



Who am I



A Gunai (Eastern Victoria) man – through my Father and Grandfathers

A Yorta Yorta (Northern Victoria) man – through my Mother and Grandparents

A Gournditj-mara (Western Victoria) man – through my Grandmothers

Creating a pathway for **Treaties** with First Nations in Victoria

S O V E R E I G N T Y



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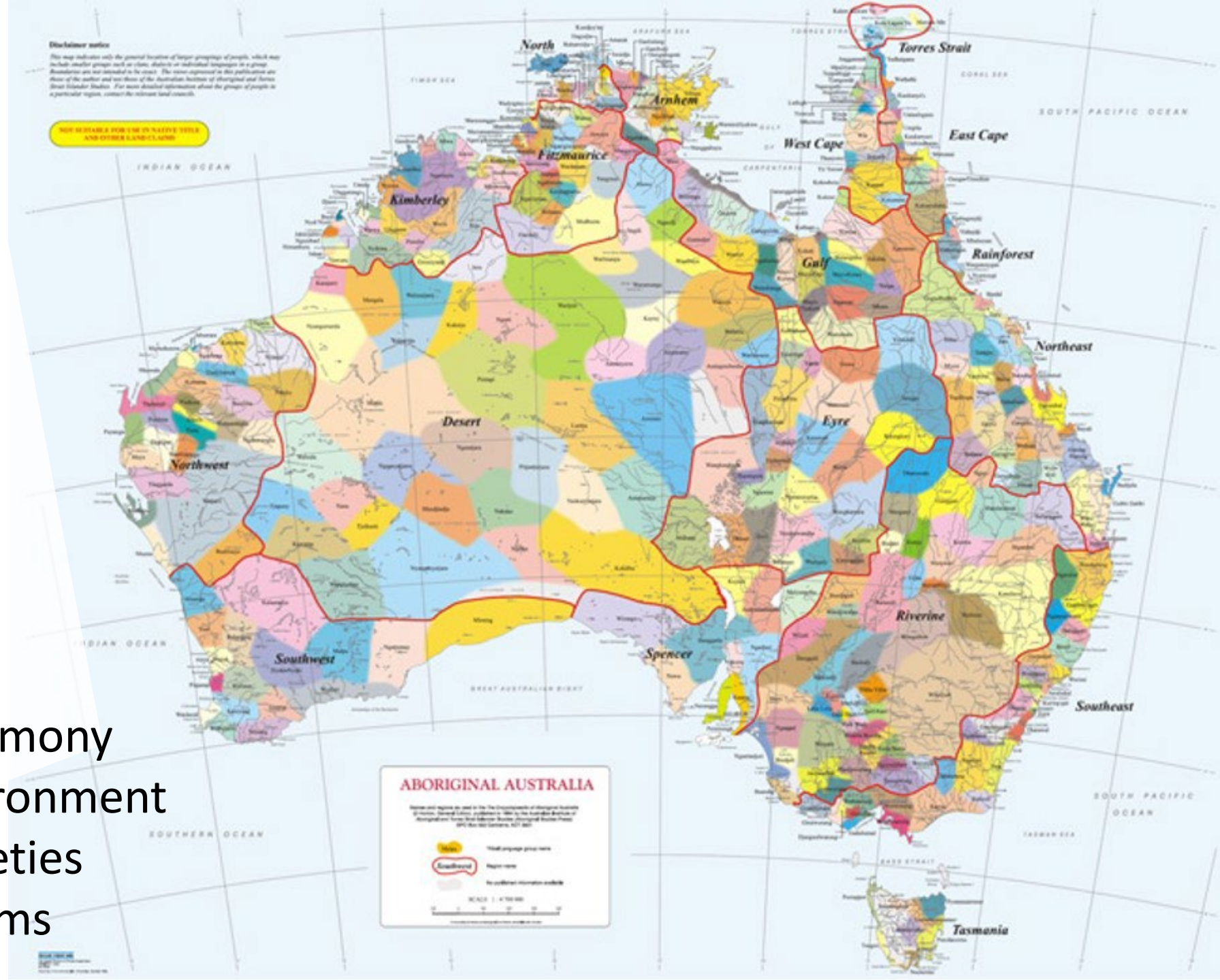


Creating a pathway for Treaties with First Nations in Victoria

- First Peoples of Australia and Victoria
- Impact of Colonisation
- A Human Rights Perspective
- A brief history of treaties, rights, and representation...
- The Uluru Statement
- Voice, Treaties and Truth telling in Victoria
- Voice: Indigenous Representation and Recognition in Victoria
- Treaty for Victoria: How we got here
- Truth: Yoorrook Justice Commission

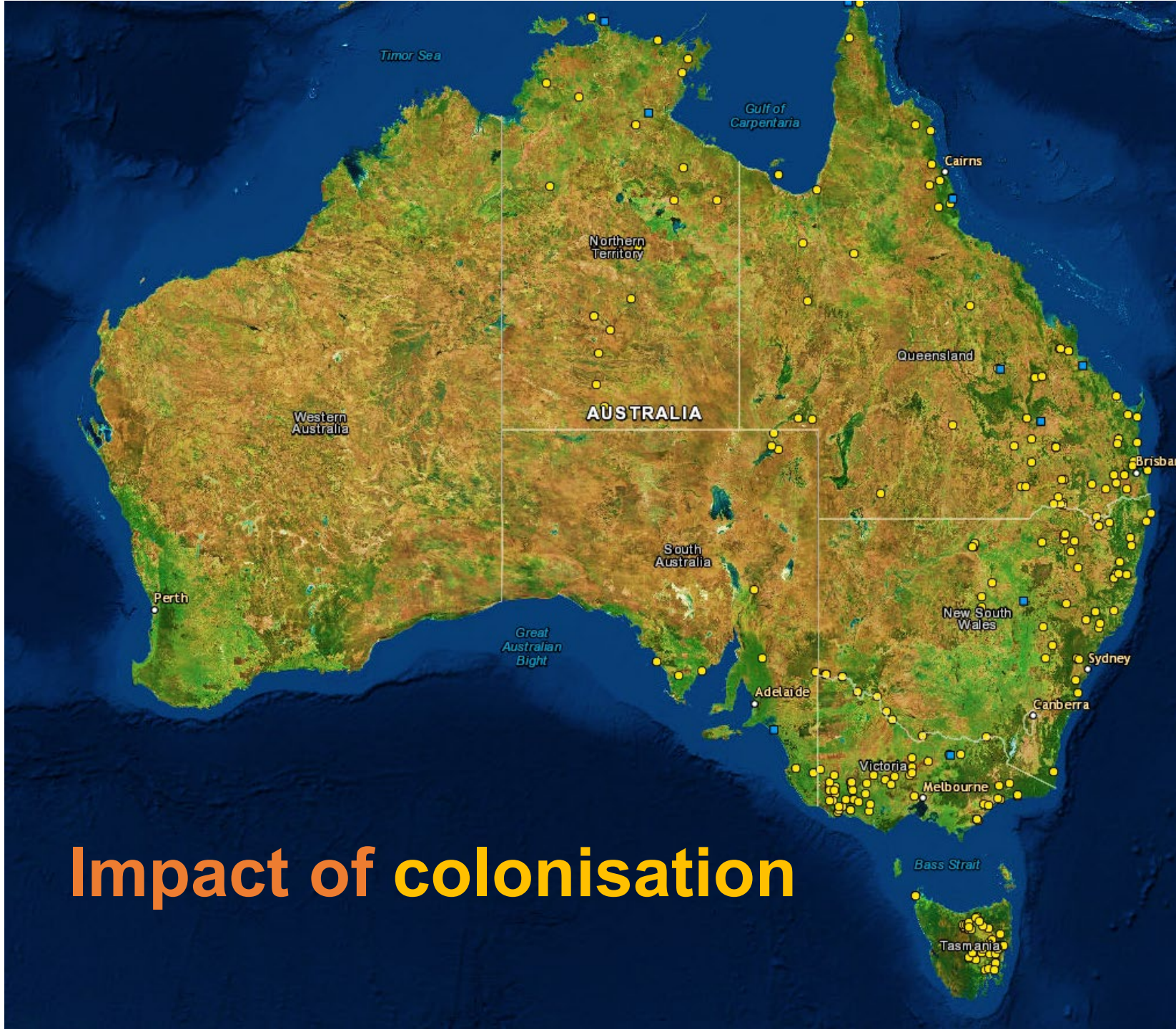
First Peoples of Australia

- Aboriginality
- Lore
- Tribes/clans
- Ceremony
- Languages
- Environment
- Kinship
- Moieties
- Culture
- Totems



The First Peoples of Victoria





Impact of colonisation

Ryan, Lyndall; Richards, Jonathan; Debenham, Jennifer; Anders, Robert J; Pascoe, William; Brown, Mark; Price, Daniel *Colonial Frontier Massacres in Eastern Australia 1788 – 1872*, v1.0 Newcastle: University of Newcastle, 2017, <http://hdl.handle.net/1959.1/3/1340762> (accessed 30/10/2017). This project has been funded by the [Australian Research Council](#) (ARC).

Colonial Frontier Massacres in Central and Eastern Australia 1788-1930

Preliminary Statistics

The following figures relate to massacres of 6 or more people only and are subject to change as more information becomes available. Other factors affect the history of Aboriginal and Torres Strait Islander populations such as disease, loss of land, abduction of children, control of movement, and combined flow on effects to the community. Note that borders of the colonies did not always match the present day states. In particular present day Queensland was part of NSW until 10 December 1859 and Northern Territory has been part of several states.

For recorded massacres between 1788 and 1930 in Central and Eastern Australia:

	Central & Eastern Australia	Van Diemen's Land (Tasmania)	Port Phillip District (Victoria)	New South Wales	Queensland (from 1859)	South Australia	Northern Territory (<i>incomplete</i>)
Est. Total Massacres	254	42	54	83	37*	27*	6*
Est. Aboriginal people killed in massacres	6705	632	1244	2682	1119*	708*	255*
Est. Colonists killed in massacres	92	0	7	36	41*	40*	0*
Est. Average Aboriginal people killed in a massacre of Aboriginal people	27.48	15.05	23.47	33.95	32.91*	28.32*	42.50*
Est. Average Colonists killed in a massacre of Colonists	11.27	0	7.00	9.00	13.67*	13.33*	0*

* While all data may be corrected and added to, counts with an asterisk are still being researched it is anticipated there are many more sites than here indicated.

Ryan, Lyndall; Richards, Jonathan; Debenham, Jennifer; Anders, Robert J; Pascoe, William; Brown, Mark; Price, Daniel *Colonial Frontier Massacres in Eastern Australia 1788 – 1872, v1.0* Newcastle: University of Newcastle, 2017, <http://hdl.handle.net/1959.13/1340762> (accessed 30/10/2017). This project has been funded by the [Australian Research Council](#) (ARC).

A Human Rights perspective

- Recognising the impact of colonisation and the violation of Indigenous rights
- Understanding and analysing ongoing structural patterns of disadvantage
- Consider human rights implications in the negotiation of Treaties
- Using a human rights framework to underpin Indigenous self-determination

A Human Rights perspective

”Indigenous people’s narratives of ill-health... are inextricably linked to narratives of dispossession and exclusion-from land and its economic and sacred gifts, from family and culture, and from full participation in the social, political and economic life of post-invasion Australia.”

United Nations Declaration on the Rights of Indigenous Peoples

- Global human rights instrument overwhelmingly adopted by the United Nations in 2007
 - Rejected by Australia, NZ, USA, Canada
- Comprehensive, universal framework advocating for the protection, survival, dignity, and rights of Indigenous peoples
- Australia endorsed UNDRIP in 2009
- Special Rapporteur Report Australia in 2017

Special Rapporteur Report Australia 2017

Recommendations

- **Act on the proposals put forth by the Referendum Council**, including the establishment of a “First Nations Voice” in the Constitution and of a commission for treaty negotiation and truth-telling.
- **Include the United Nations Declaration on the Rights of Indigenous Peoples** in the definition of human rights in the Human Rights (Parliamentary Scrutiny) Act of 2011;
- **Create a parliamentary joint committee on indigenous affairs** to advance indigenous rights in a bi-partisan manner;
- **Elaborate a comprehensive bill of human rights within the federal Constitution** and a human rights act that include due recognition of the provisions in the Declaration.

United Nations Declaration on the Rights of Indigenous Peoples

UNDRIP highlights the rights of Indigenous peoples to;

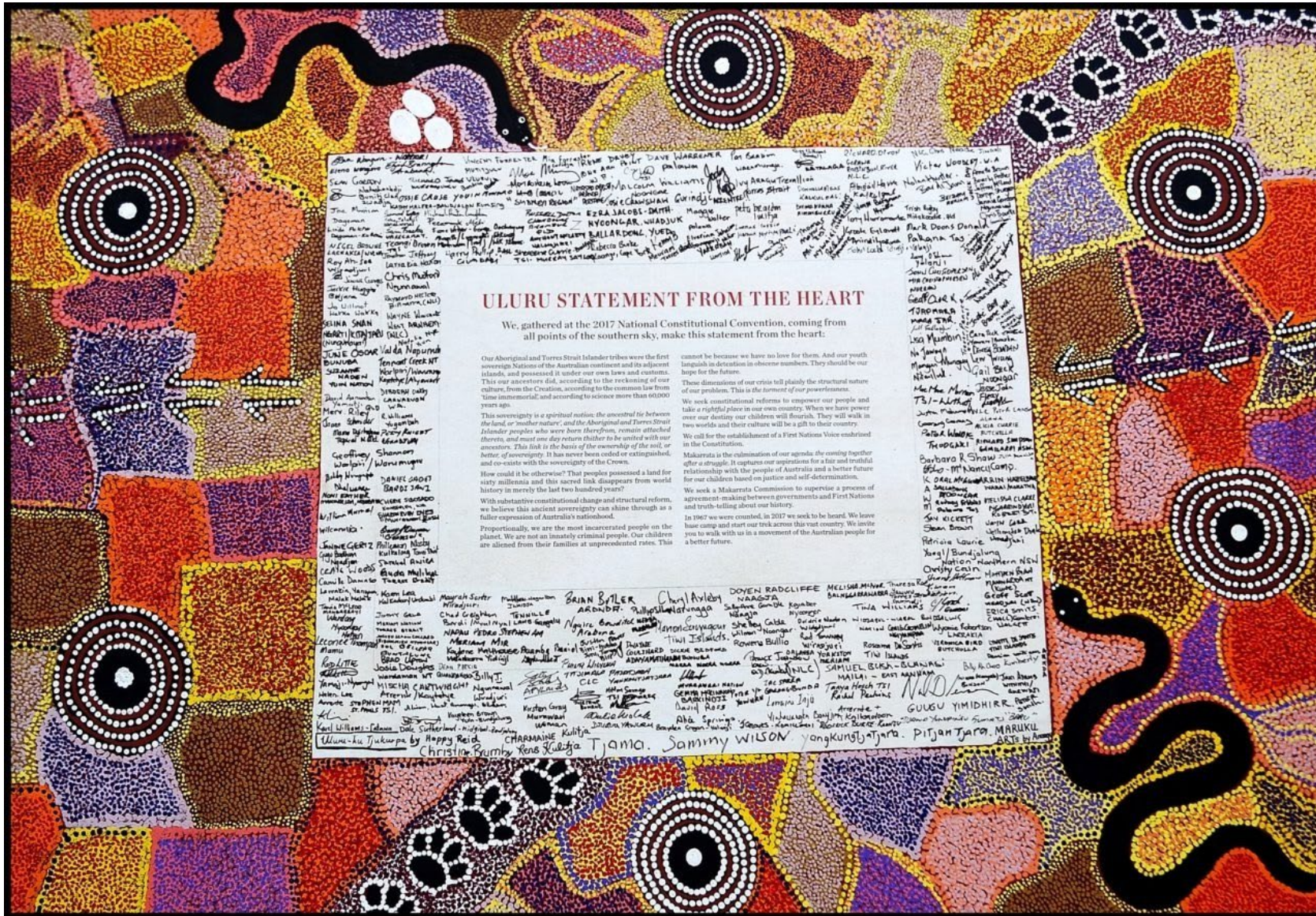
- Self-determination
- Freedom from discrimination
- Autonomy and self-government
- Choose their own representatives
- Not to assimilate or have their culture destroyed
- To protect, control, and develop their Country

A brief history of treaties, rights, and representation...

- 1835 Batman's illegal 'Treaty' with representative from the Kulin Nation
- 1938 Day of mourning 'Aborigines Claim Citizens' Rights'
- 1967 Referendum passed recognising Aboriginal people in the census and Commonwealth legislation
- 1979 Calls for treaty at National Aboriginal Conference (NAC)
- 1992 The Mabo decision
- [ACT creates Aboriginal and Torres Strait Islander elected body: 2008](#)
- 2009 Australia endorses UNDRIP and National Congress established
- 2016 Noongar settlement (WA)
- 2017 Uluru Statement from the Heart 'Voice, Truth, Treaty'
- 2018 Advancing the Treaty Process with Aboriginal Victorians Act
- Referendum on an Indigenous 'Voice' to Parliament to be held in 2023
- Vic, Qld, NSW, SA, Tas, commencing treaty and truth-telling processes



The Uluru statement



The Uluru statement

Seeking constitutional reform through;

- A First Nations Voice enshrined in the constitution
- Makarrata Commission
 - Aspirations for a fair and truthful relationship based on justice and self-determination
 - Supervise a process of agreement-making and truth telling

Voice, Treaties and Truth telling in Victoria

- The First Peoples' Assembly of Victoria is an Aboriginal representative body that designed the Treaty Negotiation Framework, Treaty Authority, and Self-determination Fund
- The FPAV and the Government established the Yoorrook Justice Commission to undertake an independent truth telling process in Victoria
- Negotiations for a state-wide treaty will commence between the FPAV and the Government in 2023

What is a Treaty?

- The word Treaty is commonly used to refer to an agreement which ends a conflict.
- A treaty is a binding agreement between two or more states or sovereign powers. It is usually reached after a period of negotiation.
- While the word treaty usually brings to mind treaties under International Law, many European countries signed treaties with the Indigenous peoples of the lands they colonised.
- Treaties contain articles which outline the points of agreement between the parties. A treaty is similar to a contract in that the parties to a treaty usually agree to take on certain responsibilities and duties which are legally binding.

Treaty for Victoria: How we got here

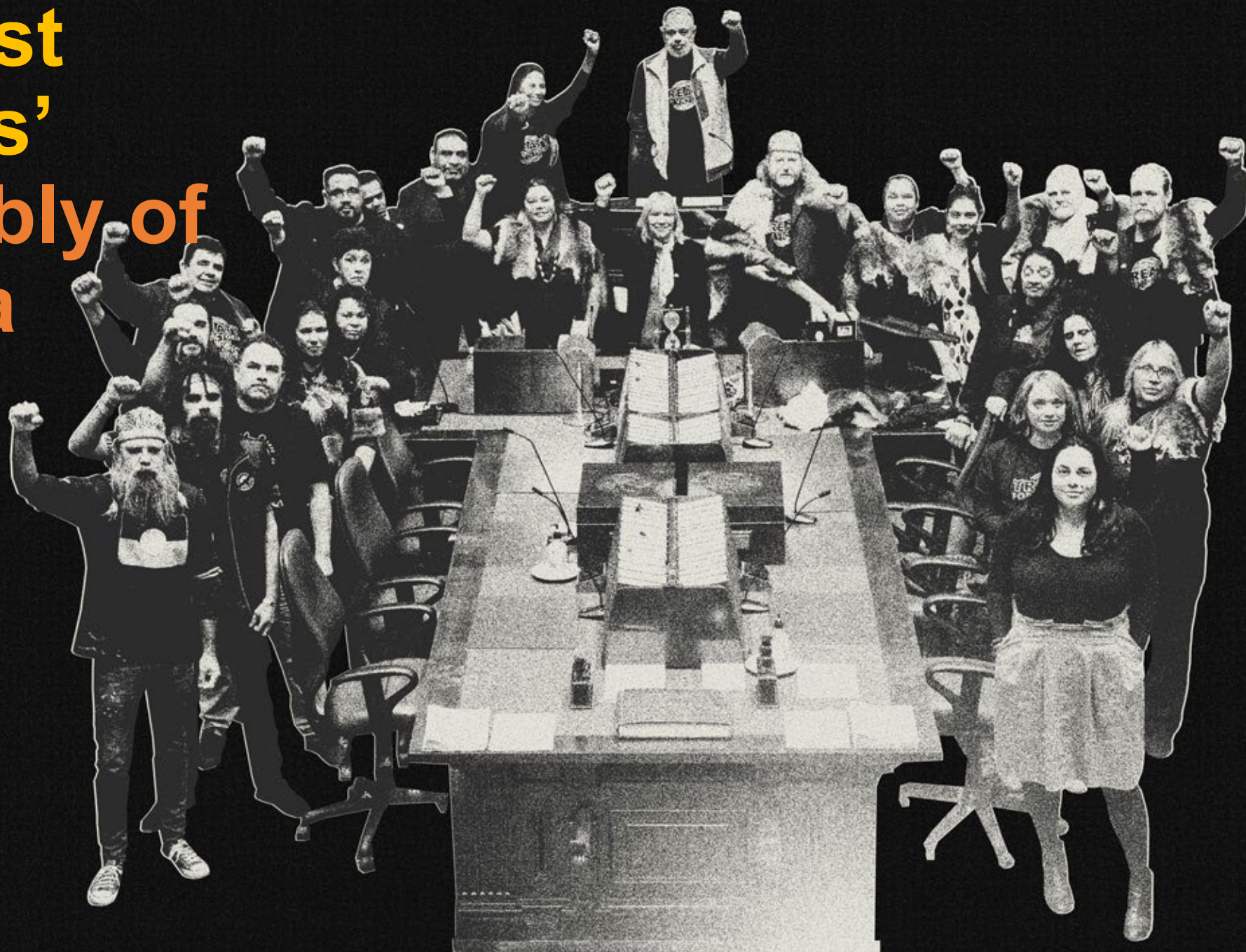
- Aboriginal people in Victoria call for Treaty (Feb 2016)
- Andrews Government commits (May 2016)
- Advancing the Treaty Act passes (June 2018)
- The inaugural First Peoples' Assembly of Victoria (FPAV) elected (Dec 2019)
- Assembly calls for Truth-Telling process (June 2020)
- Yoorrook Justice commission established (May 2021)
- Treaty Authority and Other Treaty Elements Act passes (August 2022)
- Agreement reached on the Self Determination Fund and Treaty Negotiation Framework (Oct 2022)

Advancing the Treaty Process with Aboriginal Victorians Act 2018

- Victorian Treaty Advancement Commission
- Aboriginal Representative Body (FPAV)
 - Dispute Resolution
 - Treaty Authority
 - Treaty Negotiation Framework
 - Self-determination Fund



The First Peoples' Assembly of Victoria



Voice: Indigenous representation and recognition in Victoria

- The First Peoples Assembly of Victoria is the democratically elected body representing Aboriginal and Torres Strait Islander peoples in the Victorian Treaty process
- Made up of 31 Members, all proud Traditional Owners
- Created an Additional Pathway for Traditional Owners without Government recognised status
- In June 2023 an election for the next Assembly was held to elect representatives to negotiate treaties with the State Government
- Incorporates an Elders Voice and a Youth Voice



Voice: Indigenous representation and recognition in Victoria

The First Peoples Assembly of Victoria voted to endorse the Voice with conditions:

- **The Indigenous Voice should not interfere with progress towards Treaty in Victoria**
- That the Assembly should be the representative for Victoria on the National Voice.
- Proposed Local and Regional Voice in Victoria should align with Assembly structures and processes to uphold self-determination

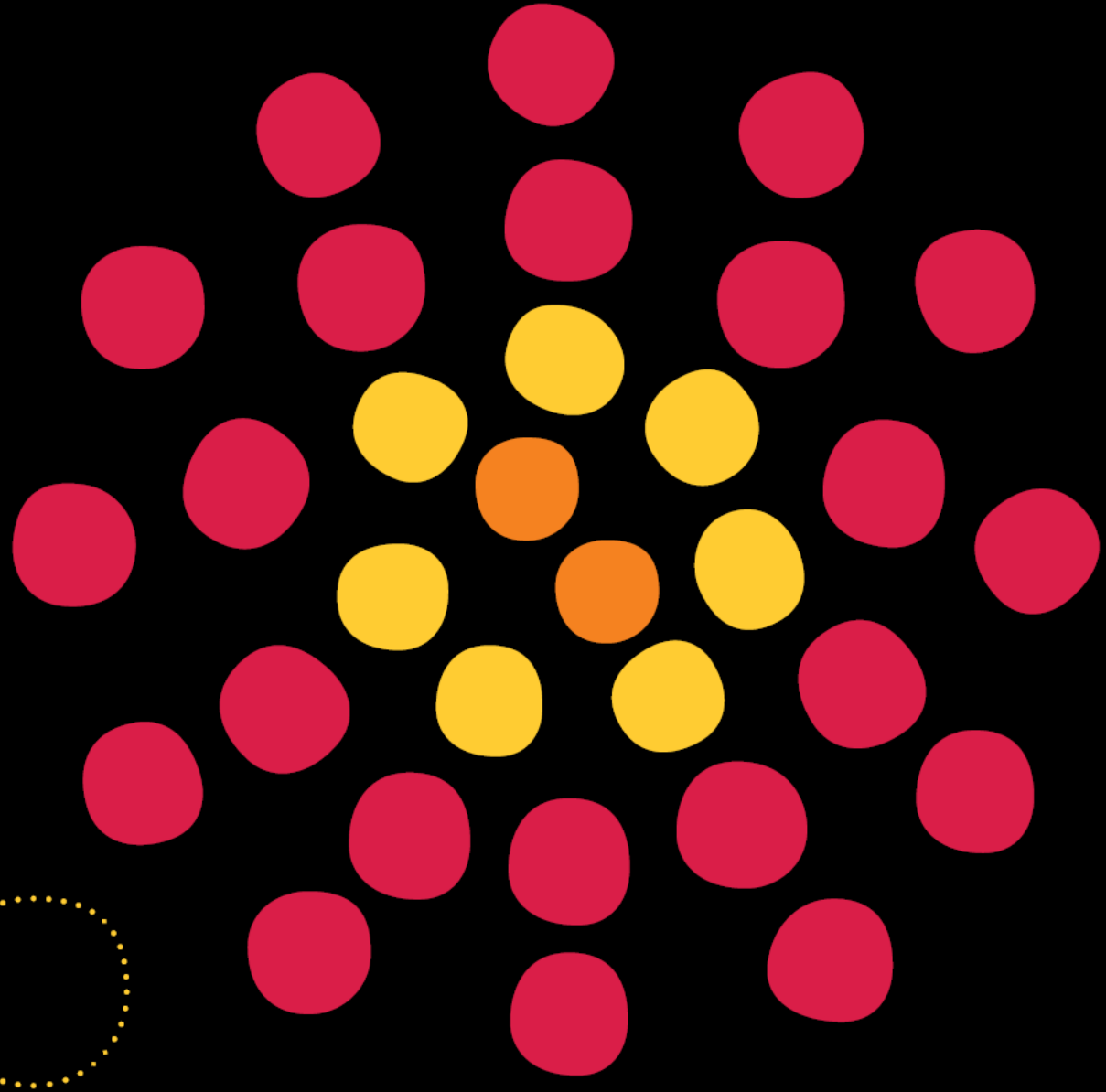
Assembly Chamber

Currently 31 members

- Meets quarterly to make all key Assembly decisions on the Treaty process.
- Various committees meet in between Chamber meetings to progress details and prepare options.
- Members responsible for regularly engaging with their communities before each meeting.

Elders' Voice

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



First Peoples' Assembly of Victoria Membership



First Peoples'
Assembly of
Victoria



North West

Board



Melissa Jones
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Trent Nelson
Director | Dja Dja Wurrung
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Members



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South West



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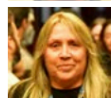
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North East



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To be advised
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South East



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Treaty for Victoria: Building a framework

Treaty Authority

- An independent, First Peoples-led umpire to oversee and facilitate Treaty negotiations.
- Grounded in Aboriginal Lore, Law, and Cultural Authority.
- It will consist of 5-7 members, all First Peoples

Treaty Negotiation Framework

- The ground rules for Treaty negotiations
- Underpinned by respect for Aboriginal Lore, Law and Cultural Authority
- Includes processes for entering negotiations, formalising and enforcing treaties

Self-determination fund

- A First Peoples controlled fund to support Traditional Owners to enter Treaty negotiations with the State on a level playing field
- Government initial commitment of 65M



Treaty for Victoria: Statewide Treaty and Traditional Owner Treaties



The Assembly will also negotiate a Statewide Treaty that will cover state-wide matters.



The Assembly will empower the diverse Traditional Owner groups in Victoria to negotiate Traditional Owner Treaties with the State Government.



Treaty for Victoria: Looking forward

Statewide Assembly
elections in 2023



Negotiate Statewide
Treaty



Representative
decision-making
body empowered to
make decisions on
First Peoples' issues



Truth: Yoorrook Justice Commission



Truth: Yoorrook Justice Commission

- First Peoples' Assembly of Victoria calls for a truth and justice process (June 2020)
- Yoorrook Justice Commission established with powers of a Royal Commission (May 2021)
 - Letters Patent sets out mandate of truth-telling commission
- 5 Commissioners appointed

Truth: Yoorrook Justice Commission

- 2021 Public hearings commenced with Aboriginal Elders, Government ministers, Aboriginal leaders, experts, and relevant service providers
- Recent inquiries focused on criminal justice and child protection
- Yoorrook to conclude in 2025

Voice: First Peoples' Assembly of Victoria established

Treaty: Treaty negotiations commence in 2023

Truth: Yoorrook Justice Commission undertaking truth telling process

Sovereignty: Preamble of the Treaty Act, To be determined by Traditional Owners

Self-determination: Upheld and practiced by Traditional Owner group and other community structures, equal footing to be funded by SDF

Indigenous Lore, Law and Cultural Authority: Embedded in the FPAV, YJC, Treaty Authority, and Treaty Negotiation Framework

Treaties, Voice, and Truth telling create opportunities for:

- recognising historic wrongs; and
 - addressing ongoing injustices; and
 - Healing wounds of the past; and
 - supporting reconciliation; and
 - bringing pride to Victorians; and
 - having positive impacts for Victoria; and
 - promoting the fundamental human rights of Aboriginal peoples, including the right to self-determination; and
 - acknowledging the importance of culture to Aboriginal identity; and
 - Enhancing the laws of Victoria.
- Recognition of Indigenous Sovereignty
 - Structural and systemic reform
 - Land and Water Justice
 - Respect for Indigenous Cultural Governance
 - Reparations and Economic Empowerment
 - Healing Intergenerational Trauma
 - Nation building aspirations
 - Unity and shared identity





the
Lowitja
INSTITUTE

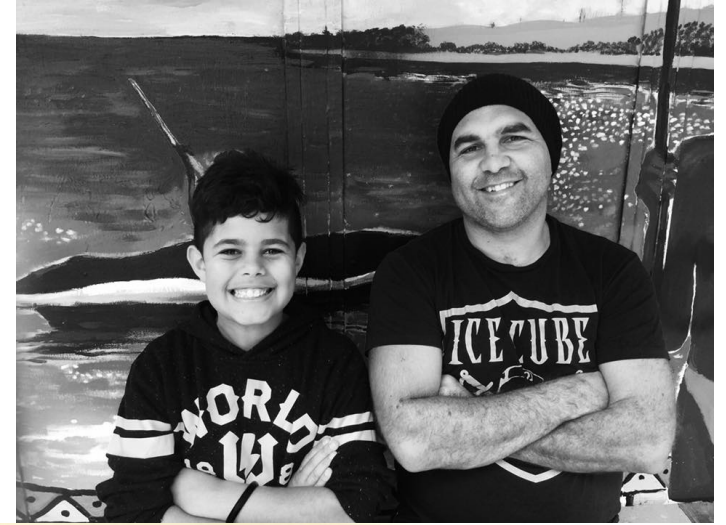
Australia's National Institute
for Aboriginal and Torres Strait
Islander Health Research

*Incorporating the Cooperative Research Centre
for Aboriginal and Torres Strait Islander Health*



Onemda

VicHealth Koori Health Unit



NACCHO
Aboriginal health
in Aboriginal hands



Resources

- <https://www.ohchr.org/en/countries/australia>
- [UN Declaration on the Rights of Indigenous Peoples | Australian Human Rights Commission](#)
- <https://c21ch.newcastle.edu.au/colonialmassacres/map.php>
- <https://voice.gov.au/about-voice/voice-principles>
- <https://ulurustatement.org/education/resources/>
- <https://www.firstpeoplesvic.org/treaty/>
- <https://yoorrookjusticecommission.org.au/overview/>