



First Peoples' Assembly of Victoria Engagement Materials



**First Peoples'
Assembly of
Victoria**



First Peoples'
Assembly of
Victoria

About this pack

The First Peoples' Assembly is laying the foundations for future treaties between the State and First Peoples in Victoria. This is a complex task.

We want our communities to claim self-determination and political power through treaty and we are working to achieve this through the Treaty Negotiation Framework.

This pack will give you background on what we've done so far and explain our thinking on State-wide Treaty and Traditional Owner Treaties. We want to hear your ideas so the decisions we make represent all of our community!

We will provide further information on other aspects of our work for your input later.

To contact your local Assembly Member and have your say, go to: [Your Region Members & Events - First Peoples' Assembly of Victoria - firstpeoplesvic.org/your-region-members-events/](https://firstpeoplesvic.org/your-region-members-events/)



First Peoples'
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About The Assembly

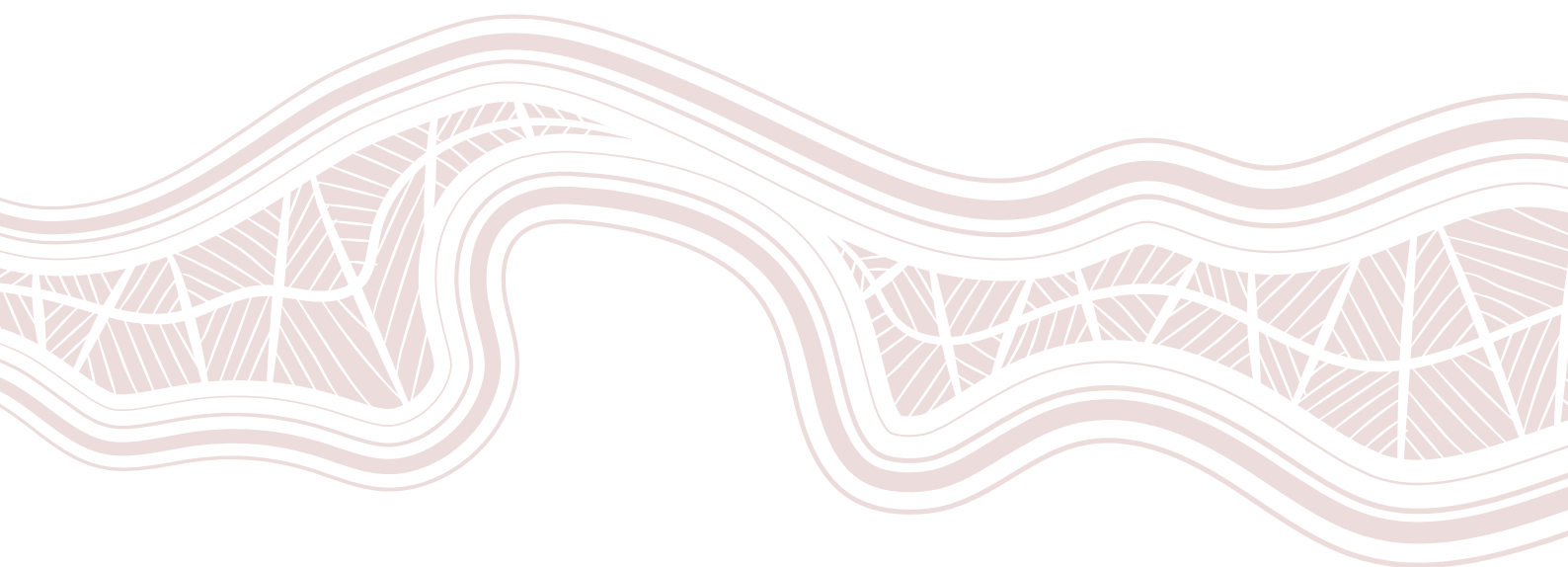
What is the Assembly?

The First Peoples' Assembly of Victoria is the voice for Aboriginal and Torres Strait Islander peoples in the treaty process with the State of Victoria. The Assembly is the first body of its kind in Australia. It was established in December 2019.

The Assembly is currently made up of 31 Members – all proud Traditional Owners of country in Victoria. These Aboriginal leaders were chosen by their communities, to represent community views. Twenty-one representatives were determined by a statewide Aboriginal community vote held in September and October 2019, and 10 representatives were elected to reserved seats by formally recognised Traditional Owner groups.

The Assembly builds on the hard work of Aboriginal leaders and communities of the past. It will support, and respond to, Aboriginal peoples in Victoria through the treaty process. The Assembly is led by a nine person Board elected by the Members including two Co-Chairs. The Assembly is also establishing an Elders' Voice to provide guidance, wisdom and cultural oversight to the work of the Assembly.

Treaty negotiations are still a few years off. In order for them to commence, the Assembly's role is to agree with the State the groundwork for this process, including future steps for self-determination.





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What must be agreed before treaty negotiations commence?

The Assembly Members will need to agree on and establish in partnership with the State the following three main elements.

Treaty Authority

The Treaty Authority will be an independent umpire in the treaty process. It will ensure negotiations are consistent with the Treaty Negotiation Framework and resolve disputes between parties.

Treaty Negotiation Framework

Sets out the ground rules for negotiating a State-wide Treaty and Traditional Owner Treaties, including what can be included in a treaty and who may negotiate a treaty.

Self-determination fund

Will support Aboriginal Victorians to negotiate treaty on equal standing with the State. It may also provide independent funding to empower Aboriginal people to build capacity, wealth and prosperity.

How is the Assembly structured?

Assembly chamber (32 seats)

- Meets quarterly to make all key Assembly decisions on the treaty process.
- Members responsible for regularly engaging with their communities before each meeting.

Reserved Seats (currently up to 11 seats)

One representative appointed by each formally recognised Traditional Owner group.

General Seats (21 seats)

Elected by state-wide vote in 2019. All Aboriginal Victorians living in Victoria have the opportunity to vote every three years.

Executive

- Nine directors elected by the Assembly Members.
- Led by Co-Chairs elected by all representatives
- Implements decisions of the Assembly and leads the agenda

Elders' Voice (currently interim model)

- Form is to be determined
- Provides cultural strength and advice to the Assembly

Committees

Smaller working groups of the Assembly Members responsible for progressing work between Chamber meetings.

Engagement Project Officers

Members are supported in their engagement by Engagement Project Officers based in each region.



First Peoples'
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The Structure of The Assembly

The Board

Geraldine Atkinson

Co-Chair

General Seat

GeraldineA@firstpeoplesvic.org

Marcus Stewart

Co-Chair

Taungurung Land and Waters

Council AC– Reserved seat

MarcusS@firstpeoplesvic.org

Troy McDonald

Director

Gunaikurnai Land and Waters

AC - Reserved seat

TroyM@firstpeoplesvic.org

Tracey Evans

Director

General Seat

TraceyE@firstpeoplesvic.org

Trent Nelson

Director

Dja Dja Wurrung Clans

AC – Reserved seat

TrentN@firstpeoplesvic.org

Jamie Lowe

Director

Eastern Maar AC – Reserved seat

JamieL@firstpeoplesvic.org

Michael Bell

Director

General Seat

MichaelB@firstpeoplesvic.org

Melissa Jones

Director

First Peoples of the Milewa/Mallee AC

- Reserved seat

MelissaJ@firstpeoplesvic.org

Ngarra Murray

Director

General Seat

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Reserved Seat Holders

Melissa Jones

Director

First Peoples of the Milewa/Mallee AC
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MelissaJ@firstpeoplesvic.org

Jamie Lowe

Director

Eastern Maar AC – Reserved seat

JamieL@firstpeoplesvic.org

Troy McDonald

Director

Gunaikurnai Land and Waters AC -
Reserved seat

TroyM@firstpeoplesvic.org

Trent Nelson

Director

Dja Dja Wurrung Clans AC

– Reserved seat

TrentN@firstpeoplesvic.org

Marcus Stewart

Co-Chair

Taungurung Land and Waters Council

AC– Reserved seat

MarcusS@firstpeoplesvic.org

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Reserved seat

RobertO@firstpeoplesvic.org

Dylan Clarke

Barengi Gadjin Land Council–

Reserved seat

DylandC@firstpeoplesvic.org

Sean Fagan

Wadawurrung AC – Reserved seat

SeanF@firstpeoplesvic.org

TBA

Yorta Yorta Nations AC–

Reserved seat

Andrew Gardiner

Wurundjeri Woi Wurrung

Reserved seat

AndrewG@firstpeoplesvic.org

Donna Wright

Gunditj Mirring Traditional Owner

Corporation– Reserved seat

DonnaW@firstpeoplesvic.org

Enrol to vote at Assembly elections: Enrol - [First Peoples' Assembly of Victoria \(firstpeoplesvic.org\)](https://www.firstpeoplesvic.org)

www.firstpeoplesvic.org

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1800 TREATY (87 32 89)



First Peoples'
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Our Journey So Far

May 2016

Aboriginal people call for treaty in a state-wide self-determination forum in Melbourne. The State agrees to explore treaty in Victoria.

July 2016

The Aboriginal Treaty Working Group is set up to consult with community on the design for an Aboriginal representative body to progress the treaty process.

July 2016 – December 2017

Extensive consultation, including convening an Aboriginal Community Assembly of 31 community members selected through an open process. The Community Assembly made detailed recommendations to the Treaty Working Group on the design of the Aboriginal representative body.

December 2017

The office of the Victorian Treaty Advancement Commissioner is established. Following an open recruitment process Jill Gallagher AO was appointed as Commissioner and commenced in the role in January 2018.

March 2018

The Aboriginal Treaty Working Group present its final report on the design of the Aboriginal representative body – the First Peoples' Assembly of Victoria.

July 2020

State agrees to work towards establishing a truth and justice process.

June 2020

The Assembly decides to explore pathways to additional reserved seats at the Assembly; decides to have both a State-wide Treaty and Traditional Owner Treaties; and The Assembly calls on State to work towards establishing a truth and justice process.

March 2020

State announces it will establish a Stolen Generations Redress Scheme.

December 2019

Assembly is established

and holds its inaugural meeting at Parliament House. Assembly calls on the State to establish a Stolen Generations Redress Scheme.

September – October 2019

Elections for the Assembly are held by the Victorian Treaty Advancement Commissioner.

June 2018

The Advancing the Treaty Process with Aboriginal Victorians Act 2018 is passed. It commences in August 2018.

March 2018 - September 2019

The Victorian Treaty Advancement Commissioner hold ongoing consultations with the community

December 2020

Assembly decides in principle that the Self-Determination Fund will be established as a trust; and everything is on the table for treaty negotiations.

January 2021

Interim dispute resolution, the first treaty element required under the Act is finalised with the State. Protocols that set standards for behaviour in negotiations are also agreed.

March 2021

Assembly and State announce agreement to establish Australia's first truth and justice commission - the Yoo-rrook Justice Commission. An open expression of interest for Commissioners is launched.

May 2021

Yoo-rrook Justice Commissioners announced and Letters Patent released, formally establishing the Commission.

Established Interim Elders' Voice for 3 months to finalise design of permanent Elders' Voice.

Current priorities

- a) Claiming self-determination and political power through a State-wide Treaty and Traditional Owner Treaties
- b) Strengthening cultural authority and guidance through the Elders' Voice and additional reserved seats



First Peoples'
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Current Priorities

Claiming self-determination and political power
through State-wide and Traditional Owner Treaties

With your guidance, the Assembly has
agreed to pursue:

- A State-wide Treaty for state-wide matters
- Traditional Owner Treaties for local matters

This Information Sheet explains what is a State-wide
Treaty and a Traditional Owner Treaty and outlines
some key matters to consider.

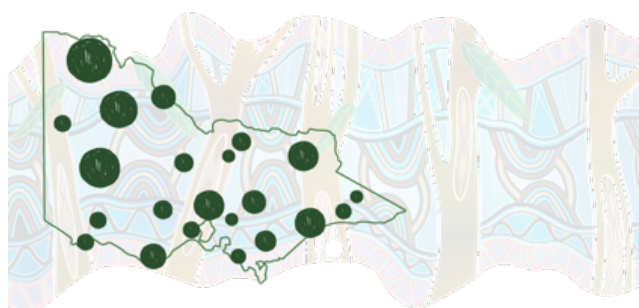
An historic opportunity

The negotiation of a State wide Treaty and
Traditional Owner Treaties is a significant
opportunity to transfer power and reform Victoria's
systems of government so that Aboriginal people
make the decisions that impact their lives.

Treaties will allow us to realise the right to self-
determination in the United Nations Declaration
on the Rights of Indigenous Peoples at both the
State-wide and local levels and deliver better
outcomes for our people.



A State-wide Treaty would cover the whole state



Traditional Owner Treaties would be negotiated
with Traditional Owner groups



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State-wide Treaty

The Assembly could seek to establish a state-wide representative body - a future form of the Assembly – that exercises self-determination in a range of ways, including:

a.



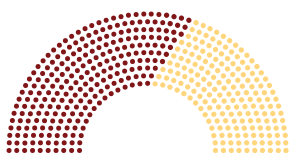
Making decisions, including passing and administering laws, on the issues that impact our lives

b.



Providing advice and input to the Victorian Parliament and public sector

c.



Holding reserved seats in the Victorian Parliament

A future form of the Assembly could give us control over our cultural, social and economic future. We could hold the pen and the purse-strings on the issues that matter to us.

Traditional Owner Treaties

Traditional Owner Treaties provide the opportunity for Traditional Owners to claim self-determination at the local level for specific groups. Each Traditional Owner group in Victoria has its own inherent rights, attached to unique country, language, culture, stories, and history. Traditional Owner Treaties will allow individual groups the flexibility to progress their own specific aspirations and priorities.

Traditional Owner Treaties will also enable Traditional Owner groups to approach the negotiation process at their own pace. Some groups may be ready to begin negotiating immediately, while other groups may need time to organise and consult.

Seeking your views

There are many ways in which Aboriginal people already exercise authority over Aboriginal matters. We'll be meeting with you over the coming months to understand how you would like to see our self-determination strengthened at both the state-wide and local level.

It is important that we think big, creatively and find solutions that work for our people. We look forward to hearing from you.

Next steps

The Assembly and our Members will continue to progress discussions over the coming months on possible options for a State-wide Treaty and Traditional Owner Treaties.

As your feedback is received, this will be used to develop the Treaty Negotiation Framework, Treaty Authority and Self-Determination Fund.



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Additional Pathways to Reserved Seats

The Assembly has the right to control its own membership in accordance with United Nations Declaration on the Rights of Indigenous Peoples. The Assembly currently has 11 reserved seats for formally recognised Traditional Owner groups in Victoria. At its meeting in June 2020, the Assembly decided to explore pathways to additional reserved seats. The Assembly has consulted with Traditional Owner groups and Aboriginal people living in Victoria on the establishment of additional pathways to Assembly reserved seats.

To date, feedback has indicated a lack of consensus on the criteria for additional pathways to reserved seats.

At the April Chamber meeting Members held a lengthy discussion on options to progress a future additional pathway to Assembly reserved seating. Members agreed that this is a critical piece of work that is very complex. The discussions were wide-ranging, considered, and productive. The Chamber agreed that the Assembly Business Committee should progress this work.

A model for consultation was released in January 2021. You can view the model here:

[Consultation: Proposed Model for Additional Pathways to Reserved Seating - First Peoples' Assembly of Victoria - firstpeoplesvic.org/committees/cultural-governance/community-consultation-proposed-model-for-additional-pathways-to-assembly-reserved-seating/](https://firstpeoplesvic.org/committees/cultural-governance/community-consultation-proposed-model-for-additional-pathways-to-assembly-reserved-seating/)

The Assembly is currently considering a range of additional options that would expand access to Assembly Reserved Seats.

Electoral Roll

For the Assembly to truly represent the community, we need as many people as possible to enrol to vote.

By enrolling to vote at the next Assembly election you are helping to make history and create a better future for generations of Aboriginal and Torres Strait Islander people living in Victoria.

Our electoral roll is exactly that – ours. It's made by Aboriginal people, for Aboriginal people and is completely independent of Government.

Treaty in Victoria will right the wrongs of the past, acknowledge the true and often painful history of this state and celebrate the oldest living culture on Earth.

Best of all, it will ensure better outcomes for our children and grandchildren.

You can vote if you are Aboriginal and/or Torres Strait Islander, are aged 16 or above, and either live in Victoria (and have done so for at least three of the last five years), or are a Traditional Owner of Country in Victoria.

[Online enrolment page - firstpeoplesvic.org/enrol/#enrol-online](https://firstpeoplesvic.org/enrol/#enrol-online)

[Hard copy or multiple copies of postal form available here - firstpeoplesvic.org/enrol/#enrol-by-post](https://firstpeoplesvic.org/enrol/#enrol-by-post)



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Stolen Generations Redress Scheme

Aboriginal families in Victoria still feel the hurt and trauma caused by the forced removals of Aboriginal and Torres Strait Islander children from their families over the decades, through a policy of assimilation. The hurt and trauma continues to be lived by those directly affected by negative consequences spanning generations.

First Peoples in this country have been calling for a Stolen Generations Redress Scheme to recognise this immense damage for decades. Reparations for Stolen Generations was also a recommendation of the 1997 Bringing Them Home Report by the Australian Human Rights Commission. The Assembly amplified this call at its first meeting in December 2019. A Stolen Generations Redress Scheme is a particularly important priority as many members of the Stolen Generations will not live to see the fruits of a treaty process.

In March 2020, in response to the call from the Assembly and community, the State committed to a Stolen Generations Redress Scheme by 2021 and pledged \$10 million.

The State has set up a Stolen Generations Reparations Steering Committee to advise on the design of the Scheme. The Steering Committee consulted with community in March and April 2021.

In April 2021, the State announced funding to an interim funeral fund to enable Stolen Generations members to access financial support to cover funeral expenses to honour their loved ones until the full Scheme commences. The interim fund recognises the urgent nature of reparations given the age and illness of many members of the Stolen Generations.

For more information on the Stolen Generations Redress Scheme see: [Victorian Stolen Generations Reparations Design | Connecting Home](https://connectinghome.org.au/victorian-stolen-generations-reparations-design/)
connectinghome.org.au/victorian-stolen-generations-reparations-design/





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Truth-telling and the Yoo-rrook Justice Commission

What is Truth-telling?

Truth-telling is a process of openly sharing historical truths after periods of conflict. Truth-telling reveals and acknowledges human rights violations by promoting the voices of communities who have been victims of these violations.

First Peoples in this country have been calling for a truth-telling process for generations. Building on this activism, in June 2020, the Assembly agreed that truth-telling must be a fundamental part of Treaty-making and called on the State to establish a formal truth-telling process. The Yoo-rrook Justice Commission was formally established in May 2021 in response to this call.

The mandate and form of the Commission were designed by the Assembly based on consultations with Aboriginal communities across Victoria and agreed with the State.

The Yoo-rrook Justice Commission

Yoo-rrook means 'truth' in the Wemba Wemba/Wamba Wamba language, which is spoken in the north-west region of Victoria. It is the first truth-telling body to be established in Australia. The Commission is independent of both the State and the Assembly.

The Commission has a broad mandate to inquire into and report on historical systemic injustices perpetrated against First Peoples since colonisation (such as massacres, wars and genocide), as well as ongoing systemic injustices (such as policing and child protection).

The Commission's role will be to listen to First Peoples' stories and establish an official public record of First People's experiences of systemic injustices since the colonisation of Victoria,

including the ongoing impact of these injustices. Its aim is to develop a shared understanding among all Victorians of our shared history and the impacts of colonisation, as well as the diversity, strength and resilience of First Peoples' cultures, knowledge, and traditional practices.

The Commission is led by five Commissioners - Chair Professor Eleanor Bourke and Commissioners Dr Wayne Atkinson, Professor the Honourable Kevin Bell QC AM, Sue-Anne Hunter and Distinguished Professor Maggie Walter. The Commissioners were appointed following an open nomination and assessment process. The Commission will be guided by an Expert Advisory Committee and community. It must ensure cultural safety and avoid re-traumatisation in its work.

The Commission is expected to make detailed recommendations for changes to laws, policy and education and the types of matters to be included in future Treaties. Its first report is expected by June 2022, with a final report by June 2024. The Commission will report to both the Assembly and the State.

Next steps

The Yoo-rrook Justice Commission is currently setting up its processes that will guide how it does its work. So that the Commission's work is guided by community's views from the start, the Assembly will provide a report to the Commission collating feedback received from its consultations. This report will be provided by the end of June 2021.

To read the Letters Patent that set out the Commission's mandate in full see here:

firstpeoplesvic.org/wp-content/uploads/2021/05/Letters-Patent-Yoo-rrook-Justice-Commission_0.pdf

To receive updates on truth telling, subscribe here:

firstpeoplesvic.org/



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Interim Dispute Resolution Process

What is it?

A way to settle disputes between the Assembly and State that might happen as part of the treaty framework process. The Interim Dispute Resolution Process was agreed with the State in January 2021. The Assembly and the State also agreed on a set of Protocols that set out the agreed standards for how the Assembly and the State should behave when dealing with disputes during current treaty framework negotiations.

Why an 'interim' process?

The Interim Dispute Resolution Process is temporary because it only applies to the negotiations for the establishment of the Treaty Authority, Treaty Negotiation Framework and Self-Determination Fund. Once the Treaty Authority is established it will be responsible for resolving disputes that arise when negotiating Treaties.

Why was this established first?

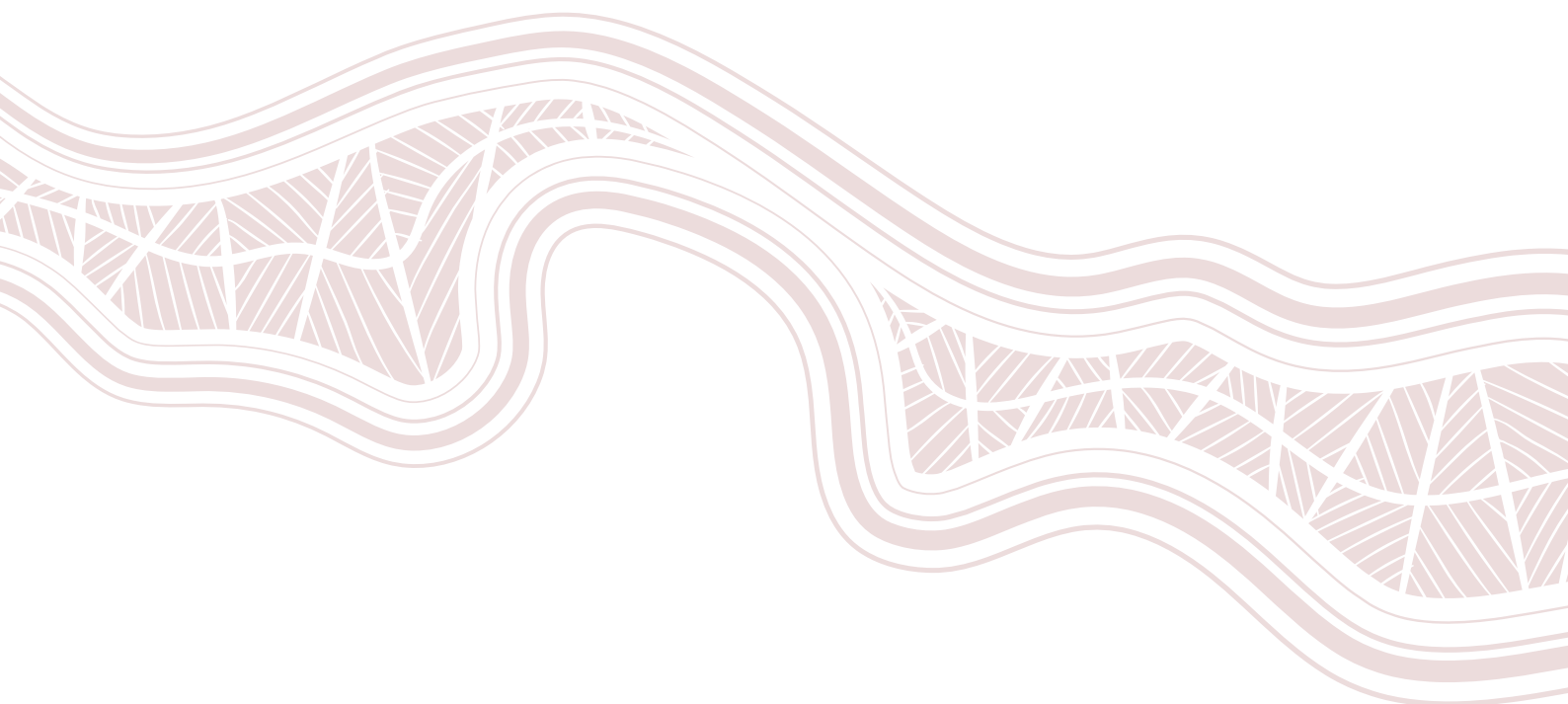
Negotiations on the Treaty Negotiation Framework, Treaty Authority and Self-Determination Fund can't progress without a process for resolving disputes in place.

What disputes will it apply to?

Disputes between the Assembly and the State in the treaty process. Disputes relating to the negotiation of the Treaty Negotiation Framework, Treaty Authority and Self-Determination Fund.

What disputes will it not apply to?

Disputes between individuals or communities. Disputes between the Assembly and any organisation that is not the State of Victoria. Disputes that do not relate to the Treaty Negotiation Framework, Treaty Authority and Self-Determination Fund.





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Elders' Voice:

Interim model guiding document

Introduction

The Elders' Voice is designed as an interim model to be developed by Elders and driven by their self-determination. This guiding document shows the overarching nature of the interim Elders' Voice and how it works in relation to the First Peoples' Assembly of Victoria (the Assembly). The Elders' Voice will guide us through the process toward Treaty and will provide the Assembly with the cultural strength that is needed on this journey.

This model is designed as an interim and flexible document to allow for further development by Elders themselves in their self-determination, while allowing for diversity of opinions, minimising the burden on Elders, encouraging broad involvement, and sharing the responsibility across the community.

The intention of this document is to leave it to Elders how to organise themselves, how they choose to be represented, how they choose to participate in the work of the Assembly, and how they arrange their meetings.

The interim Elders' Voice reflects the values and principles of the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP, 2007). The Voice will develop and change through self-determination.

The Assembly is ready for the establishment of an interim Elders' Voice and is grateful to receive our Elders' direction and listen to the collective wisdom they will share. Together with the Elders, the Assembly will develop a process for it to take into account the feedback of our Elders.

The journey so far

The Assembly is negotiating a Treaty process with the State. The Assembly needs the Elders' Voice to guide it through this process. Our community members have indicated time and time again that an Elders' Voice will form a critical part of the Assembly's governance.

Paving the way

Elders' activism and their long fight for justice and our future has brought us to this point and will continue into the future towards Treaties.

Cultural Authority

Elders' have cultural authority and know what our communities want and need

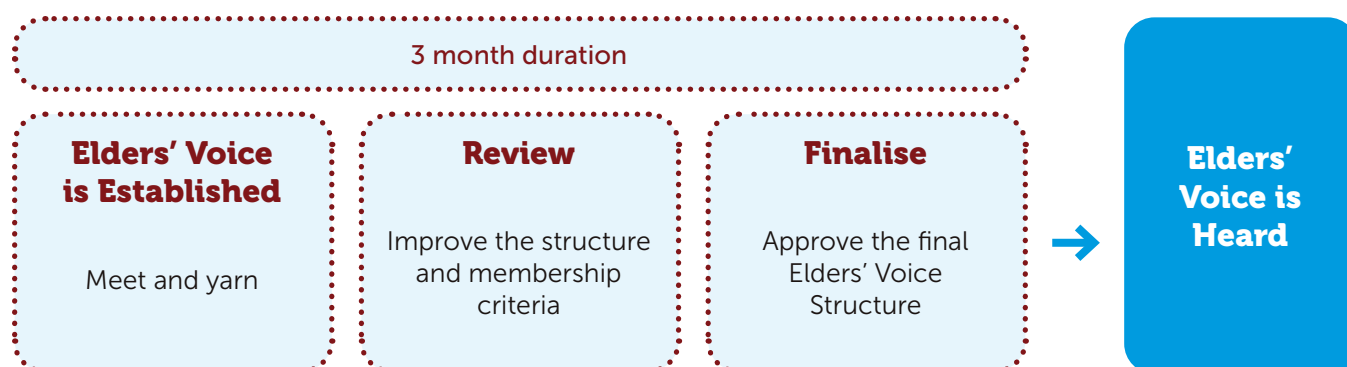
Wisdom

Elders' wisdom, knowledge and lived experience provide the strength to ensure better outcomes for our future generations.

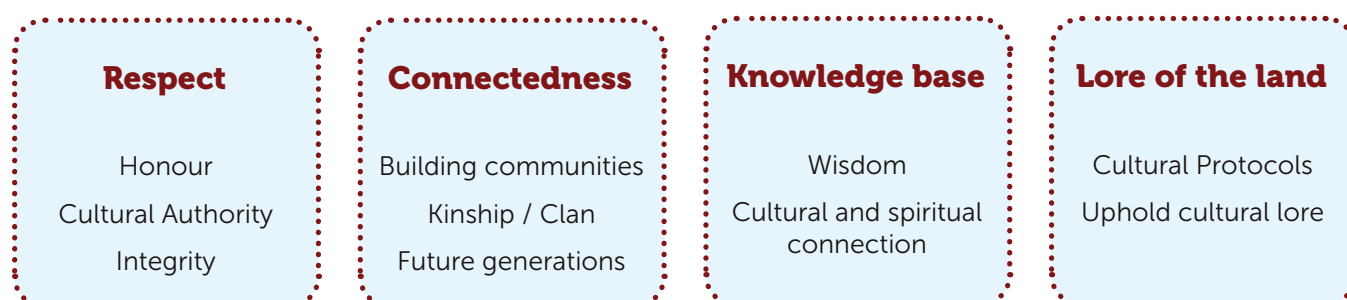


Interim model

This is an interim model for the Elders' Voice. Once the Elders' Voice is established, the Board will assess the model and propose changes to improve it within three months of establishment to ensure the work of the Elders' Voice aligns with its objectives and is able to be smoothly operationalised. The interim model maximises Elders' self-determination and allows Elders to design the ways they want to work.



The Elders' Voice is underpinned by four cultural pillars, embedded in self-determination:



Our work and roles

Role of the Elders' Voice:

- Provide cultural and ethical advice, wisdom, and oversight to the Assembly Chamber
- Uphold the four cultural pillars
- Assist in the decision-making and the direction of the Assembly
- Provide meaningful guidance to the Assembly
- Support the work of the Assembly, including participating in negotiations where appropriate

The Assembly will respect Elders' authority by:

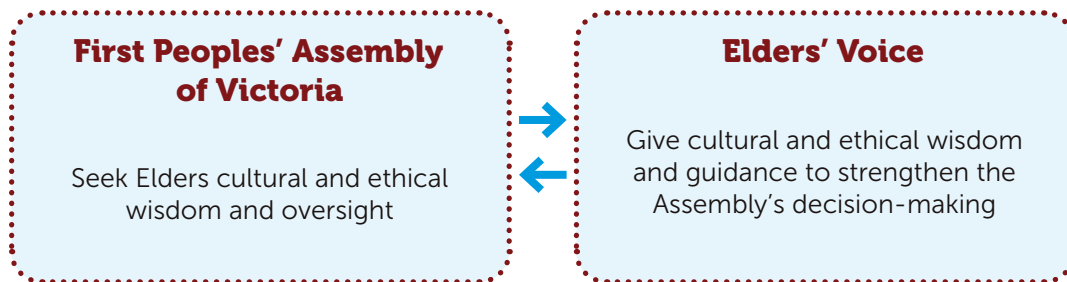
- Dedicating time to listening deeply to Elders' wisdom and guidance
- Providing space and time for reflection
- Hearing from the Elders' Voice Co-Chairs as a priority at Assembly meetings
- Showing accountability for how the Assembly uses the Elders' Voice wisdom and guidance by reporting back to the Elders' Voice about how their knowledge has been used in Assembly business



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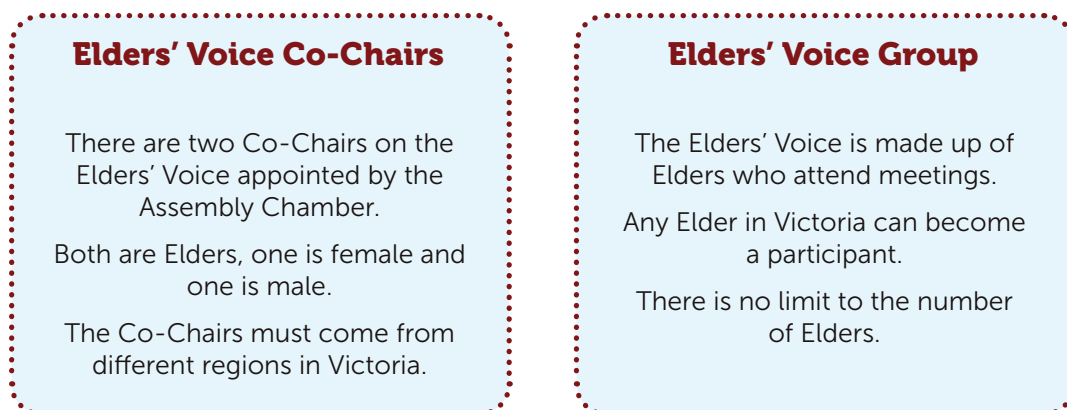
Where does the Elders' Voice sit?

The Elders' Voice provides wisdom and oversight to help strengthen Assembly decisions on the path to Treaty.



Who is on the Elders' Voice?

The Elders' Voice is made up of two Co-Chairs, who are both Elders, and Elders who attend meetings.





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Supporting Elders' self-determination

All payments are made as decided by the Assembly's policies. If required, additional policies will be created to support the function of the Elders' Voice when the establishment of the interim Elders' Voice model is passed by the Assembly Chamber.

Co-Chairs of the Elders' Voice are paid a stipend.

Elders are paid a sitting fee for each Elders' Voice meeting they attend. They are paid for travel time and expenses, as decided by the Assembly's policies. In some circumstances, support persons may be paid a fee, assessed on a case-by-case basis.

There will be a full-time staff member of the Assembly recruited to support the Elders' Voice.

Additional support may be provided at the request of the Co-Chairs of the Elders' Voice, for example, skilled Aboriginal facilitators to assist at large meetings, guest speakers or professional development opportunities for Elders.

Meetings

Elders will decide how meetings of the Elders' Voice are run.

Other matters

The Elders' Voice is required by the Assembly's Constitution because it is something the community told us they wanted.

The Elders' Voice is not a class of membership of the Assembly. Elders participating in the Elders' Voice are not Members of the Assembly.

Once established, the Elders' Voice is an ongoing part of the Assembly. The structure, goals and membership of the Elders' Voice may change over time.

The Assembly Chamber may seek to amend the purpose of the Elders' Voice to increase inclusion and strengthen the voice of Elders.

