



First Peoples'
Assembly of
Victoria

SUPPORTING ANALYSIS PAPER:

**Additional forms of recognition for
the purposes of a reserved seat in
the First Peoples' Assembly**



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Development of a model for additional forms of recognition

The Assembly is seeking community views on a model for an additional form of recognition for the purposes of eligibility for a reserved seat on the Assembly.

In May 2020 the Assembly's Review of Cultural Governance committee began work developing a model. Assembly Members passed a resolution on the same topic at the June Assembly Chamber, reiterating the urgency of progressing this work.

The current model for membership in the Assembly builds on existing self-determination in the Traditional Owner community in Victoria, while ensuring that unique political communities receive a minimum level of representation on the Assembly. This model includes Members elected from regions and reserved seats for Traditional Owner groups who hold a level of formal recognition under State or Commonwealth legislation. These groups have responsibility for 74% of Country in the State for functions defined within the relevant legislation. An additional pathway for eligibility for a reserved seat would sit alongside these existing membership models.

An additional pathway for Assembly membership seeks to empower Traditional Owners groups who do not hold formal recognition under such legislation, for the purposes of strengthening inclusivity of Traditional Owner representation in the Assembly and further strengthening and diversifying community engagement with and contribution to the Treaty process. Through this process, the Assembly will continue to build community trust while supporting and inspiring Traditional Owners around Victoria to unite and mobilise through self-determination and nation-building.

Developing a new system of recognition

This analysis paper outlines questions that need to be answered to develop a new system of recognition for the purposes of reserved seat eligibility on the Assembly. The focus is on developing a system which seeks to strengthen Aboriginal cultural ways of recognition, centres self determination and embodies the values of the United Nations Declaration on the Rights of Indigenous Peoples.

To design a new system of recognition for Traditional Owner groups, there are several structural questions and considerations for the Assembly to answer. These include:

- The type of model to be developed
- Design of the new model
- Relationship of any new model to the other work of the Assembly

This analysis paper steps through each of these questions and then outlines a potential model for discussion.

The Assembly is seeking community feedback on these questions to develop a final model to bring to the Assembly Chamber for consideration in November. A timetable on next steps in this process is outlined at the conclusion of the paper.



Type of model to be developed

The Assembly could construct a new model for reserved seat membership that assesses a group's eligibility against either general principles or specific criteria that a group must meet.

General principles

Using general principles means the Assembly could develop a set of key principles which Traditional Owner groups must meet to be eligible for reserved seat membership in the Assembly. Assembly Members have noted the importance of principles such as:

- Self-determination: Traditional Owner groups self-determine their identities
- Inclusivity: everyone has access to a seat at the table
- Equity: of access to reserved seating membership among Traditional Owner groups
- Rights: strengthening the rights of Traditional Owner groups who do not hold formal recognition under existing systems and protecting the existing rights of Traditional Owner groups with current forms of recognition

Using principles provides greater flexibility for groups to determine their own structure and allows them to organise in a way that is best suited to their unique communities, cultures and histories. However, principles are broad and open to interpretation, placing large amounts of discretion and responsibility with the person/group that must decide whether a group is eligible (see who might make this decision at page 5). The broadness of principles may make this approach more suited to providing a foundation or guidance for a specific criteria approach.

Some considerations the Assembly needs to answer under this model are:

- Are the principles general or do the principles provide specific requirements of Traditional Owner groups? Requirements may include whether a group must have a minimum number of people, how the group is described, how a claim is supported by a group's members, and what evidence requirements would need to be met?
- Who should be consulted in considering whether a group has met the principles (for example neighbouring groups)?
- Who will make the decision that the group has met the relevant principles?
- How does the decision maker address conflicts of interest in determining a group's eligibility?
- What is the dispute resolution process if there is a dispute around a group's fulfillment of the key principles?

Specific criteria

Using specific criteria, the Assembly could set the thresholds a group is required to meet, and the information required to prove that they have met these thresholds. The Assembly could incorporate general principles (discussed above) into this model by requiring that all thresholds are founded on key principles, such as self-determination, inclusivity, equity and rights as previously outlined.

Some threshold requirements to consider may be:

- What thresholds must a group meet, such as legal, governance, accountability, inclusiveness, and dispute resolution processes?



- Are there membership thresholds? Such as requirements for a minimum number of people, how the group is described, whether members must be Traditional Owners in Victoria, whether a group must name all members?
- Are there existing thresholds, for example under the Traditional Owner Settlement Act 2010, that might be suitable if it was not the State who decided if the thresholds were met?
- Does the group need to represent a defined area of Country? Does this include a general description or specific boundaries? How is overlapping or disputed Country accounted for?
- Is evidence required to determine that a group has met the thresholds? How much evidence is required and how is that measured?
- Who should be consulted in considering whether a group has met a threshold (for example neighbouring groups)?

Under a model with more specific requirements, a decision-making body would also need to determine whether a Traditional Owner group has fulfilled threshold requirements for reserved seat eligibility. The threshold approach creates more detailed requirements for a group to meet. It may therefore provide a more transparent process with less discretion for the decision maker(s) to determine if the group meets the eligibility requirements. The threshold approach still places a large amount of responsibility with the decision-maker (still to be determined) who decides if a group has met the thresholds. Decisions would still need to be made around how the decision-maker handles conflicts of interest or disputes around decisions on a group's fulfilment of the thresholds.

Another option is a hybrid approach, where existing formal recognition processes from Federal and/or State legislation are maintained but the Assembly appoint a different decision maker consisting of Traditional Owners.

A specific criteria model could require groups to provide specific or general information, or a combination of both, to demonstrate fulfillment of thresholds. For instance, a specific requirement could be that eligible groups are required to confirm that all members are Traditional Owners in Victoria. A general requirement could be that groups are required to outline or provide evidence of legal, governance and accountability structures but are not required to organise group structures in a particular way.

The models outlined below provide practical examples of general and specific models.

Example Model 1. General principle model

A Traditional Owner group (Group) applies for a reserved seat on the Assembly. The Group provides answers to the four broad principles required, which are: self-determination, inclusivity, equity and rights. The Group outlines that they self-determine their identities as a Traditional Owner group and confirm that as a group they are inclusive and provide equity of access for Traditional Owners in their area. The decision-making body considers the application according to the information supplied. The decision-making body decides that the Group has fulfilled the required principles and approves the Group for reserved seat membership in the Assembly.

Example Model 2. Specific criteria with underlying key principles

A Traditional Owner group (Group) applies for a reserved seat on the Assembly. The Group provides answers to the threshold requirements in the application form. As part of the application, the Group provides detail and evidence of their legal, governance and accountability structures and dispute resolution processes, including a copy of their Membership rule book. The Group confirms that its membership only consists of Traditional Owners from Victoria, provides a list of members, and confirms that it has a minimum number of members.



The Group provides a general description of the Country connected to the Group, as required, and notes, but is not required to resolve, any areas in dispute. The decision-making body considers the application according to information supplied and does not seek consultation from community or related Traditional Owner groups, as self-determination is an underlying principle. The decision-making body agrees that the Group has met the thresholds and approves the Group for reserved seat membership in the Assembly.

Example Model 3. Hybrid model of existing legislation with Traditional Owner decision-making body

A Traditional Owner group (Group) applies for a reserved seat on the Assembly. The Group provides information to show that they comply with the requirements for eligibility to reach an agreement under the *Traditional Owner Settlement Act 2010* including identified apical ancestors, outline of Country and legal, governance, and accountability structures. The Group has chosen to not make an application under this Act. Rather than the State deciding if they have met the requirements of the Act, a decision making body consisting of Traditional Owners in Victoria considers the application according to information supplied in relation to fulfilling requirements under the Act. The decision-making body agrees that the Group has met the thresholds and approves the Group for reserved seat membership in the Assembly.

Design of the new model

Who decides if a Traditional Owner group is eligible for a reserved seat?

The Assembly needs a decision-making body to decide whether a group has met the threshold requirements of a model. The Assembly would need to identify and appoint a person(s) or body that would be acceptable to Victorian Traditional Owners. Some options may be for the full Assembly to be the decision-making body, or for the Assembly to appoint a committee made up of Assembly Members, and/or other Traditional Owners in Victoria. As part of determining a decision-making body, the Assembly will need to decide:

- Who will make the decision that the group has met the relevant thresholds and what is the makeup of the decision-making body? Would this be the full Assembly, some Assembly Members, or a separate organisation?
- How are members of the body selected? And how many members should the body have?
- How does the body handle conflicts of interest in determining a group's eligibility?
- How does the body handle disputes when deciding whether a group is eligible for a reserved seat?
- What powers does the decision-making body hold, for instance, can applicants be requested to provide more information or undergo mediation to resolve any disputes raised in the process?

Example model 1. First Peoples' Assembly Chamber as decision-maker

The Assembly receives an application for reserved seat membership from a Traditional Owner group (Group). At the following Assembly Chamber, the full Assembly examines the application to determine whether the Group has fulfilled the threshold requirements. Impacted Members declare conflicts of interest and remove themselves from the decision of eligibility. The Members vote and a majority of Members agree that the Group fulfills the thresholds for reserved seat membership.



Example Model 2. Committee of the Assembly as decision-maker

The Assembly seeks expressions of interest from Assembly Members to fill 10 positions for a decision-making body. The Assembly receives 15 nominations from Members. The full Assembly vote on the nominations and 10 Members are chosen for the Committee. The Committee's purpose is to determine eligibility for reserved seats on the Assembly under this new model. The Committee receives an application for a reserved seat from a Traditional Owner Group. The Committee examines the application to determine whether the Group has fulfilled the threshold requirements. Impacted Members declare conflicts of interest and remove themselves from the decision of eligibility. The Members vote and a majority of Members agree that the Group fulfills the thresholds for a reserved seat on the Assembly.

CASE STUDY

The model outlined below outlines one approach to a decision-maker determining eligibility criteria for First Nation recognition in an international context.

Criteria for Eligibility as a Native Nation in the United States of America

This example is from First Nations in the United States of America. In this example, the decision-making body determines what the thresholds are for a First Nation and whether those thresholds have been met.

The Federal Government of the United States of America determines whether an Indian Nation receives recognition of their sovereign status. The decision-making body is the Bureau of Indian Affairs, which is an agency of the Federal Government within the U.S. Department of the Interior. The Bureau of Indian Affairs sets the criteria and thresholds and determines whether a group has satisfied the recognition criteria and thresholds.

The criteria are:

- **Indian entity identification:** The group must show that it has been identified as an American Indian entity on a substantially continuous basis since 1900.
- **Community:** The group must show that it is a distinct community and existed as a community from 1900 until the present.
- **Political influence or authority:** The group must show that it has maintained political influence or authority over its members as an autonomous entity from 1900 until the present.
- **Governing document:** The group must give a copy of the group's governing document including its membership criteria. If this cannot be done, the group must provide a statement describing in full its membership criteria and current governing procedures.
- **Descent:** The group must show that its membership consists of individuals who descend from an historical Indian tribe or from historical Indian tribes which combined and functioned as a single autonomous political entity.
- **Unique membership:** The group must show that the membership of the group is composed principally of persons who are not members of any acknowledged North American Indian tribe.
- **Congressional termination:** The group must not be the subject of federal legislation that has expressly terminated or forbidden the Federal relationship.

In this process, there is no separation between the organisation who decides on the criteria and the organisation who determines whether the criteria have been fulfilled. The organisation is an agency of the government and is thought not to have conflicts of interest with First Nations.



Thresholds for legal, governance and accountability structures and decision-making processes

The Assembly would need to consider what thresholds or principles a Traditional Owner group must meet, including what the criteria are and what are the minimum requirements a group must meet to achieve the criteria. Criteria may include:

- The legal form of the group (for example whether it would need to be incorporated), and how it makes decisions (governance).
- The type of governance structure.
- How the leadership of the group is kept accountable to the membership of their full group.
- Whether a dispute resolution process exists and what this process is.

The Assembly would then need to decide how these criteria are assessed, what is the minimum requirements, and whether any evidence is required. For example, these may be:

- Legal, governance and accountability structures are fulfilled by evidence of incorporation under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth)
- Legal, governance and accountability structures align with the requirements under the *Traditional Owner Settlement Act 2010* but an application has not been made under this Act.
- Legal, governance and accountability structures are fulfilled by the applicant providing a general outline of such structures within their Group, and include a copy of the Group's rule book.

Membership thresholds

The Assembly will need to consider the minimum requirements for a Traditional Owner group's membership, which could be under a general principles or specific criteria model. Some considerations may be:

- Should all members of a group be Traditional Owners of Country in Victoria? What is the minimum evidence required to confirm this?
- Should membership be based on an apical ancestry, line or descent, clan, nation or language group in Victoria. What is the minimum evidence required to confirm this?
- What is the minimum size of the group? Should a group need to be large enough that they would be likely able to negotiate treaties? How do you ensure the Assembly has a workable number of Members?

As part of membership eligibility, Community has previously considered a process to recognise every nation and/or language group in Victoria. There are several challenges to this membership model which the Assembly would need to consider if re-examining this model, including:

- The need to reach a consensus (and likely community consensus) on defining the nations and/or language groups around the State.
- The need to reach an agreed definition of a nation and/or language group. This would need to account for some Traditional Owner groups where the nation/language name is interchangeable in Language. The Assembly would need to determine how a definition is reached, including community consultation requirements.



- Whether a group self-determines whether they apply as a nation or language group.
- How to address and/resolve overlapping and contested Country claims.
- How Assembly Members from nations/language groups are nominated and elected to reserved membership, including how to determine the consent threshold for Peoples within a nation/language/clan group to participate and be represented in the Treaty process, and how this impacts the self-determination processes for each clan/group around who speaks for them, etc.
- How this model impacts with current recognition processes, including ensuring any model seeks to strengthen rights, as most formally recognised Traditional Owner groups represent multiple nations/languages/clans/groups.
- Whether determining a membership threshold such as nation or language group aligns with UNDRIP principles of self-determination, including ensuring Traditional Owner group's rights to self-determine their specific identify of their organisation are maintained and centred.
- How nation and language representation is shared equitably among reserved members of the Assembly, and how this interconnects with the principle of inclusivity while further strengthening and diversifying community engagement with and contribution to the Treaty process.

Overlapping and disputed Country claims

The Assembly would need to determine how a new model for reserved membership accounts for Traditional Owner group applicants from Country with overlaps, disputes or linkages with other groups. This may be approached through specific criteria or a general principles model. The Assembly would need to determine what the Country criteria is for a Group, what are the minimum requirements of that criteria and whether evidence is required. Considerations may be:

- Are detailed connections to Country needed? Could this be covered by confirmation that all a Group's members are Traditional Owners in Victoria and/or information relating to apical ancestors?
- Should connections to Country be fulfilled by a general description, such as an outline of significance landscape features, such as rivers and mountains, and towns and cities or should connections to Country be fulfilled with detailed mapping?
- Would the Group need to enter into, or be eligible to enter into, an Indigenous Land Use Agreement?

Once the criteria have been determined, the Assembly would then need to consider how the model interacts with overlapping and disputed Country claims between Traditional Owner groups. Minimum approaches may include: Do overlapping and disputed Country between applicants need to be identified or addressed or resolved?

The Assembly would need to determine what addressing or resolving disputes looks like, and what supporting systems are available to assist resolution of disputes, including what the dispute resolution processes are. This would also need to consider that the Assembly has not been established or resourced to be able to mediate contested claims over Country. The Assembly would need to determine the process for resolution and whether resolutions must occur prior to or after a group has been approved for a reserved seat.

The Assembly may determine that overlapping and disputed Country claims do not need to be resolved for the purposes of reserved membership in the Assembly. Instead a Group may demonstrate other commonalities, such as apical ancestors. In this situation, either a general description of Country or no description may best suit a Country threshold. As part of this approach, the model would also need to consider how to address overlapping or disputed apical ancestors.



CASE STUDY

Processes for First Nations to address disputed and overlapping Country in the British Columbia Treaty process

This example provides an overview of determining Country among First Nations for the purposes of Treaty-making. In the British Columbia Treaty process in Canada, First Nations have developed a process to account for overlapping traditional territories, including for shared, non-exclusive and/or contested lands. First Nations do not need to resolve disputes before starting treaty negotiations with the governments of Canada and British Columbia. Nations are required to seek resolutions of overlapping territories with relevant First Nations after the Treaty process has started.

The Treaty Commission has policies on overlapping and shared territories including reporting and other requirements to encourage resolution as First Nations advance through the Treaty Process, as outlined in Recommendation 8 of 1991 report Task Force Report. These policies form stage 6 of the Treaty process:

1. The First Nation must identify overlaps or shared territory
2. The First Nation must, as a minimum, establish a process to address overlapping or shared territory issues
3. The First Nation must implement its process for resolving overlaps by making best efforts to resolve the overlapping or shared territory issues and report to the Treaty Commission on these efforts

The First Nation must report to the Commission periodically on the status of and efforts made to resolve overlap or shared territory issues. First Nations are expected to demonstrate that best efforts to resolve overlapping or shared territory issues have been made. Treaty Commission will report near the end of State 4 negotiations on the nature of the dispute, and whether best efforts have been made by all parties to resolve it.

In the Treaty process, some First Nations distinguish between a core area and shared or non-exclusive harvest areas. First Nations must still demonstrate basic requirements to ensure areas are within its traditional territory.

The tools and different approaches available to First Nations according to their circumstances are:

- Traditional and other culturally appropriate methods for dispute resolution
- Use of professional mediators
- Discussions or negotiations facilitated by the British Columbia Treaty Commission
- First Nations Summit Recognition Protocol

Despite these processes, the British Columbia Treaty Commission has noted that only a small number of disputes have been resolved and that no group has utilised the dispute resolution processes available. Country disputes today remain as significant barriers for First Nations engaging in treaty negotiations and ultimately delay the completion of Treaties in British Columbia.



Application process

Once a model is finalised, the Assembly would need to consider the processes a Traditional Owner group would need to undertake to become a Member. This could be through completing an application form. Some considerations are:

- What support could be available for Groups to fill in the application?
- Can the Group be requested to provide further information or supporting documents?
- What would the timeline be from when an application is received to when the Group receives notification of the outcome?
- What would the timelines and responsibilities be for when a new Group commences membership, such as when a Group must notify the Assembly of their nominated representative and when that representative starts the role?

In doing this, consideration needs to include that the Assembly has not been set up or resourced to support groups to undertake genealogical or country mapping, nation building or establishing governance structures. The model may need to identify avenues of support for groups to undertake these processes.

Relationship of new model to the work of the Assembly

How a reserved seat model interacts with existing forms of recognition

As part of developing a model for additional pathways for reserved membership in the Assembly, the Assembly would need to ensure that a new model sits alongside existing models of Assembly membership, including reserved membership for formally recognised Traditional Owner groups and elected general Members. This ensures that the existing rights of current Members are maintained. A new model would focus on creating additional avenues to strengthen community representation and engagement with the Treaty process.

Some considerations for expanding Assembly membership may be:

- How does the model ensure the size of the Assembly is sustainable? How will it affect governance? Is there a limit on the number of Members the Assembly could have while still functioning effectively?
- How does the model interact with the rights of Traditional Owner groups with formal recognition?
- Does this model account for equitability of representation in the Assembly?

How a new model interacts with eligibility to negotiate treaties

The Assembly would need to consider how a new model interacts with a Traditional Owner group's ability to negotiate individual treaties with the State. In 2021 the Assembly will begin negotiations with the State over who is eligible to negotiate individual Treaties. While the Assembly is responsible for determining a recognition model for the purposes of reserved membership, the Assembly will need to negotiate with the State over who is and is not eligible to negotiate treaties.

The Assembly has not yet determined a position on a Traditional Owner group's eligibility for individual Treaties to bring to negotiations with the State, as these discussions will not begin until 2021. Further community consultation and engagement will be undertaken in 2021 to shape the Assembly's position on group eligibility to negotiate treaties.



As the Assembly is aiming to create an additional model of recognition for Traditional Owner groups for Assembly membership, the Assembly should also consider how a new recognition model may or may not align with potential positions the State may take on eligibility to negotiate for treaty.

Some areas which may influence the State's position include pre-existing legal agreements, such as the Native Title Act 1993 and the Traditional Owner Settlement Act 2010, as well as their obligations in the Advancing the Treaty Process with Aboriginal Victorians Act 2018. These legally binding arrangements may influence the State to support threshold requirements for Traditional Owner groups which are limited to current recognition systems and any pre-existing legal arrangements.

This may include the State requiring that eligible Traditional Owner groups for individual treaties enter into an Indigenous Land Use Agreement (ILUA). As a result, to negotiate treaty with the State a group may then need to meet the eligibility requirements under the Native Title Act 1993. Due to the legally binding obligations of current legislation, the State may want to avoid the risks of another group making a native title claim to an area that has an agreed upon Treaty or that is at odds with pre-existing agreements with native title holders. The State may then require groups to resolve overlapping and disputed Country claims, in line with Native Title requirements (and to align with the British Columbia Treaty process).

If the Assembly develops a new recognition model for the purposes of reserved seat eligibility, there is a risk that the Assembly may not be able to successfully align a new model with the future and unknown demands of the State around a group's eligibility to negotiate Treaty. This may result in a Traditional Owner group who is eligible for reserved membership in the Assembly but may not be eligible to negotiate Treaty with the State. This inconsistency may result in community mistrust in the Assembly and treaty-making, and may cause conflict among Traditional Owner groups and the Traditional Owner community in Victoria.

Despite these risks, the Assembly may not want to align the decision on reserved membership with negotiations with the State. Aligning this decision would mean that the State is involved in determining criteria for whether a Traditional Owner group is eligible for a reserved seat in the Assembly. It would also likely delay finalising a model for reserved seating until at least 2021 or later, depending on the progress of negotiations with the State.

The Assembly could move to act on finalising and implementing additional forms of recognition for the purposes of a reserved seat in the Assembly in late 2020. Impacted Traditional Owner groups could then have decision-making capacity within the Assembly during negotiations with the State over who can and cannot negotiate individual Treaties. Further considerations include:

- Should the Assembly adopt a new model if it would create two forms of recognition being developed, one for reserved seat eligibility and one for treaty-making?
- How can the Assembly address community concerns which may arise if some groups are able to participate in the Assembly but are not able to negotiate Treaty with the State?
- How can the Assembly navigate the State's pre-existing legal agreements to ensure recognition for Traditional Owner groups is empowering and inclusive during all stages of the treaty process?



Example model and next steps

Example model for feedback

This paper has posed various considerations to a number of complex questions that need to be determined to create a new model for eligibility for a reserved seating on the Assembly. Outlined below is a combination of some of the considerations, to give an idea of the interactions of one decision on another and the related practical application on a final model. This is not a recommended model and is designed to support more detailed feedback from Community.

Example model

Model outline: The Assembly determines that a new model is developed with key principles which underly a set of criteria that Traditional Owner groups must meet for eligibility for a reserved seat on the Assembly.

Key principles centred by UNDRIP

- Self-determination: Traditional Owner groups self-determine their identifies
- Inclusivity: everyone has ability to access a seat at the table
- Equity: of access to reserved seats among Traditional Owner groups
- Rights: strengthening the rights of Traditional Owner groups who do not hold formal recognition under existing systems and protecting the existing rights of Traditional Owner groups with current forms of recognition

Application criteria

The Assembly provide application forms on their website and via email or post as requested by interested Traditional Owner groups. Groups must fill in the forms and return these to the Assembly for decision.

The application outlines a set of minimum criteria which a Traditional Owner group must address:

1. Legal, governance and accountability structures, and decision-making and dispute resolution processes

A Group must provide a description of their governance and accountability structures, and decision-making and dispute resolution processes. Evidence required to confirm this threshold has been addressed by the Group. The evidence is: confirmation of incorporation status and a copy of the Membership rule book.

2. Membership

The Group must confirm that all members of a group are Traditional Owners of Country in Victoria and provide a list of members. The Group must identify membership criteria, such as whether membership is determined by an apical ancestry, line or descent, group of clans, nation or language group in Victoria. The Group confirms that it has a minimum number of 50 members.

3. Country

The Group must provide a general description of the Country that is connected to its membership. This may reference significant landscape features, such as rivers and mountains, and towns and cities.

The Group must identify overlapping or disputed Country but is not required to undergo a resolution process or resolve disputes prior to applying for membership.



Application assessment

The full Assembly decides if it would accept the application using the following process:

- Once the Assembly has received an application for a reserved seat, the Assembly staff confirm that all questions have been answered. The staff may request further information from the Traditional Owner group to ensure the form is complete. Neither the Assembly or staff will seek or require that neighbouring or interested Traditional Owner groups provide feedback on another group's application.
- The staff then notify the Assembly of an application for reserved seat membership.
- The Assembly Chamber consider the application only according to the information a group supplies.
- Impacted Members of the Assembly declare a conflict of interest in the review process and remove themselves from the decision if necessary.
- The Assembly Chamber examine the application and determine via a vote whether a group has met each necessary threshold for reserved seating.
- If 75 per cent of Members agree that a group has met the threshold, then the application is approved.

Outcome

The Assembly makes a decision on a group's eligibility according to the information provided by the applicant. The Assembly does not seek or consider advice from other groups or sources in determining a group's fulfillment of the application thresholds.

The Assembly notify the applicant of their decision in writing within 7 days of the Assembly meeting.

If a group is refused, the Assembly work with the group to support future applications.

If the group is accepted, the group self-determine their representative and notify the Assembly. The new reserved seat Member is supported by Assembly staff to undertake their role.

Timeline: 2020

The Assembly is currently seeking community views to decide on a model for additional forms of recognition for the purposes of reserved seat membership in the Assembly. At the end of October, Assembly Members will incorporate feedback with the aim of shaping a potential model. A model could then be taken for consideration to the November Assembly Chamber via the Board. If Assembly Members reach a decision on a model, being that 75 per cent of the Chamber agrees, the model could be implemented from December 2020.

September - October	October	26-27 November	December onwards
Member consultation with community, including Traditional Owner groups	Committee incorporates feedback to finalise potential model	Model taken for consideration to the November Assembly Chamber, via the Board	If agreed, model for additional eligibility for reserved seating in Assembly can be implemented

