



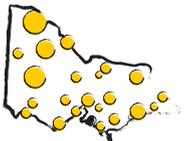
# TREATY NEGOTIATION FRAMEWORK

## 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.