

Name: Troy McDonald



Chamber: November

Region: South East

Reserved Seat: GunaiKurnai Land and Waters Aboriginal Corporation



Scope:

This report covers key activities over the last three months as to my role as the Gunaikurnai Land and waters Aboriginal Corporations Reserved seat Holder for the First People's assembly Victoria.

The report will focus on key responsibility's covering the following key responsibilities numbered 1-6. The sections of the report are cited below represent my current workload deliverables as an elected member on behalf the Gunaikurnai and are key pillars in the work I'm asked to deliver as we work towards Victorias and Australia's First ever Treatment with first peoples of this Country

Introduction

1. Self Determination Fund, (SDF) Committee Convener
2. Treaty Committee – Outputs
3. Community Engagement Update
4. Political Engagement
5. Looking Ahead / Implementation
6. Attachments
7. Conclusion and thanks



Introduction

The opportunity to provide feedback to mob as to my last three months of work is often a good opportunity to reflect as to how busy all have been, whilst also acknowledging the work is ramping up as we head towards Treaty launch on 21 November 2021.

Treaty is coming to Victoria with negotiations between the State and the Assembly to begin in the second half of this year. It is a culmination of a vision our staunch leaders and elders have fought for across generations: Treaties that delivers transformative outcomes for our people. The advocacy and expertise of the Aboriginal Community Controlled Organisation (ACCO) movement in Victoria and the collective voice of the Partnership Forums, has and will continue to be, a key driver of the journey to Treaty. Treaty provides us with the unprecedented opportunity to truly honour the legacy of this advocacy by providing our communities with the real power to self-govern. Power that will allow us to collectively move past the current status quo where the government makes decision about us without us and remains unaccountable

Treaty will seek to strengthen key relationships ACCOs/Forums have with Government by bringing increasing access to government, transferring decision making power and deepening accountability.

We require everyone who has a shared experience and a desire to amplify the voice of ancestor’s past, the work that we are focusing on in the FPAV and as your representatives is the legacy of many generations of activists that have demanded change for generations – the work is ramping up and will be relentless as we begin the negotiation journey.



On a personal note, I would like to thank all those community members that have supported Brian, Peter Alice and I so that we can effect change for the future. Your respectful support is noticed and welcomed.

Self Determination Fund, (SDF) Committee Convener

As Chairperson of the self-determination fund it has been a very busy time, our committee has been coordinating key responsibilities to ensure that The FPAV meet our obligations as to good governance of the SDF, Which I am happy to report received its final Tranche of funding with the allocation of \$15 million Dollars which the Trust received in late Auguste 2024. The committee and me has had oversight and input as to the SDF annual general report which led to a successful AGM in Late September 2024. Key Milestones included

- The tabling and endorsement of the SDF investment strategy
- Oversight as to the allocation of successful grants to Traditional Owners
- Held three SDF meetings of the reporting cycle ⁱ¹
- Commence of recruitment for a Family Trustee

The focus of our work has been shaped by clear directive action as to how we maximise the SDF so that as many people across community can benefit to ensure there is a high level of Treaty preparedness across the regional land scape. Diagram 1 represents the role of our committee and the separation between the FPAV and the Trustees

The committee has developed a workplan that articulates our approach to ensuring we can support good governance that will shape our work into 2025 – Diagram 2 represents out page on a plan.



Diagram 1: Role of the SDF Council Committee,

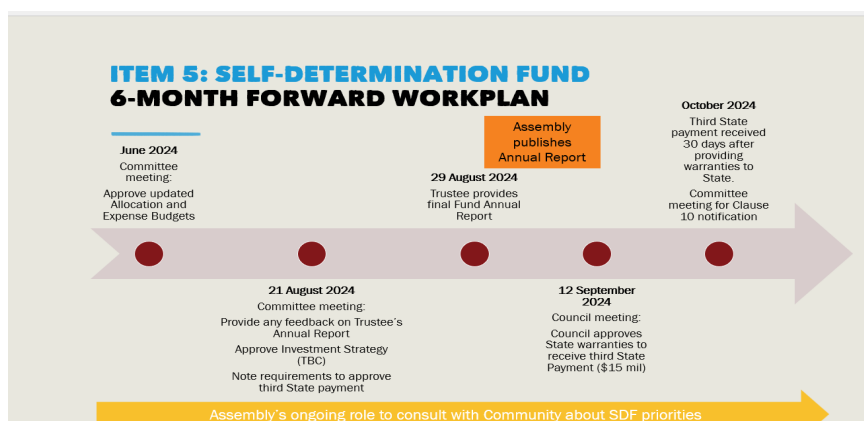


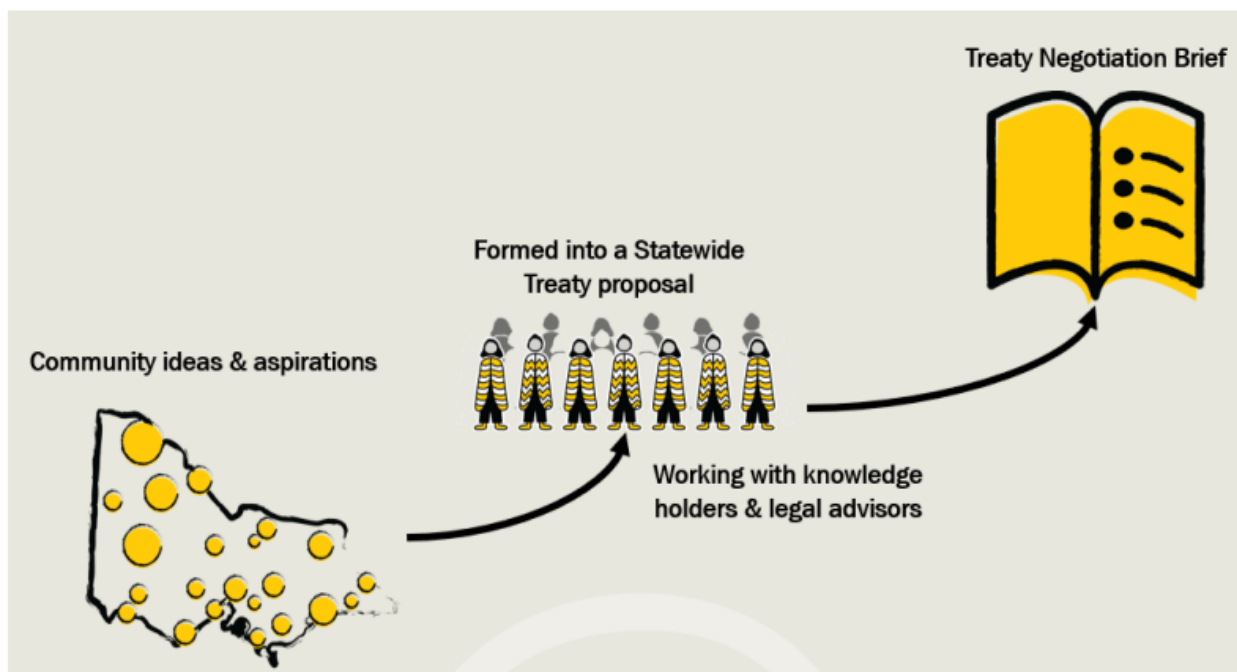
Diagram 2: 6 Monthly Plan

¹ Trustee recruitment underway as of 7 October 2024

Treaty Committee – Outputs

The treaty committee is one of our most important committees, it sets the tone for all the strategy and planning to pursue statewide treaty these meetings occur every fortnight and last for around 4-5 hours every session

There have been two important pieces of work I have been collaborating with the treaty committee over the last three months – these pieces of work are essential to enter into negotiations with the state they, namely Negotiation Brief which seeks to ensure an authorisation for the Assembly’s negotiators to conduct Statewide Treaty negotiations on behalf of the Assembly, setting the parameters of that authority, a guide for the Assembly’s negotiators to follow during negotiations, ensuring they understand the issues, interests, and desired outcomes, and a reference point for negotiators to report back to Members about the progress of negotiations, and for the final assessment of whether what is negotiated is acceptable.



I have also been involved in the drafting of work which has been informed by community as to the Practical Outcomes we are seeking to take into the treaty negotiations across 24/25. The work has been informed by discussions which occurred Thursday 3 October 2024. The Practical Outcomes workshop was part of the process for Members to consider which priority Practical Outcomes to include in the Negotiation Brief at the upcoming November Chamber. The aim of the workshop was to develop a set of principles to identify which possible Practical Outcomes to:

- to be included in the first Statewide Treaty,
- progress in subsequent Treaties through a 25-year Treaty plan, or
- progress through current government commitments

It is expected that a clear position as to the FPAV approach to practical outcomes will be resolved in November 2024

Negotiating Protocol – key deliverable



I have also been working on with the committee and the negotiation team The negotiation Protocols.

This work in its simplest explanation is a set of rules as to how the FPAVs negotiating team and the State will conduct themselves through the negotiation process.

“The purpose of the Protocols is to assist in the conduct of Treaty negotiations in accordance with clause 26.1(a) of the Treaty negotiation Framework.”

The Assembly must undertake this work prior to entering negotiations with the state as Section 34 of the Advancing the Treaty Process with Aboriginal Victorians Act 2018 (Vic) (Treaty Act) provides that Treaty negotiations must be conducted in accordance with the Treaty Negotiation Framework (Framework). This work is very closely linked to the TNF and is expected to be concluded on by 21 November 2024.i

I will continue to support and participate in this work until its conclusion.

Community Engagement Update

We kicked off this cycle of work on Wednesday 4 September 2024 with our quarterly chamber meeting in Swan which concluded on the following Friday 6th September 2024.



The purpose of this three-day chamber was to discuss key issues that were required to be resolved leading into 21 November 2024 to commence Treaty negotiations. We had several treaty decisions to ratify over the three days as our main focus was to seek feedback as to the current approach to the following key issues for decisions, these were:

Yurpa Philosophy and Principles.

The Yurpa Committee has developed the Yurpa Philosophy and Principles to guide the cultural governance of the Assembly. The Yurpa Philosophy and Principles set out interconnected principles to inform the Assembly's work, including its practices and processes and its relationships. It is proposed to be adopted as a Chamber Directive. The Yurpa Philosophy and were approved and will now be attached the Negotiation Protocols. A resolution was passed that asked Assembly Chamber to adopt the Yurpa Philosophy and Principles

Negotiation Protocols

Under the Treaty Negotiation Framework (Framework), the Assembly and the State must develop and agree Negotiation Protocols. The Negotiation Protocols are rules and principles for how Statewide Treaty negotiations are conducted. the Assembly Chamber approved the Negotiation Protocols The

Negotiation Protocols as such they represent the Assembly’s initial position on what should be included in the Protocols to be agreed with the State. The Assembly’s negotiators will negotiate and agree the Negotiation Protocols with the State and may make changes to them within set limits set by the Negotiation Brief

Negotiation Brief

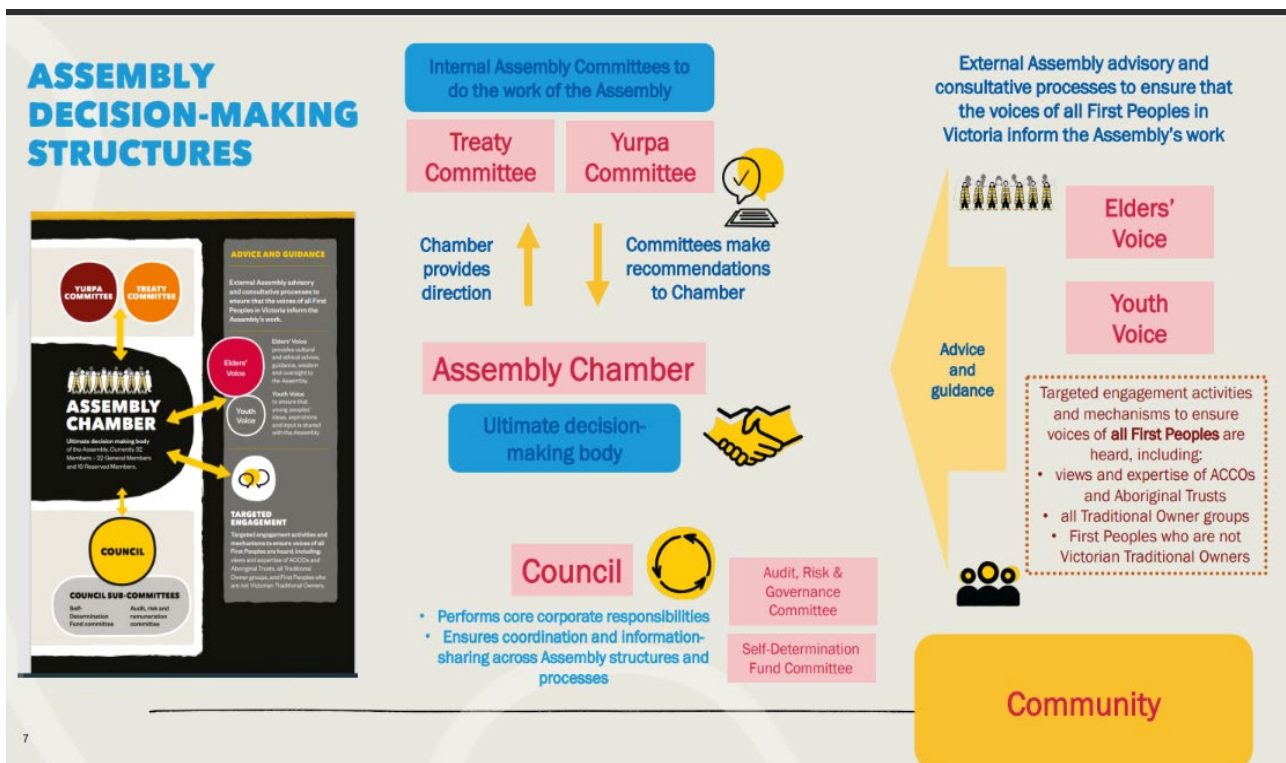
The Negotiation Brief provides an authorisation for the Assembly’s negotiators to conduct Statewide Treaty negotiations on behalf of the Assembly. It sets out the principles, objectives and scope of what is to be negotiated. The Negotiation Brief also outlines the responsibilities of the Assembly’s

negotiators and confirms the supports that are available to them. The Negotiation Brief is an internal confidential Assembly document. The negotiation brief was passed in the September chamber

State Invitation Notification

The Treaty Negotiation Framework sets out the steps to enter Statewide Treaty negotiations. It is currently the Comment and Dispute Period. Following the Comment and Dispute Period, the next step is for the Assembly to notify the Treaty Authority that it wishes to invite the State to begin Treaty negotiations Assembly Chamber did approve providing this notification. The approval was subject to the direction that the notification is only provided to the Treaty Authority following the conclusion of the Comment and Dispute Period

The diagram below represents how the assembly bakes its decisions in chamber



The chamber also worked on the following

- Draft Annual general report as required by the Treaty Act 2018
- We spend significant time working on what the practical outcomes would be for Treaty, this was conducted by an extensive workshop
- Supported a 1-day community cultural immersion experience
- Convened a community dinner and engagement with community elders and other reps from the Swan Hill Region

Key Concepts as to Treaty are being Shaped by your Elected representatives

Negotiations between the Assembly and the Government about the first Statewide Treaty are due to begin by the end of the year in keeping with the Treaty Negotiation Framework agreed to in 2022 and the related legislation passed by the Victorian Parliament.



The Southeast members have been in discussions yarning to get the views from local knowledge to come up with practical solutions on a range of topics – from caring for land and keeping culture strong to improving the way services like health and education are delivered. the first Statewide Treaty would be an opportunity to deliver upfront some practical outcomes for Aboriginal communities.

Gippsland Yarns and Chats and planning commitments

All of us have been busy listening and yarning as to how mob engage the treaty process as well as receiving clear guidance as to what treaty may mean for them. As the Gunaikurnai Reserved seat holder I have represented people across the following engagement activities

- Expert Workshop on Economic Prosperity workshop: *17 September 2024*
- Treaty Committee meeting: *20 September 2024*
- Self Determination Fund, Annual General meeting: *24 September 2024*
- Council Meeting: *10 October 2024*
- First Peoples Led Infrastructure Fund proposal (Economic Independence Workstream) *11th October 2024*
- FPAV & SDF - Wealth & Prosperity Discussion Meeting to discuss 2nd purpose of Fund *11th October 2024*
- Small community yarn Traralgon: *12 October 2024*
- Southeast Regional Forum Sale Greyhound club -Community Event: *14 October 2024*
- Pop-Up - VALS Community Day Morwell: *17 October 2024*
- Treaty Committee Meeting: *18 October 2024*
- Traditional Owner Forum Preston *2nd October 2024.*
- Latrobe Valley Authority Back brief/Update Treaty *22 October 2024*
- Working Group Workshop - Renewable Energy Presentation *23 October 2024*
- Minister Keogh & Minister Hutchins with First Peoples' Assembly of Victoria Topic Soldier Settlements *29 October 2024*
- Cultural Heritage Act reform meeting *30 October 2024*
- ACCO Sector Treaty Forum #2 *Preston 31 October 2024*
- Preparation meeting: Third Delegation of Victorian First Nations Leaders to Canberra *31 October 2024*

Assembly Treaty Negotiators

In early September 2024 I was fortunate to be appointed as one of the three additional Negotiators to support Ngarra Murry and Rube Berg in negotiations with the State. I managed to win this role through a merit-based interview process and now share this recognisability with Nerita Waight and Indi Clarke.

This is an important role that will see me set aside some of the responsibilities I have been leading across

- Self Determination Fund
- Economic Prosperity Working group



The treaty Negotiation Framework sets out the rules for primary negotiating parties to In part B of the framework, to find out more the info is on Page 13 of the TNF. Here's a link if you would like to know more. <https://www.firstpeoplesvic.org/reports-resources/treaty-negotiation-framework/>

The Treaty Negotiation Framework sets out the principles that will guide Treaty-making in Victoria and provides Traditional Owner groups with the ability to choose their own pathways and timelines for negotiating Treaties that reflect their priorities and aspirations

Our Negotiators Statewide Treaty



Ngarra Murray

Wamba Wamba, Yorta Yorta,
Dhudhuroa and Dja Dja Wurrung



Indi Clarke

Wemba Wemba, Mutti Mutti,
Boon Wurrung, Trawlwoolway
and Lardil



Nerita Waight

Yorta Yorta and Narrandjeri



Rueben Berg

Gunditjmara



Troy McDonald

Gunaikurnai

The last three months have been busy for the Southeast members and for me, albeit I did have a short break over the reporting period. The treaty work is a busy space and the complexity. The work will get us to treaty through all of us having a stake and a voice as to all the activities.

If Gippsland mob want to chat I'm available lets set up a yarn my details are below.

Thanks for your support, Troy

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