



## TREATIES, TRUTH AND JUSTICE

# THE GREENS' PLAN TO ENSURE VICTORIA'S FIRST PEOPLES ACHIEVE JUSTICE AND HEALING IN THE TREATY PROCESS

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Australia always was and always will be Aboriginal Land. Yet Australia is the only Commonwealth country without a treaty with its First Peoples. A treaties process has now begun in Victoria. The Greens will amplify the voices of Elders and the grassroots community to ensure the process reflects true self-determination and delivers much-needed justice, rights and healing to Aboriginal people.

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For nearly two hundred years, the injustice of stolen land and the devastation of the invasion and colonisation have marred Victoria without any fundamental attempt to set it right.

Australia is the only Commonwealth country without a treaty agreement with its First Peoples. The Victorian Government has now initiated a treaty process in Victoria, which we strongly welcome, but they have failed to properly respect Aboriginal culture and support true self-determination in the process. Instead, the government has appointed people of their own choosing as advisors and leaders of the process, have largely ignored the Clans and Nations, and have inappropriately influenced the formation of the Aboriginal Representative Body.

Under the leadership of Gunnai-Gunditjmara woman Lidia Thorpe MP, the Greens have been leading calls for true self-determination, rights and cultural respect in the treaty process. We will continue to work with Elders and grassroots communities to ensure their voices are amplified, and people on the ground benefit from the treaty process.

## OUR PLAN

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To ensure the treaty process provides justice to the First Peoples of Victoria, we will:

- **Amend the treaty legislation to ensure it recognises the sovereignty of the Clans and First Nations over this land.**
- **Fight for true self-determination, cultural respect and justice in all processes, representative bodies, and in establishing the Treaty Negotiating Framework.**
- **Amend the Victorian Charter of Human Rights and Responsibilities to specify a new principle that recognises the right to self-determination for Aboriginal people of Victoria, to help strengthen the process.**
- **Advocate for and support Clans and Nations to be at the heart of the treaty process, including sitting on the Aboriginal Representative Body. We will provide \$25 million over the next four years for the**



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**operation of the body and for it to carry out wide consultation on the treaty framework.**

- **Introduce a moratorium on sale of surplus Crown Land and Government Owned Freehold land for private sale, so that this land is available for treaty negotiations.**
- **Provide \$5 million over the next four years to ensure the Elders Council is properly established, recognised in the legislation, and carries out its critical role of cultural oversight of the process.**
- **Provide \$40 million to establish a Truth, Justice and Reconciliation Commission to finally allow Aboriginal people to reveal the full truth about their history.**
- **Provide \$3 million to establish the Truth Telling Museum, a black political history Museum in Fitzroy.**
- **Provide \$5 million for cultural identity mapping to enable clan genealogy to be fully traced.**

Together, these actions will ensure the treaty truly delivers peace, justice and healing for the First Peoples of this land.

## TREATIES PROCESS IN VICTORIA

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In early 2016, the Victorian Government held a self-determination forum in Victoria, where Aboriginal people called strongly for treaty, as they have for many years.

In response, the government has held a series of community consultations on treaty and set up a range of Aboriginal bodies to advise it. Unfortunately, rather than these groups being self-determined, they have largely been made up of government-appointed officials. The consultations have also largely failed to consult with Clans, Nations and Elders, which are the traditional governance structures and law in Aboriginal culture. The

Greens will continue to call out this poor process and support self-determination in all process and representative bodies.

The Government then introduced legislation into parliament to advance the treaty process. The legislation establishes the process for moving ahead with treaties, including the basic framework, guiding principles for treaty negotiations, an Aboriginal Representative Body, and a Treaty Authority to oversee the process. This legislation passed in 2018, with Greens support, but not before we negotiated crucial improvements to it, including:

- Recognising Victorian Traditional Owners as a key party to the treaty process and specifying that only Traditional Owners can sit on the Aboriginal Representative Body.
- Inserting a statement into the preamble of the bill that recognises the United Nations Declaration on the Rights of Indigenous Peoples and the concept of 'free, prior and informed consent' as guiding the treaty process.
- Specifying that the Treaty Authority is independent of the influence of the Minister for Aboriginal Affairs.
- A commitment to establish an Elders Council to provide cultural oversight of the process.
- A commitment to hold a state-wide meeting to consult with Clans and First Nations collectively for the first time.

The Greens support Aboriginal people's calls for treaties to restore Clans' and Nations' rights to self-governance, land and resources for economic independence, should they seek it. Treaties must provide the opportunity to address the systemic injustices experienced by First Peoples that are reflected in matters such as poorer health and educational outcomes, economic insecurity, increased homelessness and significant incarceration rates. They must also support truth telling and healing.



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## SELF-DETERMINATION

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Fundamental to the Treaty process must be true self-determination by Aboriginal peoples. The UN Declaration on the Rights of Indigenous Peoples, Article 18 states: "Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own Indigenous decision-making institutions." This Article must guide the treaty process in Victoria.

In respect of the Aboriginal Representative Body, the government is pushing for elections to be held for these positions. Elections are not Aboriginal culture and have failed in the past to achieve proper democratic processes due to lack of engagement by Aboriginal people. This has led to poor representation in bodies such as the now-disbanded Aboriginal and Torres Strait Islander Commission, for example. The Greens have been working closely with Elders and support their calls for the representatives that sit on this body to be self-determined by the Clans and First Nations in a culturally appropriate model.

Several consultations and reviews have taken place to review the Charter of Human Rights and Responsibilities and every time the need to include the right of Aboriginal People to self-determination in the Charter has been recognised. The Greens will introduce a legislation to include this as a principle, and call for further consultation with Aboriginal communities, potentially as part of the treaty process, as to how to operationalise this in any legislation that affects Aboriginal rights.

## SOVERIGNTY AND CULTURAL RESPECT

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When the Advancing the Treaty Process with Aboriginal Victorians Act was introduced into parliament, the Greens attempted to amend it to include a clear statement saying that the Clans and First Nations have never ceded sovereignty over this land.

We believe this recognition in law is a crucial part of the healing and justice required. It would be a demonstration of good faith that this will be a meaningful process, and not a box-ticking exercise.

It was deeply disappointing that this was voted against by the Labor Government, as well as the Liberals. But we will not give up. We will continue to prosecute the case for why a recognition of sovereignty must be included in the legislation and will put forward amendments at the right time.

The Greens believe the treaties process must respect Aboriginal law and culture. It must not be developed solely on the Government's terms. But so far the Victorian Government has failed to show proper respect for Aboriginal culture in the process, including failing to properly consult with Clans, Nations and Elders.

The Greens believe that separate treaties must be negotiated with all the Clans and Nations that choose to participate in the treaty process. They are, after all, separate peoples, each with their own lands, cultures, languages, laws, and traditions. Clan-based treaties protect cultural integrity and are the best way to ensure that treaties deliver real benefits for the grassroots community.

Due to the ravages of colonisation, sadly many Aboriginal people have lost all or full knowledge of their Clans, culture, language and country. Providing funding for cultural identity mapping is a critical step in supporting Clans to properly negotiate substantive treaties. The Greens will provide \$5 million for the cultural identity mapping to take place.

Elders are held in high regard by First Peoples and are a key part of their law system. We will continue to support Elders to have their voice heard. We will provide \$5 million over 4 years ensure that an Original Sovereign Elders Council is set up. This Elders Council will provide cultural authority and oversight over the treaty process. The Greens will also amend the legislation to ensure this body and its role is secured in the law.



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## TRUTH, JUSTICE AND RECONCILIATION COMMISSION

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Australian First Peoples are the oldest surviving ancient culture in the world but a full account of the true history of Australia is yet to be told.

In order for the wider Victorian community to fully understand the need for treaties, and for the treaty process to achieve justice, true healing and harmony between the peoples now living on this land, there must be an opportunity for the stories and true histories to be revealed. We must own up to the atrocities committed and we must fully understand what has been lost. Only then can there be healing and proper redress for all the harms done.

The Greens will ensure this is achieved by providing \$40 million for a Truth, Justice and Reconciliation Commission. Originating in South Africa at the end of apartheid, this form of inquiry has become recognised internationally as best practice for allowing survivors of systemic and horrific injustices to have their stories heard, and justice achieved. Such an approach would be appropriate in Victoria in relation to the history of the violent colonisation of this land, of the White Australia Policy and other racist policies, and their ongoing legacy in communities today.

To provide education and healing, and to showcase Aboriginal empowerment, activism and pride, the Greens are committing \$3 million to establishing a Truth Telling Museum. This will be located in Fitzroy, which has been a hub of Aboriginal activist organising and political activity over the generations.

## MORATORIUM ON THE SALE OF SURPLUS GOVERNMENT LAND

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Returning blocks of land in suburban areas and townships is a crucial part of Treaty settlements with Traditional Owner Clans and Nations. These sites can be used for establishing Aboriginal community centres, healing centres, affordable housing, Aboriginal education services, culture and arts hubs, and much more.

Under an Andrews Government, land is being sold off with little regard for the Treaty process it has entered into. So far in 2018, 29 surplus sites in suburban areas and townships, representing 23 hectares, have been sold at a value of \$120,998,500. Since the start of 2016, when the Government began its treaty discussions, 180 sites have been sold, representing nearly 350 hectares of land in suburban areas and major towns.

Once it entered treaty discussions, this land was no longer the Andrews Government's to sell. Treaties are likely to take several years to be agreed. If the Government continues its sell-off of surplus land at the current rate, there is likely to be very little land left to be returned to Traditional Owners as redress for dispossession from their land.

Not only is this unethical, it will be far more expensive in the long term, as it will mean in the future the government will have to put up money for a land buy-back

Early in the next parliament, the Greens will introduce a motion for a moratorium on sales of surplus Crown land and surplus government-owned freehold land for private development, until treaties are signed with Traditional Owners.