



First Peoples –
State Relations



Advancing the Victorian Treaty Process

Annual Report 2022-23



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Aboriginal readers are advised that this document may include photos, quotations and/or names of people who are deceased.

All images by DPC Photographer

Cover image: *Birrarung, Wurundjeri Woi Wurrung Country*

Image opposite: *Birrarung, Wurundjeri Woi Wurrung Country*

Acknowledgement of Country

We proudly acknowledge the Traditional Owners of Country across all lands and waters now known as the State of Victoria, and pay respect to their Elders past and present. We acknowledge that their sovereignty has never been ceded. We acknowledge all First Peoples of Victoria and their unwavering connection to Aboriginal Law, Lore, culture and customs. We acknowledge and pay our respects to First Peoples' strength and resilience in ensuring the ongoing practice of the world's oldest culture, and recognise the ongoing enrichment Aboriginal people, culture, and communities bring to the cultural landscape of this state.

We acknowledge the wide-ranging and intergenerational consequences of colonisation and dispossession, against which First Peoples have long fought. Colonisation involved profound wrongs, including widespread and horrific violence; theft of land; removal of children; dispossession of Country and culture; and institutionalisation within systems built on racist beliefs.

The Victorian Government recognises the ongoing injustice and harm caused by colonisation, and particularly acknowledges those who have died in custody or while in the care of the State. Colonisation continues to leave many scars today.

Finally, we acknowledge all those who have fought and advocated for their rights in the face of these historic and ongoing injustices. The strength of all First Peoples, including each member of the inaugural First Peoples' Assembly of Victoria, has led us toward truth, Treaty and justice.

We cannot re-write history, but the work arising out of truth, Treaty, and justice is where we act on this acknowledgement and begin to right the wrongs of the past.



Statutory context and reporting requirement

In August 2018, the *Advancing the Treaty Process with Aboriginal Victorians Act 2018 (Vic) (Treaty Act)* became law, having passed through both houses of the Victorian Parliament in June 2018.

Under the Treaty Act, the Minister for Treaty and First Peoples (formerly the Minister for Aboriginal Affairs) is required to prepare an annual report on the work of the State in advancing the Treaty process. The reporting requirements are set out in Part 8 of the Treaty Act.

This document constitutes the Minister's annual report for the 2022-23 financial year. The Treaty Negotiation Framework (Framework), agreed between the State and First Peoples' Assembly of Victoria (First Peoples' Assembly) in October 2022, reaffirms this annual reporting requirement in Part 34. The Framework sets out further reporting requirements, in addition to those in Part 8 of the Treaty Act, that will be included in future annual reports once the Negotiations Database is declared to be established by the Treaty Authority.

Part 8 of the Treaty Act and Part 34 of the Framework also require the First Peoples' Assembly to report annually on its work in advancing the Treaty process. The First Peoples' Assembly's annual report will be a separate document.

These reporting requirements ensure that the First Peoples' Assembly and the State are transparent in their work to advance Treaty in Victoria.



Message from the Minister



In my role as Minister for Treaty and First Peoples, I am pleased to present the Treaty Annual Report 2022-23. It is my great privilege to serve as the Minister for Treaty and First Peoples, and I am proud to highlight in this report the achievements that the Victorian Government and First Peoples' Assembly of Victoria (First Peoples' Assembly) have delivered this year in the Treaty process

Importantly, I would like to acknowledge the significant work of the First Peoples' Assembly, Australia's first democratically elected voice and representative body of First Peoples, in securing agreement on all elements required by the Treaty Act.

I would also like to thank the outgoing Minister for Treaty and First Peoples, the Hon. Gabrielle Williams, for her work and support in advancing the Treaty process in Victoria.

Across 2022-23 the First Peoples' Assembly and the State established the Treaty Negotiation Framework and Self-Determination Fund, and passed legislation to facilitate the operation of the Treaty Authority. These achievements cement Victoria as both a nation and world-leading Treaty jurisdiction.

The inaugural First Peoples' Assembly and each of its members has laid strong foundations for future Statewide and Traditional Owner Treaty negotiations and to ensure the ongoing presence of a vibrant and

robust democratically elected and self-determined First Peoples' representative body. I thank every member of the inaugural First Peoples' Assembly for their tireless dedication to this work and for leaving this legacy.

For generations, First Peoples communities and leaders have called for Treaty with colonial, State and Commonwealth Governments, as well as for truth and justice in relation to the historic and ongoing harms of colonisation. In 2017, these calls culminated in the Uluru Statement from the Heart, and 'Voice, Treaty, Truth,' which the Victorian Government is committed to implementing.

Treaty is our opportunity to reframe our relationship with First Peoples in Victoria. The progress in establishing all the elements for Treaty this year ensures Victoria's Treaties will be shaped by the social and political context of our state, and the aspirations of Victoria's First Peoples. The truth-telling work of the Yoorrook Justice Commission and the efforts of the First Peoples' Assembly, mean Treaty will be based on an honest reflection of our history – one that asks for the respect and courage to listen and respond to the voices of those who have cared for this Country for thousands of years.

I look forward to Treaty negotiations beginning on the strong foundations built this year, foundations which in turn sit upon the long history of strength and advocacy of First Peoples in Victoria.

A handwritten signature in blue ink that reads "Natalie Hutchins". The signature is fluid and cursive.

The Hon. Natalie Hutchins MP
Minister for Treaty and First Peoples
Minister for Jobs and Industry
Minister for Women

Pathway to Treaty in Victoria: timeline

February 2016

Aboriginal Victorian community calls for Treaty at a self-determination forum

March 2016

Victorian Government commits to progressing Treaty

July 2016

Aboriginal Treaty Working Group established

January 2018

Victorian Treaty Advancement Commission (VTAC) commences operation and leads community consultation

June 2018

Launch of the Deadly Questions campaign to build public awareness and support for Treaty

August 2018

Advancing the Treaty Process with Aboriginal Victorians Act 2018 (Vic) (Treaty Act) is enacted

October 2019

Members are elected to the First Peoples' Assembly of Victoria (First Peoples' Assembly)

December 2019

The (then) Minister for Aboriginal Affairs declares the First Peoples' Assembly to be the Aboriginal Representative Body under the Treaty Act

December 2019

First Peoples' Assembly inaugural meeting

December 2019

First Peoples' Assembly call for Stolen Generations redress

June 2020

First Peoples' Assembly calls for a truth-telling process

August 2020

Formal negotiations between the Victorian Government and the First Peoples' Assembly commence on Treaty elements

January 2021

The Victorian Government and the First Peoples' Assembly establish the first Treaty element – a dispute resolution process

February 2021

Launch of the Deadly & Proud campaign

March 2021

Victorian Government and the First Peoples' Assembly make formal joint announcement of the intention to establish the Yoorrook Justice Commission

April 2021

The Victorian Government and the First Peoples' Assembly agree Treaty conduct protocols

May 2021

Formal establishment of the Yoorrook Justice Commission and appointment of Commissioners through issuing of the letters patent by the Governor

2016 - 2019

Preparing for Victoria's Treaty process

2019 - 2022

Establishing the elements required for Treaty

June 2021 to November 2021

Formal negotiations on the establishment of Treaty elements are progressed including the Treaty Authority, Self-Determination Fund and the Treaty Negotiation Framework

March 2022

Yoorrook Justice Commission hearings begin

March 2022

Stolen Generations Reparations Package is launched

June 2022

First Peoples' Assembly Co-Chairs address the Victorian Parliament calling for support for the Treaty process

June 2022

Yoorrook Justice Commission delivers its Interim Report

August 2022

Treaty Authority and Other Elements Act 2022 (Vic) (Treaty Authority Act) becomes law, having passed through both houses of the Victorian Parliament. The Treaty Authority Act includes a special appropriation to provide a sustainable funding mechanism for the Treaty Authority into the future

October 2022

Treaty Negotiation Framework signed and established

October 2022

Self-Determination Fund Agreement signed and established – including a \$65 million funding commitment from the Victorian Government

March 2023

First Peoples' Assembly announces support for a Yes result in the national Voice referendum

May 2023

\$138 million investment over four years announced by the Victorian Government to support Treaty negotiations

May – June 2023

First Peoples' Assembly undertakes its second Statewide election to elect a new representative Chamber

May 2023

An independent Panel is established to appoint Members of the Treaty Authority

June 2023

Yoorrook Justice Commission continues its nation-leading truth and justice inquiry. In September 2023 the Commission releases *Yoorrook For Justice: Report into Victoria's Child Protection and Criminal Justice Systems*

Ongoing

Formal Treaty negotiations between the State and First Peoples negotiation parties to commence upon establishment of the Negotiations Database by the Treaty Authority. The Yoorrook Justice Commission's truth and justice inquiry to continue.

2023 onwards:
Treaty negotiations and
outcomes into the future

Implementing the Uluru Statement from the Heart

The Victorian Government's progress towards re-establishing our relationship with First Peoples would not have occurred without generations of tireless work, advocacy and generosity from First Peoples. In 2017 over 250 Aboriginal and Torres Strait Islander delegates gathered in Mutitjulu near Uluru for the National First Nations Constitutional Convention and drafted and endorsed the historic *Uluru Statement from the Heart* – addressed to the Australian people as an invitation to work together to create a better future.

Victoria is the first jurisdiction in Australia to embrace and action all elements of the *Uluru Statement from the Heart* – Voice, Treaty and Truth. With the First Peoples' Assembly and Yoorrook Justice Commission, the Victorian Government has made significant progress this year towards full implementation of the Statement.

Achievements in Victoria's Treaty process in 2022-23

In 2022-23, the First Peoples' Assembly of Victoria and the State worked to advance the Treaty process by agreeing all elements which are required under the Treaty Act, prior to negotiations of Statewide and Traditional Owner Treaties in Victoria.

This substantial progress in Victoria's Treaty process includes agreement and signing of the Treaty Negotiation Framework and Self-Determination Fund Agreement, and progress towards operationalising the historic Treaty Authority Agreement.



Image: Wurundjeri Woi Wurrung Country

First Peoples' Assembly of Victoria

The **First Peoples' Assembly of Victoria (First Peoples' Assembly)** is the first democratic voice for First Peoples on the journey to Treaty in Victoria. It is made up of Victorian Traditional Owners elected by Victorian First Peoples and communities.

The First Peoples' Assembly has made significant progress throughout 2022-23 to finalise the foundations for Treaty-making and engage First Peoples.

Community engagement

In 2022-23, members and staff of the First Peoples' Assembly have engaged with Victorian Aboriginal and Traditional Owner communities through a broad range of events, forums and meetings. In September 2022 the First Peoples' Assembly released its *Our Journey to Treaty: Report on Community feedback*. Throughout 2022-23 First Peoples' Assembly Members have continued to speak with and hear from community members about their priorities on the journey to Treaty through Treaty Yarns, Treaty Youth Forums and Elders' Voice meetings held across the state. Following the success of its first Treaty Day Out last year, the Assembly has hosted two further Treaty Day Out events on Dja Dja Wurrung and Wurundjeri Country in celebration of Treaty, music and culture. It has also organised community sport days for the Treaty Cup basketball competition.

" Having a democratic voice for the Aboriginal community has worked so well for us here in Victoria that we want to help make sure mob all over the country can also benefit from something similar at a national level. Any step forward that gives us a greater say in the decisions that affect our lives is a step worth taking, we've seen that here on our journey towards Treaty. "

- *Aunty Geraldine Atkinson, outgoing Co-Chair of the First Peoples' Assembly of Victoria*

Chamber meetings

The First Peoples' Assembly Members have continued to meet for full Chamber meetings quarterly in 2022-23, and progressed a significant amount of work in these forums. Key outcomes and discussion areas include agreeing on details to finalise the Treaty Negotiation Framework and Self-Determination Fund, agreeing a roadmap to the First Peoples' Assembly's negotiation of Statewide Treaty, increasing First Peoples' Assembly membership and enrolment, and confirming the [First Peoples' Assembly's support for Yes](#) in the national Voice Referendum.





General election and upcoming term

In preparation for the First Peoples' Assembly's second election and term, at the March 2023 Chamber meeting First Peoples' Assembly Members agreed and released a [Statement of Intent](#) to begin Statewide Treaty negotiations with the Victorian Government in its second term.

The Statement of Intent includes a roadmap of the steps the First Peoples' Assembly is taking to ensure it meets the required Minimum Standards for Statewide Treaty negotiations as outlined in the Treaty Negotiation Framework. The first of these is holding an election as the democratic body which intends to negotiate Statewide Treaty with the Victorian Government.

In 2022-23 the First Peoples' Assembly prepared for and held its second statewide election for its 22 general seats. This is one additional seat from the inaugural Chamber, to reflect the First Peoples' Assembly's increased electoral roll.

Consistent with the Victorian Government's commitment to self-determination throughout the Treaty process, the First Peoples' Assembly manages its electoral roll and elections independently from the State. Voting in the [Treaty Elections](#) was open from 13 May to 3 June 2023, with voting available online, in-person at any of the 57 voting booths around Victoria and at community events, or by post.

Truth

Yoorrook Justice Commission

Following generations of calls for truth-telling in Victoria, in June 2020, at its third Chamber meeting, the First Peoples' Assembly passed a resolution seeking commitment from the State to establish a truth and justice process as an integral step in the path to Treaty. In line with provisions in the Treaty Act to recognise historic wrongs, address ongoing injustice and help heal the wounds of the past, the [Yoorrook Justice Commission](#) (Commission) was established in May 2021. The Commission released its [first interim report](#) in June 2022. In response to an interim recommendation, the Commission's inquiry and important truth-telling work has been extended by 12 months until June 2025.

In 2022-23 the Commission has focused its truth and justice inquiry on ongoing systemic injustices in the child protection and criminal justice systems. The Commission invited and received submissions, held several meetings and roundtables around the state, and conducted three rounds of hearings to hear evidence from Aboriginal leaders, community members with first-hand experience, and State officials – including Victorian Government Ministers and senior public servants – about ongoing injustice in these systems. The Commission released [Yoorrook For Justice: Report into Victoria's Child Protection and Criminal Justice Systems](#) in September 2023 which makes recommendations for reforms to address systemic injustice in the child protection and criminal justice systems and in relation to Treaty.



Image: Djirri Djirri dancers at Uncle Archie Roach's State Memorial Service

Image: The State Memorial Service for Uncle Archie Roach



Stolen Generations reparations and apology to Uncle Archie Roach

A State Memorial Service was held on 15 December 2022 to celebrate the life and music of Uncle Archie Roach AM. Uncle Archie Roach was a proud Gunditjmara and Bundjalung Senior Elder, a songman and storyteller, and a member of the Stolen Generations who was forcibly removed from his family by the State as a young child. At the Service, the then Premier apologised to Uncle Archie for the forced removal from his family, Country, community, culture and language on behalf of the Victorian Government.

" As Premier of Victoria, and along with the Victorian Government, we acknowledge the immense pain, suffering and despair, placed upon Archie due to past government policies and laws. We deeply and genuinely acknowledge his continued resilience, strength and courage in his journey of recovery. On behalf of the Victorian Government, we make this overdue apology to you, Archie. "

" We apologise for the extreme inhumane acts committed against you, the torture, the unspeakable hurt and the intergenerational trauma that you and your family continue to carry and experience due to your removal. I am sorry. We are sorry. Together with the Victorian Government we have reflected deeply on the inhumane acts and mistreatment of the Victorian Aboriginal Stolen Generations, and acknowledge the role that the Victorian Government has played. It is now the responsibility of the Victorian Government to ensure all Victorians are aware of the true history of Australia. "

- The then Premier, the Hon. Daniel Andrews.

Uncle Archie's sister, Aunty Myrtle Roach, accepted the letter of apology on his behalf. Following years of advocacy for reparations for Stolen Generations, including by Uncle Archie Roach, the First Peoples' Assembly renewed calls for redress in December 2019. On 31 March 2022, the Victorian Government launched the [Stolen Generations Reparations Package](#) following its design by an independent steering committee.

The Victorian Government acknowledges that there is no number of reparations or apologies – financial or otherwise – that can take away the hurt or reverse the impacts of policies that saw children stolen from their families, families forcibly disconnected from culture, and communities separated from Country.



A strong and respectful relationship with the First Peoples

Throughout the 2022-23 year, the Victorian Government continued to strengthen its relationship with the First Peoples' Assembly of Victoria (First Peoples' Assembly), as the voice for First Peoples in the Treaty process. Since the State and First Peoples' Assembly formally commenced Treaty element negotiations on 3 August 2020, negotiations have continued on a regular basis. For the majority of 2022-23, negotiation meetings occurred weekly or more frequently as the First Peoples' Assembly and State agreed, finalised and established key attributes of the elements required for Treaty.



Principles of the Treaty process

Under the Treaty Act, the Victorian Government recognises the First Peoples' Assembly as an equal partner. The Victorian Government also recognises the particular relationship required to negotiate Treaties; one, founded on mutual respect, of political equals coming together to commit to shared rights and obligations.

The Treaty Act sets out guiding principles that the Victorian Government and the First Peoples' Assembly, as parties to the Treaty process, must act in accordance with. The principles are:

- self-determination and empowerment
- fairness and equality
- partnership and good faith
- mutual benefit and sustainability
- transparency and accountability.

Victorian Budget 2023-24

Announced in May 2023, the Victorian Budget 2023-24 invests in our landmark Treaty and truth processes, and provides \$82 million to support the independent First Peoples' Assembly as the voice of First Peoples in Victoria's Treaty negotiations. This is part of a \$138 million investment over four years to support Treaty negotiations. As the first jurisdiction in Australia to embrace and action all elements of the Uluru Statement from the Heart, the Victorian Government is leading the way in achieving justice for Aboriginal people.



Commitment to self-determination through Treaty

Self-determination is a fundamental right of First Peoples recognised in the United Nations Declaration of the Rights of Indigenous Peoples, to which Australia is a signatory. The Victorian Government is committed to self-determination as a guiding principle in all First Peoples affairs. The Victorian Government has a responsibility to reform its systems, structures and service delivery to enable self-determination.

While successive Victorian Governments have committed significant amounts of time, resources and funding to addressing the injustices that First Peoples have experienced since colonisation, these actions have not delivered enduring justice. Treaty is the

process required to ensure genuine self-determination for Victorian Traditional Owners and First Peoples, and through which the Victorian Government will transfer to First Peoples decision-making power and resources to govern the matters that impact their lives.

Enabling First Peoples' self-determination is the right thing to do in the context of our colonial history, but it also works. Through Treaty, the development of First Peoples self-determined representative and decision-making processes will go a long way to addressing many of the enduring injustices experienced by First Peoples. It will also ensure that remaining injustices can be tackled by the appropriate experts and addressed in ways that work.



Image: Welcome to Country performed by Eastern Marr, with Hon. Gabrielle Williams MP, Former Premier Hon. Daniel Andrews and Members of the First Peoples' Assembly of Victoria

Treaty Authority Bill passes Parliament

Following the passing of the Treaty Authority and Other Treaty Elements Bill 2022 in the Legislative Assembly in June 2022, the Bill passed the Legislative Council in August 2022, and the *Treaty Authority and Other Treaty Elements Act 2022* (Treaty Authority Act) became law.

The enactment of this law was a significant milestone in the Treaty process in 2022-23.

The Treaty Authority is the independent 'umpire' responsible for overseeing Treaty negotiations, making sure that the process is fair for all negotiating parties, and follows the rules set out in the Treaty Negotiation Framework. It will be grounded in Aboriginal Lore, Law and Cultural Authority, and is entirely independent of the Victorian Government.

Since the Treaty Authority Act was passed, the Victorian Government has worked in equal partnership with the First Peoples' Assembly to establish and support the independent Panel that will select the all-First Peoples Members of the Treaty Authority.

An open recruitment process for panel members on the Treaty Authority is currently underway with the support of an independent Indigenous recruiter.





Treaty Negotiation Framework

In October 2022, the State and First Peoples' Assembly jointly delivered the next critical phase of Victoria's Treaty process and one of the key elements required under the Treaty Act to commence negotiations; the Treaty Negotiation Framework (Framework).

The Framework sets out the process and rules for negotiating treaties between the State and First Peoples, including for both Statewide and Traditional Owner Treaties. As outlined at Part 2, Treaty-making under the Framework "aims to build a new relationship between the State and First Peoples based upon realising rights defined by the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)", while ensuring the protection of the existing legal rights of Traditional Owners such as Native Title. This agreement is a significant milestone in Victoria's progress towards Treaty and genuine self-determination.

The negotiation rules and processes in the Framework include an open and inclusive approach to who can enter Treaty negotiations, how negotiations are conducted and what subject matter they can cover. A broad range of subjects are outlined in the Framework, for both Statewide and Traditional Owner Treaties, including civil law and criminal justice system issues, cultural heritage, economic and community development, health and welfare, and education, among many others.

Importantly, this foundational Framework also provides a recognition space for Aboriginal Lore and Law, and restores the rightful place of the Cultural Authority of First Peoples. For more information on the Framework see [First Peoples-State Relations](#) or [First Peoples' Assembly of Victoria websites](#).

Self-Determination Fund Agreement

In October 2022, the State and the First Peoples' Assembly delivered the final element required under the Treaty Authority Act before Treaty negotiations can commence; the Self-Determination Fund (Fund).

Working to address the economic divide between the State and First Peoples, caused by colonisation and the resulting dispossession and exclusion, is vital. The Fund is an independent financial resource to support First Peoples to have equal standing with the State in Treaty negotiations, and to build capacity, wealth and prosperity for present and future generations.

The Fund is controlled and managed by First Peoples through the First Peoples' Assembly, and is independent from the State. Under the Self-Determination Fund Agreement, the Victorian Government has committed an initial \$65 million to the Fund to support First Peoples to have equal standing with the State in Traditional Owner Treaty negotiations. This investment will support Traditional Owner groups to form Treaty Delegations and negotiate Traditional Owner Treaties with the State. Further funding will be negotiated to ensure that the Fund can further its purposes under the Treaty Act.





Framework and Fund signing

Acting Minister for Treaty and First Peoples, the Hon. Colin Brooks MP joined members of the First Peoples' Assembly on the banks of the Birrarung (Yarra River) on Wurundjeri Woi-wurrung Country for a ceremonial signing of the Treaty Negotiation Framework and Self-Determination Fund.

Following the passage of the Treaty Authority Act in the Victorian Parliament, this event demonstrated a significant step towards transferring power and resources to First Peoples.

With all Treaty elements now agreed, the State and First Peoples' Assembly are set to embark on the next phase of the landmark Treaty process and commence formal Treaty negotiations.

Preparing the State for Treaty negotiations

Since the agreement and signing of the Treaty Negotiation Framework in October 2022, the Department of Premier and Cabinet (DPC) has been working with all Departments to support the State to be 'Treaty ready'. As part of this work, the Victorian Government has been preparing to be responsive and engaged in upcoming negotiations, and ensuring that the State can continue to be a good Treaty partner in progressing Treaty with First Peoples in Victoria.

To support this work, throughout the 2022-23 year, the State has continued to prepare Victorian Public Service staff with the knowledge and confidence to support Treaty readiness across government. Up to June 2023, DPC has supported 324 public servants to undertake one of the University of Melbourne's Preparing for Treaty MicroCertificates to enhance Treaty literacy across government. This educational offering supports the Victorian Public Service to build its capacity to respond to the new relationship established with First Peoples through Treaty, and the innovative policy thinking required to respond to the novel nature of Treaty in Victoria.

Treaty MicroCerts reflection

"The MicroCerts are an educational pathway that provide the foundational facts and concepts that public servants are required to know and understand in order to participate productively in Victorian Treaty negotiations. They are delivered in a very engaging, practical and flexible way."

- Treaty Coordinator for Department of Transport and Planning, Tristen Walker

Throughout the 2022-23 year, DPC has continued to engage across all Departments to discuss the Treaty process with strategic and targeted communications. A series of presentations and learning development sessions have been delivered at all-staff forums, departmental executive forums, Ministerial briefings and other occasions to increase awareness and understanding of Treaty across the public sector. Treaty Interdepartmental Committee members (Treaty IDC) and Treaty Coordinators are authoritative sources of support within their respective Departments. They continue to deliver presentations and other communications on the Treaty process to ensure a deeper comprehension of Treaty and upcoming negotiations within all policy and program areas.



Whole of Government structures to support Treaty

The Victorian Government has put internal governance structures in place to support the Treaty process. These include formal inter-departmental committees, coordinator positions and communities of practice.

A Treaty IDC of senior representatives from each Victorian Government Department has been in place since 2019. The Treaty IDC ensures that all Departments and portfolios are connected on the Treaty process at an executive level, and provides a forum to provide advice and inform the State's position in Treaty negotiations. A working group comprised of an officer-level network of Treaty Coordinators across all departments is

also in place to mobilise whole of government communications and engagement across Departments and ensure that current policy development provides for future Treaties.

The Treaty IDC and Treaty Coordinators met regularly throughout the 2022-23 year, to provide advice and share information about final agreement of the Treaty elements, establishment of the Treaty Authority, and other State preparations for Treaty negotiations. This work has included input into the ongoing development of a clear, efficient and agile authorisation model for the Victorian Government's future engagement in Treaty negotiations.




Image: Marcus Stewart, Outgoing Co-Chair of the First Peoples' Assembly of Victoria and Hon. Colin Brooks MP, signing the Treaty Negotiation Framework

Without truth, there can be no Treaty

Following generations of advocacy, including recent advocacy from the First Peoples' Assembly, the Victorian Government recognised that truth and justice are essential prerequisites for the Treaty process. Accordingly, in 2020 it committed to the establishment of the Yoorrook Justice Commission (Commission) as Australia's first truth-telling inquiry.

In 2022-23, the Victorian Government has engaged closely with the Commission to participate in its truth and justice process and to reckon with the truth of the State's involvement in and responsibility for both historical and ongoing systemic injustices experienced by First Peoples. The State responded to 26 Notices to Produce issued by the Commission under the *Inquiries Act 2014* (Vic), and in March 2023 the Victorian Government made two whole-of-Victorian-Government submissions to the Commission on its lines of inquiry into the child protection and criminal justice systems. Sixteen State witnesses appeared before the Commission to give evidence at public hearings in April and May 2023.



In engaging with the Commission and providing its evidence, the Victorian Government reflected on the discrimination and mistreatment that First Peoples have endured – and continue to endure – in the child protection and criminal justice systems. The Victorian Government acknowledged the conditions and injustices that have caused ongoing over-representation of First Peoples in these systems, and its responsibility for ensuring that racism and injustice are confronted and addressed.

Through the truth-telling process, the Victorian Government is committed to listening to First Peoples, to understanding, and to changing. The Victorian Government will be guided by the Commission as we advance the Treaty process, in order to create lasting change and justice.

“ I consider it is necessary and appropriate to face up and accept responsibility for the times when Victoria Police has failed and done wrong. As Chief Commissioner, and on behalf of Victoria Police, I formally and unreservedly apologise for police actions that have caused or contributed to the trauma experienced by so many Aboriginal families in our jurisdiction... As a result of systemic racism, racist attitudes and discriminatory actions of police have gone undetected, unchecked, unpunished or without appropriate sanctions, and have caused significant harm across generations of Aboriginal families. ”

- *Victoria's Chief Commissioner of Police, Shane Patton AOM*



Looking forward: meeting the State's Minimum Standards

Prior to commencing formal Treaty negotiations, the State must notify the Treaty Authority of its compliance with the Minimum Standards and fulfillment of the Additional Preparations as outlined in parts 13 and 20 of the Framework.

Work is underway to prepare the State for the transformational change required to support Treaty negotiations. The State is currently engaging its Departments to be Treaty ready and ensure its preparedness to demonstrate how it meets these requirements. In 2023-24, the Victorian Government will focus on working with all Departments to develop a fit-for-purpose Treaty Negotiations and Authorisation Model. By incorporating learnings and best practice elements from international jurisdictions, the Victorian Government aims to develop a model that enables timely and agile decision-making and ensures its ability to be a good Treaty partner.





Image: Birrarung, Wurundjeri Woi Wurrung Country

