



Leading the Agenda Treaty Wrap Up

On Thursday 14 March the first Leading the Agenda for 2019 kicked off with the all-important panel discussion on Treaty.

Held at the VLGA meeting rooms in Carlton, over 60 people came to listen and to participate in the discussion that was moderated by Marcus Holmes, Principal of Land Equity Legal. The panel comprised:

- Jill Gallagher AO, Victorian Treaty Advancement Commissioner
- The Hon Natalie Hutchins MP, Parliamentary Secretary for Treaty; and
- Dr Shireen Morris, Postdoctoral Fellow at the University of Melbourne Law School

Below is a summary of the discussion and a link to the [video](#)

In setting the context for the discussion, Marcus outlined a number of considerations;

Marcus Holmes

- The *Advancing the Treaty Process with Aboriginal Victorians Act* is historic legislation
- The South Australian government have dismissed Treaty as symbolic rather than practical, but the Victorian approach will likely seek to do both
- The process involves Government and others working 'with' Aboriginal Victorians rather than 'for' them
- This is a step towards reconciliation and self-determination
- The negotiation process has been resourced by the Victorian government and will involve collaboration and good faith
- Treaty involves *all* Victorians
- Local government in Victoria takes a proactive role – it is already at the forefront of Aboriginal engagement through RAPs, statements of commitment, protocols etc

Jill Gallagher AO

- Jill has been travelling throughout Victoria, across LGAs as part of her community gatherings
- We are three years into the Treaty conversation
- In accordance with the principles of self-determination, Aboriginal Victorians called for Treaties at a state level, with the Victorian government accepting and exploring this concept
- Jill Gallagher's role is to set up the voice of the Aboriginal people in Victoria – this will be the 'First Peoples' Assembly', democratically elected. This is to avoid 'handpicked' representatives by government.
- It will be a fully elected representative body with elections to take place in August 2019 – they will determine the process and mechanism for Treaty or Treaties negotiations
- The First Peoples' Assembly will develop in partnership with government:
 - The framework/parameters for treaty process
 - Treaty authority
 - Self-determination fund

- Who should be the parties to treaty? Local government should take a proactive role – involve itself early on
- There need to be multiple Treaties, not just one – drawing from extensive research, British Columbia as a model
- Treaties are about more than symbolism – government acknowledging past wrongs and sovereignty never ceded
 - It will involve land rights, but not take away from private ownership
 - It is about a redress of status – moving from managing poverty to managing wealth
- In British Columbia – all levels of government involved in Treaty process – all parties have something to offer and something to gain. Economic benefit was a boost to the economy of \$1.7 billion
- It is about *sharing* the power
- The local government sector should: be involved, informed, build knowledge
- Have conversations at a local level and keep it on the agenda
 - There is nothing to fear from Treaty – immense benefit to community economically and ethically (new identity, peace)

Hon. Natalie Hutchins MP

- When first appointed as Minister, she was told constitutional recognition was not a priority for Aboriginal leaders – constantly asked for a Treaty process that would be Aboriginal led
 - That includes the delivering, planning and facilitating
- The Andrews Government went into the 2014 election with a promise to take Aboriginal self-determination seriously
- Would federal government being on board with treaty change or negate the progress made on Treaty in Victoria?
 - No – learnings and knowledge developed would work in tandem
- The government would like to enshrine Treaty or Treaties in legislation, while ensuring it is a living document that can change and be added to
- ‘You will not have to give back your Aboriginal art – unless it was stolen!’
- VALGAP refresh is happening this year – the local government sector should consider what outcomes they want for their communities – the VLGA is a member of VALGAP

Dr Shireen Morris

- Explanation of the shift: from dichotomy between constitutional recognition vs treaty/treaties/agreements to an understanding that they can work together
- Treaty/constitutional recognition are both about reforming the power relationship which is unbalanced and unfair
 - Outcomes for Indigenous Australians at the mercy of state and federal governments, making decisions ‘about them’ or ‘for them’ rather than ‘with them’
- Processes will reorganise power relations to prioritise self-determination
- The Uluru Statement from the Heart had a few elements:
 - Constitutional recognition – not symbolic but through the establishment of an Indigenous voice in parliament
 - Makarrata commission – Treaty-making/peace-making body
- There needs to be a voice and representative structure before negotiations can begin in good faith
- Victorian Treaty process is not at odds with Uluru statement – complementary
- Of 250 delegates, 7 delegates dissented (at the Uluru conference) – majority
- Federal Labor have committed their support

Treaty/Treaties

- Legally binding documents
- Future governments breaking treaties would break down all social investment and trust that has been built throughout the processes

Other key messages

- Treaties work best if they have maximum legal protection/status
- Engage with both Aboriginal and non-Aboriginal communities as part of the Treaty process
- Explore shared understandings between Aboriginal and non-Aboriginal communities in your local areas – recognising the past but also a vision for the future

The panel and moderator took a number of questions from the floor. Most notably from a student from Melbourne Girls Grammar *What is the implication of reconciliation and treaty for future generations.*

We are extremely appreciative of the time and care put into the discussion from our panel Chair, Marcus Holmes, and to the panel for their time and expertise.

The VLGA would like to acknowledge Charles Pakana and 3KnD for their coverage of Treaty, which went recently went to air and may be listened to [here](#).

The VLGA seeks to continue to help Victorian local government engage with Treaty or Treaties going forward. We are considering how we might best keep doing that and welcome suggestions.

Next VLGA Forum

Leading the Agenda in April

Thursday 11 April

6pm to 8pm

Pitcher Partners

Level 13, 363 Collins Street, Docklands

A light supper will be provided

To register please go to our [website](#)

VLGA Members - Free

Non-Members - \$55

Community groups & Students - \$15

If you have an interest, or are setting up a community campaign the April conversation will ignite and excite – *Activating Community*

Our panelists have diverse experiences in community organising and campaigns for positive change in local communities. They will discuss how to meaningfully mobilise and engage groups in technological environment where it can be difficult to cut through the noise.

Moderated by Dr Susan Rennie the panel includes:

Rose O'Leary Community Engagement Officer (Gambling) – VLGA

Louise Page, President 'Save Westernport' Campaign

Michele Purtle, Advocacy and communications from the 'Access Denied' campaign (Mernda Railway line extension)