieving this. It is aspirational and high level in nature.

Sitting underneath this framework are two additional key documents:

- **Action Plan 2020-2022:** This plan sets out the actions involved in achieving the outcomes proposed in this framework. It is designed for the leadership, executive and policy arms of government agencies, recognising their roles and responsibilities in influencing how the actions will be implemented in their agencies. The Draft Action Plan is included at Appendix 1.

- **Good Practice Engagement Guide:** This Guide has not yet been developed. It will provide practical support and guidance for those involved in engagement processes. It will be designed primarily to support government staff in implementation and operational roles, who work with Traditional Owners in their day-to-day jobs. A concept draft is included at Appendix 2.

These documents have different target audiences, recognising that long-term change requires the involvement and buy-in of all parts of government.

Scope

The focus of this Strategic Framework is on government and Traditional Owner engagement regarding Country, in its fullest sense. For Traditional Owner groups, management of land, natural resources, water and cultural heritage values are frequently a priority when engaging with government agencies and managing these aspects of Country often creates a significant opportunity to partner with government.

Traditional Owner interests are not limited to these domains. As acknowledged in the Victorian Aboriginal Affairs Framework 2018–2023, culture and Country are critical to the wellbeing and positive self-identity of Aboriginal People. This sentiment was echoed in conversations with Traditional Owners regarding the development of this framework: *“looking after Country will bring about good health.”*² This holistic view of Country and the interconnectivity with culture, community and wellbeing is also reflected in the artwork for this framework, *Baring*, and its accompanying story.

The framework therefore also has relevance to government activities beyond those affecting Country directly, including the health, education, justice and social spheres, as well as participation in Victoria’s treaty process.

Question:
How should this framework apply to government agencies responsible for health, education, justice and social services?

The Strategic Framework recognises that questions around ‘right’ people for Country and group representation are ongoing in regions where formal recognition has not yet occurred. Government agencies cannot determine these questions, and thus the Strategic Framework instead aims to:

- Provide support to agency staff by creating spaces for collaboration, learning and sharing, as well as tools and resources
- Create an enabling environment for Traditional Owners to work through right people issues instead of creating additional barriers, including by:
 - enhancing coordination within government to make it easier for Traditional Owners to engage government
 - respecting and supporting representative and inclusive Traditional Owner organisations, both emerging and existing.
- Provide new resources, or promote existing resourcing strategies, enabling Traditional Owners to progress their governance aspirations, including addressing questions of group membership and representation.

In this way, this Strategic Framework paves a way forward for positive work to happen between government and Traditional Owners while ongoing questions about right people and group representation are being resolved.

Acknowledgment of history and trauma

The Victorian Government acknowledges the historical and ongoing impact of colonisation and government policies and practices on Traditional Owners, and the trauma this has inflicted. The history of displacement and dispossession of Traditional Owners from Ancestral lands has had a devastating effect on the ability to protect Country and significant sites.

The Government also recognises the strength and courage of Traditional Owners which has enabled continued connections to Country and Culture.

This Strategic Framework is grounded in this acknowledgement and endeavours to embed support for healing and wellbeing in its outcomes, strategies and actions.

Language Statement

Traditional Owner

The term 'Traditional Owner' has been used in this Framework to recognise the traditional connections to Country held by the Aboriginal people in Victoria.

The meaning of 'Traditional Owner' varies significantly, depending on the context. It has particular meaning in Victorian legislation such as the *Traditional Owner Settlement Act 2010* and the *Aboriginal Heritage Act 2006*.

While the term may be applied differently by different people and jurisdictions, it is clear from the Traditional Owner Voices Report that there are diverse feelings amongst Traditional Owners about its meaning in the Victorian context.

The Traditional Owner Voices Report sets out people's reflections on what the term Traditional Owner means to them. Some felt good about the term, stating, "*It means to not be invisible*" and that the term supported their connection to place; "*It means where we are from*".

Whereas others felt less positive about it, explaining, "*Government doesn't understand and respect the concept of being a Traditional Owner. There is a lot of lip service about what Traditional Owner means – but government has a limited concept that doesn't match what Traditional Owners think.*" Others felt that it is a difficult term, particularly when a group doesn't have recognition from the government. Because of this, one group felt that, "*Traditional Owner as a term can lock people out.*"

Several people suggested that the term 'Traditional Owner' could be revised to reflect what it means to Aboriginal people, such as '*people of the Land*', '*Custodians*' or '*First Peoples*'. Some thought that the term Custodian better reflects the responsibility and process of looking after the land.

This Strategic Framework uses the term 'Traditional Owner' to reflect the language commonly used in Victoria, but the diverse preferences held by Aboriginal people for other terms is acknowledged.



PART ONE: About the Strategic Framework

Policy context

This Strategic Framework comes at a time at which a significant shift in the relationship between the Victorian Government and Traditional Owners is emerging through the treaty process and commitment to self-determination in the Victorian Aboriginal Affairs Framework 2018-2023. The broader Victorian government policy context in which this Strategic Framework operates is explored below:

Commitment to Self-Determination

The Victorian Aboriginal Affairs Framework outlines the Victorian Government's commitment to self-determination. It acknowledges that inherent to self-determination is the right of Aboriginal Victorians to define for themselves what self-determination means.

The United Nations Declaration on the Rights of Indigenous People (**UNDRIP**) is significant when considering self-determination in the context of Traditional Owner engagement, in particular, Article 32.2 which provides:

States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

The Victorian Government's Self-Determination Reform Framework guides public service action to enable self-determination. It states:

While Aboriginal self-determination is driven by community, government has responsibility for many of the systems and structures that enable self-determination. Government must therefore transform its systems and structures to support self-determination and improve outcomes for Aboriginal people.

This framework provides direction for reforming government engagement practices and the systems and structures that drive them, in a way that enables self-determination. The Government recognises that "engagement" does not equate to self-determination, but sees strong relationships and engagement with Traditional Owners as a critical aspect of reforming government processes to better enable self-determination.

Treaty

The *Advancing the Treaty Process with Aboriginal Victorians Act 2018* is Australia's first ever treaty legislation, with the First Peoples Assembly of Victoria (**Assembly**) established in late 2019. The Assembly is the first democratically elected representative body for Aboriginal Victorians in the state's history and will work with the government to establish elements to support future treaty negotiation. The Victorian treaty process may offer new opportunities to recognise and resource Traditional Owner aspirations.

Nation-Building

This Strategic Framework sits alongside support and resourcing for Traditional Owner nation-building. Currently, the Victorian Government is providing support and resourcing to Traditional Owners through:

- Foundational support – administered through the Strong Roots for Our Futures Program, by Aboriginal Victoria (see below)
- Recognition support – administered by First Nations Legal & Research Services
- Treaty readiness support – administered by the Federation of Victorian Traditional Owner Corporations.

Additional pooled funding will also be available to Traditional Owners in formally and non-formally recognised areas to support nation-building activities to meet their specific needs and priorities.

Strong Roots for Our Futures Program

This framework has been developed alongside the Strong Roots for Our Futures Program, which resources activities that support strong, self-determining Traditional Owner groups, and engagement with formal recognition processes. The Program has a primary focus on supporting Traditional Owners of the Central North, Mid North West, North East and Far East Gippsland regions, who are not formally recognised.

Formal recognition processes

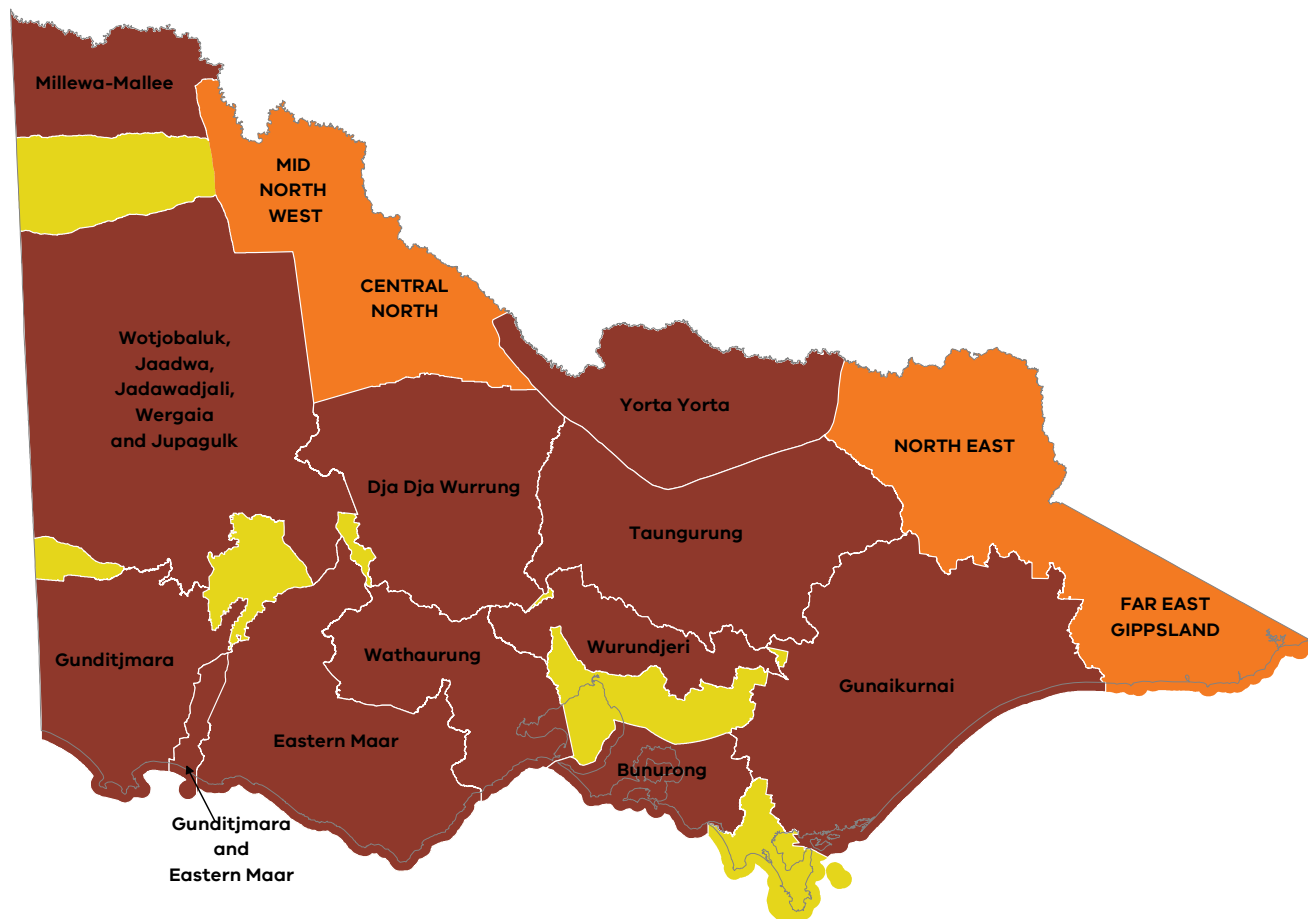
In Victoria, there are three different processes through which Aboriginal people can seek the formal recognition of the State as Traditional Owners of their Ancestral Country. Traditional Owners can pursue formal recognition through any or all these three processes:

Table 1: Formal recognition processes in Victoria

Registered Aboriginal Party <i>Aboriginal Heritage Act 2006 (Vic)</i>	Native Title Determination <i>Native Title Act 1993 (Cth)</i>	Recognition & Settlement Agreement <i>Traditional Owner Settlement Act 2010 (Vic)</i>
<p>Registered Aboriginal Parties (RAPs) are responsible for managing Aboriginal cultural heritage within their appointed areas.</p> <p>RAPs are appointed by the Victorian Aboriginal Heritage Council, a statutory body made up of Victorian Traditional Owners, established under the <i>Aboriginal Heritage Act 2006</i>.</p> <p>Traditional Owners apply to become a RAP by submitting an application form and supporting materials to the Victorian Aboriginal Heritage Council.</p>	<p>Native Title is a property right held by Aboriginal and Torres Strait Islander peoples under traditional laws and customs, which pre-dates colonisation and is recognised by Australian law.</p> <p>Native title is determined by the Federal Court of Australia, or on appeal, by the High Court.</p> <p>Traditional Owners seek recognition of native title rights by making a native title application to the Federal Court.</p>	<p>The <i>Traditional Owner Settlement Act 2010</i> provides an alternative framework for the recognition of Traditional Owner rights, financial and land management packages and settlement of native title claims in Victoria.</p> <p>A Recognition and Settlement Agreement is negotiated by Traditional Owners with the Victorian Government.</p>

Currently, 11 Traditional Owner groups are formally recognised in Victoria. Collectively, these formally recognised groups cover approximately 74% of land and waters throughout Victoria, identified in Map 1 below.

Map 1. Formally Recognised Traditional Owner Groups in Victoria - February 2020



LEGEND

- These are areas where Traditional Owners have been formally recognised by the Victorian Government under the Traditional Owner Settlement Act, Aboriginal Heritage Act or Native Title Act.
- Traditional Owners have not been formally recognised for these regions. Most groups asserting interests in these areas have not yet been formally recognised by the Victorian Government, although there may be some groups with formal recognition who have interests in these areas too.
- Traditional Owners have not been formally recognised for these areas. The Victorian Government understands that groups with formal recognition adjacent to these yellow areas assert rights and interests in these areas. There are also other families and groups who may or may not be members of those formally recognised groups who assert rights and interests in these areas.

The case for change

Traditional Owner priorities and aspirations

From late-2018 to mid-2019, Aboriginal Victoria undertook a broad engagement process, open to all Traditional Owners asserting rights and interests in areas without formal recognition. The purpose was to better understand current engagement practices and Traditional Owners' aspirations for better engagement. Aboriginal Victoria met with over 120 Traditional Owners of the regions shaded in orange in Map 1. Representatives of other government agencies were also invited to attend these meetings, where requested by Traditional Owners. Aboriginal Victoria also met with six formally recognised groups. Aboriginal Victoria extended the invite to all of the formally recognised groups in recognition of their possible interests in areas without formal recognition.

The feedback from Traditional Owners is set out in the Traditional Owner Voices Report, available on the Aboriginal Victoria website.

Traditional Owners of the regions without formal recognition shaded in orange acknowledged the importance of government engaging with the right people. Questions around 'right' people for Country and group representation are ongoing, however Traditional Owners believed that this should not stop positive work occurring between government and Traditional Owner groups (Traditional Owner Voices Report).

From these discussions, themes emerged regarding a need for:

- Recognising and respecting rights
- Strengthening relationships with a more coordinated government
- Supporting and resourcing Traditional Owners
- Building a culturally aware and competent workforce
- Effectively reaching out, communicating and sharing information
- Sharing power and control in defining and achieving mutually beneficial outcomes
- Creating more opportunities for Aboriginal employment and promotion in government, in supportive and culturally safe workplaces.

The Traditional Owner Voices Report also sets out some key Traditional Owner aspirations in these regions, which include:

- Healing
- Caring for Country and strengthening culture
- Strong Traditional Owner governance
- Engaging young people
- Building Relationships
- Recognition.

This Strategic Framework sets out a pathway for government engagement and relationships with Traditional Owners to create a supportive and enabling environment for Traditional Owners to achieve these aspirations.

Government aspirations

As explained above, the Victorian Government has committed to:

- Aboriginal self-determination through the Victorian Aboriginal Affairs Framework
- Working with Aboriginal Victorians towards treaty, and
- Formally recognising Traditional Owners through various pieces of legislation.

Engagement between government and Traditional Owners should operate in a way that delivers on these commitments.

In addition, the Victorian Government has a broader aspiration defined in the Victorian Government Public Engagement and Partnership Vision, of “working together to make better decisions and improve the lives of Victorians”. Meaningful and coordinated engagement with Traditional Owners is an important part of achieving this.

Challenges and opportunities

Government agencies and Traditional Owners have both identified a number of challenges to good engagement as well as opportunities for improving engagement in regions where there is no formal recognition.

Some of these challenges are set out in the table below:

Table 2: Challenges identified by Traditional Owners and Government relevant to areas shaded in orange in Map 1

Theme	Challenges identified by government agencies (actual or perceived)	Challenges identified by Traditional Owners in the Traditional Owner Voices Report
Right people and group representation	Government does not know who the right families and groups for Country are, and how to identify the appropriate contact people or representatives for those families and groups.	Government does not engage with the right people. Government picks and chooses who they engage with – often the loudest or most convenient voice. Agencies engage only with one or two individuals who are not representative of the group, and the decisions about who to engage are based purely on existing relationships. Traditional Owners need to work through questions of ‘right people’, group membership and representation through collaborative and culturally safe processes so information and knowledge can be shared safely across the community.

Theme	Challenges identified by government agencies (actual or perceived)	Challenges identified by Traditional Owners in the Traditional Owner Voices Report
Government decision-making	<p>Where different advice is provided by groups on the same project, how is a decision made? How does government ensure this approach is safe, inclusive and supportive of self-determination?</p>	<p>There is a lack of transparency regarding government decision-making. How are decisions made in engagement processes? How does government do its business?</p>
	<p>There is a lack of recognition among government decision-makers at the higher levels regarding the cost, time and commitment required to achieve good engagement and build strong relationships. Resources and time required for good engagement increases substantially where there are multiple families and groups involved.</p>	<p>Traditional Owners do not have access or opportunities to build relationships with decision-makers at the higher levels of government.</p>
Healing and trauma	<p>Government does not know how its engagement can support healing and avoid contributing to historical and ongoing trauma caused by colonisation and government policies and practices.</p>	<p>Government needs to acknowledge the historical trauma associated with colonisation and understand the negative impacts of past government practices. Government needs to acknowledge how trauma is passed down through generations. Government agencies need to understand the importance of healing in community and support this through their engagement processes.</p>
Government structures limit Traditional Owner power and voice	<p>Government often works within legislative frameworks such as the Aboriginal Heritage Act which impose strict timeframes and only provide Traditional Owners limited voice and power until they are formally recognised as a RAP.</p>	<p>Traditional Owners have no say over their cultural heritage if they are not a RAP. There is no room to breathe in government engagement processes.</p>

Theme	Challenges identified by government agencies (actual or perceived)	Challenges identified by Traditional Owners in the Traditional Owner Voices Report
Support and Resourcing	<p>There is an absence of consistent and appropriate support and resourcing for Traditional Owners to participate meaningfully in government engagement processes.</p> <p>Where groups request certain rates of payment, government lacks a process for weighing up sometimes competing principles or requirements regarding self-determination, consistency and financial management obligations.</p> <p>Government systems create barriers for providing such support and resourcing in the absence of a corporate structure.</p>	<p>Government does not provide adequate, timely and consistent travel support.</p> <p>Government needs to pay Traditional Owners for their input, advice and knowledge.</p>
	<p>There are not always reliable communication methods with Traditional Owner representatives e.g. email, phone, mail.</p>	<p>Traditional Owners lack the resources, administrative support and physical space for conducting their business.</p>
Lack of coordination	<p>There is a lack of coordination between and within government agencies resulting in inefficient use of Traditional Owner and government time and resources.</p>	<p>There is no whole-of-government process for Traditional Owner engagement, which often results in engagement that is ad hoc and opportunistic.</p>
Rights	<p>There is misunderstanding and apprehension within government about Traditional Owner rights.</p>	<p>Traditional Owner rights are not taken seriously or respected.</p>

This Strategic Framework sets out a pathway forward for addressing these challenges through the opportunities and solutions identified by Traditional Owners and government agencies.

How the Strategic Framework has been developed

This Strategic Framework has been developed and informed by:

- Extensive engagement over an 8-month period with over 120 Traditional Owners (the Traditional Owner Voices Report).
- Consultations with government agencies, including numerous regional and Melbourne-based interdepartmental workshops.
- Seeking comment from the Victorian Aboriginal Heritage Council, the Federation of Victorian Traditional Owner Corporations and First Nations Legal & Research Services.
- Numerous meetings with a group of relevant government and non-government organisations, to guide the framework development, promote coordination and provide strategic advice.
- Numerous workshops with a group of Aboriginal people with extensive experience in engaging with Traditional Owners and Aboriginal Victorians in Government processes.
- Workshops and collaboration with the Australian Indigenous Governance Institute (in developing the Traditional Owner Voices Report) and the Centre for Aboriginal Economic Policy Research.
- A literature review of good engagement practice with Traditional Owners.

Following a public comment period and subsequent revisions, endorsement of the Strategic Framework will occur through the Victorian Government Secretaries Leadership Group on Aboriginal Affairs.

PART TWO: Defining success and how to get there

Vision

The high-level vision for this Strategic Framework is:



Question:
What are your thoughts on this proposed vision?

There are **7 Outcomes** sitting under this vision, to be achieved by **5 Strategies** and supported by a number of **Actions**.



What does success look like?

Government and Traditional Owners have:

1. Strong relationships

Relationships between Traditional Owners and government representatives are based on trust and respect.

2. Strong and mutually understood governance

Traditional Owners and government agencies have strong processes and structures to organise themselves, represent themselves and make decisions. Traditional Owners and government understand each other's relevant structures and processes.

Government respects and supports representative and inclusive Traditional Owner groups and organisations, both existing and emerging.

3. Capability and capacity for working together

Traditional Owners and government have the skills, knowledge, attitudes, systems and resources to work effectively and respectfully together.

Government agencies and representatives:

4. Understand and uphold Aboriginal rights

Government representatives know, respect and uphold Traditional Owners' and Aboriginal peoples' inherent rights in their policies and everyday practices.

5. Acknowledge history and support healing

Government staff acknowledge history and that the impact and structures of colonisation continue today. Their interactions with Traditional Owners do not create any further trauma, and their ways of working create an enabling environment for healing.

6. Share power and resources with Traditional Owners

Government shares decision-making power and resources with Traditional Owners in engagement processes.

7. Engage and work cohesively

Government coordinates between agencies, between different levels of government and across borders to optimise Traditional Owner and government time and resources.

Question:

What does success look like to you? Do the following outcomes capture this? What else should be included?

Question:

Are government's roles and responsibilities appropriately reflected in the above statements?

Strategies and actions

The key strategies to be implemented to achieve these outcomes are:

1. Resourcing
2. Building and sharing skills and knowledge
3. Increasing Aboriginal employment in culturally safe workplaces
4. Developing and implementing tools for better practice, including an Engagement Guide (Concept Draft at Appendix 2)
5. Strengthening existing or creating new structures and processes, particularly regarding communication and information sharing.

These strategies comprise a number of actions which are detailed in the Action Plan in Appendix 1.

Supporting and building on existing strategies

The 5 strategies set out in this Strategic Framework align with and build on existing Government strategies including:

Table 3: Existing Government Strategies

Agency	Guiding Document
Department of Environment, Land, Water and Planning	<ul style="list-style-type: none"> • Munganin – Gadhaba 'Achieve Together' DELWP Aboriginal Inclusion Plan 2016-2020 • Traditional Owner and Aboriginal Community Engagement Framework • Aboriginal Cultural Safety Framework
Department of Premier and Cabinet	<ul style="list-style-type: none"> • Victorian Aboriginal Affairs Framework • Self-Determination Reform Framework • Victorian Local Aboriginal Networks Five Year Plan
Parks Victoria	<ul style="list-style-type: none"> • Managing Country Together Framework • Aboriginal Employment and Wellbeing Plan
Victorian Catchment Management Authorities (CMAs)	<ul style="list-style-type: none"> • Aboriginal Participation Guideline for Victorian Catchment Management Authorities • Individual CMAs also have their own specific policies
Victorian Public Service Commission	<ul style="list-style-type: none"> • Barring Djinang - Aboriginal Employment Strategy • Barring Djinang - Aboriginal Cultural Capability Tool
Department of Health & Human Services	<ul style="list-style-type: none"> • Korin Korin Balit-Djak - Aboriginal Health, Wellbeing and Safety Strategic Plan 2017-2027 • Balit Murrup - Aboriginal Social & Emotional Wellbeing Framework • Dhelk Dja: Safe Our Way: Strong Culture, Strong Peoples, Strong Families
Department of Jobs, Precincts and Regions	<ul style="list-style-type: none"> • Victorian Aboriginal Economic Strategy (2013 – 2020) • Tharamba Bugheen – Victorian Aboriginal Business Strategy (2017 – 2021)

Principles for engagement

Through the Victorian Aboriginal Affairs Framework (VAAF), the Victorian Government has committed to advancing self-determination through 11 guiding principles. The table below sets out these principles and how they apply to Traditional Owner engagement.

The Engagement Guide which will be produced under this Strategic Framework will provide specific guidance on the application of these principles to engagement between government and Traditional Owners of areas without formal recognition.

Table 4: Self-Determination Principles and Application to Traditional Owner Engagement

Explanation (from VAAF)	Application to Traditional Owner Engagement
Principle: Human Rights	
<p>Self-determination initiatives honour the norms set out in UNDRIP and Victoria's <i>Charter of Human Rights and Responsibilities Act 2006</i>.</p>	<p>Engagement upholds human rights, honouring the norms set out in UNDRIP and Victoria's <i>Charter of Human Rights and Responsibilities Act 2006</i>.</p> <p>This includes respecting and upholding Traditional Owners' collective rights to self-determination in addition to individual rights.</p> <p>In their engagement, staff and agencies should have regard to UNDRIP Article 32.2 <i>States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.</i></p> <p>In the absence of a representative structure, organisation or group, government agencies, in coordination with one another, should have discussions with Traditional Owners about their preferred engagement structures and processes. For example, this could include considering representation and consent at a family level.</p>

Explanation (from VAAF)	Application to Traditional Owner Engagement
Principle: Cultural integrity	
<p>As First Nations peoples, the rich, thriving cultures, knowledge and diverse experiences of Aboriginal people, including where they fit with family, community and society, will be recognised, valued, heard and celebrated.</p>	<p>Engagement prioritises culture and respects Aboriginal knowledge and expertise.</p>
Principle: Commitment	
<p>Aboriginal self-determination will be advanced and embedded through planned action endorsed by, and accountable to, all parties.</p>	<p>Agencies and staff are committed, honest, accountable and inclusive of all those asserting rights and interests as Traditional Owners.</p> <p>In areas where Traditional Owners have not been formally recognised for Country, this means providing transparency and maintaining confidentiality:</p> <ul style="list-style-type: none"> • Where an agency is speaking to more than one individual, family or group, provide transparency by acknowledging this. • Where possible and agreed upfront with Traditional Owners involved, provide transparency regarding who an agency is speaking to in an engagement process. • Confidentiality and information management should be discussed with Traditional Owners. Some groups and individuals may request confidentiality regarding some or all of the information they provide into an engagement process
Principle: Aboriginal expertise	
<p>Government and agencies will seek out, value and embed Aboriginal culture, knowledge, expertise and diverse perspectives in policies and practice.</p>	<p>Aboriginal knowledge and expertise is valued and respected in government decision-making processes. Aboriginal knowledge and expertise in engagement process is fostered including through creating new opportunities for employment and promotion in government.</p>
Principle: Partnership	
<p>Partnerships will advance Aboriginal autonomy through equitable participation, shared authority and decision-making, underpinned by cultural integrity.</p>	<p>Government strives for well scoped Traditional Owner partnerships that define and achieve diverse outcomes resulting in mutual benefit. Partnerships will look different depending on the context but should embed key principles of partnership: diversity; equity; openness; mutual benefit; and courage.³</p>

Explanation (from VAAF)	Application to Traditional Owner Engagement
Principle: Investment	
<p>Investment to support self-determination will be sustainable, flexible and appropriate to strengthen Aboriginal peoples' aspirations and participation, including around economic participation, economic independence and building wealth.</p>	<p>Government invests in resourcing Traditional Owners to achieve their diverse aspirations. Government also resources Traditional Owners and agencies to support the development and maintenance of strong relationships.</p>
Principle: Decision-making	
<p>Decision-makers will respect the right to free, prior and informed consent and individual choice and will prioritise the transfer of decision-making power to Aboriginal people in areas that impact their communities.</p>	<p>Decision-makers respect the right to free, prior and informed consent and individual choice and prioritise the decision-making power of Traditional Owners regarding Country. Government shares information with Traditional Owners to enable meaningful participation in decision-making. Government respects Traditional Owner decision-making timeframes and accounts for this in its processes. Staff are transparent about government decision-making processes, including regarding the degree of power being shared.</p>
Principle: Empowerment	
<p>Aboriginal people will have autonomy and participation in the development, design, implementation, monitoring and evaluation of legislation, policies and programs that impact their communities.</p>	<p>Traditional Owners participate in the development, design, implementation, monitoring and evaluation of legislation, policies and programs that impact their communities.</p>



Explanation (from VAAF)	Application to Traditional Owner Engagement
Principle: Cultural Safety	
<p>Programs and services accessed by Aboriginal people will be inclusive, respectful, responsive and relevant, and informed by culturally safe practice frameworks.</p>	<p>Engagement processes with Traditional Owners will be inclusive, respectful, responsive and relevant, and informed by culturally safe and healing-informed practice frameworks.</p> <p>Engaging inclusively and respectfully with Traditional Owners involves accounting for family and group governance structures. For example, where there is a representative and inclusive Traditional Owner group or organisation, their authority to speak collectively for their community should be upheld.</p>
Principle: Equity	
<p>Systemic and structural racism, discrimination and unconscious bias and other barriers to Aboriginal self-determination will be actively identified and eliminated.</p>	<p>Traditional Owners equitably participate in engagement processes and the management of Country, and are provided with the support and resources required for equitable and meaningful participation.</p>
Principle: Accountability	
<p>All parties responsible for delivering outcomes involving Aboriginal people will be held accountable and subject to Aboriginal-led, independent and transparent oversight.</p>	<p>Traditional Owners participate in the transparent monitoring and evaluation of engagement processes and their outcomes.</p>

Question:
 Do you have any suggestions for case studies that demonstrate the application of one of these principles in an area without formal recognition?

PART THREE:

How will we implement this framework and measure success?

Implement

Agency implementation plans

Each agency with portfolio responsibilities relating to Country (including land, water, cultural heritage management and natural resource management) will develop an implementation plan against the Strategic Framework. Aboriginal Victoria will develop a standard template that agencies may choose to work from, although this is not necessary as some agencies may prefer to build their implementation plans into their existing plans.

Aboriginal Victoria will facilitate regional round tables of government agencies involved in implementing this plan to create a space for reflection and learning.

A governing group comprising directors at key government agencies and relevant non-government organisations will meet bi-annually to report on progress against implementation.

Measure, monitor, evaluate

Measuring success

Each agency will report against their implementation plan each year, as part of the Self-Determination Reform Framework reporting. Under this Framework, departments are encouraged to reflect on, and work towards improving, how they enable self-determination. To do this, each agency will complete an annual report using the template set out in the Self-Determination Reform Framework. As part of this, agencies will report against the Measures set out against each Outcome in the Draft Action Plan (Appendix 1).

Aboriginal Victoria will publish an annual report setting out progress against this Strategic Framework, including with reference to the Measures included in the Draft Action Plan (Appendix 1).

Evaluate

To promote accountability, Aboriginal Victoria will evaluate this Strategic Framework every two years, with substantial involvement of Traditional Owners.

Review

This document will be formally reviewed every two years following an evaluation. It can also be reviewed more frequently if required. Any revisions must be available for public comment and subsequently be endorsed through the Victorian Secretaries Leadership Group on Aboriginal Affairs.

END NOTES

¹ Aboriginal Victoria 2019, "To be heard and for the words to have actions" Traditional Owner voices: improving government relationships and supporting strong foundations (**Traditional Owner Voices Report**), State Government of Victoria, available at <https://www.content.vic.gov.au/sites/default/files/2019-11/Traditional-owner-voices-improving-government-relationships-and-supporting-strong-foundations.pdf>.

² Traditional OwnerVoices Report, above, n1.

³ Partnership Brokering Association, Brokering Better Partnerships by investing in the Partnering Process, <https://partnershipbrokers.org/wp-content/uploads/2019/09/Brokering-Better-Partnerships-Handbook.pdf>

APPENDIX 1: Draft Action Plan
(APRIL 2020)



Explanatory Note:

This plan sets out the actions involved in achieving the outcomes proposed in the Draft Strategic Framework.

It is designed for the leadership, executive and policy arms of Government agencies as the target audience, recognising their role in influencing how their agencies will implement the actions.

It forms part of the public consultation package to promote transparency in government decision-making, and to check with Traditional Owners, staff and stakeholders that we are on the right track.

There is plenty of scope to add new actions and revise existing ones. Aboriginal Victoria wishes to build on existing good practice and invites you to be part of designing this Action Plan based on your knowledge and experiences.

There are many questions directed for your attention throughout the document, but we welcome feedback on any aspects.

OUTCOME 1: Government and Traditional Owners have Strong Relationships

Relationships between Traditional Owners and government representatives are based on trust and respect.

Traditional Owners have voiced their aspirations for building strong relationships that build trust in government agencies and the individuals that represent them (Traditional Owner Voices Report, p30). Effective communication is seen as a fundamental element of meaningful relationships between government agencies and Traditional Owners. Groups have discussed the importance of embedding listening as part of government practice as well as the need for respectful conversations, particularly when there is disagreement (Traditional Owner Voices Report p33).

Government agencies also have aspirations for establishing new, and strengthening existing, relationships with Traditional Owners. Agencies recognise that high staff turnover can be a barrier for building strong relationships. The below strategies and actions are designed to facilitate strong relationships, taking this into account.

Medium term outcomes

- Communication between Traditional Owners and government is timely, ongoing and meaningful.
- There is an increase in the quality and quantity of relationships Traditional Owners have with government decision-makers.

Strategies and actions

Question:

The following actions relate to government's role in building strong relationships. What do you think government's role is, and do the below actions capture this?

Appendix 1 Table 1: Government and Traditional Owners have Strong Relationships

Strategy	Actions	Who	When
Processes and structures	1.1. Ask groups about their priorities for meeting agency decision-makers and respond by facilitating meetings and networking opportunities.	Agency leaders Staff	Ongoing
	1.2. Proactively create and respond to opportunities to build relationships with Traditional Owners across the community. Talk to Traditional Owners about their priorities for building relationships.	Agency leaders Staff	Ongoing
	1.3. Provide a central contact point in government which Traditional Owners can access and find out information about relevant Government contacts and seek assistance to facilitate new relationships.	Aboriginal Victoria	Ongoing
	1.4. Agencies to ensure that staff working with Traditional Owners have a performance measure regarding relationships and engagement in their performance plans.	Agency leaders Managers	By June 2020 and ongoing
Resourcing	1.5. Agencies to invest resources among Traditional Owners required to build and maintain strong relationships between government and Traditional Owners (eg resourcing Traditional Owners to have pre-meetings, supporting travel required, support Traditional Owners to undertake research etc. See also Action 6.1).	Agency leaders	Ongoing
	1.6. Agencies to invest in necessary staffing and resources in government to support staff to build and maintain strong relationships with Traditional Owners. Strong relationships require regular and appropriate communication, which can be achieved through allocating more existing staff time to sharing information and listening to Traditional Owners, or creating new engagement officer positions or teams to ensure there are dedicated staff members who can lead on relationship building.	Agency leaders	Ongoing

Strategy	Actions	Who	When
Aboriginal employment in culturally safe workplaces	<p>1.7 Agencies to provide more employment opportunities for Aboriginal people in culturally safe government workplaces and opportunities for promotions.</p> <p>1.8 Agencies to increase opportunities for Aboriginal staff to have leading roles in engagement policies and processes and relationship building initiatives.</p> <p>1.9 Agencies to make recruitment processes more relevant and accessible to Aboriginal people.</p>	Agency leaders Managers	Ongoing
Developing and applying tools for improved practice	1.10 Include in the Engagement Guide actions and practices that will support strong relationships between Traditional Owners and government agencies.	Aboriginal Victoria coordinates development	By October 2020

Measures

- Proportion of Traditional Owners reporting they feel heard and respected by the government representatives they interact with.

OUTCOME 2: Government and Traditional Owners have strong, mutually understood and respected governance

Traditional Owners and government agencies have strong process and structures to organise themselves, represent themselves and make decisions. Traditional Owners and government understand each other's relevant structures and processes and interact with one another accordingly. Government respects and supports representative and inclusive Traditional Owner groups and organisations, both existing and emerging.

Many Victorian Traditional Owner groups have aspirations for strengthening governance – both cultural and organisational (Traditional Owner Voices Report, p16). Groups without formal recognition have spoken about creating cultural decision-making structures, or recording their own cultural constitution and protocols for external parties wanting to engage with the group (p16). These are Traditional Owner-led processes, but government can support this journey in a number of ways as outlined in the actions below.

Traditional Owners of the regions without formal recognition have acknowledged the importance of government engaging with the right people. Questions around 'right' people for Country and group representation are ongoing in these regions, however Traditional Owners firmly believed that this should not stop positive and effective engagement occurring between government and Traditional Owner groups (Traditional Owner Voices Report, p29).

Government acknowledges the importance of engaging with Traditional Owners through their representative institutions, as enshrined by UNDRIP (Article 32.2). It recognises the need to engage in a way that supports representative and inclusive Traditional Owner groups and organisations, both emerging and existing.

Government agencies are dedicated to engaging effectively with Traditional Owners of areas that are not formally recognised, but lack confidence in knowing who to engage with where questions regarding 'right people' are still being resolved, and where there may not be agreed contact people or representatives.

At the same time, Traditional Owners have indicated it is difficult to know which government agencies have responsibility for what, and which person to contact within an agency. There is a need for government to ensure its structures and processes for government representation and decision-making are appropriate for these circumstances, and well communicated. The actions listed below propose a way forward.

Medium term outcomes

Strong governance

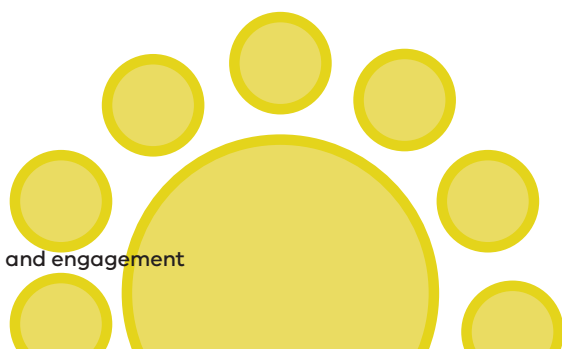
- Government provides appropriate and adequate support and resources enabling Traditional Owners to strengthen cultural and organisational governance (including addressing questions of group membership, representation and decision-making).
- Traditional Owners have opportunities to develop and strengthen governance capability in engagement processes.

Understanding of governance

- Government representatives understand the relevant aspects of each Traditional Owner group's unique governance arrangements.
- Government staff feel more confident in engaging with Traditional Owners in contexts where questions of 'right people' and group representation are unresolved.
- Government staff effectively communicate how government decisions are made, and Traditional Owners understand these processes.
- Government staff effectively communicate their agency's and key personnel's roles and responsibilities, and Traditional Owners accordingly feel more confident about who to contact in government.

Respect for Traditional Owner governance

- Government representatives respect each Traditional Owner group or family's relevant governance arrangements in designing and undertaking engagement processes.
- Where there is a representative and inclusive Traditional Owner group or organisation, Government respects and upholds their authority to speak collectively for their community.



Strategies and Actions

Question:

The following actions relate to government's role in understanding, respecting and supporting Traditional Owner governance, as well as being accountable to its own governance processes. What do you think government's role is, and how do you think the below actions capture this?

Appendix 1 Table 2: Government and Traditional Owners have strong and mutually understood and respected governance

Strategy	Actions	Who	When
Resourcing Traditional Owners	<p>2.1. Government to continue supporting and resourcing Traditional Owner foundational activities, governance, nation-building and formal recognition processes through program delivery and funding to non-government agencies:</p> <ul style="list-style-type: none"> • Foundational support – Strong Roots for Our Futures Program at Aboriginal Victoria • Recognition support – First Nations Legal & Research Services • Treaty readiness support – Federation of Victorian Traditional Owner Corporations • Pooled funding of \$4.3 million to support additional nation-building activities to meet specific needs and priorities of formally and non-formally recognised groups • Support for Traditional Owner agreement making and family engagement – Right People for Country Program. 	<p>Aboriginal Victoria</p> <p>First Nations Legal & Research Services</p> <p>Federation of Victorian Traditional Owner Corporations</p>	Ongoing
	<p>2.2. Agencies to respond to Traditional Owner requests for resourcing or supporting governance capability activities (eg funding pre-meeting workshops etc).</p>	Agency leaders	Ongoing

Strategy	Actions	Who	When
Building and sharing skills and knowledge	2.3. Agencies explore opportunities to support training or other activities regarding governance identified by Traditional Owners.	Agency leaders Staff	Ongoing
	2.4. Agencies explore opportunities for two-way knowledge exchanges to encourage greater understanding between government and Traditional Owners regarding each other's governance arrangements (eg through meetings, regular communication etc)	Agency leaders Staff	Ongoing
Processes and structures	2.5. Agencies respond to Traditional Owner initiatives to trial new, or build on existing, Traditional Owner governance structures in engagement processes. In particular, agencies should support initiatives that demonstrate a commitment to inclusive and representative processes.	Agency leaders Staff	Ongoing
	2.6. Agencies establish centrally-based and regional government communities of practice to create spaces for learning, coordination, planning and information sharing (Refer to actions 7.1 and 7.2 for further details)	(Refer to actions 7.1 and 7.2)	(Refer to actions 7.1 and 7.2)
Developing and implementing tools for better engagement practice	2.7. Include in the Engagement Guide actions and practices that will: <ul style="list-style-type: none"> • Support governance strengthening activities identified by Traditional Owners • Support agency staff to address questions of "who" to engage • Support agency staff to communicate effectively regarding government decision-making processes, and their agencies' roles and responsibilities. 	Aboriginal Victoria coordinates development	By October 2020

Measures

- Number of Traditional Owners accessing the Strong Roots for Our Futures Program.
- Proportion of Traditional Owners reporting they know who to talk to in government when a matter relating to Country arises.

OUTCOME 3: Government and Traditional Owners have the capability and capacity for working together

Traditional Owners and government agencies have the skills, knowledge, attitudes and resources to work effectively and respectfully together.

This Outcome is largely supported by the strategies attached to the other 6 Outcomes, as capability and capacity for working together is interconnected with:

- building strong relationships
- strong governance
- transferring power and resources
- understanding and upholding Aboriginal rights and embedding self-determination
- cultural competence
- acknowledging history, and supporting healing
- engaging cohesively.

There are also some key additional actions that will assist to build capability and capacity in engagement practice, as set out in the table below.

Medium term outcomes

- Agencies have plans and processes for strengthening capability and capacity across all the Outcomes in the Strategic Framework.
- Staff are delivering well-planned engagement processes based on good practice.
- Staff and Traditional Owners have appropriate time and access to sufficient resources to undertake a robust engagement process.
- Staff and Traditional Owners have opportunities to debrief and reflect on engagement processes to allow for continuous learning.
- Key terms are understood by everyone in the same way.
- Staff are familiar with the various Traditional Owner groups' preferences for communication and sharing information.

Strategies and Actions

Question:
 What strategies and actions do you think will support this Outcome?
 What are your views on those already set out below?

Appendix 1 Table 3: Government and Traditional Owners have the capability and capacity for working together

Strategy	Actions	Who	When
Building and sharing skills and knowledge	3.1. Agencies to offer training to staff that builds confidence and capability in engagement practice and project management. Such training could present opportunities for a shared learning space with Traditional Owners.	Agency leaders Staff	By December 2020 and ongoing

Strategy	Actions	Who	When
Building and sharing skills and knowledge (cont.)	3.2. Agencies and Traditional Owners work together to identify priorities for capacity building activities, which may be undertaken in shared spaces, or Traditional Owner only or government only spaces. These activities should include opportunities for Aboriginal-led learning.	Agency leaders Staff	Ongoing
	3.3. Agencies to explore mentoring opportunities with Traditional Owners to provide exposure to engagement practice or broader government processes.	Staff	Ongoing
	3.4. Continue to ensure there are places for groups without formal recognition to participate in the Certificate IV in Aboriginal Cultural Heritage Management and the 'Past and Present' workshop.	Aboriginal Victoria	Ongoing
	3.5. Agencies to ensure that relevant position descriptions in recruitment processes include criteria for cultural competence and engagement capability.	All agencies Managers	Ongoing
Developing and implementing tools for better engagement practice	3.6. Include in the Engagement Guide actions and practices that will: <ul style="list-style-type: none"> • support strong project management in engagement processes • check that key terms are understood in the same way • allow for sufficient time and resources to be built into the planning stage of an engagement process • allow for reflection at the end of an engagement process. 	Aboriginal Victoria coordinates development	By October 2020
Resources	3.7. Agencies to ensure that budgets and timeframes account for the time, staffing and finance required for a meaningful engagement process.	Agency Leaders Staff	Ongoing
Processes and Structures	3.8. Agencies to ask Traditional Owners about their preferences for communication and receiving information.	Staff	Ongoing

Measures

- Proportion of engagement activities that allocated sufficient and suitable time and resources (as reported by government representatives and Traditional Owners).
- Number of Traditional Owners from groups without formal recognition who have participated in the Certificate IV in Aboriginal Cultural Heritage Management or the workshops.
- Proportion of staff reporting their confidence and skills in engaging with Traditional Owners is increasing.

OUTCOME 4: Government agencies and representatives understand and uphold Aboriginal rights

Government representatives know, respect and uphold Traditional Owners' and Aboriginal peoples' inherent rights in policies and everyday practices.

Traditional Owners have called for government officers to know, respect and embed their inherent rights in everyday practices (Traditional Owner Voices Report, p29).

Government agencies are committed to upholding rights, but have also acknowledged there is some misunderstanding and apprehension within government about Traditional Owner rights. In areas without formal recognition, Government representatives often lack confidence in their understanding of how to best respect and uphold Traditional Owners' collective rights to self-determination in addition to individual rights, particularly where there is contestation about group membership and representation in a community.

The below strategies and actions provide a pathway for building a stronger culture of understanding and upholding Traditional Owner rights within government.

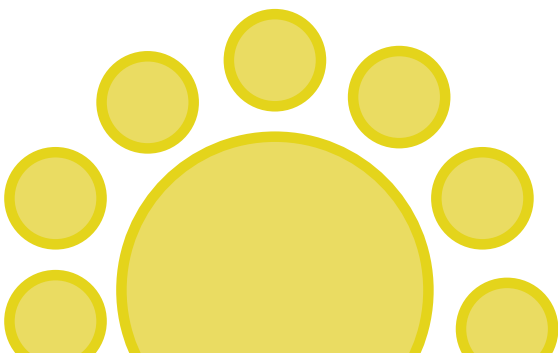
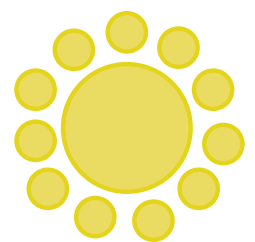
Medium term outcomes

- Officers know and understand how the Victorian Charter of Human Rights and Responsibilities and UNDRIP applies to their work and actively apply the principles of Aboriginal self-determination outlined in the Victorian Aboriginal Affairs Framework.
- Agencies have clear processes for incorporating their obligations under the Victorian Charter of Human Rights and Responsibilities and formal recognition instruments into their engagement practices.
- Officers respect Traditional Owners' ethical and moral responsibilities to care for Country and cultural heritage.
- Traditional Owners feel confident in advocating for their rights under the Victorian Charter of Human Rights and Responsibilities and UNDRIP.

Strategies and Actions

Question:

What strategies and actions do you think will support this Outcome? What are your views on those already set out in Table 4?



Appendix 1 Table 4: Government understands and upholds Aboriginal Rights

Strategy	Actions	Who	When
Building skills and knowledge	4.1. Develop and deliver a training package for staff that builds staff competence in: <ul style="list-style-type: none"> Traditional Owner formal recognition processes UNDRIP & the Victorian Charter of Human Rights and Responsibilities, as applicable to Traditional Owners. 	Collaboration between Aboriginal Victoria, Department of Justice and Community Safety, Victorian Equal Opportunity and Human Rights Commission All agencies working with Traditional Owners to be involved in implementation	October 2020–December 2021
	4.2 Work with Traditional Owners to identify their priorities for rights-holders training regarding: <ul style="list-style-type: none"> formal recognition processes UNDRIP and the Victorian Charter of Human Rights and Responsibilities, and develop and implement a package with Traditional Owners and deliver together accordingly.	As above at 4.1	October 2020–December 2021
Developing and applying tools for improved practice	4.3. Develop and publish any resources that have emerged from the training relating to UNDRIP and the Victorian Charter of Human Rights and Responsibilities referred to in 4.1 and 4.2.	As above at 4.1	By December 2021
	4.4 Include in the Engagement Guide actions and practices that will support the upholding of rights.	Aboriginal Victoria coordinates development	By October 2020
	4.5 Agencies develop protocols and guidelines for the respect of Aboriginal information, knowledge and Intellectual Property.	All agencies working with Traditional Owners	By June 2021
	4.6 Promote the Formal Recognition Factsheet produced in 2019.	Aboriginal Victoria	Ongoing

Measures

- Proportion of Traditional Owners reporting their rights under the Victorian Charter of Human Rights and Responsibilities and UNDRIP are being upheld by government.
- Proportion of government representatives and Traditional Owners reporting they feel more confident about the content and application of rights under the Victorian Charter of Human Rights and Responsibilities and UNDRIP.

OUTCOME 5: Government agencies and representatives acknowledge history and support healing

Government staff acknowledge history and that the impact and structures of colonisation continue today. Their interactions with Traditional Owners do not create any further trauma, and their ways of working create an enabling environment for healing.

Many Traditional Owner families and groups have called for government staff to be culturally competent, to acknowledge history and the impact of past government practices, and to understand the importance of healing as a community aspiration, which can be supported through government engagement practices (Traditional Owner Voices Report, p31).

Government agencies have expressed a desire to ensure that engagement does not contribute to any further harm or trauma. Agencies also seek to engage in a way that contributes to the healing process, but recognise there is a need to better understand how this can be achieved and what government's role is in the healing journey.

Medium term outcomes

- Staff know and acknowledge and recognise history, culture and people.
- Staff are culturally competent.
- There is evidence emerging that Aboriginal self-determination is being embedded into government practices.
- Government engagement processes do not contribute to any further trauma.
- Traditional Owners feel safe and comfortable in engaging with government .

Question:
What is government's role in supporting or enabling healing?

Strategies and Actions

There are a number of strategies that may support the achievement of Outcome 5. In addition to those listed below, the strategies and actions linked to Outcome 6 (Share power and resources) are likely to support healing and wellbeing.

Question:
What strategies and actions do you think will support this Outcome? What are your views on those already set out in Table 5?

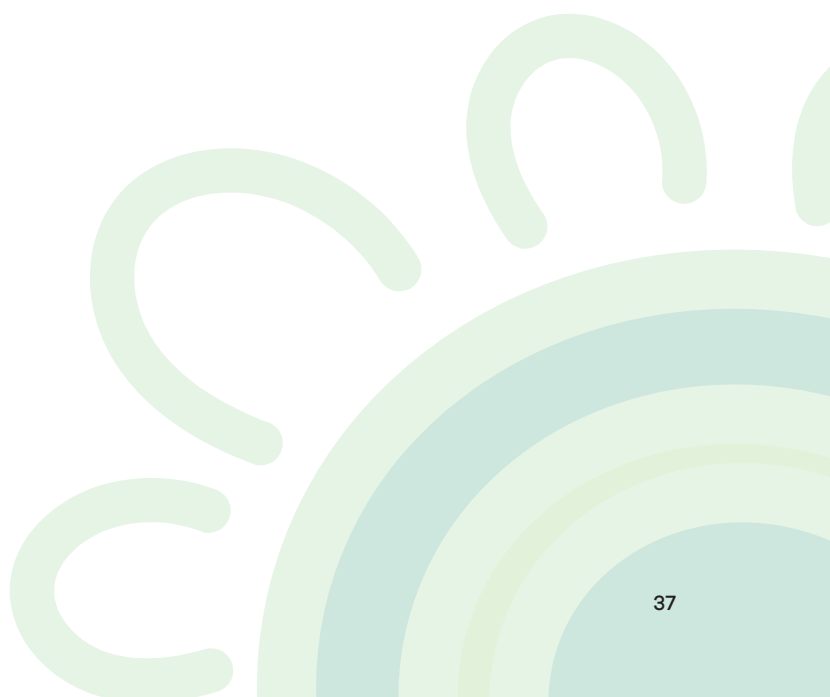
Appendix 1 Table 5: Government agencies and representatives acknowledge history and support healing

Strategy	Actions	Who	When
Developing and applying tools for improved practice	5.1 Include in the Engagement Guide actions and practices that will enable cultural safety and healing, including: <ul style="list-style-type: none"> • Understanding local history • Working with Traditional Owners at the outset of an engagement process to create processes that support safety, healing and wellbeing • Ensuring there is sufficient time and space to enable Traditional Owners to think of their Ancestors, themselves, and their future generations in engagement processes. Supporting government staff wellbeing and self-care throughout an engagement process.	Aboriginal Victoria coordinates development	By October 2020
	5.2 Respect and uphold place-based protocols developed by Traditional Owners.	Staff All agencies working with Traditional Owners	Ongoing
Building skills and knowledge	5.3 Agencies develop and implement training package for staff that builds cultural competence and skills in deep-listening and trauma/healing-informed practice.	All agencies working with Traditional Owners	By December 2020 and ongoing
	5.4 Staff to read and apply the Victorian Public Service Commission Aboriginal Cultural Capability Toolkit in their engagement practice.	Staff All agencies working with Traditional Owners	Ongoing

Strategy	Actions	Who	When
Aboriginal employment in culturally safe workplaces	<p>5.5 Agencies to develop and implement appropriate policies and procedures to ensure government workplaces create new opportunities for Aboriginal staff, including increasing the number of identified engagement officer roles (which would include relationship building and engagement practice as core skillsets).</p> <p>5.6 Agencies to develop and implement appropriate policies and procedures to ensure government workplaces are culturally safe for Aboriginal staff.</p> <p>(see guidance in Barring Djinang – Aboriginal Employment Strategy and Self-Determination Reform Framework).</p>	All agencies working with Traditional Owners	By December 2020 and ongoing
Processes and structures	<p>5.7 Agencies develop and implement plans for ensuring cultural safety is upheld in their workforce and processes.</p> <p>(see, for example, Parks Victoria's Aboriginal Employment and Wellbeing Plan)</p>	Agency Leaders Staff	By December 2020 and ongoing

Measures

- Proportion of government agency staff who have completed trauma/healing-informed practice training.
- Proportion of Traditional Owners reporting that wellbeing and safety is supported in government engagement processes relating to Country.



OUTCOME 6: Government shares power and resources with Traditional Owners

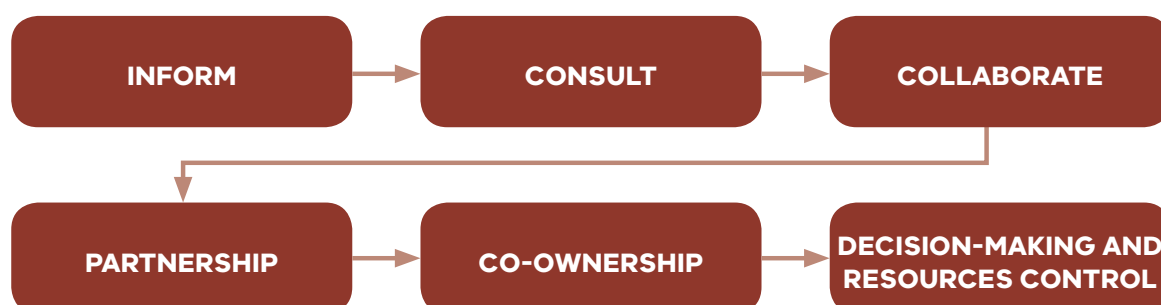
Government shares decision-making power and resources with Traditional Owners in engagement processes.

Traditional Owners have called for government to share greater control and resources with Traditional Owners in engagement processes (Traditional Owner Voices Report, p35).

Government agencies have expressed a desire to better understand the priorities of the Traditional Owners they work with and support Traditional Owners to participate in decision-making. Agencies recognise that statutory timeframes may not always allow enough time and space for Traditional Owners and staff to effectively share decision-making.

Medium term outcomes

- Government agencies understand Traditional Owner aspirations and priorities for engagement.
- Government agencies plan for engagement with Traditional Owners at the very beginning of a process, or project inception.
- Government agencies provides adequate, timely and flexible resources and support for meaningful engagement.
- Government facilitates Traditional Owners' self-determining involvement in engagement processes.
- Government agencies are reflecting on where they are, with reference to the below continuum, in enabling and implementing the self-determination reform set out in the Victorian Aboriginal Affairs Framework and the Self-Determination Reform Framework.
- Government agencies engage in a way that supports progress along the below self-determination continuum set out in the Victorian Aboriginal Affairs Framework. Progress along this continuum is likely to occur when:
 - Government capability and capacity regarding all Outcomes of this Framework is strengthened;
 - Traditional Owners progress towards their aspirations for strong internal relationships and governance (including regarding group membership, representation and decision-making), and
 - Government and Traditional Owners better understand each others' governance processes (Outcome 2).



Strategies and Actions

Question:

What strategies and actions do you think will support this Outcome?
What are your views on those already set out below?

Appendix 1 Table 6: Government shares power and resources with Traditional Owners

Strategy	Actions	Who	When
Resourcing	6.1 Agencies provide adequate, timely and flexible support to Traditional Owners to participate in meaningful engagement. This includes:	Agency leaders Finance staff Engagement staff	Ongoing
	<ul style="list-style-type: none"> Provision of travel support or arrangement of flexible meeting locations 		Ongoing
	<ul style="list-style-type: none"> Remuneration for input and advice into engagement processes 		By December 2020 and ongoing
	<ul style="list-style-type: none"> Funding engagement officers to be employed by formally recognised Traditional Owner organisations and tailoring equivalent support where there are no formally recognised Traditional Owner groups (for example pooling agency funding to create a position in a region to provide administrative and engagement support to groups). 		By June 2022
	6.2 Agencies develop publicly available guidance regarding travel support and remuneration for input and advice to government engagement processes to enhance consistency and transparency.	Aboriginal Victoria to facilitate	By March 2021
	6.3 Government agencies to work together and with Traditional Owners to pool otherwise project-based funding where possible to enable longer term funding to align with Traditional Owner priorities.	Agency leaders Staff Aboriginal Victoria to coordinate a trial	Trial by June 2021 Ongoing

Strategy	Actions	Who	When
Processes and structures	<p>6.4 Agencies and Traditional Owners discuss what is required for progress along the self-determination continuum above and plan accordingly.</p> <p>For some groups, this may involve structural solutions around developing bodies or structures through which engagement occurs. For others, there may be a preference for process-based solutions (eg around information sharing etc).</p>	<p>Agency leaders Staff Aboriginal Victoria to support government coordination</p>	Ongoing
	<p>6.5 Agencies to undertake strategic planning with Traditional Owners to understand Traditional Owner priorities and plan for these to be accounted for in government projects and processes. This will require coordination within and between agencies (refer to Action 7.1).</p>	<p>Agency leaders Staff Aboriginal Victoria to support</p>	System for strategic planning with interested Traditional Owners developed by October 2020 and then ongoing
	<p>6.6 Agencies provide opportunities to Traditional Owners to be involved in government engagement processes at the inception of a project or idea where Traditional Owners want this.</p>	<p>All agencies working with Traditional Owners</p>	Ongoing
	<p>6.7 Agencies communicate regularly and share information with Traditional Owners about government decision-making processes, and about what's happening on Country.</p>	<p>All agencies working with Traditional Owners</p>	Ongoing
	<p>6.8 Agencies model and promote better engagement practice for their contractors or industries they regulate, and include meaningful engagement with Traditional Owners as requirements in their service contracts.</p>	<p>All agencies working with Traditional Owners</p>	Ongoing

Strategy	Actions	Who	When
Developing and applying tools for better practice	6.9 Include in the Engagement Guide actions and practices that will support the sharing of power and resources to Traditional Owners, eg: <ul style="list-style-type: none"> • Staff familiarise themselves with Traditional Owner aspirations • Staff and Traditional Owners discuss how an engagement process can support the journey through the self-determination continuum. • Staff are transparent about decision-making power retained by government. 	Aboriginal Victoria to facilitate	By October 2020
	6.10 Agencies develop tools or resources that support their contractors, or industries they regulate, to share more power and build stronger relationships in engagement processes.	All agencies working with Traditional Owners	By June 2022 and ongoing

Measures

- Proportion of Traditional Owners reporting they are having conversations with government agencies about how they want to be involved in opportunities regarding Country and cultural heritage management.
- Proportion of Traditional Owners reporting they felt government shared information with them about decision making processes and what is happening on Country.

OUTCOME 7: Government engages and works cohesively

Government coordinates between agencies, between different levels of government and across borders to optimise Traditional Owner and government time and resources.

Traditional Owners have called for government to ensure greater cohesion between agencies, between different levels of government and across borders (Traditional Owner Voices Report, p37).

Government agencies recognise they do not have effective processes for coordinating engagement, but are committed to working towards this in order to maximise Traditional Owner and staff time and resources, and to ensure a more Traditional Owner-centred approach.

Government agencies have also recognised a need to be more aware of their roles and responsibilities within government, and how their decisions as individual agencies might impact on other agencies' ability to meaningfully engage with Traditional Owners. This is particularly the case where timeframes and resources are concerned.

Medium term outcomes

- Agencies are proactive and responsive in coordinating to discuss priorities, support and engagement with Traditional Owners.
- Government has a system for coordinated engagement practice for each region and centrally.
- Relationships and processes have been established to support better coordination between New South Wales, South Australian and Victorian Governments.

Strategies and actions

Question:

What strategies and actions do you think will support this Outcome?
What are your views on those already set out below?

Appendix 1 Table 7: Government engages cohesively

Strategy	Action	Who	When
Processes and structures	<p>7.1 Establish, or continue existing, government communities of practice in each region of the State (Far East Gippsland, North East, Central North/ Mid North West, and Metropolitan), to create a space for:</p> <ul style="list-style-type: none"> • Learning and sharing between agencies regarding Traditional Owner engagement • Planning, trialling and implementing new and locally appropriate approaches to coordinate government engagement with Traditional Owners • Coordinating and communicating. <p>Communities of practice may commence with regular government agency roundtables, but the approach will vary according to each region.</p>	Aboriginal Victoria to coordinate	By June 2020

Strategy	Action	Who	When
Processes and structures	7.2 Establish a central government community of practice comprising representatives from key agencies to: <ul style="list-style-type: none"> • Share ideas and learnings • Coordinate regarding key departmental initiatives that may be relevant to Traditional Owners • Share appropriate information about relevant formal recognition processes underway between the government and Traditional Owner groups, which may be relevant to questions of engagement • Provide advice and recommendations to government around questions of Traditional Owner engagement in areas without formal recognition, particularly where consistency is important. 	Aboriginal Victoria to coordinate	By June 2020
	7.3 Continue conversations with Traditional Owners to better understand their requirements for coordination between the NSW, SA and Victorian Governments in the border regions.	Aboriginal Victoria to coordinate	Ongoing
	7.4 Establish a cross-Victorian government team to take a lead on improving coordination between the Victorian, NSW and SA Governments regarding matters affecting Country and cultural heritage. Commonwealth departments should be involved where appropriate.	Aboriginal Victoria to coordinate	By March 2021
	7.5 Build relationships and develop plans and agreements with the NSW and SA Governments, in collaboration with Traditional Owners, to enhance coordination.	Aboriginal Victoria to coordinate	Ongoing Initial scoping meetings by December 2021
	7.6 Agencies to build relationships with Local Government Authorities to align and coordinate engagement practice.	All agencies, coordinated through communities of practice (see action 7.1)	Ongoing

Measures

- Proportion of Traditional Owners reporting an increase in government coordination regarding engagement of Traditional Owners in matters affecting Country and cultural heritage.
- Number of government agencies “communities of practice” meetings per year, centrally and across the regions.

APPENDIX 2: Concept Draft: Good practice guide for engagement between Government and Traditional Owners (April 2020)

Areas where Traditional Owners have not yet been formally recognised



Explanatory Note

This document is **incomplete** and is designed for input from Traditional Owners, government staff and stakeholders. When complete, this will be a practical tool to assist and support staff in engagement processes.

Aboriginal Victoria have heard from staff and Traditional Owners that **ideas, tips, scenarios and examples** of engagement would be most value. We need your help to do this!

There are some placeholders and questions for your consideration below. In addition to any feedback received from you, the guide will be developed based on Traditional Owner feedback in the Voices Report and previous Government staff consultations.

As you will see, there is plenty of **blank space** to be filled in this draft. We welcome any input, suggestions or advice you have.

We also acknowledge that Traditional Owners may be interested in a resource to support Traditional Owners in engaging with Government. We have posed some questions to Traditional Owners about whether this would be helpful, and whether it is something that Government should coordinate, or something community would like to drive.

PART ONE: Government agencies seeking to engage Traditional Owners:

Step 1: Doing the ground work

This part will be your starting place. It will set out tips around how to best prepare for an engagement process or a new relationship with Traditional Owners.

The following are examples of some questions that might be asked at this stage:

- What are the relevant Traditional Owner and Government aspirations and priorities?
- Has there been any strategic planning with relevant Traditional Owner groups to understand their priorities?
- Are the government staff ready to engage? Are there culturally competent staff experienced in engagement processes?
- Are the relevant Traditional Owners ready to engage?
- Which rights under the Charter of Human Rights and Responsibilities, UNDRIP or other human rights are relevant?
- Are there any formal recognition processes underway?
- What is the history of the relevant area? What is the history of the government agency's interaction with the relevant Traditional Owners?
- What mechanisms (ie committees, reference groups etc) for engagement between government agencies and Traditional Owners already exist?

Question:
What other questions should be explored at the outset?

Step 2: Understanding who might be involved and how to reach out (an ongoing and evolving inquiry)

This part will provide some practical tips, ideas and examples around:

- How to identify which groups and families assert rights and interests as Traditional Owners. These may be groups with, or without, formal recognition.
- How to reach out to those families and groups (including possible methods for identifying and communicating with contact people, representatives or group members). The Guide will highlight that this is an ongoing and evolving inquiry requiring frequent conversations with multiple people.
- What factors are useful to consider in deciding how to reach out? (eg whether there is a formally recognised group, human rights, collective/group rights, group governance, relevant formal recognition processes pending or underway etc).
- Whether and how to navigate involving the broader Aboriginal community?
- How to identify other Government agencies or stakeholders who are interested in, affected by or can add value to the engagement between Government and Traditional Owners.

Question:
Do you have any examples that you would like to share as case studies regarding a process of identifying and reaching out to Traditional Owners?
What else is useful to include here?

There is some cross-over between Steps 1 and 2

There is some cross-over between Steps 2 and 3

Step 3: How to engage?

This part will explore how engagement processes can be undertaken in a way that promotes the achievement of the 7 Outcomes set out in the Framework. This section will particularly benefit from your suggestions and input regarding ideas, tips and examples of what has worked in the past! These would be used to unpack the questions below:

Strong Relationships

- How might Traditional Owners and government communicate? What are the family's/group's preferences?
- How will a practice of listening be embedded into the engagement process?
- How might relationships be built and strengthened?

Strong and mutually understood governance

- How might Government respect Traditional Owner governance processes?
- Where Traditional Owners are journeying through formal recognition processes, how might Government respect and enable this journey?
- How might Government be accountable?

Capacity and capability for working together

- How might skills and knowledge be shared between Traditional Owners and government?
- How might key terms be understood by everyone in the same way?
- How might Government staff ensure enough time is available for the engagement?
- What support and resources are required to enable both Government staff and Traditional Owners to engage meaningfully?

Respecting and upholding Aboriginal Rights

- How might Culture be prioritised in the engagement process?
- How might rights under the Victorian Charter of Human Rights and Responsibilities or UNDRIP be upheld?
- How might Government respect Traditional Owner knowledge, information and expertise? How do Traditional Owners want their information to be stored, shared and used?

Question:

Do you have an example/case study of how free, prior and informed consent has been applied in an engagement process?

Transferring power and resources

- How might government staff ascertain how Traditional Owners want to be involved, and when?
- How might power and decision-making be shared in the engagement process?
- When might a partnership arrangement be appropriate, and what might be involved or required?
- How might government share information with Traditional Owners?
- What resourcing is required to enable Traditional Owners to participate meaningfully (travel support, payment for input etc)? How might Government ensure this is budgeted for ahead of engagement occurring?
- Are there opportunities to pool funding with other initiatives, to better align with Traditional Owner priorities?

Question:

Do you have an example/case study of how decision-making power has been effectively shared in an engagement process?

Acknowledge history and support healing

- How might government staff acknowledge history and that the impact and structures of colonisation continue today?
- How can healing and wellbeing be supported or enabled in the engagement process? How might government staff involve Traditional Owners in designing a process?
- How might staff wellbeing be approached? How might regular debriefing be embedded?

Question:

Do you have an example/case study of how healing has been supported in an engagement process?

Engaging cohesively

- How can coordination between government agencies create value (eg shared learning, maximising time and resources, achieving consistency etc)?
- Have you clearly identified the purpose or need for engagement and are you confident there is value in the engagement for Traditional Owners?

The guide may also refer to Victoria's forthcoming Public Engagement Framework which provides a how-to guide for the design and delivery of engagement. Although not specific to the Traditional Owner context, it may provide useful additional material when read together with this Guide.

What principles are relevant?

The Engagement Guide will suggest developing shared engagement principles with Traditional Owners at the outset of a relationship or engagement process. The 11 Self-Determination Principles identified in the Victorian Aboriginal Affairs Framework are an important place to start:

Human rights; Cultural integrity; Commitment; Partnership; Aboriginal expertise; Investment; Decision-making; Empowerment; Cultural safety; Equity; Accountability

Pages 18-21 of the Draft Strategic Framework provide details around how these principles might be applied to engagement processes between Government and Traditional Owners of areas without formal recognition.

Question:

Do you have an example/case study of how these principles have been applied in an engagement process?

Some groups may have their own set principles & protocols that government should respect.

PART TWO: Traditional Owners seeking to engage government

Government recognises that engagement is a two-way process. Government should consider that for Traditional Owners, the relevant question may be “how do Traditional Owners want to engage Government?” Government should respect Traditional Owner preferences in this regard.

Questions:

Would it be useful to have a handbook or toolkit to support you to engage with Government?

Who should take the lead on this? What would be Government's role?

What resources would be required?

