



## August Chamber communique

### 2 September 2020

This document is a summary of the recent Assembly Chamber meeting. Due to COVID-19 restrictions, the Members met via video link from their preferred locations, with the meeting chaired by Co-Chair Marcus Stewart.

### Day one

#### Acknowledgement of Country and Welcome

Auntie Deborah Morgan Chaplin, a Wadi Wadi Elder, performed an acknowledgement of Countries, recognising Elders of the past, living Elders and Elders of future.

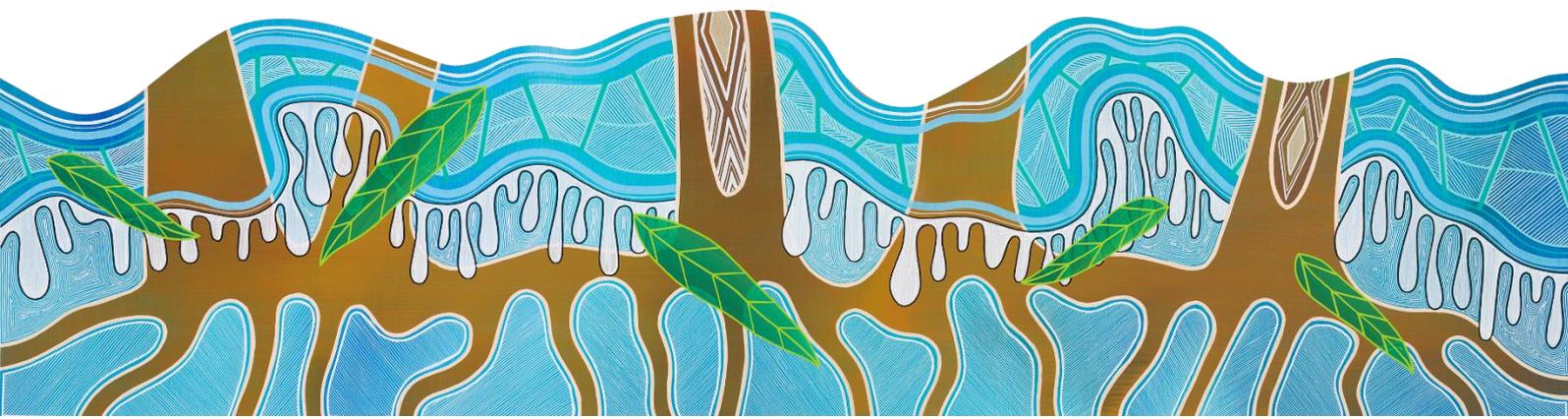
Co-Chair Marcus Stewart recognised the sorry business in community and Members observed a minute's silence.

Members noted the challenges of working during a pandemic. The Co-Chairs acknowledged Members' efforts and hard work in the circumstances.

#### Co-Chairs' report

The Co-Chairs' report was considered by Members, with the Co-Chairs particularly highlighting:

- In July a significant milestone was secured, with the State committing to a Truth-telling process, as called for by Members at the June 2020 Chamber meeting.
- The Assembly continues to advocate for increased resources from the State to enable the Assembly to negotiate as equals. The State Budget will be considered in November due to COVID-19 and negotiations on budget are continuing.



## Operational report

The Operations report was considered by Members, with Andy Gargett, CEO and Chris Johnson, Manager of Engagement, particularly highlighting:

- The Assembly is continuing to adapt to the challenges presented by COVID-19. Options for improving the delivery of work will be considered by the Board. As restrictions are eased, the Assembly will return to in-person consultations.
- Three engagement officers start with the Assembly on 31 August: two based in the metropolitan region and one focused on the Truth-telling project. Recruitment to other roles is being finalised.

## Member-led business

Rueben Berg led a discussion about whether the Assembly should have a process for considering whether to adopt positions on important issues like changing the date of Australia Day. Members noted that 26 January is a traumatic day for many in the Aboriginal community, and that some would argue that debate about the date should not detract from other serious issues facing Aboriginal communities. It was agreed that the Board would bring a proposal to Members to consider in November.

## Updates from committee chairs

### **Treaty Authority and Dispute Resolution Committee**

Committee Chair Ngarra Murray updated the Chamber that the committee has met twice since the June Chamber. Negotiations have begun with the State on the Dispute Resolution Process and Treaty Authority principles. Ngarra noted that the committee had achieved these outcomes while dealing with the added pressures of pandemic restrictions.

### **Treaty Negotiation Framework Committee**

Committee Chair Jamie Lowe updated the Chamber that the committee has met monthly. Negotiations with the State on the Framework have commenced and it's hoped that community engagement can increase as COVID-19 restrictions ease.

### **Self-determination Fund Committee**

Committee Chair Troy McDonald updated the Chamber that the committee has met twice since the June Chamber. He noted that the fund is closely tied to the Treaty Negotiation Framework; work is being done to understand where the two pieces of work intersect and what functions might fall from the Framework. Local and international agreements and treaties are being explored.

### **Elders' Voice Committee**

Committee Chair Tracey Evans updated the Chamber that in July the committee held two workshops and engaged in online engagement with community. The Committee's priority is developing a model for the Elders' Voice in consultation with Elders. The Chamber will be considering if a sample model will be taken to the community for consultation.

### **Cultural Governance Committee**

Committee Chair Trent Nelson updated the Chamber that the committee is seeking community feedback about a model for alternative recognition pathways for seats on the Assembly, with the results to come back to the Chamber.

## Approach to development of a terms of reference for a Truth-telling process

The Assembly discussed the next steps in developing a terms of reference for a Truth-telling process that addresses scope, mechanisms and sequencing within the broader Treaty process. This discussion built on the June Chamber resolution that called on the government to work with the Assembly to develop a Terms of Reference in partnership with Government for an independent truth and justice inquiry.

Members voted for the Assembly to develop a proposal for the Truth-telling process and agreed to recommend that the Board establish a committee.

## Finalising the interim dispute resolution process

The Assembly authorised its negotiators to finalise an interim dispute resolution process with the State under the *Advancing the Treaty Process with Aboriginal Victorians Act 2018* (Vic), provided that the process meets specified thresholds. The interim process will only deal with disputes between the Assembly and the State and be temporary and largely procedural. Agreeing this process is a necessary first step to allow other work to progress.

## Day two

### Minister for Aboriginal Affairs, Gabrielle Williams

The Assembly invited the Minister for Aboriginal Affairs, Gabrielle Williams, to attend part of the Chamber meeting. The Minister recognised the challenges COVID-19 has presented the Assembly and thanked Members for their work. Ms Williams acknowledged the sadness and anger felt by communities after the announcement that no charges would be laid in relation to the death in custody of Yorta Yorta woman Tanya Day. Ms Williams agreed to continue discussions with the Assembly about deaths in custody and addressing the structural inequalities in the justice system.

The Chamber and the Minister explored a range of issues including the Minister's approach to her work including engaging her ministerial colleagues in Treaty; ways the State can help the Assembly to be on a more equal footing in negotiations; progress and regular reporting on the establishment of a Redress Scheme for the Stolen Generations; and how coordination between the Assembly and work being delivered by Aboriginal Victoria could be improved, including nation-building initiatives.

### Updated approach to progressing the Treaty Negotiation Framework

Jamie Lowe, Chair of the Treaty Negotiation Framework Committee, proposed to the Chamber an updated approach to the Committees work which will assist the Assembly as it considers how to design the framework. This includes establishing an expert reference group to support the development of the Treaty framework. The Committee will shift focus to examining broader principles and process that make up a Treaty Negotiation Framework, including requirements set out in Section 31(1) of the Act.

### Next steps for the Elders' Voice

The Chamber discussed a sample model for community consultation on the Elders' Voice and proposed next steps for community consultation. The Assembly discussed the particular challenge of consulting with Elders at this time and that consultation methods would need to be adapted.

Based on community consultations, the Elders' Voice committee will propose to the November Assembly Chamber a way forward. Members noted that if Elders indicate they want more time for consultation, then this will be agreed in the November Chamber meeting.

### **Key performance indicators and measures for the Co-Chairs**

The Assembly adopted key performance indicators and reporting measures for the Co-Chairs, as allowed for in the Assembly constitution.

### **Additional recognition pathways for the purposes of Assembly membership**

The Chamber discussed a discussion paper, with supporting analysis, on potential models of representation. The Chamber noted the paper includes types of models that could be developed, a set of principles that could guide groups seeking representation, and the impact of different models on existing Members of the Assembly. The Committee will undertake targeted consultation in September.

### **Next Assembly Chamber meeting**

The next meeting of the Assembly Chamber is scheduled for 26 and 27 November 2020.