



Communique to Members: Update from the Board

3 April 2020

This communique is a summary of the meeting of the First Peoples' Assembly Board meeting held on the 3rd of April 2020.

Assembly Board meeting Friday 3 April 2020

Due to the extenuating circumstances presented by the threat of the COVID-19 virus Assembly Board members met via video link. The meeting was chaired by Co-Chair Marcus Stewart. The meeting commenced at 10:06am with all Board members in attendance with the exception of Trent Nelson and Melissa Jones.

Acknowledging Management

Co-Chair Marcus Stewart expressed appreciation to the Assembly staff for the work done in mitigating risk (regarding COVID-19) to Members and staff while providing the required support for this meeting.

Conflicts of interest

Board members did not identify any conflicts of interest relevant to the agenda for this meeting.

Minutes of previous meeting

In discussing the minutes of the previous Board meeting (17 March 2020), Rueben Berg requested an update on the establishment of a correspondence register. Staff stated that work would be undertaken to have a Board version of the register ready for presentation to the Board at its next meeting.



Strategic Deep Dive

In response to COVID-19, a discussion led by Jason Mifsud, Transition Services, and management covered the following key points:

- Regarding the scheduled June Assembly Chamber Meeting, it was agreed that:
 - The meeting proceed as scheduled.
 - The meeting be conducted using video conferencing.
 - Detailed discussion on the proposed interim dispute resolution process, Treaty Authority and whether there should be treaty or treaties, but no votes conducted.
 - The vote on the initial Assembly position on the interim dispute resolution process be held via email following the meeting.
 - The vote on the initial Assembly position on the Treaty Authority and the question of treaty or treaties be at the August Assembly Chamber to allow more time for engagement.
- It was stated that all key work timetables for the Assembly were based on having a Framework agreed and treaty negotiations able to commence before the November 2022 State Election. In those timetables, a buffer had been established. With the current COVID-19 situation, that buffer will now be absorbed.
- Management outlined that work is being undertaken to determine appropriate and effective engagement methods for Members to engage with their communities prior to making votes on key decisions. These could include: factsheets, interactive (online) forums, Facebook Live, larger Zoom meetings and others. This is being undertaken immediately on the key workstreams, such as Treaty or Treaties, Elders' Voice and Treaty Negotiation Framework.
- This will include working with each member on how they can hold an interactive online meeting with their community to help meet their obligations under the Members' Charter before each meeting.

Updates from Committee Chairs

Risk and Audit: No update as the Committee has not met since the last Board meeting.

Self Determination Fund: Committee Chair Troy McDonald provided an update to the Board:

- The Committee's first meeting was held on Thursday 2 April 2020.
- The meeting was used to discuss a full and clear understanding of the Committee's deliverables.
- Under the Act the fund can be used for three purposes. Agreement was reached that the priority would be developing how the fund would be used to support communities to have an "equal standing with the government" during treaty negotiations.
- The next meeting of the Committee is scheduled for 22 July 2020.

Cultural Governance: In the absence of Committee Chair Trent Nelson, Assembly Co-Chair Marcus Stewart provided a brief update:

- The Committee is currently exploring other forms of formal recognition for the purposes of a reserved seat on the Assembly for those groups not yet formally recognised by State legislation.
- The Committee discussed the possibility of a workshop to discuss how those recognition forms can be achieved.

Elders' Voice: Committee Chair Tracy Evans provided an update to the Board:

- The next step for the Committee is to develop a draft Elders' Voice structure. In light of COVID-19, the committee will do this via a series of online workshops.
- Once safe to do so, the Committee will engage with Elders and the broader community on this draft design before putting the model to the Assembly for a vote.

Treaty Negotiation Framework: Committee Chair Jamie Lowe provided an update to the Board:

- Priority for the Committee is to consider and reach a position on whether there should be a single state-wide Treaty, multiple treaties or both.
- Strong agreement within the Committee about a need to engage with mobs so they receive as much information on key issues as is presented in the Chamber.
- Discussion held on the possibility of establishing an expert reference group to advise on progressing key pieces of work.
- Assembly Staff will develop further information on what a potential negotiation strategy might look like to assist all Committees in their work.

Treaty Authority: Committee Chair Ngarra Murray provided an update to the Board:

- The Committee's third meeting was held on 18 March 2020.
- The Committee discussed the sample dispute resolution process including in the Roadmap document circulated to all members.
- Discussion was held on the need for a cultural lens to be applied to the dispute resolution process.
- Other subjects that had been discussed or require further discussion:
 - Dispute resolution notice timing to be extended from 14 days to 21 days.
 - Establish a high bar to commence a formal dispute to ensure negotiations are not slowed.
 - Selection of mediator(s).
 - The benefits and risks of arbitration, mediation and conciliation as methods of resolving disputes.
- The Committee is aiming to provide a recommended interim dispute resolution process for discussion at the June Assembly Chamber meeting.

Transition update

Jodie Sizer and Jason Mifsud Transition Services, provided an update to the board:

- PIC provided a comprehensive overview of their work to date against the contract deliverables. This was summarised via:
 - Business Services
 - Governance
 - Policy and Research
 - Communications and Engagement
- Included in the presentation was the additional responsibilities that PIC had undertaken, lead and managed including the response to COVID-19 and associated people and business continuity risks. PIC also presented future work priorities spanning 3-4 weeks (current PIC contract finishes on 22 April 2020) and priorities over the next 6 months.

- A further update from Management included:
 - Accommodation options continue to be explored with negotiations in progress on a CBD premises. Department of Premier and Cabinet (DPC) will transfer the cost of lease of current Assembly premises (Cardigan Street) to the Assembly. Negotiation on the start date of the cost transfer is still ongoing.
- An update on current staff recruitment process :
 - Due to COVID-19, community engagement and business administration positions will be deferred.
 - Negotiator position has been re-shaped and re-advertised as the Lead Treaty Negotiator.
 - Recruitment of other senior positions are progressing. These include:
 - Head of Community Engagement,
 - Senior Communications Adviser, and
 - Senior Policy Adviser.

Budget

- The Assembly is currently waiting on a response from the Victorian Minister for Aboriginal Affairs on funding requests for a five-year budget bid along with a request for additional funding. Assembly Management will continue to work with the Minister's office to progress these discussions.

- The Board was presented with the Assembly financial reports and advised that the Assembly is operating solvently.

Other business

June Assembly Meeting: It was agreed that the June Assembly Chamber Meeting be held by videoconference.

Co-Chairs report backs: The Chair notified the Board that templates are being finalised for regular report backs from the Co-Chairs, these would then be provided to the Board and Assembly Members.

The Chair reported back to the Board on recent meetings of the Co-Chairs with the new Minister, the Victorian Federation of Victorian Traditional Owners Corporation (to receive a briefing on their current research), and that the Co-Chairs had attended all Assembly Committee meetings.

The Board acknowledged the work of PIC and thanked them for their efforts and professionalism in the transition phase.

Board Meeting frequency: Discussion was held around monthly Board meetings. Management will develop a Board meeting schedule with the view that Board meetings will alternate between ordinary Board meetings and strategic board workshops.

Next Board meeting: The next Board meeting has been scheduled for 8 May 2020.