



FIRST PEOPLES'  
ASSEMBLY OF  
VICTORIA



# A PATH TO TREATY

First Peoples' Assembly of Victoria  
Treaty Information Pack

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# FIRST PEOPLES' ASSEMBLY OF VICTORIA

## Treaty Information Pack

### ABOUT THIS PACK

The First Peoples' Assembly of Victoria is the independent and democratically elected body to represent Traditional Owners and Aboriginal and Torres Strait Islander peoples in Victoria. We believe it's time to negotiate Treaties between our people and the Government of Victoria and we're establishing the foundations to enable that.

We've spent two years yarning with mob all over the state and looking to examples from around the world. With Community's guidance we are developing a framework for future Treaty negotiations and a bold positive agenda that will improve the lives our people.

This pack explains the key concepts and guiding principles behind our work. As always, we want Community's feedback and ideas about the framework and the next steps on the journey.

Treaty is our opportunity to make sure we always have the freedom and power to make the decisions that affect our communities, our culture and our Country.

If you're mob, show your support and have your say by enrolling with us today at: [firstpeoplesvic.org/enrol](https://firstpeoplesvic.org/enrol)

## OUR COMMITMENT TO COMMUNITY

The path ahead might not be a straight one, but these are the commitments we make to each other and to Community on the journey.

# WELCOME

Our strength is drawn from our community's diversity. We aim to make sure everyone is welcome and everyone is heard.

# RESPECT

We will always treat each other with respect and we'll call out disrespect when we see it.

# LISTEN

Like our culture, our community's ideas are rich and diverse, we'll always be up for a yarn. We need your ideas, feedback and guidance.

# **WHAT MUST BE AGREED BEFORE TREATY NEGOTIATIONS COMMENCE?**

The Assembly is working to set up three key foundations for future Treaty negotiations with the Victorian Government.

## **Treaty Negotiation Framework**

The Treaty Negotiation Framework will set out the ground rules for negotiating a Statewide Treaty and Traditional Owner Treaties, including what can be included in a Treaty and who may negotiate a Treaty.

## **Treaty Authority**

An independent umpire to facilitate and oversee Treaty negotiations consistent with the Treaty Negotiation Framework and in a way that respects Aboriginal Lore, Law and cultural authority.

## **Self-Determination Fund**

A First Peoples controlled fund empowering First Peoples to negotiate Treaties on a level playing field with the Victorian Government and to build capacity, wealth and prosperity for current and future generations.



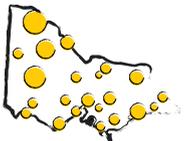
# TREATY NEGOTIATION FRAMEWORK

## The ground rules for future Treaty negotiations

The Treaty Negotiation Framework will set out the ground rules for future Treaty negotiations for:



**A Statewide Treaty** between First Peoples of Victoria as a collective and the Victorian Government. In a Statewide Treaty, we can negotiate significant changes to Victoria's structures and systems of government to achieve greater control over our own lives and destinies.



**Traditional Owner Treaties** with the Victorian Government, on matters relating to Traditional Owners' Country and Community.

Important things the Treaty Negotiation Framework will include are:



The agenda for future Treaty negotiations



Processes for Treaty negotiations and resolving any disputes along the way



The criteria and standards required to enter into Treaty negotiations

## Setting the agenda for future Treaty negotiations

The Treaty Negotiation Framework will enable Traditional Owners and First Peoples of Victoria to negotiate future Treaties with the Victorian Government on a wide a range of matters.

For example, Treaties between Indigenous peoples and governments in New Zealand, Canada and the United States cover matters including:

- recognition of historic wrongs and ongoing injustices
- recognition of self-determination and self-government
- rights to access and manage land and resources, health, education, and economic development
- rights to practice and revitalise culture, language and heritage.

The Framework will signpost important matters that Traditional Owners and Aboriginal and Torres Strait Islander people in Victoria will be looking for Treaties to cover.

**For Traditional Owner Treaties**, this could include:

- Traditional relationships with land and waters
- Culture and language
- Economic underpinnings for caring for Country
- Land and water hand backs and entitlements
- National Park management
- Economic development opportunities

For a **Statewide Treaty**, this could include changes to current systems and structures of government to achieve First Peoples' participation and control in matters that affect First Peoples, such as:

- A statewide representative body, a Black Parliament, elected by Aboriginal and Torres Strait Islander people in Victoria to make decisions and pass and administer laws on issues that affect First Peoples.
- Dedicated First Peoples' seats in the Victorian Parliament
- A First Peoples' Voice to Parliament, which can give advice and input to the Victorian Parliament on any matters that affect First Peoples.
- First Peoples oversight of the Victorian Government for the benefit of First Peoples.

The Framework will make it clear that:

- outcomes that First Peoples have obtained under existing processes must not be diminished.
- nothing can be agreed in Treaty negotiations that falls below the minimum standards for the survival, dignity and well-being of Indigenous peoples recognised in the United Nations Declaration on the Rights of Indigenous Peoples.
- the content of Treaties will be informed by the Yoorrook Justice Commission's current truth-telling process into injustices experienced by First Peoples in Victoria from colonisation to the present.

## The process for Treaty negotiations

The Treaty Negotiation Framework will give flexibility to the parties negotiating a Treaty to agree on a process for their Treaty negotiations.

This includes where negotiations will take place, who is responsible for conducting negotiations, and how agreements are reached.

All parties in a Treaty negotiation process will be required to act in line with certain principles.



### SELF-DETERMINATION AND EMPOWERMENT

This means that First Peoples decide First Peoples matters. First Peoples freely determine how they participate in the negotiation process and who represents them.



### FAIRNESS AND EQUALITY

The Treaty negotiation process must ensure fairness to all parties and support outcomes that promote equality for First Peoples in Victoria.



### PARTNERSHIP AND GOOD FAITH

Parties to Treaty negotiations must act in good faith in dealings with each other and try to resolve any disputes as quickly as possible.



### MUTUAL BENEFIT AND SUSTAINABILITY

Parties to Treaty negotiations must commit to a process that provides material, social, economic and cultural benefits to First Peoples, and promotes reconciliation and celebration of First Peoples' cultures, ensuring benefits to the entire Victorian community.



### TRANSPARENCY AND ACCOUNTABILITY

Parties to Treaty negotiations must act with honesty and integrity and be held accountable for their shared commitment to First Peoples self-determination.



## Who will negotiate Treaties

The Treaty Negotiation Framework will set out what standards parties must meet to enter into Treaty negotiations.

The standards will:

- **Uphold self-determination and empowerment.** The central premise is that Traditional Owners decide who are Traditional Owners for Country and First Peoples must be free to decide how to come together politically and make collective decisions. This requires flexibility to accommodate different ways groups organise themselves.
- **Recognise Traditional Owner groups' status, rights and outcomes from existing processes.** Hard-fought gains cannot be undermined.
- **Support and encourage inclusion and unity** by involving Traditional Owner groups that have a traditional connection and inherent rights to Country in Victoria, as well as enabling Traditional Owners to decide to include First Peoples with historical or contemporary connection to a region.
- **Emphasise the importance of cultural authority and the decision-making processes** by which a Traditional Owner group makes decisions.

## Have your say

All of the Assembly's work to establish the foundations for future Treaty negotiations are informed by the views of Community. The Assembly wants to hear from you. We will continue to consult with Community as we develop the Treaty Negotiation Framework.



# TREATY AUTHORITY

**An independent umpire to oversee and facilitate Treaty negotiations in Victoria**

**The Treaty Authority will be independent from the Assembly and the government.**

The Assembly has secured agreement for the creation of a Treaty Authority that sits outside of existing State structures and does not answer to government.

The Assembly's agreement with government will see the Treaty Authority have its own authority and the freedom to operate in a way that reflects and embodies Victoria's First Peoples communities, culture and ways of being and doing.

The Treaty Authority will be made up of First Peoples and perform its role in a way that respects, observes and upholds Aboriginal Lore, Law and cultural authority.

This is recognised in the Treaty Authority agreement between the Assembly and the Victorian Government.

The Treaty Authority will have a rigorous and transparent selection process for Treaty Authority members. This includes a public call for nominations and an opportunity for Community to provide feedback.

The Treaty Authority members will have to meet selection criteria which reflect the need for appointments to be made in light of cultural authority and standing in Community.

The selection criteria will include:



Impartiality



Commitment to self-determination and empowerment



Good character, courage and integrity



Cultural knowledge, wisdom and humility



Technically competent and experienced

The Treaty Authority's role is to oversee and facilitate Treaty negotiations. It will make sure that the process for negotiating Treaties follows the ground rules in the Treaty Negotiation Framework.



Facilitate and oversee Treaty negotiations

Administer the Treaty Negotiation Framework

Assist parties to resolve disputes that may arise in Treaty negotiations

Carry out research to support and inform Treaty negotiations

It is important that the Treaty Authority is accountable to First Peoples and the wider Victorian community. The Treaty Authority must act in a way that is consistent with certain standards.

The Treaty Authority will:

- be guided by Aboriginal Lore, Law and Authority
- uphold human rights
- have rules to ensure good governance and decision making
- have rules to ensure conduct of Treaty Authority members
- report on operations and Treaty negotiation process

The Treaty Authority must conduct its role in accordance with certain principles. This includes:



**SELF-DETERMINATION AND EMPOWERMENT**

The Treaty Authority will respect Aboriginal Lore, Law and cultural authority.



**INDEPENDENCE AND IMPARTIALITY**

The Treaty Authority will operate in a way that is independent, impartial and free from interference from the Assembly, the State and parties to Treaty negotiations.



**TRANSPARENCY AND ACCOUNTABILITY**

The Treaty Authority will be accountable to First Peoples living in Victoria and broader community, and will respect and listen to Elders' cultural and ethical advice and wisdom.



**RELATIONSHIPS AND FACILITATING TREATY-MAKING**

The Treaty Authority will work in a way that preserves, restores and builds just and respectful relationships between First Peoples and the Victorian Government.



**INTEGRITY OF THE TREATY PROCESS FOR ALL**

The Treaty Authority will respect Aboriginal Lore, Law and cultural authority, and consider the cultural context of all negotiating parties, to ensure a strong Treaty process for the entire Victorian community.



# SELF-DETERMINATION FUND

To benefit all First Peoples in Victoria throughout the Treaty negotiation process and beyond

The Assembly is negotiating the establishment of a First Peoples controlled and managed Self-Determination Fund.

The Assembly will be responsible for managing and administering the Self-Determination Fund. This means that First Peoples are making decisions about First Peoples' financial resources.

The Self-Determination Fund will be administered for the benefit of Aboriginal and Torres Strait Islander people in Victoria now and into the future.

## What will the Self-Determination Fund do?

The Self-Determination Fund will have two main purposes.



Funding the resources that First Peoples need to negotiate Treaties on a level playing field with the Victorian Government, recognising the financial resources and power imbalance between First Peoples and the Government. This will help ensure that First Peoples are resourced adequately to prepare for and engage in Treaty negotiations.



Funding for First Peoples to drive our own priorities and aspirations, and freely determine how to build capacity, wealth, and prosperity for current and future generations.

The Assembly and the Victorian Government may also agree any additional purposes for the Self-Determination Fund.



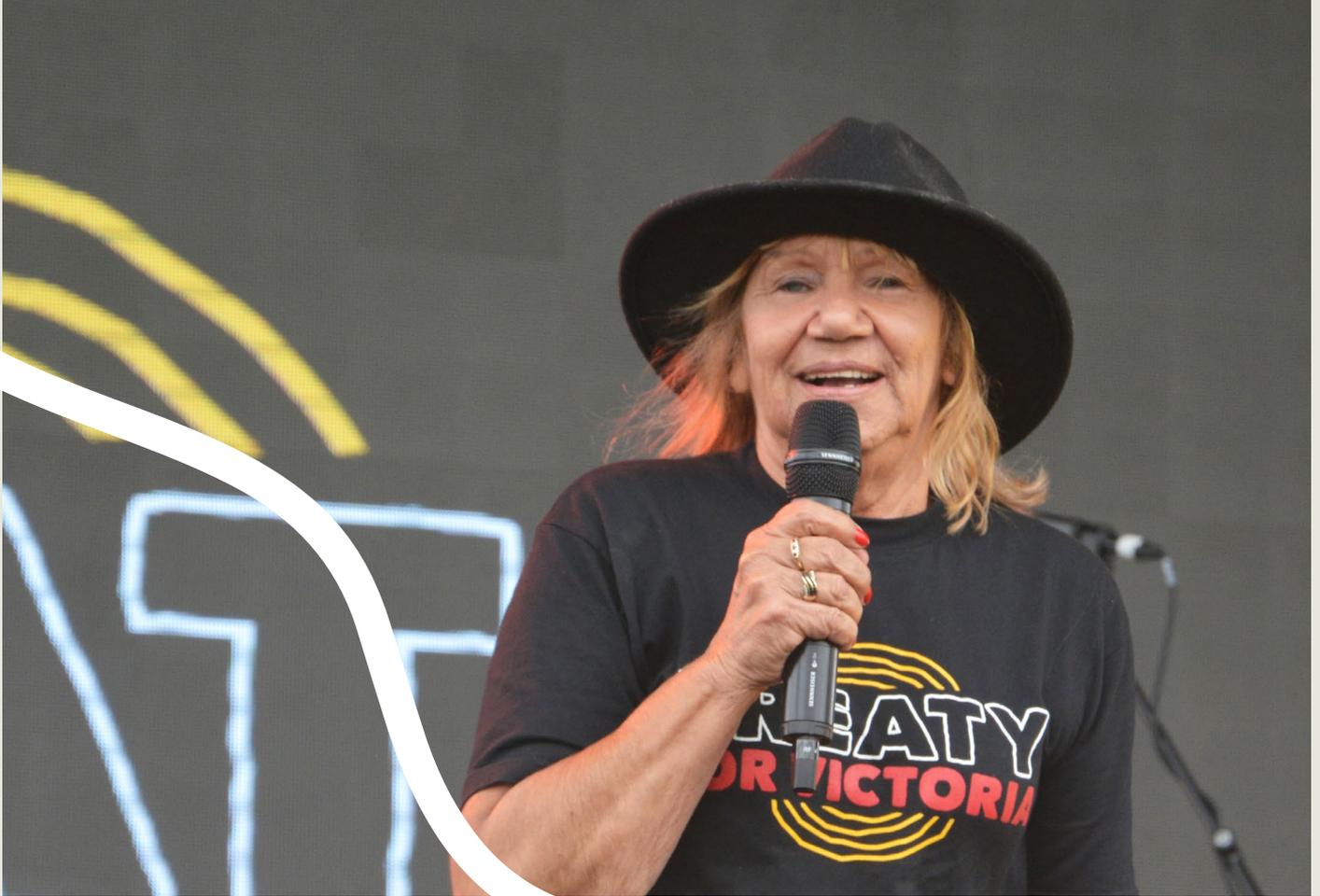
## How will the Self-Determination Fund operate?

The design of the Self-Determination Fund—including how the Fund will be resourced and how money in the Fund will be invested and distributed to First Peoples in Victoria—will be guided by:

- Our right as First Peoples of Victoria to economic self-determination and to maintain and strengthen our own distinct economic institutions, as set out in the Universal Declaration on the Rights of Indigenous Peoples.
- The principles of:
  - Self-determination and empowerment
  - Fairness and equality
  - Partnership and good faith
  - Mutual benefit and sustainability, and
  - Transparency and accountability.

## Have your say

All of the Assembly's work to establish the foundations for future Treaty negotiations are informed by the views of Community. The Assembly wants to hear from you. We will continue to consult with Community as we develop the Self-Determination Fund.



# HAVE YOUR SAY

Treaty is about having the freedom and power to make the decisions that affect us and our community – **and that starts now.**

Nothing is off the table. If you're mob, we want to hear your ideas, needs and hopes about what Treaty can deliver to our people.

Get in touch with your local **Assembly Member** or one our **Engagement Team members.**

# Meet the Members

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## Our Engagement Team

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FIRST PEOPLES'  
ASSEMBLY OF  
VICTORIA

TREATY  
FOR VICTORIA



# STRENGTH IN NUMBERS

## Enrol now!

By enrolling to vote you get to choose the people who will best represent your views on the journey to Treaty. There's also strength in numbers – with more and more mob joining the Assembly's electoral roll, it sends a clear message that we're serious about securing meaningful change to improve the lives of our people.

[firstpeoplesvic.org/enrol](https://firstpeoplesvic.org/enrol)