

**FIRST PEOPLES'
ASSEMBLY OF
VICTORIA**

GET TO KNOW THE TREATY NEGOTIATION FRAMEWORK

INFORMATION
FOR FIRST PEOPLES

Acknowledgement of Country: We acknowledge the Traditional Owners of Country throughout Victoria and pay our deepest respects to all Elders, past and present. Our work takes us through all Country in the area now known as Victoria, from the coast to the mountains, the rivers and the plains. We give thanks to all who welcome us to their unceded lands and waters, and further extend that gratitude to all First Peoples in Victoria who have generously offered their time, their ideas and their feedback to help guide this journey to Treaty.

Disclaimer This document has been prepared by the First Peoples' Assembly of Victoria for First Peoples in Victoria. It is intended to provide an outline of the Treaty Negotiation Framework for general informational purposes only. The content of this document is not legal advice and should not be relied on as legal advice.

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**FIRST PEOPLES'
ASSEMBLY OF
VICTORIA**

WHAT IS THIS DOCUMENT?

THIS DOCUMENT EXPLAINS THE TREATY NEGOTIATION FRAMEWORK

In 2022, the First Peoples' Assembly of Victoria (known as 'the Assembly') signed a landmark agreement with the Victorian Government that sets out the ground rules for Treaty-making in Victoria (known as the 'Treaty Negotiation Framework' or the 'Framework').

The Assembly is the independent elected body that represents the First Peoples' Community in Victoria in the Treaty process - including Victorian Traditional Owners and Aboriginal and Torres Strait Islander Peoples living in Victoria.

This document answers important questions you might have about the Framework:

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Want the details? Check out the Treaty Negotiation Framework at <https://www.firstpeoplesvic.org/reports-resources/treaty-negotiation-framework/>

WHAT DO I NEED TO KNOW ABOUT TREATY-MAKING IN VICTORIA?

We are still here, we have never ceded.

“For many Aboriginal Australians our knowledge of our sovereignty, our connection to land, our people and our culture has been unbroken since time immemorial ... Our stories of country have been handed down for thousands of generations. We are still here, we have never ceded.”

– The narrative included in this document is written by Assembly Member Aunty Charmaine Clarke who is a proud Gunditjmara woman. These words are informed by her yarns with Assembly Members, Elders and Community.

In early 2016, after the long-standing calls of Community, the Victorian Government finally listened and committed to talking Treaty. By 2018, Australia’s first ever Treaty law came into being (known as the ‘Treaty Act’).

The Treaty Act recognised the Assembly as the representative voice of First Peoples that would negotiate with the Government to lay the foundations for Treaty-making.

After years of hard work and yarning with mob, we are now getting ready for Treaty negotiations. But what is a Treaty?

A Treaty is an agreement between First Peoples and the Government. It 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.

Treaty will create a new relationship between First Peoples and the Government with self-determination and empowerment at its heart. It will empower mob to decide for mob and will uphold Aboriginal Lore, Law and Cultural Authority.



AS FIRST PEOPLES, WE HAVE THE AUTHORITY TO NEGOTIATE TREATY

First Peoples have been fighting for our rights since colonisation. We stand on the shoulders of giants and we have never ceded our sovereignty.

In 2007, the rights of First Peoples were recognised in the United Nations Declaration on the Rights of Indigenous Peoples (also known as UNDRIP), after many years of negotiation between First Peoples and governments around the world.

Our rights – to self-determine our own political, legal, social and cultural affairs – are inherent and cannot be taken away by any person or any government. Our rights are our power.

Treaty-making gives us a landmark opportunity to elevate and realise our full rights in Victoria.

Traditional Owners have the right to speak for Country, which gives them the power to negotiate Treaty.

For the Statewide Treaty, the power to negotiate Treaty comes from our right to self-determine our own representative structure, which includes the rights of all First Peoples living in Victoria to have their voices heard.

TRADITIONAL
OWNERS HAVE THE RIGHT
TO SPEAK FOR COUNTRY

ALL FIRST PEOPLES
HAVE THE RIGHT TO
SELF-DETERMINATION



Want the details? See section 3 of the Framework

TREATY WILL PUT DECISION-MAKING POWER BACK INTO FIRST PEOPLES' HANDS AND DELIVER REAL BENEFITS

The introduction to the Framework (also known as the 'preamble') recognises that through truth and justice, Treaty will provide meaningful benefits for First Peoples. Treaty will put First Peoples back in the driver's seat and on a road to deliver outcomes that Community want.

In the spirit of reconciliation, Treaty will also have positive impacts for all Victorians:

"For our communities, nations and clans, Treaty will give us control over our lives again... with equal citizenry, in all its expressions, including that which strengthens our identity and culture. An identity we develop and express for ourselves, free of oversight, and born of the resilience of our forebears and Elders. In essence Treaty is about self-determination and self-governance."



We talk about the kinds of outcomes a Treaty can deliver on [see page 30](#).

Want the details? See the preamble and section 2.2 of the Framework

WHAT ARE THE GUIDING PRINCIPLES FOR TREATY?

SELF-DETERMINATION AND EMPOWERMENT IS THE CENTRAL PRINCIPLE FOR TREATY

Self-determination and empowerment can mean different things for different groups. But at its heart, it typically means that decisions will be made by mob, for mob.

Want the details? See section 2.5 of the Framework

THERE ARE ALSO OTHER PRINCIPLES TO GUIDE THE TREATY PROCESS

The Framework also sets out the other guiding principles for Treaty. These principles are protected by law and have to be followed by all parties in Treaty negotiations.



Fairness and equality

Treaty negotiations must be fair and promote equality



Mutual benefit and sustainability

Treaties will benefit First Peoples and promote reconciliation for all Victorians



Self-determination and empowerment

Decisions made by mob, for mob



Partnership and good faith

Parties will act in good faith dealings with each other and resolve disputes quickly



Transparency and accountability

Parties must act honestly, with integrity and be committed to self-determination

Want the details? See section 2.4 of the Framework

ABORIGINAL LORE, LAW AND CULTURAL AUTHORITY WILL UNDERPIN TREATY NEGOTIATIONS

The Framework requires that all parties to Treaty negotiations engage with Aboriginal Lore, Law and Cultural Authority respectfully and in good faith. This helps restore Aboriginal Lore, Law and Cultural Authority to its rightful place and will assist our mob to level the playing field in negotiations with

Government. Treaty negotiations must be on our terms.



ABORIGINAL LORE AND LAW

Aboriginal Lore and Law lives in our dreaming, art, song, ceremony, dance and stories and informs our relationships, ways of doing business and governance.

CULTURAL AUTHORITY

Cultural authority comes from Aboriginal Lore and Law and includes rules about Eldership and who has authority to speak about Country.

Our diversity is our strength. The Framework does not define Aboriginal Lore, Law and Cultural Authority, as it differs between communities.

The Treaty Authority (*see page 11*) will play a significant role in upholding Aboriginal Lore, Law and Cultural Authority in the Treaty process.

Want the details? See sections 2.7, 2.8 and 4.4 of the Framework

WHAT ARE THE FOUNDATIONS FOR TREATY NEGOTIATIONS?

THERE ARE THREE KEY FOUNDATIONS FOR TREATY NEGOTIATIONS

Informed by the voices and aspirations of mob, the Assembly worked with the Victorian Government to set up three foundations for Treaty negotiations:

TREATY NEGOTIATION FRAMEWORK

The ground rules for Treaty negotiations *see page 10*

TREATY AUTHORITY

The independent umpire to oversee Treaty negotiations *see page 11*

SELF-DETERMINATION FUND

The funding to support First Peoples to negotiate Treaties on a level playing field with the Government, and to build economic capacity, wealth and prosperity *see page 12*



THE FRAMEWORK SETS OUT THE GROUND RULES FOR TREATY-MAKING



The Framework has been designed with self-determination at the core, which allows us to choose our own path to Treaty and do things our way. This includes allowing each Traditional Owner group to choose:

- who will negotiate a Traditional Owner Treaty (*see page 22*)
- what a Treaty will cover (*see page 30*)
- how negotiations will be run (*see page 29*)
- how a Treaty will be finalised (*see page 32*)
- how a Treaty can be enforced (*see page 33*).

The Framework is binding and must be followed in all Treaty negotiations. It will be reviewed and changed in the future if needed.

The Framework signals a new relationship between First Peoples and the Government, with self-determination and empowerment at its heart.

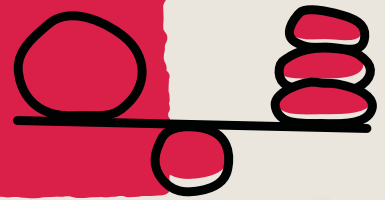
The Framework restores Cultural Authority, recognises Aboriginal Lore and Law, acknowledges truth and healing and will deliver better self-determined outcomes for mob.

You can find out more about the Framework on *page 14*.



Want the details? See the Assembly's *fact sheet on the Framework*

THE TREATY AUTHORITY IS THE INDEPENDENT UMPIRE FOR TREATY



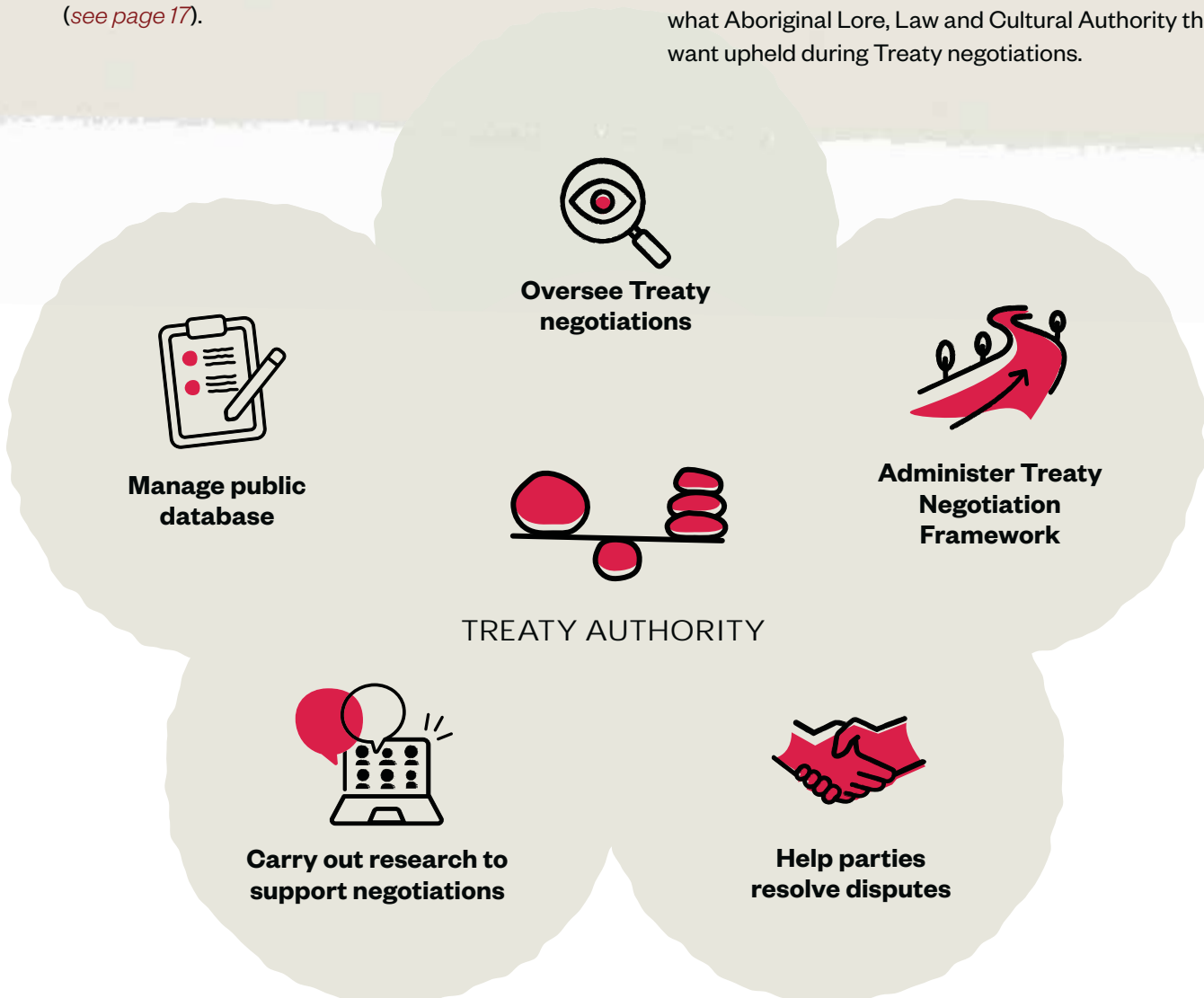
An independent Treaty Authority led by First Peoples will be created to oversee Treaty negotiations.

The Treaty Authority's role will include:

- making sure parties follow the rules in the Framework (*see page 10*)
- assisting parties to resolve any disputes (*see page 18*)
- carrying out research to support Treaty negotiations
- managing a public database on Treaty negotiations (*see page 17*).

The Treaty Authority will be led by five First Peoples leaders, selected using a rigorous and transparent process. This will include a public call for nominations.

The Treaty Authority will be independent from the Assembly and the Government, and has to uphold **Aboriginal Lore, Law and Cultural Authority**. The Treaty Authority will yarn with mob to understand what Aboriginal Lore, Law and Cultural Authority they want upheld during Treaty negotiations.



Want the details? See part 4 of the Framework and the Assembly's *fact sheet on the Treaty Authority*

THE SELF-DETERMINATION FUND WILL SUPPORT FIRST PEOPLES TO NEGOTIATE TREATY



The Assembly is setting up a Self-Determination Fund as a First Peoples owned and controlled resource.

The Self-Determination Fund was designed by and for mob. It will promote our economic development, both through the Treaty process and into the future.

The Self-Determination Fund will empower mob to negotiate Treaties on a level playing field. This includes supporting each Traditional Owner group at each stage of the Treaty journey, whether that's to undertake early stage nation-building activities in

Community right through to ensuring that Traditional Owner Groups have the resources and expertise they require to negotiate Treaty on a level playing field.

A key role of the Self-Determination Fund will be to help address the imbalance of power between First Peoples and Government.

The Self-Determination Fund will be overseen by the Assembly and will operate independently from the Government. This will promote the right to self-determination because mob will be making decisions about our own finances.

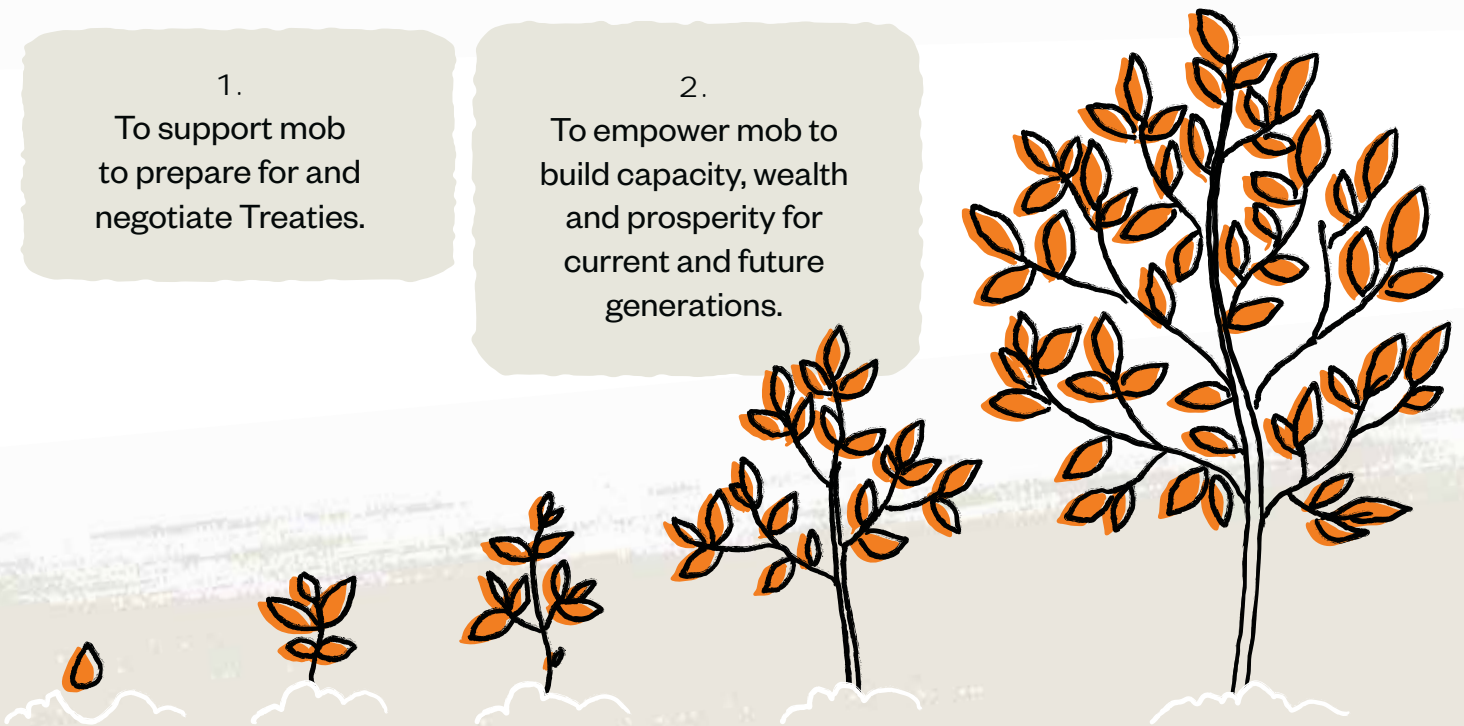
THE SELF-DETERMINATION FUND WILL HAVE TWO MAIN PURPOSES:

1.

To support mob to prepare for and negotiate Treaties.

2.

To empower mob to build capacity, wealth and prosperity for current and future generations.



Want the details? See section 2.6 of the Framework, the Assembly's fact sheet on the [Self-Determination Fund](#), and the [Self-Determination Fund Agreement](#).

THE ASSEMBLY WILL CONTINUE TO PROGRESS TREATY IN NEW WAYS

As we move closer to Treaty negotiations, the role of the Assembly will change.

Since our establishment, the Assembly's role has been to yarn with mob to set up the foundations for Treaty negotiations, including the:

1. Treaty Negotiation Framework (*see page 10*)
2. Treaty Authority (*see page 11*)
3. Self-Determination Fund (*see page 12*).

Now these elements have been agreed, the Assembly's focus will be:

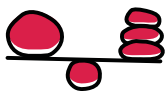
1. representing mob in negotiating the Statewide Treaty (once confirmed as the body that will negotiate Statewide Treaty) (*see page 26*)
2. overseeing the Self-Determination Fund.

The Assembly can also support Traditional Owners, on request, by attending negotiations for a Traditional Owner Treaty and offering advice and support. The Assembly will not be a party to those negotiations and will always recognise the authority of Traditional Owners in relation to their own Country.

THE ASSEMBLY WILL EVOLVE FROM NEGOTIATING THE ELEMENTS OF TREATY:



Treaty Negotiation Framework



Treaty Authority



Self-Determination Fund



THE ASSEMBLY WILL EVOLVE

THE ASSEMBLY'S FOCUS WILL SHIFT TO:



Representing Mob in negotiating the Statewide Treaty



Overseeing the Self-Determination Fund

Want the details? See sections 2.1 and 26.4 and part C of the Framework

WHAT DO I NEED TO KNOW ABOUT THE TREATY NEGOTIATION FRAMEWORK?

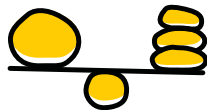
THE FRAMEWORK SETS OUT THE RULES FOR TREATY-MAKING

The Framework set outs the rules for Treaty-making, from how to enter Treaty negotiations to how to enforce a Treaty once it is formalised.

GUIDING PRINCIPLES
(sections 2.4 to 2.5)



THE ROLE OF THE TREATY AUTHORITY
(sections 4.1 to 4.5)



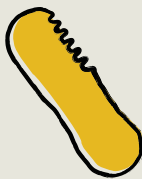
CONDUCTING TREATY NEGOTIATIONS
(part E)



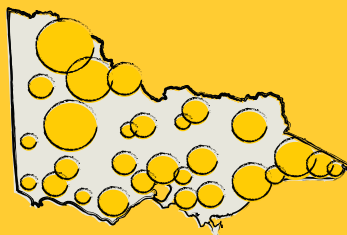
RESOLVING DISPUTES
(part I)



THE ROLE OF ABORIGINAL LORE, LAW AND CULTURAL AUTHORITY
(sections 2.7 to 2.8)



ENTERING NEGOTIATIONS FOR A TRADITIONAL OWNER TREATY
(part B)



REPORTING REQUIREMENTS
(part H)



OUR RIGHTS & AUTHORITY TO NEGOTIATE TREATIES
(sections 3.1 to 3.5)



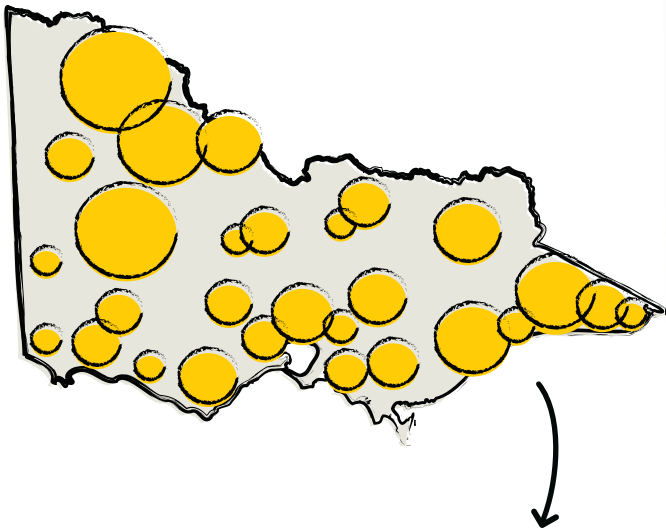
STARTING NEGOTIATIONS FOR THE STATEWIDE TREATY
(part C)



FORMALISING AND ENFORCING TREATIES
(parts F-G)



THE FRAMEWORK ALLOWS FOR TWO TYPES OF TREATY



TRADITIONAL OWNER TREATIES

The Framework empowers Traditional Owners to negotiate Traditional Owner Treaties with the Government about matters determined by Traditional Owners.

There can only be one Traditional Owner Treaty for one area. This means multiple groups may negotiate a Treaty together ([see page 22](#)).

You can find out more about Traditional Owner Treaties on [page 20](#).



STATEWIDE TREATY

The Framework empowers First Peoples to negotiate a Statewide Treaty with the Government. The Assembly intends to negotiate a Statewide Treaty as the sole representative of First Peoples ([see page 26](#)).

The Statewide Treaty can cover a wide range of matters and may result in significant changes to Victoria's structures and systems of government.

You can find out more about the Statewide Treaty on [page 25](#).

Although the Statewide Treaty and Traditional Owner Treaties are different types of Treaties, they relate to each other in some important ways:





1. parties will yarn about how different Treaties will exist alongside one another- for example, how the Statewide Treaty will exist alongside Traditional Owner Treaties
2. although the Assembly intends to negotiate the Statewide Treaty, when requested, it can also support Traditional Owners to negotiate a Traditional Owner Treaty ([see page 13](#))
3. the Treaty Authority can facilitate yarning about any potential overlap between the Statewide Treaty and Traditional Owner Treaties ([see page 18](#)).

Want the details? See sections 25.3, 25.4, 26.4 and 35.1 of the Framework

THE FRAMEWORK SETS OUT MINIMUM STANDARDS TO ENTER NEGOTIATIONS

Minimum standards apply to all parties that want to start negotiations for a Traditional Owner Treaty or the Statewide Treaty, including the Victorian Government.

The minimum standards are grouped into four general categories and the following table summarises the minimum standards for different parties to start negotiations for different types of Treaties.

| MINIMUM STANDARDS | Traditional Owner Groups for Traditional Owner Treaties | The Assembly for the Statewide Treaty | The Victorian Government for both types of Treaties |
|---|---|--|---|
|  LAND & WATERS | Identify Country intended to negotiate a Treaty over | Identify intention to negotiate a Treaty over all Country in the State of Victoria | Demonstrate it is ready to negotiate over all Country identified |
|  COMMUNITY | Identify Group's members, their traditional ownership of Country, and their governance structure | Represents the diversity of First Peoples in Victoria, has a Traditional Owner governance structure and has ways to engage other First Peoples and Aboriginal Community Controlled Organisations (ACCOs) | Represents the people of the State of Victoria |
|  LEADERSHIP | Identify how it will choose and authorise its negotiating team, and authorise decisions during negotiations | Identify how it will choose and authorise its negotiating team, and authorise decisions during negotiations Identify how it can support Traditional Owners during negotiations for Traditional Owner Treaties, if requested | Identify how it will choose and authorise its negotiating team, and authorise decisions during negotiations |
|  INCLUSIVITY | Identify how it will uphold Cultural Authority, be inclusive, engage members, and seek the collective support of members to Treaty outcomes | Identify how it will uphold Cultural Authority, engage First Peoples, and seek the collective support of First Peoples to Treaty outcomes | Identify how it will educate the government and citizens about Treaty negotiations |

Want the details? See sections 8.3, 13, 16 and 20 of the Framework

THE APPROACH TO MEETING THE STANDARDS VARIES

All parties who want to start negotiations for a Treaty have to meet the relevant minimum standards, but the approach to meeting the standards varies.

Traditional Owner Group with existing status

A Traditional Owner Group with existing status will **automatically satisfy** the minimum standards, in relation to the Country over which they have existing status

Traditional Owner Group without existing status

A Traditional Owner Group without existing status has to **be satisfied** (on behalf of its members) that it meets the minimum standards

Assembly

The Assembly must **be satisfied** that it meets the minimum standards

Victorian Government

The Treaty Authority has to assess the Government's **compliance** with the minimum standards

You can find out more about the difference between Traditional Owner Groups with existing status on [page 23](#) and without existing status on [page 24](#) of this guide.

Want the details? See sections 8.4, 14.1, 16.2 and 21.1 of the Framework

THE FRAMEWORK HAS SOME ADDITIONAL STEPS

The Government has to take additional steps to start negotiations for Traditional Owner Treaties and the Statewide Treaty.



LAND & WATERS

Be ready to provide access to information about the Country over which a Treaty will be negotiated



COMMUNITY

Identify how stakeholders will be engaged in relation to the Country over which a Treaty will be negotiated



LEADERSHIP

Show that negotiators have the expertise and cultural competency to negotiate Treaties



INCLUSIVITY

Identify how additional parties can be invited to join negotiations (if appropriate and agreed by the other parties)

The Assembly also has to take additional steps to start negotiations. This includes holding an election as part of the process for confirming the Assembly as the representative body to negotiate the Statewide Treaty. ([see page 26](#)).

Want the details? See sections 13.3 and 20.3 of the Framework

THE FRAMEWORK HAS A FLEXIBLE WAY TO RESOLVE DISPUTES

The Treaty Authority will assist parties to resolve any disputes that may arise along the way in a safe, inclusive and flexible way. This includes disputes about:

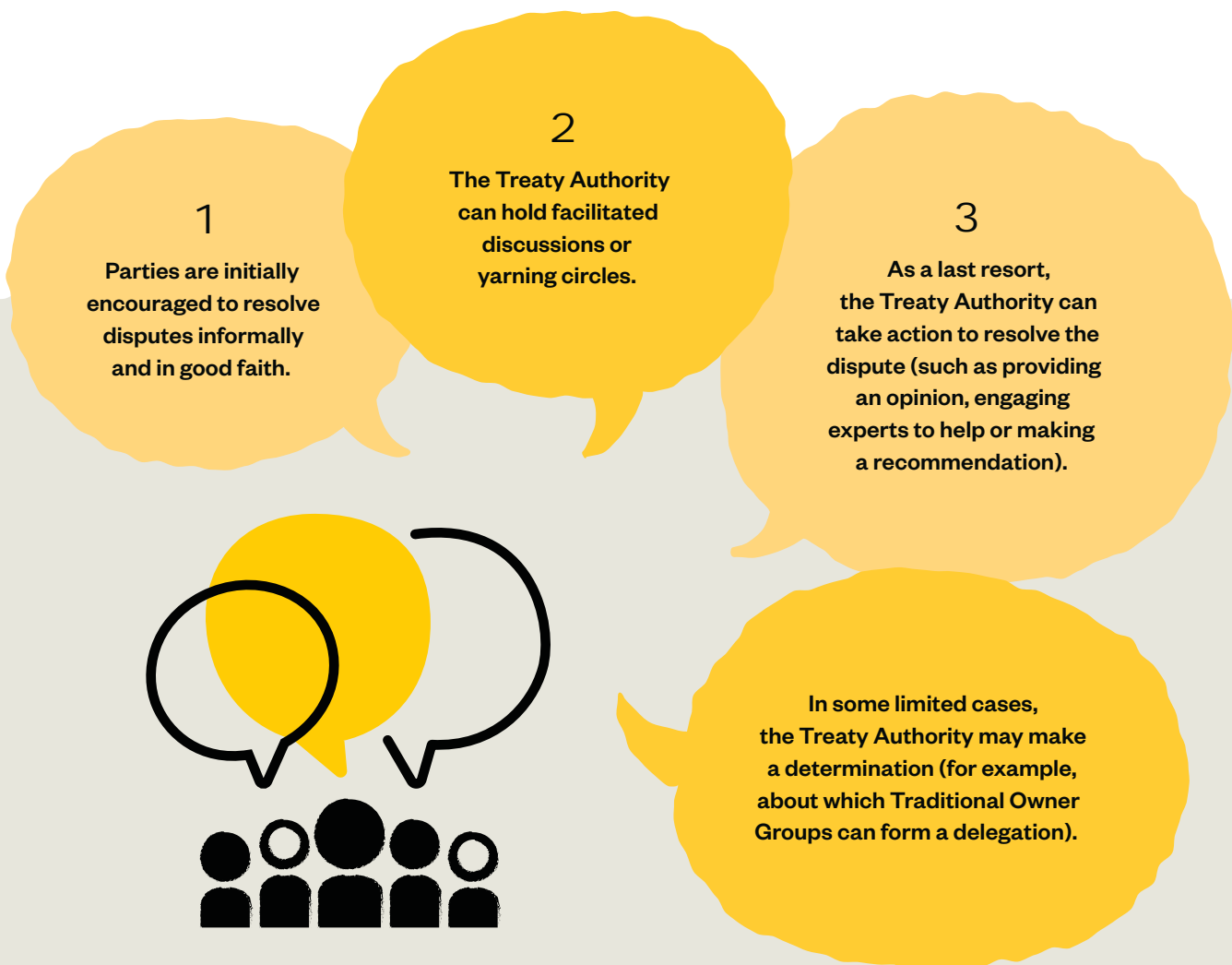
- **starting negotiations** (such as meeting the minimum standards)
- **delegations** (such as forming a delegation)
- **preparing for and undertaking negotiations**
- **formalising Treaty agreements**
- **any overlap between the Statewide Treaty and Traditional Owner Treaties.**

Treaties are made by parties coming together in good faith to reach agreement.

In the spirit of shared Treaty-making, the Treaty Authority will aim to resolve disputes in a way that maintains ongoing, just and respectful relationships.

The Treaty Authority will play an important role in upholding Aboriginal Lore, Law and Cultural Authority in seeking to resolve a dispute.

Where possible, Treaty negotiations will not be put on hold during a dispute.



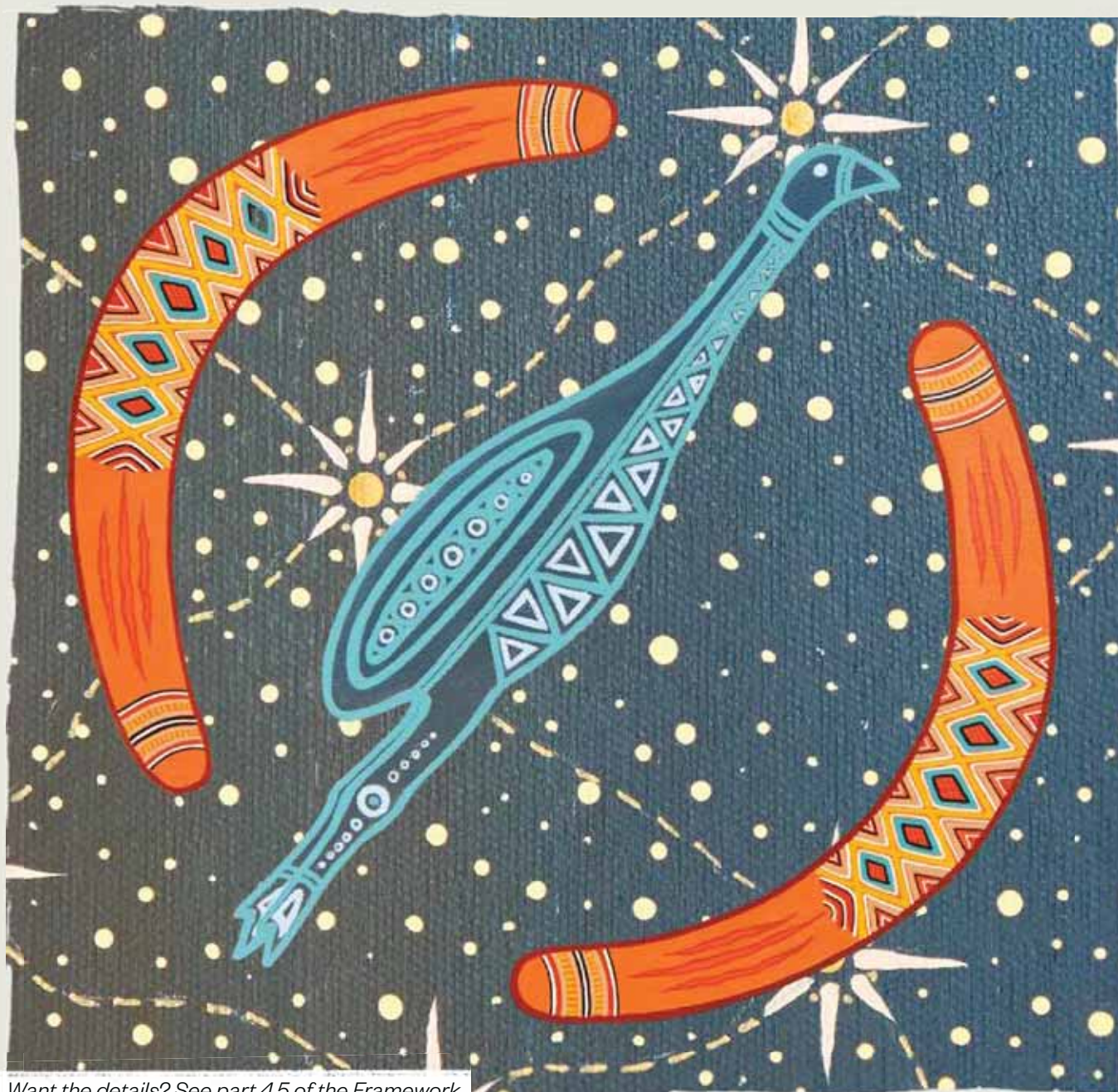
Want the details? See part I of the Framework

A PUBLIC DATABASE WILL HOLD INFORMATION ON TREATY NEGOTIATIONS

The Treaty Authority will oversee a public database with information on the Treaty process, such as who is negotiating a Treaty and the Country it will cover.

This is called the 'Negotiations Database' and will make sure information about Treaty negotiations is publicly available and easy to access for everyone.

In some cases, the Treaty Authority may choose not to include information on the database – for example, if it considers the information should not be public due to a Traditional Owner's protocols about sharing cultural knowledge.



Want the details? See part 4.5 of the Framework

HOW CAN WE START NEGOTIATIONS FOR A TRADITIONAL OWNER TREATY?



“Our relationship with the land, sea and sky is indelible to us, as we cannot be extracted from it. It is more than just symbolic, it is symbiotic to our identity. Each and every one of us from Elder to child is connected to Country.”

THE FRAMEWORK EXPLAINS WHAT NEEDS TO HAPPEN TO START NEGOTIATIONS

The Framework sets out how Traditional Owner Groups can start negotiations for a Traditional Owner Treaty. It empowers Traditional Owner Groups to arrive at Treaty negotiations in their own time and on their own terms.

1. MINIMUM STANDARDS

A Traditional Owner Group that wants to start Treaty negotiations has to satisfy the minimum standards:

A Traditional Owner Group with existing status will automatically meet the minimum standards ([see page 23](#))



A Traditional Owner Group without existing status has to be satisfied that it meets the minimum standards ([see page 24](#))

2. NEGOTIATIONS DATABASE

The Treaty Authority enters the Traditional Owner Group onto the Negotiations Database ([see page 19](#))

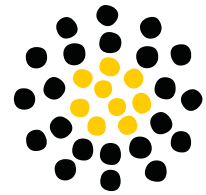
There can be multiple groups on the database seeking to negotiate a Treaty in relation to the same Country



3. DELEGATION

A single delegation must be formed to negotiate a Treaty and can be changed at any time throughout the process ([see page 21](#))

The delegation can be made up of one Traditional Owner Group or multiple groups in relation to the same area ([see page 21](#))



4. DATABASE

The Treaty Authority enters the delegation on the Negotiations Database ([see page 19](#))

5. INVITATION

Following notification from the delegation, the Treaty Authority invites the Government to negotiate ([see page 27](#))



Want the details? See part B of the Framework

THE FRAMEWORK

LEAVES NO ONE BEHIND

A Traditional Owner Treaty can be negotiated between the Government and what is known as a **First Peoples' Treaty Delegation** (or delegation).

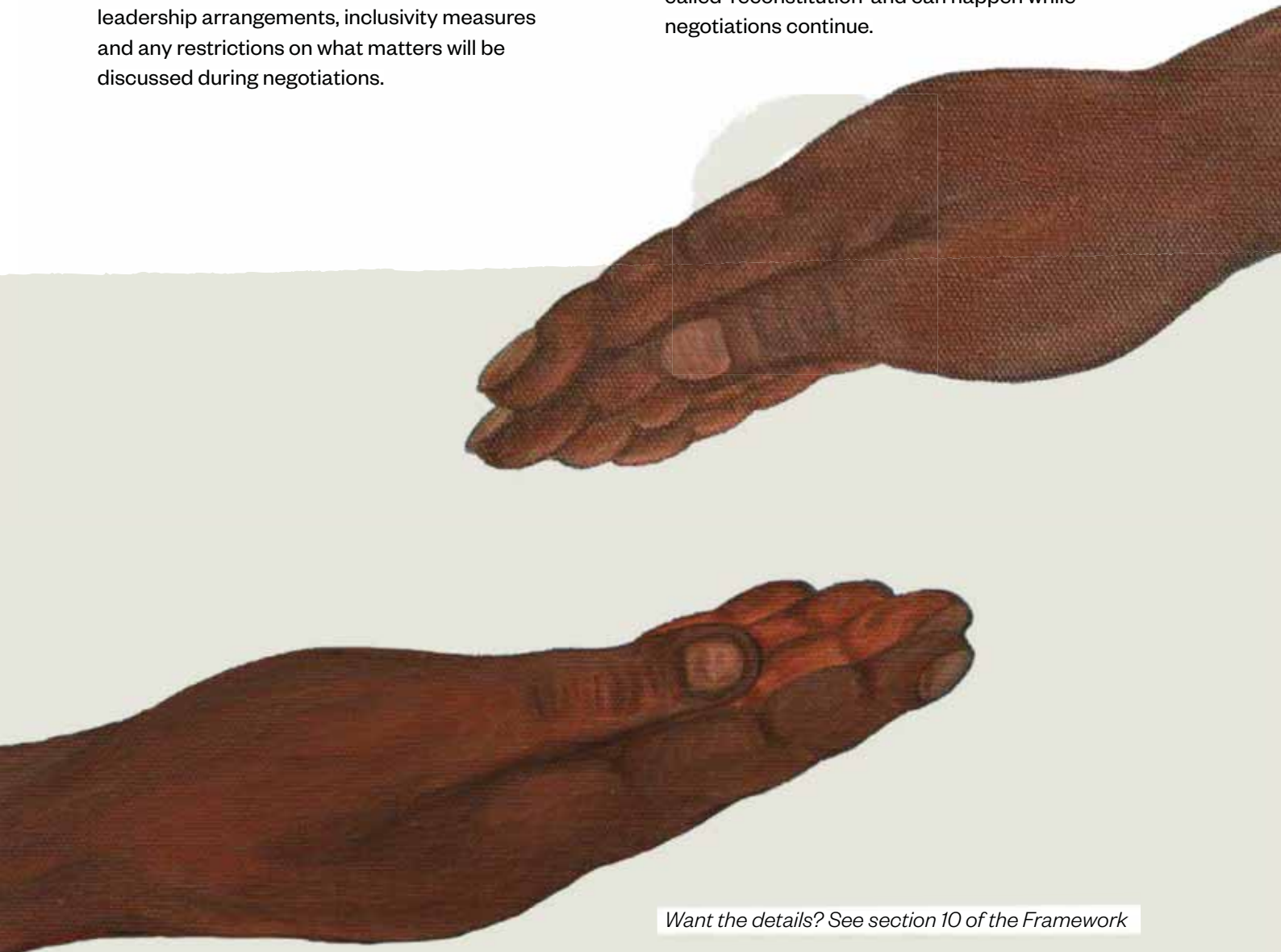
Traditional Owner Groups have to form a single delegation to represent all Traditional Owners of Country before starting negotiations for a Traditional Owner Treaty. (*see page 22*). A delegation can include one or more Traditional Owner Groups, whatever their status (*see pages 23 and 24*). This will help make sure no one is left behind.

All Traditional Owners of Country have to collectively agree on forming a delegation, leadership arrangements, inclusivity measures and any restrictions on what matters will be discussed during negotiations.

The Government has no role to play in the formation of a delegation. Traditional Owners decide who will negotiate a Treaty over their Country – not the Government.

The Treaty Authority can provide information, advice and support to Traditional Owners on forming and changing a delegation. If needed, it will also help Traditional Owners resolve disputes about forming a delegation (*see page 18*).

A delegation is dynamic and may change even after negotiations have started. This process is called 'reconstitution' and can happen while negotiations continue.



Want the details? See section 10 of the Framework

TRADITIONAL OWNERS WILL WORK TOGETHER TO FORM A DELEGATION

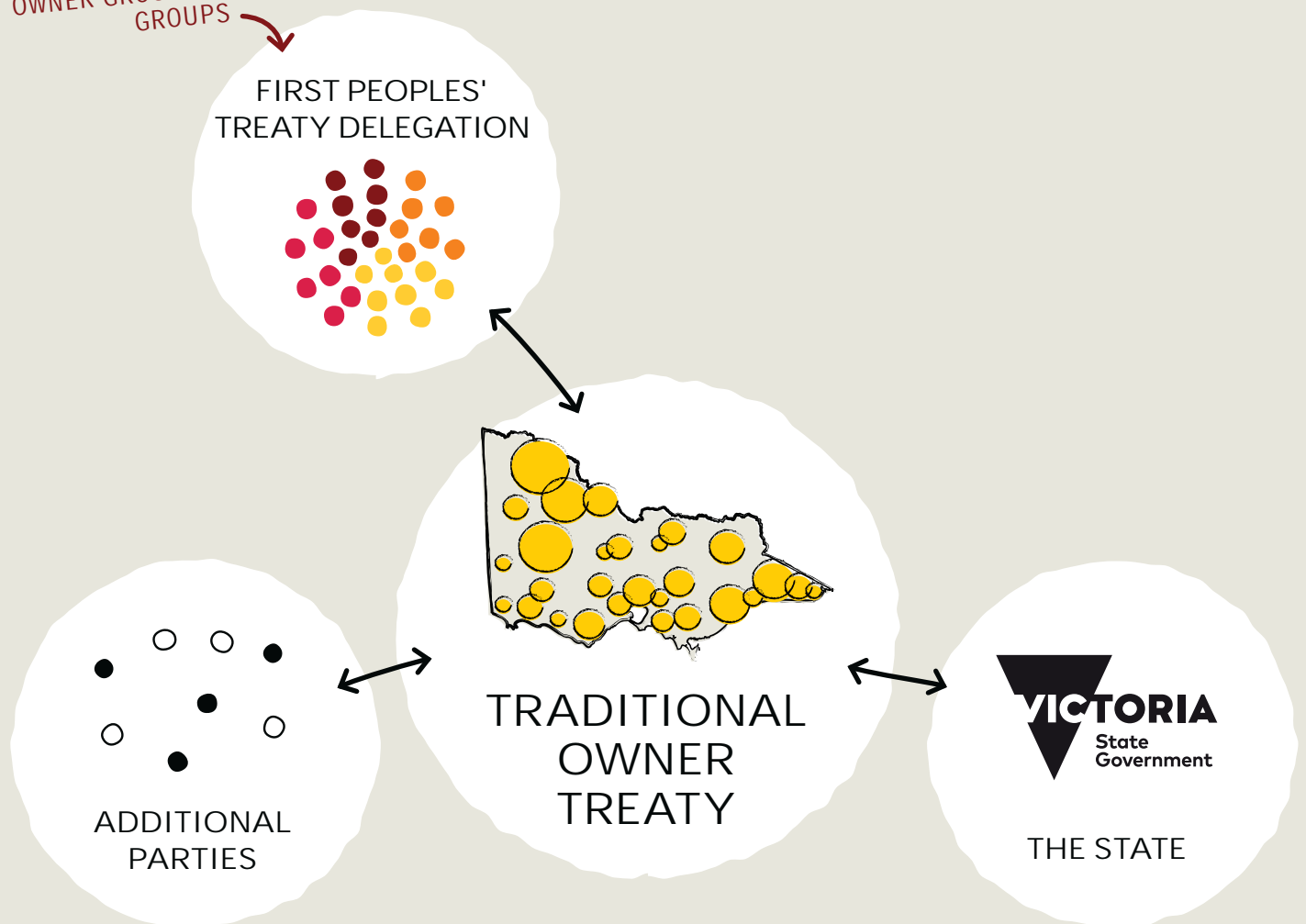
If there is more than one Traditional Owner Group who has met the minimum standards (*see page 16*) and wants to negotiate a Treaty for the same area, the groups must collectively agree to form a single delegation for Treaty negotiations.

In other words, there can only be **one Treaty for one area** that is negotiated by a single delegation (that may be made up of multiple Traditional Owner Groups).

This approach empowers Traditional Owners to decide who will negotiate a Treaty for their Country and make decisions together about the same area.

For some Traditional Owner Groups, forming a delegation may take time as they work through the ongoing impacts of colonisation and dispossession. This self-determined and inclusive approach locks out the Government and aims to promote cultural healing and restore Cultural Authority.

A DELEGATION CAN BE MADE UP OF ONE TRADITIONAL OWNER GROUP OR MULTIPLE GROUPS



Want further details about additional parties to Treaty negotiations? See page 31 or Part D of the Framework.

Want the details? See sections 7.1(b) and 10 of the Framework

THE RIGHTS OF TRADITIONAL OWNERS WITH EXISTING STATUS ARE PROTECTED

The Framework recognises and protects the hard-won rights of Traditional Owner Groups with existing status under laws, including the:

- Native Title Act 1993 (Cth)
- Aboriginal Heritage Act 2006 (Vic)
- Traditional Owner Settlement Act 2010 (Vic).

Traditional Owner Groups with existing status will automatically satisfy the minimum standards to start negotiations for a Traditional Owner Treaty (*see page 17*).

This will automatically open the door to form a delegation to negotiate a Treaty in relation to the Country over which they have existing status (*see page 22*).



Want the details? See sections 8.2 and 8.4 of the Framework

THE DOOR IS OPEN FOR TRADITIONAL OWNERS WITHOUT EXISTING STATUS

The Framework allows all Traditional Owner Groups in Victoria to negotiate a Traditional Owner Treaty – whatever their status. This inclusive approach recognises that all Traditional Owners have rights to negotiate and enter into Treaties (*see page 5*).

Not all Traditional Owners have been able to or wanted to obtain status under laws such as the Native Title Act. For this reason, the Framework also lets Traditional Owners without existing status start negotiations for a Traditional Owner Treaty.

A Traditional Owner Group without existing status has to be satisfied that they have met the minimum standards to start negotiations for a Traditional Owner Treaty (*see page 17*).

This will open the door to form a delegation in relation to for the Country over which the group seeks to negotiate a Treaty (*see page 22*).

Want the details? See section 8.4 of the Framework

CAN YOU TELL ME MORE ABOUT THE STATEWIDE TREATY?

“Treaty for us means we can no longer be second class citizens in our own country, tethered to the whims of political expediency. It is the first time in which we lift the centuries of systemic oppression, which saw our people massacred, placed under non-Aboriginal rule, and treated like second class citizens. Treaty is about real systemic change, it is about putting decolonisation into practice”

THE STATEWIDE TREATY IS FOR ALL FIRST PEOPLES

The Framework empowers First Peoples to negotiate a Statewide Treaty. The Statewide Treaty will benefit all First Peoples, including Victorian Traditional Owners and Aboriginal and Torres Strait Islander Peoples living in Victoria.

The Statewide Treaty will cover state-wide issues that may result in significant changes to Victoria such as:

- a permanent First Peoples’ representative body
- a First Peoples’ Voice to Parliament to advise on First Peoples’ matters.

Statewide Treaty negotiations will focus on transferring decision-making power back into the hands of First Peoples – redesigning systems so that mob are making decisions about matters that impact mob.

The Statewide Treaty can also cover a range of other specific matters (such as education or funding), keeping in mind that nothing is off the table for discussion (*see page 30*).

Statewide Treaty will mark the beginning of a fairer chapter for this State’s history.



Want the details? See section 25 of the Framework

THE ASSEMBLY CAN NEGOTIATE THE STATEWIDE TREATY



The Framework sets out how the Assembly can be confirmed as the sole representative of First Peoples in Victoria to negotiate the Statewide Treaty.

This will empower the Assembly to negotiate Statewide issues on behalf of mob.

1. ASSEMBLY ANNOUNCEMENT

The Assembly announces it intends to negotiate the Statewide Treaty and how it intends to meet the minimum standards to start Treaty negotiations (*see page 16*)

2. ASSEMBLY ELECTION

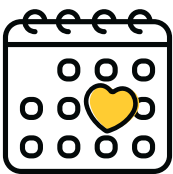
The Assembly then holds a Statewide election to elect the Members that can negotiate the Statewide Treaty



3. SETTING A DATE

The Treaty Authority sets a date to start the process

The Assembly has three months to notify the Treaty Authority that it wants to negotiate the Statewide Treaty



4. MINIMUM STANDARDS

The Assembly is satisfied that it meets the minimum standards to start Treaty negotiations (*see page 16*)



5. NEGOTIATIONS DATABASE

The Treaty Authority enters the Assembly onto the Negotiations Database (*see page 19*)



6. COMMENT & DISPUTE PERIOD

The Treaty Authority allows mob to comment on and raise disputes about whether the Assembly satisfies the minimum standards

7. INVITATION

Following notification from the Assembly, the Treaty Authority invites the Government to negotiate (*see page 27*)



Want the details? See part C of the Framework

WHAT DOES THE GOVERNMENT HAVE TO DO TO START TREATY NEGOTIATIONS?

The Framework sets out the Government's obligations once the Treaty Authority has invited it to negotiate a Traditional Owner Treaty or the Statewide Treaty.

1. ACCEPTING INVITATION

The Government accepts the Treaty Authority's invitation to begin negotiations for a Traditional Owner Treaty or the Statewide Treaty

2. MINIMUM STANDARDS

The Government notifies the Treaty Authority it has complied with the minimum standards and completed its additional preparations (*see pages 16-17*)

3. COMPLIANCE

The Treaty Authority assesses the Government's compliance with the minimum standards and completion of its additional steps

4. NEGOTIATIONS DATABASE

The Treaty Authority enters the Government onto the Negotiations Database (*see page 19*)

ONCE THESE STEPS ARE COMPLETED, TREATY NEGOTIATIONS BEGIN

Want the details? See sections 12, 13, 14, 19, 20 and 21 of the Framework

WHAT HAPPENS DURING TREATY NEGOTIATIONS?

“For many Aboriginal Nations, this is new, and long overdue. We are not wealthy constituents, in fact we are amongst the most impoverished. Treaty negotiations should not be done of timelines that are set by Government nor adjudicated or prioritised by Government policy. It must be equal. Equal in footing in financial resourcing, reflective of each Nation’s history, circumstances and needs. Structures surrounding the Treaty negotiations need to be culturally framed, safe and respectful of each unique Nation’s identity and ways of doing things.”

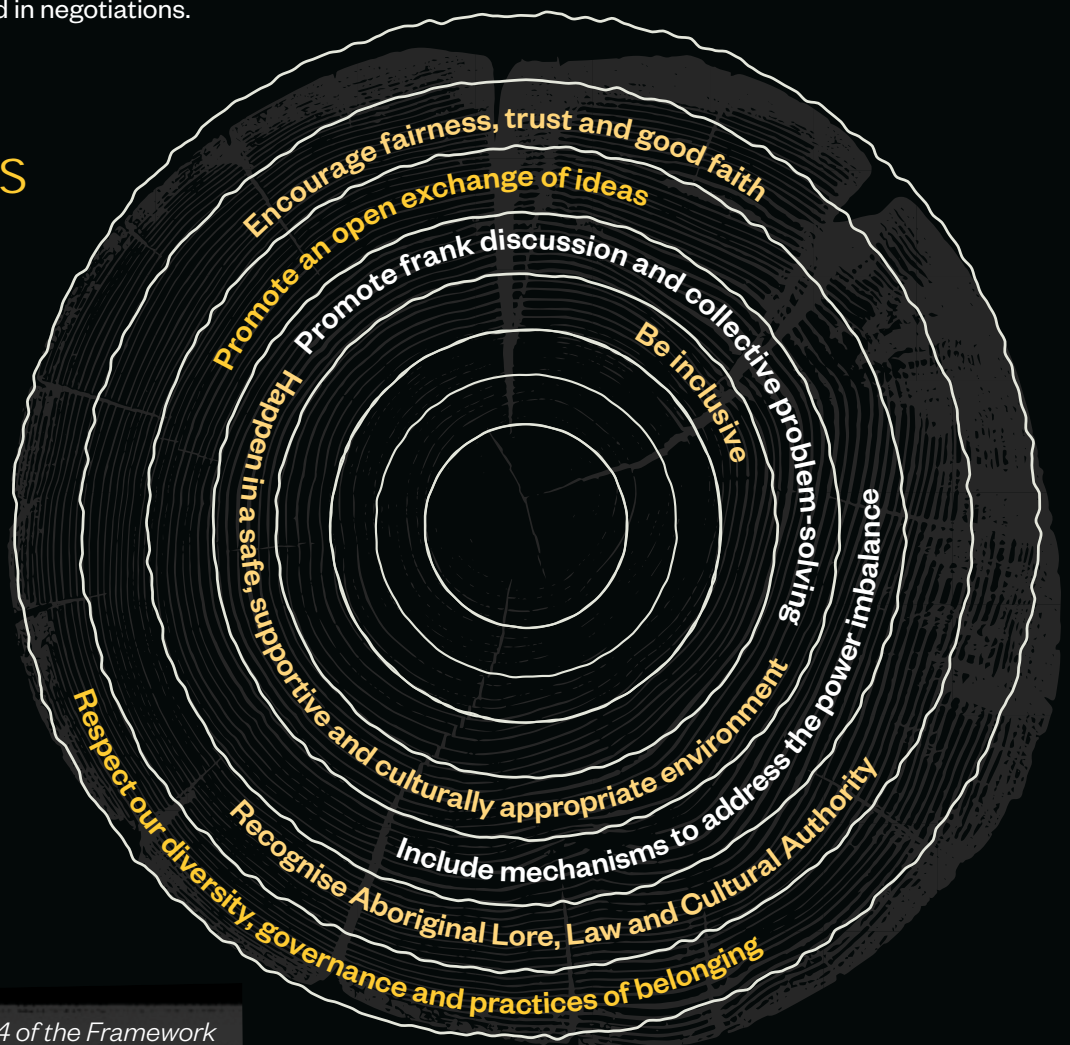
THE FRAMEWORK HAS STANDARDS TO GUIDE NEGOTIATIONS

In recognising the history and ongoing power imbalance between First Peoples and the Government, the Framework sets out negotiation standards to make sure negotiations are fair, inclusive, safe and culturally appropriate.

The Government has to also comply with additional standards – such as being open and honest about its interests and limitations in Treaty negotiations..

All parties must comply with the negotiation standards and First Peoples can rely on the standards to make sure we feel safe and respected in negotiations.

NEGOTIATIONS WILL...



Want the details? See section 24 of the Framework

THE FRAMEWORK LETS PARTIES AGREE ON NEGOTIATION PROTOCOLS

The Framework gives parties the flexibility to agree on negotiation protocols (in other words, how Treaty negotiations will be conducted).

The protocols developed by parties will be about:

- ✓ WHERE NEGOTIATIONS WILL HAPPEN
- ✓ HOW NEGOTIATIONS WILL BE RUN
- ✓ DIFFERENT ROLES AND RESPONSIBILITIES
- ✓ HOW TO AGREE ON ADDITIONAL NEGOTIATING PARTIES
- ✓ WHAT TOPICS WILL BE NEGOTIATED
- ✓ TIMELINES FOR NEGOTIATIONS

The Treaty Authority will work with the parties to ensure the protocols support fair, inclusive, safe and culturally appropriate negotiations.

Parties also have to follow the negotiation standards during negotiations (*see page 28*).

The parties can agree to change the negotiation protocols once negotiations have started, including after a delegation is changed or if an additional party is added.

Want the details? See sections 26.1 and 26.2 of the Framework

NOTHING IS OFF THE TABLE FOR NEGOTIATIONS

The Framework empowers mob to negotiate any matter they choose.

The Framework has examples of what a Traditional Owner Treaty or the Statewide Treaty may include. These are based on what the Assembly heard was important to mob.

A Traditional Owner Treaty will focus on matters that are self-determined by Traditional Owners, in relation to their own Country. The Statewide Treaty will focus on Statewide matters, such as reform to government structures and systems.

The content of Treaties will also be informed by the Yoorrook Justice Commission's truth-telling process into injustices experienced by First Peoples in Victoria.

WHAT MATTERS MUST BE DISCUSSED IN NEGOTIATIONS?

TRADITIONAL OWNER TREATIES

- Traditional relationships with land and waters
- Protecting land and waters and cultural heritage
- Culture and language
- Economic sustainability and empowerment

STATEWIDE TREATY

- Possible transfer of power and decision making from Government to First Peoples, such as:
- A permanent First Peoples' representative body
 - A First Peoples' Voice to Parliament to advise on First Peoples' matters

Recognition of Treaties in the Victorian Constitution or other legislation



Want the details? See section 25 of the Framework

THE FRAMEWORK ALLOWS **ADDITIONAL** **PARTIES** TO JOIN NEGOTIATIONS

As identified above, negotiating parties can agree to invite other people or groups to join in all or any part of negotiations before a Treaty is finalised.

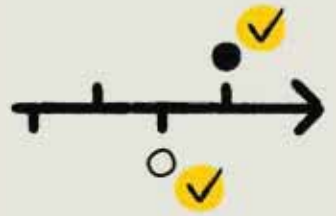
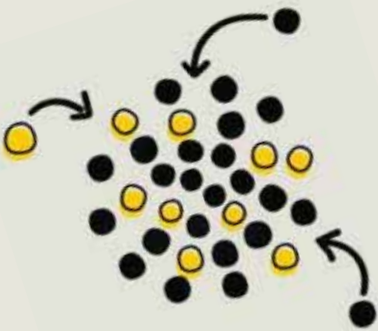
The Framework calls these parties 'additional negotiating parties'. Additional parties can join negotiations for a Traditional Owner Treaty or the Statewide Treaty at any time.

For example, Traditional Owners may choose to invite local government or businesses to join negotiations related to certain topics (such as housing or employment).

The Assembly may choose to invite the Commonwealth government to join Statewide Treaty negotiations.

The Treaty Authority will enter additional parties on the Negotiations Database.

Want the details? See part D of the Framework



THE FRAMEWORK ALLOWS FOR **INTERIM** **AGREEMENTS**

Interim agreements allow for the early activation of rights and can bring benefits to First Peoples during Treaty negotiations.

Any party can make an interim offer before negotiations are finished. The interim offer is an agreement on a particular matter before negotiations on all matters have finished.

To promote self-determination and empowerment, the Government must properly consider any interim offer made by a First Peoples' party.

If an offer is accepted, the parties can make an interim agreement. This can bring benefits to First Peoples during Treaty negotiations rather than at the end.

Want the details? See section 26.5 of the Framework

PARTIES CAN TAKE **A BREAK OR END** **NEGOTIATIONS**

The Framework allows parties to take a break from or end negotiations – as long as the reason for doing so is compatible with the guiding principles (*see page 7*).

The Treaty Authority has to support a request to take a break or end negotiations.

Want the details? See section 26.6 of the Framework



WHAT HAPPENS ONCE THE PARTIES REACH AN AGREEMENT?

'' For our children and future generations, this is a pivotal moment in history, where their lives will be much different from those of the past and yesterday. Our children who are still being taken at an increasing rate. Treaty will help us to restore and strengthen the family, community, clan and Nation, after all the greatest investment of any society is its children who are its future. ''



PARTIES WILL SELF-DETERMINE HOW TO SEEK COLLECTIVE SUPPORT

Before finalising an interim agreement or Treaty, a First Peoples' party will choose how to seek 'collective support' (freely offered support) for the agreement.

For a Traditional Owner Treaty, the delegation must seek the collective support of its members. For the Statewide Treaty, the Assembly (once it is confirmed as the representative body) has to seek the collective support of First Peoples in Victoria.

Want the details? See section 28 of the Framework



PARTIES WILL SELF-DETERMINE HOW TO FINALISE AN AGREEMENT

First Peoples' parties can choose how to show they agree to finalise an interim agreement or a Treaty. For example, one group may choose to have a formal event to sign a Traditional Owner Treaty and another group may finalise a Treaty through ceremony.

Want the details? See section 27 of the Framework

THE FRAMEWORK TAKES A FLEXIBLE APPROACH TO ENFORCING TREATIES

All Treaties made under the Framework can be binding. This means parties have to uphold and implement a Treaty as agreed.

The Framework requires parties to:

1. negotiate and agree on a culturally appropriate dispute resolution process
2. consider setting up mechanisms, such as a tribunal, to enforce Treaties (in consultation with the Treaty Authority).

This flexible process allows parties to agree on the most appropriate dispute resolution process and enforcement mechanisms for a Treaty. This will help to make sure parties follow what they agreed to in the Treaty.

Treaties also have to make it clear that parties may not start legal action until any dispute resolution process in the Treaty has been followed.



Want the details? See part G of the Framework

WHAT ELSE NEEDS TO HAPPEN TO GET READY FOR TREATY NEGOTIATIONS?

To get ready for Treaty negotiations some important things will happen:

The Treaty Authority will be created and will develop additional guidance for First Peoples on Treaty negotiations (*see page 11*).

The Self-Determination Fund will be created and Traditional Owner Groups will be able to seek funding to get ready for Treaty negotiations (*see page 12*).

The Assembly will hold a Statewide election (*see page 26*).

✓ PREPARATION CHECKLIST

Traditional Owner Groups should also start getting ready to enter negotiations for a Traditional Owner Treaty by:

- **Getting to know the rules in the Framework** (*especially part B*).

- **Getting ready to meet the minimum standards – remembering that Traditional Owner Groups with existing status will automatically meet the standards** (*section 8*).

- **Thinking about which Traditional Owners need to be part of the delegation** (*section 10*).

- **Yarning with their Community about what they want their Treaty to be about and to achieve** (*section 25*).

notes:

