



Self-Determination  
Fund  
FIRST PEOPLES'  
ASSEMBLY  
OF VICTORIA

The Trustee of the Self-Determination Fund

# FUNDING GUIDELINES

For Equal Footing (Charitable Purpose 1)

Treaty Readiness:

**Phase One:**

Forming Treaty  
Aspirations

**Phase Two:**

Pre-Treaty  
Preparation



Self-Determination Fund Limited  
(ACN 663 801 956) in its capacity as  
trustee of the Self-Determination Fund

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## Acknowledgement of Country

The Directors of the Trustee of the Self-Determination Fund acknowledge the Traditional Owners of Country throughout Victoria, where the Self-Determination Fund is established and the Trustee delivers on its purposes and pay our respect to them, their culture and their Elders past, present and future.

The Directors of the Trustee – from diverse Aboriginal and Torres Strait Islander country – acknowledge the struggle and resilience of First Peoples to maintain the longest continuing culture in the world. We humbly continue our work to establish equal footing for First Peoples in negotiating treaty in Victoria and sustainably build wealth and prosperity for future generations in perpetuity.

# 1. ABOUT THE SELF-DETERMINATION FUND

The Self-Determination Fund (**SDF**) is a First Peoples owned and controlled resource, designed by and for First Peoples of Victoria. It will promote First Peoples' economic development, both through the Treaty process and into the future. Self-Determination Fund Limited is the Trustee for the Self-Determination Fund (**the Trustee**) and is managed by a Board of directors. The Trustee decides how the Self-Determination Fund is distributed.

The Trustee and its Board, the Trustee's Advisory and Investment Committee, and all people associated with the application and assessment process, will be guided by Aboriginal lore and law, cultural authority and Aboriginal cultural values and practices.

In all circumstances, distributions from the SDF will only be made in accordance with the SDF's charitable purposes and in accordance with the SDF's trust deed.

The SDF has seven principles that guides all that it does:



The Self-Determination Fund is a public charitable trust for the benefit of First Peoples now and into the future.

## 2. SELF-DETERMINATION FUND PURPOSES

The Trustee's Strategic Plan for 2023–2026 sets out its strategic direction for its charitable purposes and priority spending areas. It is available at [www.selfdeterminationfund.org.au/reports-resources](http://www.selfdeterminationfund.org.au/reports-resources).



These Funding Guidelines address the Self-Determination Fund's approach to supporting early phases of the Equal Footing priority area. This has the purpose of supporting First Peoples to negotiate Treaties on a more level playing field with the State.

# 3. FEEDBACK ON THESE FUNDING GUIDELINES

The Trustee welcomes feedback from Community to guide its approach and improve on its processes and these Funding Guidelines.

## SELF-DETERMINATION FUND CONTACT



Email

[trustee@selfdeterminationfund.org.au](mailto:trustee@selfdeterminationfund.org.au)



Post

48 Cambridge St, Collingwood, VIC 3066



# 4. TRUSTEE'S APPROACH TO EQUAL FOOTING FUNDING

It is intended that the Self-Determination Fund will support Traditional Owner Groups in Victoria to participate throughout the entire Treaty process.

The Treaty Negotiation Framework provides the ground rules for the Treaty process. It is available at [www.firstpeoplesvic.org/reports-resources/treaty-negotiation-framework](http://www.firstpeoplesvic.org/reports-resources/treaty-negotiation-framework), and is explained in [Appendix 1](#).

## 4.1 VISUAL OF SELF-DETERMINATION FUND SUPPORT FOR EQUAL FOOTING



These guidelines only address Phases 1 and 2, which are explained in more detail in the next section.

## 4.2 HOW THE FUNDING PHASES WILL SUPPORT EQUAL FOOTING

The Self-Determination Fund will support its Equal Footing priority through the following phases of funding.

Treaty Readiness

### Phase One: Forming Treaty Aspirations

Phase One Funding:

**Opened December 2023**

**This phase of funding will be open for two years**

**Who:**

Traditional Owner Groups in Victoria

In this phase, the Trustee will take an inclusive and flexible approach to the definition of Traditional Owner Group (guided by the Treaty Negotiation Framework definition).

**What:**

To provide immediate support to a Traditional Owner Group to come together to form their aspirations for Treaty.

**Outcome:**

The Traditional Owner Group:

- Decides whether they wish to prepare for Treaty negotiations and proceed to Phase Two.
- If proceeding to Phase Two of funding, is able to prepare a plan for further funding that they require from the Self-Determination Fund to support at least Phase Two: Pre-Treaty Preparations.

**How:**

This is an open funding round and available to all Traditional Owner Groups to apply at any time up to December 2025. Refer to application process below.

**Available funding:** Up to a total of \$200,000 per eligible Traditional Owner Group for this phase.

### Phase Two: Pre-Treaty Preparations

Phase Two Funding:

**Opened December 2023**

**This phase of funding will be open for two years**

**Who:**

Traditional Owner Groups in Victoria (defined in Treaty Negotiation Framework)

**What:**

Intend on meeting or demonstrating Minimum Standards and being entered into the Negotiations Database.

To prepare for the Treaty negotiation process as determined by each Traditional Owner Group, including:

- Undertaking community and nation building activities
- Continuing to determine Treaty aspirations and priorities
- Undertaking activities to meet Minimum Standards in section 8.3 of the Treaty Negotiation Framework

**Outcome:**

The Traditional Owner Group:

- satisfies and maintains the Minimum Standards (Section 8, Treaty Negotiation Framework)
- secures entry onto the Negotiations Database (Section 9, Treaty Negotiation Framework)

**How:**

This is an open funding round and available to all Traditional Owner Groups to apply at any time up to December 2025. Refer to application process below.

**Available funding:** Up to a total of \$1,500,000 per eligible Traditional Owner Group for this phase.

**Phase Three: Entering Treaty negotiations**

Phase Three:	The outcome of this round is to support Traditional Owner Groups to:
<b>Not yet open, further details to follow</b>	<ul style="list-style-type: none"> <li>• form a First Peoples' Treaty Delegation and</li> <li>• invite the State to begin Treaty negotiations.</li> </ul>

**Phase Four: Conducting Treaty negotiations**

Phase Four:	Support to commence and conduct Treaty negotiations.
<b>Not yet open, further details to follow</b>	The outcome of this round is to agree terms of a Treaty or Interim Agreement between a First Peoples' Treaty Delegation and the State.

**Phase Five: Formalising Treaty**

Phase Five:	Support to finalise Treaty negotiations and formalise agreement to Treaty.
<b>Not yet open, further details to follow</b>	



# 5. ELIGIBILITY: PHASE ONE AND PHASE TWO FUNDING

## 5.1 WHO IS ELIGIBLE TO APPLY?

All Traditional Owner Groups in Victoria are eligible to apply for funding from the Self-Determination Fund, whether or not the group has existing status under legislation.

An applicant is eligible for:

### Phase 1



#### Forming Treaty Aspirations

**Applicant is:**

- A Traditional Owner Group within Victoria (see note below)

*Traditional Owner Group definition will be inclusively and flexibly interpreted by Trustee for Phase One eligibility.*

### Phase 2



#### Pre-Treaty Preparations

**Applicant is:**



- A Traditional Owner Group (as defined in the Treaty Negotiation Framework. See note below)

The Treaty Negotiation Framework defines Traditional Owner Group as a group that can satisfy the Minimum Standards under clause 8 of that Framework. The Minimum Standards are also explained in further detail in [Appendix 1](#) to these Guidelines. For Phase One of the SDF funding support for Equal Footing the Trustee will take an inclusive and flexible approach to this definition to support groups to form their own Treaty aspirations.

## 5.2 WHAT PURPOSE AND ACTIVITIES ARE ELIGIBLE FOR SELF-DETERMINATION FUND SUPPORT?

In each Phase, a Traditional Owner Group can apply for funding for activities that meet the purpose of that funding round:

### Eligible purpose and activities for Phases One and Two

<i>Treaty Readiness</i>	<b>Phase One:</b> Forming Treaty Aspirations 	<b>Phase Two:</b> Pre-Treaty Preparation 
<b>Eligible purpose</b>	To provide immediate support to a Traditional Owner Group to come together to form their aspirations for Treaty	To prepare for the Treaty negotiation process as determined by each Traditional Owner Group
<b>Some example activities</b> <i>(not intended to be prescriptive)</i>	<ul style="list-style-type: none"> <li>• Full group and family/clan meetings</li> <li>• Treaty engagement and education</li> <li>• Developing cultural governance structures and decision-making processes</li> <li>• Employment of a Treaty Officer/ Manager or similar</li> <li>• Support for preparation of Phase 2 funding application.</li> </ul>	<ul style="list-style-type: none"> <li>• Meetings and gatherings</li> <li>• Cultural strengthening activities, including Cultural mapping and heritage surveys</li> <li>• Governance training and workshops</li> <li>• Establish Treaty leadership groups and develop priorities for Treaty</li> <li>• Engage experts and advisors (e.g. cultural, economic, legal).</li> </ul>
<b>Available funding allocation</b>	Up to a total of \$200,000 per Traditional Owner Group (inclusively and flexibly defined in this phase) for this phase	Up to a total of \$1,500,000 per Traditional Owner Group for this phase

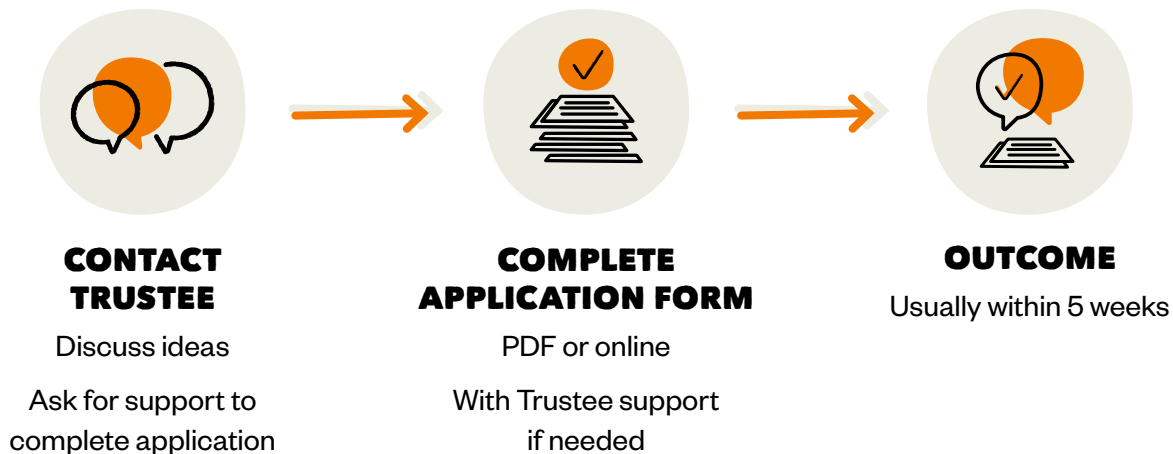
The Self-Determination Fund will support Traditional Owners Groups' aspirations for participation in the Treaty negotiation process. The Trustee recognises that different groups will be at different stages of the Treaty negotiation process and will require different levels of support at different points in time.

The Trustee team will be available to talk through Traditional Owner Groups' ideas and can assist Traditional Owner Groups develop plans for accessing support.

## 5.3 KEY DATES FOR FUNDING PHASES

<i>Treaty Readiness Phases One and Two</i>	<b>Phase One:</b> Forming Treaty Aspirations 	<b>Phase Two:</b> Pre-Treaty Preparation 
<b>Applications open</b>	By December 2023  Then open all year round until funding allocation exhausted or reach phase closure date below	By December 2023  Then open all year round until funding allocation exhausted or reach phase closure date below
<b>Applications close</b>	Phase closes 30 September 2025	Phase closes 30 September 2025

# 6. HOW TO APPLY



## 6.1 COMPLETE THE APPLICATION FORM

All applicants must complete an application form (online or printable PDF) and will be supported by the Trustee to submit their application in a culturally safe and accessible way.

### Apply online

Visit [www.selfdeterminationfund.org.au](http://www.selfdeterminationfund.org.au)

### Email PDF form to

[applications@selfdeterminationfund.org.au](mailto:applications@selfdeterminationfund.org.au)

PDF forms are available to applicants

### Post form

48 Cambridge Street,  
Collingwood VIC 3066

Marked "CONFIDENTIAL  
SELF-DETERMINATION FUND"

### If the applicant is not incorporated or does not have a bank account:

- The Trustee wishes to support Traditional Owner Groups who are applicants as it is able, while balancing its legal, regulatory and other obligations as a public charitable trust.
- An applicant that needs support to submit an application where it is unincorporated or does not have a bank account, particularly for Phase One – Forming Treaty Aspirations Funding, should contact the Trustee at [applications@selfdeterminationfund.org.au](mailto:applications@selfdeterminationfund.org.au) so that an arrangement can be discussed. An example of an arrangement that may be considered is an auspicing agreement with a relevant organisation.

## 6.2 SUPPORT AVAILABLE FOR APPLICANTS

The Trustee can support applicants to prepare applications, including to discuss eligibility, what funds can be used for, and writing the application.

Traditional Owner Groups in Victoria wanting assistance should contact the Trustee: [applications@selfdeterminationfund.org.au](mailto:applications@selfdeterminationfund.org.au)

# 7. HOW WILL APPLICATIONS BE ASSESSED?

The Trustee will support Traditional Owner Groups to make an application and through the application process, with a goal of ensuring all eligible groups who want to access the Self-Determination Fund can do so.

However, the Trustee will also ensure that the Self-Determination Fund is managed sustainably and for the benefit of First Peoples throughout Victoria.

To achieve these goals, the Trustee will assess and prioritise applications based on the following factors:

**Phase One:**  
Forming Treaty Aspirations



**Phase Two:**  
Pre-Treaty Preparations



- 1 Whether the proposed project/activities are sufficiently connected with the purpose of the funding phase.
- 2 Whether the proposal is value for money.
- 3 Whether the costs of any professional services to be engaged and funded by the Self-Determination Fund are value for money and not excessive.
- 4 Whether the applicant has received or can easily obtain other funding for the proposed activities.
- 5 Whether the applicant has the ability to receive and manage the funds, and ensure the funds are spent as proposed. This may include auspicing or other arrangements for applicants without a bank account.
- 6 The Trustee's relevant legal, regulatory, compliance, and taxation requirements.
- 7 Whether the applicant can affirm that it meaningfully engages with members of the Traditional Owner Group it is representing or other First Peoples with connection to the same Country.
- 8 Whether the Self Determination Fund as a whole is being used to fairly and equitably benefit a broad cross-section of First Peoples in Victoria.

## 7.1 COSTS OF PROFESSIONAL SERVICES

The Trustee takes its responsibility of managing the Self-Determination Fund seriously and in advance of opening Phases One and Two funding will provide potential applicants with its position on ensuring any professional services engaged by applicants are value for money and not excessive.

The Trustee anticipates providing support to applicants to achieve value for money and will work with applicants in a culturally safe way to do so.

## 7.2 TRUST DEED

The SDF was established under a trust deed dated 21 November 2022 (**Deed**). In addition to the funding criteria set out in these guidelines, the Trustee is required to strictly comply with the terms of the Deed when assessing applications.

A copy of the SDF's trust deed can be found [www.selfdeterminationfund.org.au/reports-resources](http://www.selfdeterminationfund.org.au/reports-resources)

## 7.3 OUTCOME OF APPLICATIONS

The Trustee will contact both successful and unsuccessful applicants, usually within 5 weeks of application submission.

The Trustee aims to support all eligible Traditional Owner Groups who aspire to engage in the Treaty process to access the Self-Determination Fund.

Where an applicant is unsuccessful but eligible for funding, they will be offered support by the Trustee and can submit a new application.

If there is an issue or concern regarding the process or application, please refer to the Feedback and Complaints Section 9 for how to raise the matter.



# 8. WHEN AN APPLICATION IS APPROVED

This section provides guidance to successful applicants on their obligations, including conditions on the release and use of the funds, reporting back to the Trustee, and consequences for failure to comply with the funding conditions.

## 8.1 HOW WILL FUNDS BE RELEASED?

All successful applicants must agree to conditions of accessing funds, by signing a Funding Agreement with the Trustee, before the funds can be released. The Trustee has a standard Funding Agreement, and will arrange a time to discuss the Funding Agreement with the applicant.

Funding may be released in progressive milestone payments. The Funding Agreement will explain how these work.

Funds will be transferred electronically to an agreed nominated bank account. The recipient is responsible for any financial and taxation implications associated with receiving funds, along with their own bank fees and administrative fees.



## 8.2 WHAT ARE THE FUNDING CONDITIONS?

The use of funds will be subject to the terms and conditions of the Funding Agreement, including the conditions summarised below. If a recipient of funding fails to comply with the terms and conditions of the Funding Agreement, the Trustee may reduce, suspend or withhold payments to the recipient.

### Funding conditions

#### Conditions

**Use of funds** The funding must only be used for the activities described in the successful funding application.

**Reporting** Recipients must provide information to the Trustee about how the funds were used (see Section 8.4 on the next page).  
The Trustee may use information about recipients' funded activities for the purpose of monitoring and evaluation.

**Recipient details published** The Trustee will publish the identity of all recipients and amount of funding received. This ensures transparency and accountability in how the Self-Determination Fund is managed.

**Compliance with Laws and Regulations** Recipients must comply with all applicable laws and regulations.

### 8.3 WHAT IF ACTIVITIES CHANGE?

The Trustee recognises that unexpected events may affect a recipient's activities.

Recipients must keep in touch and alert the Trustee as early as possible if they need additional assistance or if there are any changes to a funded project.

In these circumstances, a recipient can speak to the Trustee about varying the Funding Agreement, including:

- changing activities
- changing milestone payments

A recipient who would like to propose changes to the Funding Agreement should contact the Trustee to explain the request. The Trustee will consider a request based on factors such as:

- how it affects the proposed activities
- whether the change is consistent with the purposes of the relevant funding Phase and Self-Determination Fund
- availability of funds

### 8.4 RECIPIENT REPORTING

Recipients will need to provide information to the Trustee about how funding is used.

The Trustee will contact recipients and ask them to complete a short questionnaire. The Trustee can support recipients to complete the questionnaire.

#### Questionnaire timing:

- Three months after funds are distributed and
- By 30 June each year, until all funds are spent.

#### Information requested in questionnaire:

- How the funds have been used
- The outcomes and benefits of the funding
- The amount of funding spent on professional services
- Any challenges experienced
- Feedback on the Self-Determination Fund processes.

# 9. FEEDBACK AND COMPLAINTS

Feedback and complaints provide an important opportunity to resolve problems and improve the Self-Determination Fund's processes.

The Trustee is committed to managing complaints fairly, efficiently and effectively in a person-centred manner, aligned to the Guiding Principles of the Self-Determination Fund and the Dispute Resolution Policy under the **Directions to Trustee**.

The Trustee values feedback from applicants and recipients and is committed to ensuring that applicants and recipients feel confident to express any concerns.

## 9.1 FEEDBACK

To provide feedback, contact the Trustee by email [trustee@selfdeterminationfund.org.au](mailto:trustee@selfdeterminationfund.org.au).

## 9.2 COMPLAINTS

If you wish to make a complaint, contact the Trustee by email [trustee@selfdeterminationfund.org.au](mailto:trustee@selfdeterminationfund.org.au).

Wherever possible, the Trustee will seek to resolve a complaint informally within 20 days. This may include an informal discussion with the person or group making the complaint.

If the complaint cannot be resolved informally, the Trustee will follow the dispute resolution procedure set out in the Dispute Resolution Policy under the **Directions to Trustee**.

A person or group should provide written notice of the complaint to the Disputes Coordinator. The Disputes Coordinator will be appointed by the Trustee in advance of applications opening for Phase One set out in these guidelines.





# APPENDIX 1: BASICS OF THE TREATY NEGOTIATION FRAMEWORK

These Guidelines give an overview of the Treaty journey and focus on Treaty Readiness aspect of Equal Footing (Phases One and Two above), to help Traditional Owner Groups think about how the Self-Determination Fund can support them.

The Treaty Negotiation Framework was agreed between the First Peoples' Assembly of Victoria and the State that includes requirements for respecting Aboriginal Lore, Law and Cultural Authority, entering into Traditional Owner Treaty negotiation, entering into State-wide Treaty

negotiations, inviting additional parties to join Treaty negotiations, formalising agreement to Treaties, enforcing Treaties, reporting and resolving disputes. The Treaty Negotiation Framework can be found at [www.firstpeoplesvic.org/reports-resources/treaty-negotiation-framework](http://www.firstpeoplesvic.org/reports-resources/treaty-negotiation-framework).

More information can be found in the guide 'Getting to Know the Treaty Negotiation Framework': [www.firstpeoplesvic.org/reports-resources/tnf-explainer](http://www.firstpeoplesvic.org/reports-resources/tnf-explainer).

Before starting Traditional Owner Treaty negotiations, a few things need to happen:

1

A Traditional Owner Group that aspires to start Treaty negotiations has to satisfy the Minimum Standards, and notify the Treaty Authority.

2

The Treaty Authority enters the Traditional Owner Group onto the Negotiations Database.

3

A single First Peoples' Treaty Delegation must be formed to negotiate a Treaty over an area of land and waters.  
A Delegation is intended to be a flexible, inclusive and unified mechanism enabling Traditional Owners to collectively negotiate.

## WHAT ARE THE MINIMUM STANDARDS?

Minimum Standards those that Traditional Owner Group seeking to enter into Treaty negotiations must satisfy, set out in clause 8.3 of the Treaty Negotiation Framework. The Minimum Standards concern land and waters, community, leadership, and inclusivity.



### 1. Land and waters

The land and waters the Traditional Owner Group represents



### 2. Community

How the Traditional Owner Group represents the Community that are the Traditional Owners of the area it represents



### 3. Leadership

The leadership that will represent the Traditional Owner Group in the Treaty negotiation process, and the process for choosing and authorising the negotiation team



### 4. Inclusivity

How the Traditional Owner Group's processes:

- ensure the group is inclusive of all its members
- uphold Cultural Authority
- educate and consult with its members
- seek views of First Peoples who have a contemporary, historical, social or spiritual attachment to the area it represents
- seek collective support of its members to the outcomes of negotiations.

A Traditional Owner Group with Existing Status (defined in the Treaty Negotiation Framework) will automatically meet the Minimum Standards in relation to the Country over which the group has Existing Status.

A Traditional Owner Group without Existing Status has to be satisfied that it meets the Minimum Standards.

# APPENDIX 2: OTHER DEFINITIONS

Term	Definition
<b>First Peoples</b>	<ul style="list-style-type: none"><li>a. Traditional Owners of Country in Victoria</li><li>b. Aboriginal and Torres Strait Islander persons who are living in the place now known as Victoria.</li></ul>
<b>First Peoples' Assembly of Victoria</b>	The First Peoples' Assembly of Victoria (the Assembly) is the elected, representative voice for Aboriginal and Torres Strait Islander peoples in the Victorian Treaty process.

