



**First Peoples'
Assembly of
Victoria**

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Assembly Communique – June 2020

The First Peoples' Assembly of Victoria Chamber met on 18-19 June 2020. The meeting was held virtually due to the state of emergency in Victoria.

Opening the meeting, Uncle Graham Atkinson, Dja Dja Wurrung Elder, gave an acknowledgement of country. Uncle Graham acknowledged the importance of Treaty to community and wished Members a good meeting, in good spirit. Members then paid respect to people who have passed through one minute of silence.

Day One

Co-Chairs report

Marcus Stewart gave an update on behalf of the Co-Chairs about their work, and the key achievements of the Assembly. It has been a rewarding but challenging few months of the year, starting with our Communities affected by bushfires, deaths in custody, the COVID-19 pandemic and the Black Lives Matter movement.

Marcus acknowledged the work of Members to keep the work program on track, despite the challenges. This is important as Treaty is a once in a generation opportunity to change systems that sees Aboriginal Victorians die 10 years earlier and imprisoned at rates 12 times higher than the rest of the state.

Key achievements in the last six months include:

- significant progress against the Assembly's key workstreams, enabling the Assembly to be negotiation ready, subject to Chamber decisions made at this meeting
- establishing a company with a robust governance mandate
- forging strong relationships with supporters in Victoria, nationally and internationally
- development of an Assembly Strategy on a page
- strategic engagement with Ministers to advance the Assembly's work and progress Treaty.

The Co-Chairs report highlighted the work done to seek government commitment to provide additional funding to support Members, noting the commitment of the Minister for Aboriginal Affairs to work with the Assembly on a budget bid.

In the discussion of the report, Members emphasised:

- the need for greater funding support for the Assembly
- the importance of finding different ways to support regional engagement during the pandemic, and ways to manage community discussions on confidential matters
- gaining further clarification of the role of government funded Aboriginal positions in regions, and how these positions will interact with Assembly Members.

Operational report

The CEO, Andy Gargett, gave an update with the new Head of Communications and Engagement, Chris Johnson.

Andy thanked the transitional team from PIC, in particular Jodie Sizer and Jason Mifsud, for their leadership supporting the Co-Chairs, Board, Assembly Members and administration in the establishment phase of the Assembly.

Andy noted that his role as CEO was to execute the operations for the Assembly at the direction of the Co-Chairs and Board and to elevate the voice of the Chamber and enact its decisions.

Andy assured Members that the administration has heard Member feedback and is committed to improving communication supports to Members.

Chris updated Members on work to build the engagement team. Chris noted the team was prioritising better tailoring of communications products for Elders and a strong focus on publications.

Andy noted that the staffing structure was being refined and once this was complete, Members would be sent a high-level organisation structure. Andy also committed to working with the Board to develop a handbook/guide to delineate roles and responsibilities to provide better guidance to Members.

Reports from Committees

The Assembly has established five key committees, each of which is responsible for a specific set of tasks in going forward with the Treaty process. Two of the Committees brought formal resolutions for Chamber consideration, the remaining Committees provided updates on their work to date.

Self-Determination Fund

Troy McDonald, Chair of the Self-Determination Fund Committee updated the Chamber that the Committee met for the first time on April 3 to progress the design of the Fund including community consultation.

Under the Act, the Fund will support Treaty(ies) negotiations on an equal standing with the State, provide a financial resource independent of the State to empower Traditional Owner and Aboriginal Victorians to build capacity, wealth, and prosperity, and any other function agreed by the Assembly and the State. The Chamber noted that critical questions for communities will be:

- How should the Fund be used to support Treaty(ies) negotiations on equal standing with the State?
- Who should hold and manage the Fund?
- How should the Fund be resourced?
- What other functions could the Fund be used for?

The Chamber noted that it will be important to get an understanding of what 'equal standing' means for communities.

To help answer these questions, the Committee will consult extensively with communities, meet with experts involved in modern Treaty-making processes and consider international examples. The Committee will begin considering how the Fund could be used to support Treaty(ies) negotiations on equal standing with the State at its next meeting on July 22.

Elders Voice

Chair of the Elders' Voice Committee, Tracey Evans updated the Chamber that the Elders' Voice Committee has met three times to progress the best way to include Elder's knowledge and wisdom in the Assembly's work.

The Chamber reaffirmed that including Elders in the Treaty process is vital to the success and cultural integrity of the process. And that this needs to be done in a way that does not burden Elders and makes sure that the Assembly benefits from Elders' wisdom and experience.

The Committee will hold two workshops in July to develop an Elders' Voice model for the Chamber's consideration in August. If approved, Members will use the model to consult with Elders in their communities. Elders' feedback will inform a final model, which will be considered at the November Assembly Chamber meeting.

Cultural Governance

Chair of the Cultural Governance Committee, Trent Nelson, updated the Chamber about the Committee's work to review Assembly processes, governance and membership to ensure that they are culturally robust, culturally safe, and driven by Aboriginal ways of doing business. The Committee has met twice, on March 12 and on May 12.

Top priorities of the Review of Cultural Governance Committee are:

1. Development of a model for additional/alternate forms of Traditional Owner recognition as it relates to broadening the Assembly's membership
2. Examining how Assembly meetings can best embed culturally strong decision making
3. Seeking to include cultural performances, smoking ceremonies, and cultural tours in regional areas in the Assembly's business
4. Strengthening displays of culture at the June Assembly Chamber, and at all Assembly meetings being held by videoconference
5. Exploring renaming elements of the Assembly in language
6. Exploring how young people can be better encouraged to participate in the Treaty process/work of the Assembly.

Member-led business

Admitting additional Traditional Owner groups as Reserved Members

Alister Thorpe spoke to his resolution that sought to provide a pathway to allow the admission of additional groups as members of the Assembly.

Members noted that this work was already underway through the work of the Cultural Governance Committee and is an important part of making sure that Assembly recognition systems are culturally appropriate, decolonised and support the right to sovereignty. Members noted that work as outlined in the resolution was already underway through the Cultural Governance Committee. Members discussed the complexities to be managed including equity in voting rights between existing traditional owner groups and new members; and how to manage areas that have overlapping recognition claims.

The resolution was passed by members. The resolution will be referred to the Cultural Governance Committee for action.

Truth Commission and Transitional Justice

Jason Kelly spoke to his resolution that sought to call on the Victorian Government to establish a truth telling process.

Members agreed the resolution was timely in the context of the Black Lives Matter movement and public discussion about the treatment of Aboriginal and Torres Strait Islanders in Australia and the lack of knowledge and understanding of Australian history and the impacts of colonisation from the public narrative. Members agreed that there cannot be Treaty without truth.

Members noted that the resolution would be referred to the Treaty Negotiation Framework Committee for more work, before further Chamber consideration.

The resolution was passed by members.

Discussion matters raise by Barengi Gadjin Land Council

Dylan Clarke tabled a letter from the Barengi Gadjin Land Council for Assembly consideration. The issues raised in the letter were referred to the Board for consideration.

The livestreaming stopped at this point as Members were moving onto discussions of future negotiating positions with the state that needed to be kept confidential from government staff who may be watching the livestream. The Co-Chairs thanked people for joining online.

Dispute resolution & Treaty Authority

Ngarra Murray, Chair of the Treaty Authority Committee, led discussions on initial Assembly negotiating positions on the interim dispute resolution process and the Treaty Authority. The Chamber noted the consultations with communities to inform the Committee's deliberations.

Dispute resolution - would only relate to disputes between the State and the Assembly on the Treaty process

A dispute resolution process is the first decision required by the *Advancing the Treaty Process with Aboriginal Victorians Act 2018*. The Chamber noted that a timely decision about the parameters for Assembly negotiations about dispute resolution is critical to moving forward on other treaty related matters. Members also noted that the process being considered was intended to be temporary and would most likely be replaced by the Treaty Authority when agreed.

Treaty Authority – The Chamber explored proposed negotiating principles for a Treaty Authority covering the roles, membership, and legal structure of the Authority. Cultural integrity and the upholding of sovereignty underpinned these proposed principles. The Chamber discussed how work on Treaty in Victoria fits within the national context.

The Chamber adopted negotiating positions on dispute resolution and principles for the Treaty Authority to guide negotiations with the State. In agreeing the resolutions Members sent a strong message to the State and communities that despite challenging times, the Assembly is serious about negotiating Treaty and mean business.

Day Two

Form of agreement making – Treaty, Treaties or both

Jamie Lowe, Chair of the Treaty Negotiation Framework Committee, led discussions on the form of agreement making the Assembly would pursue. This is a threshold question the Assembly needs to answer before it can consider what might be on the table in negotiations and who should be eligible to negotiate treaty. The Chamber noted the consultations with communities to inform the Committee's deliberations.

Members considered options for agreement making, including a Statewide Treaty, local treaties, or a both. The Chamber considered feedback about the options from community engagement between April and May. The Chamber took into account community feedback and specialist research and advice obtained from a range of experts.

The Members adopted a negotiation position to seek both statewide and local Treaties. Members noted this allows for broader statewide rights to be addressed, while also providing flexibility for different groups to pursue their own unique, localised priorities at their own pace.

Engagement with government

The Chamber discussed the Assembly's approach to working with the State, including the start of negotiations with the State and invitations to government to attend Chamber meetings.

Members discussed the importance of openness and transparency to community and all Members throughout negotiations.

Election of a new Director

The Chamber noted the resignation as Director of Rueben Berg, and thanked him for his contribution to the Board, Rueben will continue to serve the Assembly as an elected Member.

Members agreed to fill the position by postal/online vote before the August Chamber meeting and noted that the Board will provide more information about the process after its July meeting.

Interim Key Performance Indicators for the Co-Chairs

The Chamber noted interim key performance indicators for the Co-Chairs and discussed the further development of a final set. The Co-Chairs were not present for this discussion. A final set of indicators will be considered by the Chamber at the August meeting.

The meeting closed. The next meeting will be 27 and 28 August 2020.