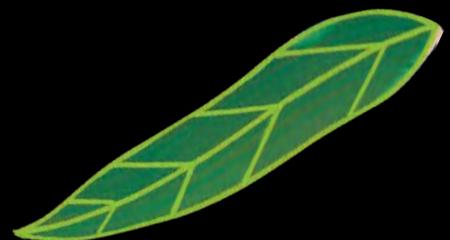




“My hope is that a Treaty will benefit present and future generations of our people. Formalising a Treaty could mean having a platform to vocalise issues, opportunities to create change in our communities and the recognition of our history. It’s empowering to know that our people have successfully fought to be heard and included in these processes - especially those involving our mob. I’m hopeful that my children and grandchildren will benefit from this Treaty.”

**VICTORIAN ABORIGINAL YOUNG PERSON,
ASSEMBLY CONSULTATION 2020**



We stand on the shoulders of giants

The word Treaty is commonly used to refer to an agreement which ends a conflict. It is important that this sense of the word is not lost as the Treaty process proceeds. There was great conflict in this State — conflict which led to mass death and the dispossession of peoples who had been sovereign for millennia. Our ancestors led resistance to these efforts and to other attempts to destroy our culture and our people. Through their great efforts over generations, we have survived and thrived, staying strong and resilient. One sign of this is the number of groups advocating for the rights of Traditional Owners in Victoria.

The Blak Lives Matter movement has sent a timely message about the ongoing injustices which Treaty seeks to address. The need for targets in the Closing the Gap Agreement and the Victorian Aboriginal Affairs Framework demonstrates the continuing structural inequity in Victoria. Treaties — even those hundreds of years too late — offer the possibility to strengthen our culture, return our land, and help us to re-build the wealth that was taken from us. Through Treaties, Victorians have the

opportunity to address the structural issues that impact Aboriginal people, and to achieve the tangible changes that are needed to finally close the gap in outcomes and move Aboriginal communities out of poverty and towards wealth.

We are confident that change is possible and it is coming. Leaning on the strength, courage and resilience of our ancestors, we are ready to start the next phase of a new relationship with the State of Victoria.





The Victorian Treaty Advancement Commission

Following extensive consultations in early 2016, the Aboriginal Victorian community voiced the need for Treaty to advance Aboriginal Victorians' self-determination. In July 2016, the Aboriginal Treaty Working Group (the Working Group) was established. The Working Group led 16 consultations across Victoria, including an Aboriginal Community Assembly in November 2017, to inform the design of what would become the First Peoples' Assembly of Victoria. (A full list of Working Group members is provided in Appendix B.)

In January 2018, the Victorian Treaty Advancement Commission (the Commission) was established, with Jill Gallagher AO appointed as Treaty Advancement Commissioner. The Commission's role, with the support of the Working Group, was to work with communities across Victoria to establish an Aboriginal Representative Body responsible for negotiating with government to lay the groundwork for substantive Treaty negotiations.

The enactment of the Advancing the Treaty Process with Aboriginal Victorians Act 2018 (Vic) enshrined the principles of the Treaty process and required the Assembly and the State to work together to advance Treaty.

Over the course of almost two years, the Commission undertook a diverse and inclusive consultation process, including Traditional Owners and other Aboriginal people throughout the community, through youth forums, Elder groups, community groups and discussions with community members currently imprisoned. The First Peoples' Assembly of Victoria is the outcome of the views of our communities, facilitated by the Commissioner.

From September to October 2019, an election was held to choose representatives of the Assembly. The results of the election were declared on 4 November 2019. The names of the Members selected by Traditional Owner groups to represent them in the Assembly's reserved seats were released on 15 November 2019.

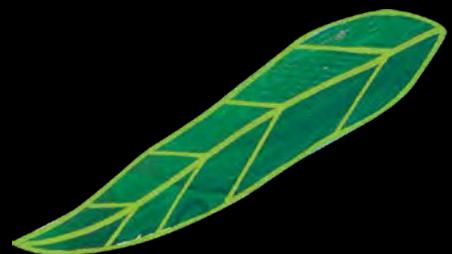
In December 2019, the Treaty Advancement Commissioner formally wrote to the Minister for Aboriginal Affairs, the Hon Gavin Jennings, recommending that the Minister declare the First Peoples' Assembly of Victoria to be the Aboriginal Representative Body under the Act. The Minister's declaration came into effect on 9 December 2019.

On 10-11 December 2019, the Assembly met for the first time at Parliament House.



'Make no mistake, the eyes of Aboriginal communities across Australia are on us here in Victoria as we design our representative structures to negotiate Treaty. We need to get it right, not just because it affects us and our families and our communities –but also because we are setting the standard that other States and Territories will follow.'

**VICTORIAN ELDER,
VTAC CONSULTATIONS, 2019**



First Peoples' Assembly of Victoria achievements

First agreements in the architecture for Treaties

Between 10 December 2019 and 31 August 2020, the Assembly has made significant progress towards the foundational architecture for Treaties, fulfilling its obligations under the Act.

As of August 2020, the Assembly and State are close to agreeing a first major Treaty milestone - an interim dispute resolution process. We have listened to our communities' initial thoughts on key issues including the preferred form of agreements to be pursued and the principles that should underpin the design of the Treaty Authority.

In addition, the Assembly called on the State to deliver two significant, immediate priorities – a Stolen Generations Redress Scheme and a Truth-telling process. The State listened to the voice of Traditional Owners and other Aboriginal Victorians, demonstrating the power of our collective voice. This is discussed further in the report.

Further information about the achievements of the Assembly is below and in Appendix C.

A moment in history: the inaugural Chamber meeting of the First Peoples' Assembly

The Assembly held its inaugural Chamber meeting on 10-11 December 2019, electing Members of the Board and the Co-Chairs. This meeting of the Assembly marked the official completion of the Victorian Treaty Advancement Commissioner's work. The meeting was held in the Legislative Council of Parliament House, making a powerful statement about our sovereignty and our position as the elected representatives of Traditional Owners and other Aboriginal people in Victoria. Members gave opening statements that acknowledged the courage and resilience of their ancestors and communities, and that demonstrated the ongoing strength of Aboriginal cultures and voices in the country now known as Victoria.



Laying the groundwork for Treaties: Second Chamber meeting of the First Peoples' Assembly

The second Assembly Chamber meeting was held on 28 February 2020 at the Aboriginal Advancement League in Thornbury. A workshop was held on 27 February that featured discussions with representatives of the British Columbia Treaty Commission on their experiences with modern Treaty making in Canada. In between Chamber meetings, Members undertook intensive work to map the Assembly's Treaties work, including the sequencing of decisions and the interdependencies for negotiations with the State to develop the architecture for Treaties.

Coming out of this work, the Assembly decided to focus first on dispute resolution, the Treaty Authority and the preferred form of Treaties. Other decisions relating to the Treaty negotiation framework and the design of the self-determination fund are scheduled to be considered later in 2020 and 2021.

During this period, Assembly Members held discussions across the state with Traditional Owners and other Aboriginal people living in Victoria on their aspirations for Treaties. These consultations informed the establishment of five committees, each responsible for specific areas within the Treaty process. The committees are made up only of Assembly Members and drive policy development with communities in these areas:

- The Treaty Authority
- The Treaty negotiation framework
- The self-determination fund
- The design of an Elders' Voice
- The review of the Cultural Governance of the Assembly.

In between meetings, our Members adapted to the challenges of the COVID-19 pandemic and the declaration of the State of Emergency in Victoria by making greater use of technology to continue to listen to communities, while making sure that we kept our Elders and communities safe. See Appendix D for details of the reach of the community consultations we have completed during the pandemic.

Ready for negotiations and a call for Truth-telling: Third Chamber meeting of the First Peoples' Assembly

The third Chamber meeting of the Assembly was held on 18-19 June 2020 via video conference, due to the impact of the COVID-19 pandemic. The Chamber considered Member-led business, as well as important resolutions progressed by the Assembly committees since the February Chamber.

The Chamber considered three important resolutions to the Assembly, addressing:

- the principles to guide negotiations of the Treaty Authority
- an interim dispute resolution process
- the issue of whether there should be local Treaties, a statewide Treaty, or both.

The Assembly's agreement to both an interim dispute resolution process and to principles to guide negotiations for the Treaty Authority supports the start of negotiations with the State on the design of the Treaty Authority.

Assembly Members voted in favour of a mandate to negotiate both local Treaties and a statewide Treaty, once a Treaty negotiation framework has been agreed enabling communities across Victoria to retain flexibility in the Treaty process and maximise the content that can form part of Treaty negotiations.

Authorising agreement: Fourth Chamber meeting of the First Peoples' Assembly

At the 27-28 August Chamber meeting, the Assembly considered the interim dispute resolution process and authorised the Assembly to agree to it, subject to threshold conditions being met. The Assembly continued to listen to communities about their aspirations for the Treaty negotiation framework.

As the above demonstrates, the Assembly has achieved significant progress towards establishing the architecture for Treaties within its short period of operation. This work positioned the Assembly to start formal negotiations with the State on 3 August 2020.



Building on a legacy of Aboriginal activism

The First Peoples' Assembly of Victoria is building on the proud legacy of strong Victorian Aboriginal leaders by advancing several major pieces of work alongside the Treaty process. These include successfully advocating for the establishment of a Stolen Generations Redress Scheme and a statewide Truth-telling process.

Members raised the need for a redress scheme for the Stolen Generations during the Assembly's inaugural meeting in December 2019, and we are heartened by the Government's agreement to implement such a scheme. The Assembly Members know all too well the immense damage inflicted upon the Stolen Generations and their families, cultures, languages and lore. We recognise our Stolen Generations and honour them for their strength, resilience and determination.

The Assembly overwhelmingly supported the Member-led resolution at the June Chamber that Truth-telling be prioritised as part of the Treaty process. Responding to the Assembly's leadership, the Government committed to working together to design a Truth-telling process. We welcomed the Government's commitment and emphasised that a shared understanding of Victoria's history and the truth of Aboriginal peoples' experiences is fundamental to all Victorians moving forward with the Treaty process.

Truth-telling and a Stolen Generations Redress Scheme are especially important because many of our Elders will not live to see the fruits of the Treaty process. We need to deliver on these priority issues now.

Leadership by the First Peoples' Assembly of Victoria

Aboriginal people guide the work of the Assembly through regular, direct engagement with their elected representatives. Assembly Members met with their communities in person during the first three months of 2020, with live-streaming of events wherever possible for those who wished to participate this way (see Appendix D).

The Assembly has pivoted to alternative methods of engagement in order to maintain community participation in the Treaty process throughout COVID-19 restrictions. The Assembly has mitigated the worst impacts by moving to alternative methods of engagement. The Assembly endorsed livestreaming of our meetings to maintain the involvement of Traditional Owners and the broader Aboriginal communities in the Assembly's work during the February, June and August Chamber meetings.

The Assembly has significantly expanded its use of online channels to engage with the community during this period that is challenging for all. This includes engaging through more social media platforms, hosting interactive Facebook Livestream events, and a podcast series.

Examples of our reach to our communities, and the wider Victorian community, include:

- An opinion piece about the Blak Lives Matter movement shared through the Assembly's Facebook, Twitter and website, the Premier of Victoria's Facebook, Twitter and Instagram, and NITV's Facebook, Twitter and website. Collectively it has been engaged with over 86,300 times.
- Interactive livestream Member-led discussions with community about the work of the Assembly has had an online reach of more than 43,000 people to date.
- Livestreamed parts of the Assembly Chamber meetings have reached more than 89,500 people.

We look forward to returning to face-to-face engagement with our communities as soon as it is possible and safe.





“For me, a Treaty would reassure me that the Victorian Government is passionate about moving forward on Indigenous issues.

I know that there are a lot of young Indigenous people who feel it is their responsibility to advocate or be upset over the treatment of Indigenous people, a Treaty could potentially allow non Indigenous people to support the ownership of this responsibility.”

YEMURRAKI EGAN, YOUNG PERSON

