

Aboriginal Gathering 29 July 2022

Questions and Answers

Aboriginal Advisory Body – Terms of Reference

What is the proposed purpose of the Body?

- The proposed purpose of the Aboriginal Advisory Body is to provide advice for the next steps on the Pathway to Truth-Telling and Treaty co-design process in Tasmania.
- It is envisaged as a trusted representative group bringing wider views and knowledges to discussions with government. The members of the group do not represent Aboriginal organisations but act as individuals that will inform and lead the next steps in the process.

What is the proposed membership of the Body?

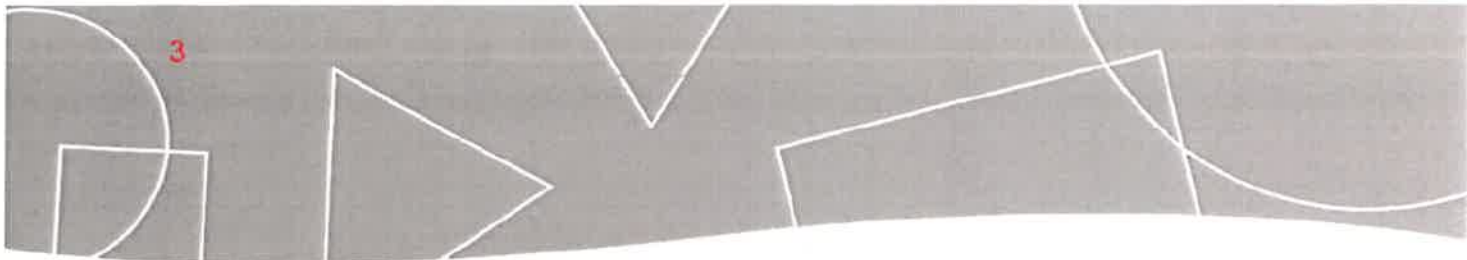
- The Aboriginal Advisory Body is envisaged as comprising Tasmanian Aboriginal people from across the State, including representatives of Elders, young people, families, and different genders.

What are the proposed objectives of the Body?

- The proposed objectives of the Aboriginal Advisory Body are mainly to:
 - engage deeply with Tasmanian Aboriginal people to determine their priorities, aspirations, and ambitions regarding Truth-Telling and Treaty.
 - provide guidance and recommendations to the Tasmanian Government on the best way to achieve these priorities, aspirations, and ambitions.

What is the scope of the Body?

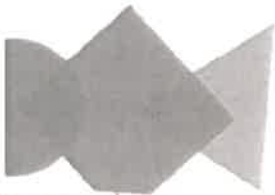
- The Aboriginal Advisory Body is envisaged as:
 - A trusted consultative group that will seek input from Tasmanian Aboriginal people, and from participants in other jurisdictions' Truth-Telling and Treaty processes as relevant and appropriate, to inform its advice to the Tasmanian Government.
 - the first step in co-design of the Pathway to Truth-Telling and Treaty in Tasmania.
 - Aboriginal comprised, Aboriginal-led, and accountable to Tasmanian Aboriginal people.
- The Aboriginal Advisory Body is **not** envisaged as:
 - being in any way constrained by the Tasmanian Government in the advice that it may provide.
 - a sovereign authority that would negotiate Truth-Telling and Treaty models with the Tasmanian Government.
 - as a long-term component of the Pathway to Truth-Telling and Treaty in Tasmania.

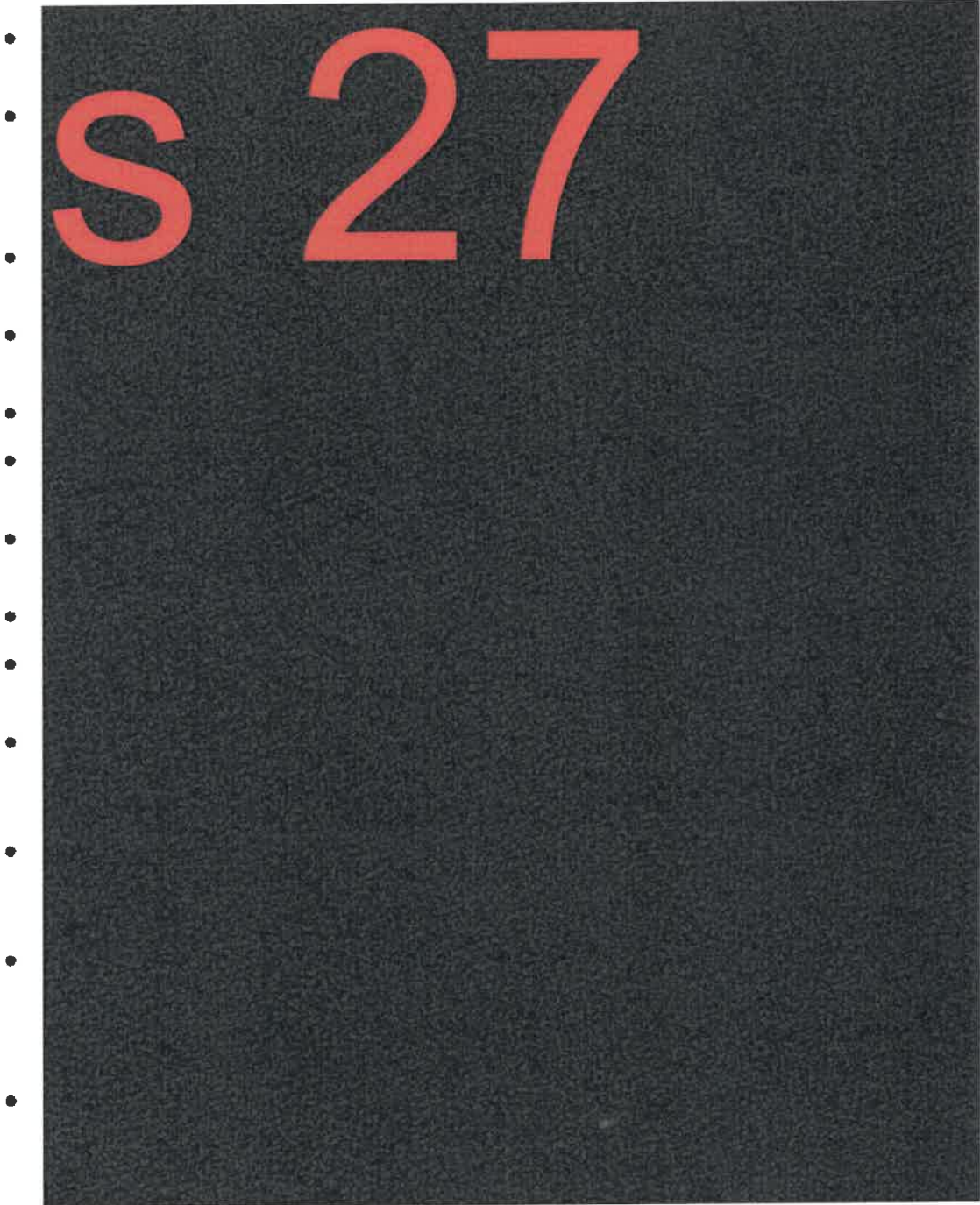
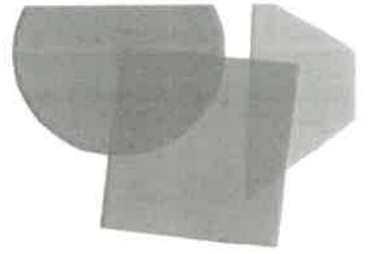


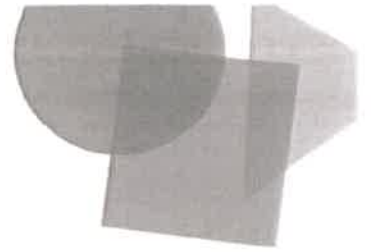
ABORIGINAL GATHERING

Minister's Introduction and Talking Points

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- **Thank you**

Clearance Sheet

Departmental

**SUBJECT: Minute to the Minister - Aboriginal
Affairs - Pathway to Treaty and Truth-
telling Advisory Body Options - Sept
2022**

CRITICAL DATE:



Cleared by: Mel Gray
Deputy Secretary
Community Partnerships and Priorities

Date: 15 September 2022

	Name	Title	Signature
Prepared by	Brett Noble	Assistant Director	BN
Through	Caroline Spotswood	Director - Aboriginal Partnerships	CS

Department of Premier and Cabinet



Minute to the Minister for Aboriginal Affairs

Ministerial reference:

DPAC CM reference: 22/111145

Related document(s) CM reference: 22/111145/2-3

CRITICAL DATE:

APPROVED / NOT APPROVED

SIGNED:

DATE:

16/9/22

NOTED

**Subject: Pathway to Treaty and Truth-telling Aboriginal Advisory
Body Options**

MINISTER'S NOTATION:

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RECOMMENDATION:

That you

(1)

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(3)

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KEY ISSUES:

- Through the Gathering, the Government indicated its intention to develop an Aboriginal Advisory body comprised of widely trusted Tasmanian Aboriginal people, who will focus on working together to progress a process of Truth-telling and Treaty in Tasmania, including identifying longer-term governance arrangements. The government indicated that this body would not be the truth telling commission or the treaty negotiators. It would be the body that provides advice on the next steps and co-designs the pathway to truth telling and treaty. The Advisory body will need to engage extensively with Tasmanian Aboriginal people to undertake this leadership and co-design role with Government.



BACKGROUND:

- On the 29 July 2022 the Government met with 13 Aboriginal Organisations to discuss the next steps on an Aboriginal led process to establish an Aboriginal Advisory Body to guide the government through a Truth-telling and Treaty process (see attachment 2).
- Twenty-Six people participated in the Gathering. The Premier of Tasmania, the Hon Jeremy Rockcliff, Minister of Aboriginal Affairs the Hon Roger Jaensch and the Secretary of the Department of Premier and Cabinet, Ms Jenny Gale attended the Gathering.
- The Outcome agreed by the representatives from the organisations was to consult with their members about the information and conversations at the Gathering and to provide nominations to the Government by the first week of September 2022. Nominations and feedback summaries from this process are provided at Attachment 1)



OPTIONS:

- Four options are presented below for your consideration.



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Attachments:

1. Nominations and advice on models for an Aboriginal Advisory body provided by Aboriginal organisation representatives following the Gathering, 29 August 2022 (22/111145/2)
2. Aboriginal Gathering: Pathway to Truth-telling and Treaty – next steps, 29 July 2022, confidential - draft notes (22/111145/3)

	Name	Position	Phone No.	Date
Prepared by	Brett Noble	Assistant Director PP	Not relevant, s.36	8 September 2022
Through	Caroline Spotswood	Director Aboriginal Partnerships		12 September 2022
Cleared by	Melissa Gray	Deputy Secretary CPP		15 September 2022

Minute to the Minister for Aboriginal Affairs

Ministerial reference:

DPAC CM reference: C24722/7/2

Related document(s) CM reference:

CRITICAL DATE:

APPROVED / NOT APPROVED

SIGNED:

DATE:

11/12/22

Subject: Resourcing the Aboriginal Advisory Group

MINISTER'S NOTATION:

RECOMMENDATION:

That you

(1)

(2)

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KEY ISSUES:

- The Government has committed to a Pathway to Truth-telling and Treaty process. The commitment is integrated with the business of all Government Departments and related entities, and also with national initiatives including the National Agreement on Closing the Gap, the Uluru Statement from the Heart and Indigenous Voice, and Indigenous Affairs Ministers actions. Substantial community consultation has been undertaken to date and will continue to characterise work on Truth-telling and Treaty.
- An Aboriginal Advisory Group - and subsequent Truth-telling and Treaty bodies - working on the Pathway to Truth-telling and Treaty will require resourcing over several years to perform their leadership and business functions.

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BACKGROUND:

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	Name	Position	Phone No.	Date
Prepared by	Brett Noble	Assistant Director Partnerships and Priorities	Not relevant, s 36	3 November 2022
Through	Caroline Spotswood	Director Aboriginal Partnerships		3 November 2022
Cleared by	Melissa Gray	Deputy Secretary Community Partnerships and Priorities		3 November 2022

Aboriginal Advisory Group Pathway to Truth-telling and Treaty

PRE-MEETING INFORMATION PACK

ITEM	CONTENTS
1	Introduction
2	Draft Meeting Agenda
3	Drafting Terms of Reference
4	Background information and resource links

I - Introduction

Earlier this year, the Premier and Minister Jaensch met with Aboriginal organisational representatives from across the state at a gathering in Launceston, to start discussions on how Truth-telling and Treaty should proceed in Tasmania.

Based on those discussions, the Government invited nominations for membership of an advisory group, comprised of Aboriginal people, who can work together with Government to design a process for Truth-telling and Treaty that is led by Aboriginal people.

Thank you for agreeing to participate, as individuals and as representatives of Aboriginal people, in this important process. The members of the Aboriginal Advisory Group are:

- Nick Cameron
- Rodney Dillon
- Gypsy Draven
- Dave mangenner Gough
- Maxine Roughley
- Theresa Sainty

The Advisory Group will have its first meeting on 6 February 2023, 10:00am to 3:00pm in Launceston (venue to be determined), and will be facilitated by Ms Jenny Gale, Secretary for the Department of Premier and Cabinet.

It is proposed that this meeting will be an opportunity to discuss the scope and support for the Group's work, including investigating work underway in other jurisdictions, undertaking research, seeking specialist advice and consulting with Aboriginal people across the State. There is no set timeframe or predetermined outcome for this work – these matters will be determined by the Group.

Remuneration for the Group, consistent with other expert advisory bodies, will also be discussed at the meeting.

A draft agenda has been included in the information pack as a tentative guide for the meeting, and members can suggest extra agenda items for discussion if they wish - the draft agenda will be finalised at the meeting. Also included in this pack is information on Truth telling and Treaty work in other jurisdictions.

2 - Draft Meeting Agenda

TIMING	TOPIC
10:00	Welcome and Acknowledgement of Country
10:15	Member Introductions
10:30	Confirmation of Meeting Agenda (any additional topics?)
10:45	Overview of Tasmania's pathway to Truth-telling and Treaty to date
11:00	Drafting Terms of Reference (see Item 3) <ul style="list-style-type: none"> • Objectives and Scope of the Group • What will the Group need to do its work? • Remuneration Principles of Engagement
12:30	Lunch and discussion
1:15	Truth-telling and Treaty in other jurisdictions (see Item 4)
1:45	Forward Work Plan and Meeting Schedule
2:45	Other Business
2:55	Next Meeting
3:00	Meeting close

3 - Drafting Terms of Reference

The following questions and information are intended to help prompt discussion and should not be taken as pre-empting the decisions of the Group.

What are the objectives and scope of the Group?

- What is the aim of the Aboriginal Advisory Group? For example, the Aboriginal Advisory Body may be envisaged as:
 - A trusted group that will seek input from Tasmanian Aboriginal people, and from other jurisdictions' Truth-Telling and Treaty processes as relevant and appropriate, to inform its advice to the Tasmanian Government.
 - The first step in co-design of the pathway to Truth-Telling and Treaty in Tasmania.
 - Aboriginal comprised, Aboriginal-led, and accountable to Tasmanian Aboriginal people.
- What are the parameters of the Aboriginal Advisory Group's work? For example, the proposed purpose of the Aboriginal Advisory Group may be to:
 - engage deeply with Tasmanian Aboriginal people to determine their priorities, aspirations, and ambitions regarding Truth-Telling and Treaty, and
 - provide guidance and recommendations to the Tasmanian Government on the best way to achieve these priorities, aspirations, and ambitions.

What will the Group need to do its work?

- What will the Group need to conduct its work? For example, how will the Group access resources to support its work? What support will the group need from Government?
- Where, when, and how will the Group do its work? For example, will the Group meet quarterly, in what location(s), and in person?
- Will the Group appoint a chair and deputy chair? For example, sometimes a Chair benefits how a meeting is controlled, and discussion facilitated, work distributed and quality assured. A Chair also typically prompts preparation of meeting agendas, how decisions are worded and recorded, timing for work and future meetings.

Remuneration

- The Department will give an overview of work to-date and next steps.



Draft Principles of Engagement

These draft principles, discussed with Tasmanian Aboriginal people at the Gathering in July 2022, were adapted from the United Nations Declaration of the Rights of Indigenous Peoples:

Welcome: Members will feel welcomed and feel a sense of belonging.

Equal: All Members have equal status, and their views are equally valid.

Respected: Members will communicate with each other in an Aboriginal way and affirm that they will respect the views of others.

Constructive: Members in affirming their views will be free from non-constructive criticism.

Tolerant: Members understand that a respectful challenge of views will be accepted as part of the conversation.

Open: Members understand that there is no wrong answer.

Inclusive: Members will lead conversations and ensure that all voices have an opportunity to be heard if they want to.

4 – Background information and resource links

This section provides a summary and links to truth-telling and treaty activities of other jurisdictions, including the Commonwealth. Where practical, summary information has been included in the text; however, larger items including reports are linked electronically.

At the national level, Prime Minister Anthony Albanese has committed the Australian Government to implementing 'in full' the Uluru Statement from the Heart, including the elements of Voice, Treaty, and Truth.

Some jurisdictions, most notably the Northern Territory, Queensland, and Victoria, have already started their respective pathways to Truth-telling and Treaty. It may be relevant to consider the different methods these jurisdictions are using and how they have tried to ensure Aboriginal representation and self-determination during this process.

Tasmania

- In 2021, Professors Kate Wamer and Tim McCormack consulted with Aboriginal Tasmanians to explore options for an agreed way forward for reconciliation, in addition to seeking the community's views on a Truth-Telling process and Treaty process.
- The work began in NAIDOC week 2021, and over the course of four months, more than 100 gatherings were held with representative groups and individuals around Tasmania.
- On 25 November 2021, the Pathway to Truth-Telling and Treaty Report (the Report) was tabled in Parliament, and provides twenty-four recommendations under the key headings:
 - Truth-telling
 - Treaty
 - The Vexed Question of Aboriginality
 - Land
 - Sea and Water Rights
 - Heritage
 - Language
 - Education and Capacity Building
- Following the release of the Report, the Government asked for feedback on the content of the Report and its recommendations from Tasmanian Aboriginal people.
- Broadly, the feedback received indicated support for the Government to establish Truth telling and Treaty processes, and that these processes must be led by Tasmanian Aboriginal people.

Victoria

- The Victorian Government committed to pursuing a Truth-telling and Treaty process in 2016, following significant advocacy from Victorian Aboriginal people. Treaty in Victoria is being pursued through a three-phase process, each involving specific governance bodies, outputs, and goals.
 - Phase One was overseen by an Aboriginal Treaty Working Group (*Aboriginal Community Consultations on the Design of a Representative Body*) and a *Victorian Treaty Advancement Commission*. This phase focused on establishing an Aboriginal Representative Body to oversee Phase Two.
 - During Phase One, the *Advancing the Treaty Process with Aboriginal Victorians Act 2018* was passed by the Parliament of Victoria. This is the first Treaty legislation of any Australian jurisdiction.
 - Phase One also included extensive consultations with Aboriginal and non-Aboriginal people in Victoria aimed at building public awareness and support for the Treaty process and understanding Victorian Aboriginal peoples' Treaty aspirations.
 - Phase Two started in late 2019 with establishment of the *First Peoples' Assembly of Victoria* (the Assembly). The Assembly consists of 21 Aboriginal members elected from five geographic regions across Victoria, and 10 nominees to seats reserved for Victorian Traditional Owner groups.
 - Only Victorian Traditional Owners were eligible to stand as candidates for election, but voting was open to all Aboriginal people over 16 who had resided in Victoria for at least three of the past five years.
 - The Assembly serves as the Voice of Aboriginal people in Victoria to progress the Treaty process. The Assembly does not negotiate Treaties itself but works with the State of Victoria to prepare a framework for Treaty negotiations. This includes establishment of an independent Treaty Authority to oversee negotiations.
 - Other goals of Phase Two included the development of a Treaty Dispute Resolution Process and Self-determination Fund.
 - Additional to the legislated Treaty process, following representation from the Assembly the Victorian Government has committed to facilitate Truth-telling as complementary to Treaty in Victoria, and established a Victorian Stolen Generation Redress Scheme.



- Phase Three will start when the State of Victoria and the Assembly have established the Treaty elements by agreement. It will involve the Treaty Authority overseeing the negotiation of a Treaty, or Treaties, between the Victorian Government and Aboriginal representative bodies.
 - During Phase Three, the self-determination fund will support Aboriginal representative bodies to have equal standing with the Victorian Government in treaty negotiations.
- The State and the Assembly have agreed and established all the required elements under Victoria's Treaty Act to support the formal negotiation of Treaty/treaties– including:
 - A Treaty Authority to oversee negotiations between the State and First Peoples - established by agreement in June 2022 and supported by the Treaty Authority and Other Treaty Elements Act 2022. The Bill gives the Treaty Authority the legal powers necessary to facilitate treaty negotiations and resolve any disputes between parties.
 - The Treaty Negotiation Framework signed in October 2022 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 particular priorities and aspirations.

It explains the criteria and standards that groups need to meet if they want to enter Treaty negotiations and how they can be supported – with resourcing from the Self-Determination Fund and guidance from the Treaty Authority – to enter negotiations on more equal footing with the Government.
 - Self-Determination Fund to provide First Peoples with a financial resource to support equal standing in Treaty negotiations as well as future prosperity for First Peoples – agreement signed in October 2022 and \$65 million initially committed by the State to the equal standing purpose. The Self-Determination Fund will:
 - support First Peoples to achieve political, economic, social, and cultural self-determination; and
 - enable First Peoples to maintain and strengthen their distinct economic institutions, while retaining the right to participate fully, if they so choose and to the extent they wish, in the economic life of the State.
- The Assembly will hold elections in 2023 to meet the Minimum Standards outlined in the Treaty Negotiation Framework to become the First Peoples' Representative Body for the purpose of negotiating a State-wide Treaty.

Yoorrook Justice Commission, Victoria

- The Yoorrook Justice Commission is a truth-telling body charged with establishing a record of the impact of colonisation on First Peoples in Victoria and making recommendations for action and reform. It will do this by investigating historical and ongoing injustices committed against Aboriginal Victorians since colonisation, across all areas of social, political and economic life.
- Distinguished Professor Maggie Walter, a Tasmanian Aboriginal woman, has been appointed as one of the five Yoorrook Justice Commissioners in Victoria.
- The First Peoples' Assembly of Victoria established the Yoorrook Justice Commission on 14 May 2021, with the powers of a Royal Commission to investigate historic and ongoing systemic injustices. The Commission's key functions are to:
 - Establish an official record of the impact of colonisation on First Peoples in Victoria using First Peoples' stories.
 - This will be done by inquiring into and reporting on historical systemic injustices perpetrated against First Peoples since colonisation, as well as ongoing systemic injustices.
 - Make detailed recommendations about practical actions and reforms needed in Victoria.
 - The Commission will determine the causes and consequences of systemic injustices, and is expected to make detailed recommendations for changes to laws, policy and education and the types of matters to be included in future Treaties.
 - Yoorrook released its First Interim Report on 4 July 2022. The report details Elders' experiences and identifies priority areas for the next phase of the Commission's work.
 - The Commission will submit a second report by mid-2023 that will make recommendations to be considered as part of the Treaty process.

Queensland

- The Queensland Government began a Path to Truth-telling and Treaty conversation with all Queenslanders in 2019. Two phases of this process have now been completed.
- The first phase involved establishment of an Eminent Panel, supported by a Treaty Working Group, to lead the public consultation process on what a Treaty or Treaties might mean in Queensland (terms of reference: Appendix B, Terms of Reference, Treaty Working Group (Report from the Treaty Working Group on Queensland's Pathway to Treaty, February 2020)).



- Following state-wide community engagement, the Treaty Working Group provided a report for the Eminent Panel to consider next steps for a Treaty process in Queensland. The Eminent Panel subsequently provided advice and recommendations to the Queensland Government in February 2020.
- In February 2021, the Queensland Government established a Treaty Advancement Committee to build on the work done by the Eminent Panel and the Treaty Working Group and to provide advice on how to proceed.
- During this second phase the Treaty Advancement Committee held community briefings to 'report back' to First Nations communities and non-Indigenous Queenslanders on the outcome of the first phase of the Treaty process.
- The Treaty Advancement Committee delivered its Treaty Advancement Committee Report, with recommendations for the implementation and design of the Treaty-making process with First Nations people in Queensland, to the Queensland Government in October 2021.
- The Queensland Government accepted in full, or in principle, all 22 recommendations Queensland Government Response to the Treaty Advancement Committee Report 2022.
- Three major themes that have emerged from the process so far are:
 - *Inclusion* - This is a conversation for all Queenslanders, whether Aboriginal or non-Aboriginal.
 - *Reconciliation* - Truth-Telling and healing are an important part of the Treaty process.
 - *Capability* – There needs to be investment in the capability of Queenslanders to be Treaty-ready.
- With a renewed focus, Queensland Government, First Nations people and non-Indigenous Queenslanders participated in the signing of the Queensland's Path to Treaty Commitment on the 16 August 2022. The Commitment signifies a collective pledge to be courageous and curious, to be open to hearing the truth of the State's history and to collaborate in readiness for negotiating treaties.
- Next steps include establishing:
 - a First Nations Treaty Institute (as a statutory body in control of its own funds – funded from the returns from the Queensland Path to Treaty Fund) to:
 - support capacity and capability building for First Nations groups preparing to negotiate a Treaty or Treaties
 - to develop and agree on a Treaty-Making Framework with Government.

- a Truth Telling and Healing Inquiry (to be established in legislation) will:
 - engage with communities to inquire into and chronicle the history of colonisation and the impacts on First Nations peoples and all Queenslanders
 - promote public awareness, inform education and develop shared understandings of First Nations cultures, histories, languages and traditions.
 - Prior to the First Nations Treaty Institute being established, an Independent Interim Body (with Indigenous and non-Indigenous leaders) has been appointed to:
 - co-design the legislation for the Institute and the Inquiry
 - lead local truth telling initiatives
 - undertake pre-Institute research and engagement.
 - A Government Path to Treaty Office has also been established to:
 - focus on Government Treaty Readiness
 - co-design the Institute and Inquiry legislation
 - undertake implementation steps for setting up the Institute and Inquiry
 - build public awareness of the Path to Treaty process
 - work with the Institute to develop the Treaty Making Framework
 - other policy and program activities.
- The Queensland Government established an eight-person First Nations Consultative Committee in July 2022, which has a 12-month remit to develop an Indigenous Voice preferred model for Queensland.

Northern Territory

- The Treaty process in the Northern Territory (NT) formally started in June 2018, when the four statutory NT Aboriginal Land Councils signed the Barunga Agreement with the NT Government.
- A Northern Territory Treaty Working Group was established as an interim measure to start discussions (terms of reference: Northern Territory Treaty Working Group).
- The Barunga Agreement set out the fundamentals towards treaty and a new relationship between Aboriginal people, the NT Government and the broader population of the NT. The agreement stated:
 - Aboriginal people, the First Nations, were the prior owners and occupiers of the land, seas and waters that are not called the Northern Territory of Australia



- The First Nations of the Northern Territory were self-governing in accordance with their traditional laws and customs; and that
 - First Nations peoples of the Northern Territory never ceded sovereignty of their lands, seas and waters.
- In response to the Barunga Agreement, the NT Parliament passed the Treaty Commissioner Act 2020, creating the statutory role of NT Treaty Commissioner and the Office of the NT Treaty Commission. The NT Treaty Commissioner's legislated function was:
 - To determine support for a Treaty in NT among both Aboriginal people and the general population.
 - To consider what a Treaty in the NT should seek to achieve; whether there should be one or multiple Treaties in the NT; what outcomes may be possible for Aboriginal people in NT under a Treaty; and what form a Treaty should take.
 - To research best practice processes in Treaty negotiations and consider which process would be suit NT.
 - To advise to the NT Government on these and other matters relating to Treaty.
- The Office of the Treaty Commission provided a Final Report to the NT Government in June 2022. The report includes nine recommendations regarding Treaty in NT, as well as recommendations for the NT Government to consider in its response.
- The Report summarises the themes arising from the two stages of Treaty consultation and contextual factors into three key principles that must underpin Treaty-Making Framework in the NT:
 - Follow a First Nations-based approach:
 - Each First Nation must speak for itself, and therefore, Treaties should be between individual First Nations (or coalitions of First Nations) and the NT Government
 - Respect for First Nations decision-making
 - Respect for First Nations Country and land boundaries
 - Providing space for the creation of First Nations Coalitions
 - Follow a Human Rights-based approach:
 - Treaty-making must be consistent with the minimum standards contained in the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP) and the Van Boven/Bassiouni Principles (Van Boven Principles) regarding reparations for gross violations of human rights



- Follow a Self-Government-based approach:
 - Treaty in the NT must lead to the formal recognition and empowerment of First Nations self-government, in recognition that Aboriginal people self-governing over the traditional lands in the NT for thousands of years.
- The nine Treaty recommendations are:
 - Establishment of a First Nations Forum, through which NT Aboriginal people will endorse a Treaty model and decide how they should be represented in Treaty negotiations.
 - Development of a Treaty process that allows for the negotiation of multiple Treaties, to include:
 - a territory-wide Agreement, to be negotiated first and establish the broad scope, minimum standards, key principles, and mandatory terms necessary for all subsequent Treaty negotiations; and
 - negotiation of individual Treaties between First Nations (or coalitions of First Nations) and the NT Government.
 - Development of a process for First Nations to gain official recognition as Nations, and transition to a First Nations Government.
 - Establishment of an Office of Treaty-Making in the NT Government to coordinate NT Government Treaty activities.
 - Creation of an Aboriginal Ombudsman role to respond to complaints regarding government participation in the Treaty process.
 - Creation of a First Nations Treaty Tribunal to deal with disputes in relation to First Nation membership and boundaries, and in relation to Treaty performance.
 - Delivery of significant legislative reform to support Treaty in the NT, including:
 - expansion of the Treaty Commission to become a Treaty and Truth Commission under new legislation, to progress Truth-Telling work across the NT and support Aboriginal people prior to and during the Treaty negotiation process.
 - development of a *First Nations Self-Government Act* to provide the legislative basis for First Nations to seek recognition and transition to First Nation Governments; and
 - amendment of the *Local Government Act 2019* to acknowledge Traditional Owners, define the limits of local government and First Nations' jurisdiction,

incorporate human rights principles, and provide greater decision-making mechanisms for First Nations people in local councils.

- Ensuring both First Nations and the NT Government take steps to become 'Treaty-ready' and position themselves to negotiate and implement Treaties as equal parties.
- The NT Government is considering its response to the Final Report and has indicated it will provide a response at the end of 2022.
- In addition, the NT Government committed to the implementation of the Everyone Together Aboriginal Affairs Strategy which intends to reshape how it engages with Aboriginal people. It is a 10-year strategy, ending in 2029.

South Australia

- The Government is committed to progressing treaty and truth-telling in the order specified in the Uluru Statement from the Heart. Those two pieces of work will be led and/or informed by the proposed SA First Nations Voice.
- In 2016 the South Australian government announced its intention to negotiate treaties with Indigenous groups across the state, setting aside \$4.4 million over five years for this purpose.
- In 2017-18, the then Government launched treaty negotiations with three Aboriginal nation groups – Adnyamathanha, Narungga and Ngarrindjeri – represented by recognised Aboriginal Regional Authorities (ARAs).
- The negotiations led to the signing of the ten-year Buthera Agreement between the government and the Narungga Nation Aboriginal Corporation (NNAC), the Prescribed Body Corporate for Narungga people.
- Whilst the ARA policy was discontinued under the subsequent Government; the Buthera Agreement has continued.
- The South Australian Government released a draft Bill for a (jurisdictional) First Nations Voice to Parliament on 9 November 2022. Consultation on the draft Bill will run until 6 January 2023, after which the Bill will be presented to the South Australian Parliament for debate.
- The First Nations Voice Bill 2022 proposes:
 - A strong, independent and direct line of communication for First Nations peoples to South Australia's Parliament.
 - Regions are established in South Australia, each with their own Local First Nations Voice. The number of members and regions has yet to be determined but each

Local First Nations Voice would have an equal number of male and female members.

- o The State First Nations Voice would comprise the joint presiding members (both male and female) of each Local Voice.
- o Local Voice members are First Nations people, elected by First Nations people in each region. The election process is managed by the Electoral Commission of South Australia. Members would be appointed for four years, and elections held at the same time as State elections (after an initial election).
- o Local Voice considers matters of interest to First Nations people and will inform and advise State Government departments and other organisations on issues importance to the local First Nations community.
- o Local Voice would inform and advise the State First Nations Voice.
- o The State First Nations Voice will be able to address the Parliament on particular Bills of interest to First Nations people, make an annual address to Parliament, provide reports to Parliament on matters of interest and engage Ministers and Chief Executives in annual meetings.

Western Australia

- The Government has not started any formal process of treaty-making in the State.
- Truth-telling is a key component of the Western Australia Government's Aboriginal Empowerment Strategy, released in September 2021, contributing towards two key outcomes: the promotion of healing and the elimination of racism.
- The Government has previously undertaken, and is currently undertaking, a number of projects which incorporate truth-telling including the Wadjemup Project and future State Aboriginal Cultural Centre.

Australian Capital Territory

- In 2018, the ACT Government began talks to progress Ngunnawal Territory Treaty.
- In March 2022, it established a \$20 million Healing and Reconciliation Fund to help support this process, which included funding the preliminary-to-Treaty Healing Project facilitated by Karabena Consulting.
- Karabena Consulting delivered the Implementation Pathways to achieve Ngunnawal. First Nations Peoples and Australian Capital Territory Government. Treaties Report in June 2022 that proposes three key elements to the Treaty process:



- Reparation – to compensate the Ngunnawal Traditional Owners in the ACT region, and to establish a Ngunnawal Future Fund for Traditional Owners to resource their family aspirations.
 - Participation – to initiate Truth Telling and other Treaty-related programs for the wider Aboriginal and Torres Strait Islander community.
 - Representation – to install a Voice to Parliament, in this case, the ACT Legislative Assembly.
- The report states that the following mechanisms are needed to achieve the three key elements of Treaty:
 - A Ngunnawal ACT Government Treaty Unit
 - A Ngunnawal Future Fund
 - Reparations provided to Ngunnawal Elders
 - Reparations provided to those affected by forced removals from Country and from families
 - The ACT Aboriginal and Torres Strait Islander Elected Body to become the ACT Treaty Commission.
- Professor Arabena was appointed as an envoy to progress preliminary negotiations and presented the final report to Minister Stephens-Smith on 7 July 2022. The Government will announce further developments in response to the report.
- The Government is currently supporting a healing process with local Indigenous communities, which hold diverse views on Treaty, the final report, and the pathway forward.

New South Wales

- The NSW Government indicated that the Truth-telling and Treaty agendas are matters to be progressed by the Commonwealth in the first instance. (See Aboriginal Affairs, NSW Government, for more information on NSW government programs and policies.)

Commonwealth

Uluru Statement from the Heart

- The Uluru Statement from the Heart, developed at the 2017 National Constitutional Convention, calls for a national Treaty, a truth and justice commission, and a national representative body (Makarrata Commission). The Uluru Statement also seeks

constitutional reforms to empower First Nations people and to take a rightful place in their own country.

- The Uluru Statement calls for a permanent forum of representation from which First Nations can advocate for their peoples to the Parliament and Government.
- The Uluru Statement asks that this representation be enshrined in the constitution, so it cannot be removed by any government of the day. To enshrine the voice, the Australian Constitution must be amended, and that can only be done by referendum.
- Further information on the Uluru Statement from the Heart and Commonwealth activities are available on the [NIAA website](#).

Referendum

- In its 2021 Federal election commitments, the Labor Party promised to hold a referendum on an Indigenous Voice to Parliament referendum during its first term of government, most likely in mid-2024.
- Indigenous Affairs Minister Linda Burney has said 'Australians are more than ready for the discussion about a voice to parliament. We are already having it. It's time we put the discussion at the centre of our national discourse and took it to a vote' (*The Guardian* 23 May 2022).

Makarrata Commission, Commonwealth

- The Australian Government has committed to establishing a Makarrata Commission as part of the implementation of the Uluru Statement. 'Makarrata' is a Yolngu word that means to come together after a struggle or dispute, to make peace.
- The Uluru Statement sees the Makarrata Commission as having two roles:
 - supervising a process of agreement-making, and
 - overseeing a process of Truth-Telling at a national, regional, and local level, providing support, momentum, and helping the parties reach agreement.

Canada

- Information on historic and modern treaties in Canada, treaty rights and treaty relationships are available at [Canada.ca](#).
- The Truth and Reconciliation Commission of Canada was active between 2007 and 2015. The Commission focussed on the legacy of the Indian Residential Schools system.



New Zealand

- Background information on the Treaty of Waitangi, New Zealand's founding document is available at [New Zealand History](#).
- There were two versions of the Treaty—in English and in Māori – with substantial differences in interpretation, especially around Māori sovereignty.
- In 1975, the [Waitangi tribunal](#) was set up to determine the issues raised by these different meanings. In 2014 it decided the Māori leaders who signed did not cede sovereignty.

Meeting four Aboriginal Advisory Group on Truth-telling and Treaty

Record of Meeting Friday 14 July 2023

Level 7 Large Meeting Room, 15 Murray Street; and MS Teams

Attendees:

- **Aboriginal Advisory Group members:**
 - Dave mangenner Gough (Chair);
 - Nick Cameron;
 - Rodney Dillon;
 - Maxine Roughley;
 - Teresa Sainty.
- **Government representatives:**
 - Caroline Spotswood (Director Aboriginal Partnerships, DPaC);
 - Mel Gray (Deputy Secretary Community Partnerships and Priorities, DPaC);
 - Courtney Hurworth (Executive Director Community Policy and Engagement, DPaC);
 - Jonathan Roe (Senior Policy Analyst Aboriginal Partnerships, DPaC - notetaker).

Apologies:

- **Aboriginal Advisory Group members:**
 - Nil.
- **Government representatives:**
 - Kate Harrison (Senior Policy Analyst Aboriginal Partnerships, DPaC – Secretariat).

Items discussed:

1. Welcome and Acknowledgement of Country

- Chair Dave mangenner Gough opened the meeting at 10.13 am. The Chair acknowledged Tasmanian Aboriginal Lands and Elders, and the Tasmanian Aboriginal people present at the meeting.
- The Chair emphasised the serious and important nature of the Aboriginal Advisory Group's work and spoke of his respect for all Group members for their individual and collective efforts to progress the interests of Tasmanian Aboriginal people over many years. A treaty between Tasmanian Aboriginal people and the Tasmanian Government has been 'unfinished business' since the 1830s, and is highly significant in Tasmanian history.

2. Keeping a formal record of Aboriginal Advisory Group meetings

- The Group discussed the purpose of recording meeting procedures and outcomes and agreed that it will help to keep track of work and progress, and to identify any attendance issues. It was also noted that the historical weight and importance of the Group's work merits formal documentation.

- The Group considered the following questions:
 - How should Minute taking be arranged and managed, and who should be responsible for it?
 - Are there matters that should not be included in the publicly available Minutes, and who will make these decisions?
 - What process will ensure that Minutes can be properly reviewed and approved by Group members?
 - Should the administrative and record keeping functions of the Group be primarily the responsibility of the Group, or of the Government?
- The Group expressed a preference that the Minutes of the Group meetings should be publicly available as a demonstration of the group's representative and open proceedings. On this point and as a matter of precedent, Group members queried whether the Minutes of the Aboriginal Heritage Council are publicly available.
 - **Action:** Check availability of Aboriginal Heritage Council Minutes and related documentation (DPaC).
- The Group agreed that it needs dedicated secretariat or administrative support staff and noted the example of Victoria, which originally seconded government employees to support its Treaty process during the establishment of fully independent Treaty bodies.
- The Group considered:
 - How the Group can establish a secretariat or administrative position in the short-term; and
 - How this position, and the Group itself, can be supported to become more self-sufficient and independent into the future.
- Government representatives noted that the Government is happy to provide support and advice to the Group, and to research models of independent operation and provide options for the Group to consider.
 - **Action:** Research and develop models of independent operation for the Group to consider (DPaC).
- The Group acknowledged that what has worked in other jurisdictions' treaty processes may not be successful or even applicable in Tasmania. However, a situational scan of other jurisdictions' progress and processes, highlighting what has worked well and what hasn't, will help inform the Group's advice to Government.
- Members of the Group who also sit on the Aboriginal Heritage Council noted they would like the Minister's recent statement to the Aboriginal Heritage Council to be shared with the Group, assuming Aboriginal Heritage Council members are agreeable to this.
- For the benefit of Group members who do not sit on the Aboriginal Heritage Council, the Chair provided a brief explanation of the Minister's statement:
 - At a recent sitting of the House of Assembly a Tasmanian Greens MP quoted a submission, made by the Circular Head Aboriginal Corporation and the Brumby Hill Aboriginal Corporation to the review of the Aboriginal Lands Act, claiming that Tasmanian Aboriginal people do not legally exist. The Minister was asked to respond to this claim.
 - The Tasmanian Aboriginal community in general were deeply disappointed by the Minister's initial response to the House. This led to the resignation from the Aboriginal Heritage Council of a highly experienced and respected member of the

Tasmanian Aboriginal community; and a boycott of Aboriginal Heritage Council meetings by two other members. This left the Aboriginal Heritage Council effectively unable to function.

- To remedy the situation, the Minister attended a meeting of the Aboriginal Heritage Council and tabled a subsequent statement he made to the House of Assembly, in which he strongly rejected claims about the legal nonexistence of Tasmanian Aboriginal people. The Minister agreed to release this statement to the media to reassure the Aboriginal Heritage Council, and the Tasmanian Aboriginal community, of his ability to represent them.
- The Chair of the Aboriginal Heritage Council subsequently wrote to the Minister reaffirming its understanding of his promise and his commitment to correct the public record.
- The Group noted that the Minister is yet to follow through on his commitment and that the Aboriginal Heritage Council will likely not be able to progress any business until this occurs.
- The Group moved that its formal Minutes will be taken by Government representatives until such time as it appoints its own secretariat and administrative staff; and that draft Minutes will be circulated to Group members for review and endorsement prior to circulation.
 - Moved – Maxine.
 - Seconded – Rodney.
 - Passed unanimously.

3. Aboriginal Advisory Group Road Map (Workplan)

- The Group referred to the draft Road Map and considered its proposed structure and focus areas guided by the following questions:
 - Does the draft Road Map properly illustrate the work of the Group?
 - Would Group members prefer to use a different model to plan their work?
 - What should be the first steps in the Group's work program?
- The Group agreed that whatever final form the Road Map takes, it should be shared with the Tasmanian Aboriginal community in the interests of transparency.
- The Group's discussion reached the following preliminary conclusions; the Road Map should be structured sequentially, with the first focus area to be knowledge gathering, followed by engagement, then development of truth-telling and treaty models, and finally reporting.
- Group members raised a concern that the information delivered by guest presenters to earlier meetings of the Group had not been consistently or comprehensively documented and queried whether the Group could obtain additional written details of these presentations.
- Government representatives suggested that Community Partnerships and Priorities could collate and store the presentations provided to the Group, along with internal Government analyses of truth-telling and treaty models in other jurisdictions. This could form the foundations of a resource bank for the Group.
- The Group agreed to this suggestion and noted that it was happy for Community Partnerships and Priorities to start populating the Road Map for the Group to amend and refine further.

- **Action:** Establish an Aboriginal Advisory Group resource bank (DPaC).
- **Action:** Populate draft Aboriginal Advisory Group Road Map for further development (DPaC).

Non-agenda item: Statement of Aboriginal sovereignty

- Not relevant, 9.20 raised the matter of Tasmanian Aboriginal sovereignty. He emphasised it is critically important that both the Tasmanian Aboriginal community and the Government understand the Group's involvement in the truth-telling and treaty does not in any way diminish the sovereignty of Group members or the Tasmanian Aboriginal community.
- All Group members strongly agreed with this position. They suggested that a statement to this effect be included in the Group's Terms of Reference, and that the Terms of Reference subsequently be made publicly available.

Lunch

- The Group adjourned for lunch between 12.06 pm and 12.39 pm.

Non-agenda item: Statement of Aboriginal sovereignty

- Following the lunch break, Nick presented some draft text for addition to the Terms of Reference based on the discussion before lunch. The Group unanimously agreed to include the text as an opening statement to its Terms of Reference, accompanied by the signatures of all Group members.
 - **Action:** Amend the Terms of Reference for the Aboriginal Advisory Group to include an opening statement confirming Tasmanian Aboriginal sovereignty, and signatures of Group members (DPaC).

4. Resources to support the Aboriginal Advisory Group

- The Chair invited Mel to clarify the steps and options for resourcing the Group, in terms of both money and personnel.
- Mel explained that there are a range of options available to the Group, including re-prioritisation of existing Community Partnerships and Priorities resources, and noted the \$500 000 allocated to truth-telling and treaty activities in the 2022-23 Tasmanian State Budget. Based on the discussion at Item 2, Mel acknowledged the Group's priority to secure independent personnel. Community Partnerships and Priorities will prepare some resourcing options for the Group to consider; Mel invited the Group to provide any ideas or priorities for inclusion.
 - **Action:** Develop resourcing options for consideration by the Aboriginal Advisory Group (DPaC).
- Mel reported that Ministerial and Executive Services in DPaC has prepared a sizing statement for the Group, which will enable the remuneration of members. The Group has been classified as E4 category.
- Group members queried the E4 classification, commenting that it was borderline disrespectful given the comparative example of the Aboriginal Heritage Council (which is classified E3). Given the significance of truth-telling and treaty, the Group agreed that the remuneration offered by the Government should reflect this significance.
- The Group also requested a comparison of the proposed remuneration rate for the Group with the remuneration rate for Aboriginal Heritage Council members and queried how the early advisory groups in Victoria's Treaty process were remunerated.

- Government representatives committed to asking Ministerial and Executive Services to reconsider the sizing decision.
 - **Action:** Research and prepare comparison of remuneration rates for the Aboriginal Heritage Council and the Victorian Treaty bodies (DPaC).
 - **Action:** Request reclassification and sizing of the Aboriginal Advisory Group by Ministerial and Executive Services (DPaC).
- Mel then flagged that tuylupa tunapri may request resources from the Government to support its previous and ongoing treaty work, noting that any funding to tuylupa tunapri will be drawn from the same pool as that available to the Group.
- Group members acknowledged tuylupa tunapri's work and agreed its proposed treaty model should certainly be one of the models considered by the Group in its research and information gathering work. However, they had several queries around the issue of providing truth-telling and treaty funding to tuylupa tunapri:
 - Would funding to tuylupa tunapri be negotiated and delivered through the Government, or through the Group, or both?
 - What further funding does tuylupa tunapri require given it has already developed its preferred treaty model?
 - What impacts would funding tuylupa tunapri have on the Group's ability to progress its work?
 - What would be the expected outcomes of funding tuylupa tunapri?
 - How would the Government ensure that tuylupa tunapri and the Group work complementary to each other, rather than at cross purposes?

Non-agenda item: Briefing opposition parties

- The Chair noted the possibility of an early election and asked how this could impact the work and functions of the Group.
- Government representatives reassured Group members that Community Partnerships and Priorities, as part of the incoming government briefing processes, would inform any new Government of the Group's work and recommend that it be continued.
- The Group appreciated this assurance and asked whether Community Partnerships and Priorities can brief opposition parties on what the Group is doing.
- Government representatives explained that the Group is free to ask the Minister to brief opposition parties on its behalf, or to brief opposition parties itself. Group members agreed to this course of action, confirming that the Group should brief all opposition parties and not just the majority opposition.
- The Group moved that it write to the Minister for Aboriginal Affairs recommending briefings for opposition parties on the Group's purpose and work to date.
 - Moved – Not relevant, s 36
 - Seconded – Not relevant, s 36
 - Passed unanimously.
 - **Action:** Draft letter to the Minister for Aboriginal Affairs recommending briefings for opposition parties on the Group's purpose and work to date (DPaC).

5. Workplace Health and Safety

- Government representatives introduced this item and explained that, following recent amendments to the Workplace Health and Safety Act, Jenny Gale, Head of the Tasmanian State Service, now has added responsibility for ensuring psychosocial safety in Government workplaces, which include boards and committees.
- The Chair queried whether the Group's Terms of Reference would need to be updated to include this duty of care, noting that the Group has already had to deal with some sensitive and difficult issues.

• **s 36, Not relevant**

- Regarding this statement, Government representatives clarified that Ministers do not have any legal responsibilities under the Workplace Health and Safety Act – these responsibilities rest with the Head of the State Service as the delegated 'person conducting a business or undertaking'.
- The Group reflected that appropriate behaviour among Group members does not necessarily need to be set out in a separate code of conduct but can be managed during real time in meetings, with the Terms of Reference to emphasise that all Group members are responsible for treating each other with respect and dignity.
 - **Action:** Amend the Terms of Reference for the Aboriginal Advisory Group to include the responsibility of members to ensure each other's psychosocial safety (DPaC).

6. Aboriginal Advisory Group: new member

- The Chair noted that the Group had previously discussed recruiting a new member to fill its current vacancy and ran through a list of things to consider regarding potential new Group members including their ancestry, their ability to represent the Tasmanian Aboriginal community, and their knowledge and understanding of truth-telling and treaty.
- Group members proposed that the Group simply continue with five members, as the current situation does not seem to be compromising its ability to function, and suggested the Group inform the Minister that its preference is to continue operating with five members.
- The Chair agreed, noting that regional representation is a matter for consideration but pointing out that the Aboriginal Advisory Group is intended to represent Tasmanian Aboriginal people as-a-whole.
- Group members also noted that having a vacant position allows the Group the option of co-opting external experts to attend specific meetings or work on specific projects as required, and that that this approach is consistent with the Government's commitment that the Pathway to Truth-telling and Treaty in Tasmania should be an Aboriginal-led process.
- The Group moved that it respond to the Minister stating its preference to maintain its current membership; also, that future membership decisions should be a matter for the Group rather than the Minister.
 - Moved – **s 36, Not relevant**
 - Seconded – **Not relevant, s 36**
 - Passed unanimously.

- **Action:** Draft letter to the Minister for Aboriginal Affairs stating the Group's preference that its membership remain as-is; and that future membership decisions be a matter for the Group rather than the Minister (DPaC).

7. Calendar of meetings 2023-24

- The Chair noted and expressed appreciation that the proposed schedule for future Group meetings avoids clashes with Aboriginal Heritage Council meetings. Group members were also pleased with the proposed increase in the frequency of Group meetings.
- The Chair asked all Group members to check their availability against the proposed meeting dates and confirm their preferred meeting schedule.
 - **Action:** Group members to check their availability against the proposed meeting dates and confirm their preferred meeting schedule to Community Partnerships and Priorities.
 - **Action:** Community Partnerships and Priorities to send placeholder meeting invitations to Group members to help with scheduling and planning (DPaC).

8. Agree Chair of next meeting

- Based on previous Chairs' guidance regarding the amount of work involved, Maxine agreed to Chair the next meeting.
 - **Action:** Work with Maxine to organise the next Aboriginal Advisory Group meeting, including a guest presentation from Dale Agius (DPaC).
- On a related matter, Dave asked whether his responsibilities as Chair for this meeting would extend until the next meeting or cease at the close of today's business.
- Group members explained that the only relevant task of a meeting Chair once the business of the meeting concludes is confirming the Minutes and answering any questions relating to the meeting communiqué.
- Dave was satisfied with this answer and requested that Community Partnerships and Priorities provide the draft Minutes to Group members sufficiently prior to the next meeting in case amendments are required.
 - **Action:** Provide draft Minutes to Group members for review and endorsement as soon as possible following this meeting (DPaC).

9. Draft communiqué

- Group members discussed the content of the draft meeting communiqué. The Chair advised treating the communiqués from each meeting as chapters of an ongoing story, to ensure continuity and avoid repetition while capturing key points and outcomes. Group members agreed the final communiqué text (attached).
 - **Action:** Distribute communiqué to Tasmanian Aboriginal community-controlled organisations (DPaC).

10. Other business

- Group members raised the possibility of establishing a social media presence for the Aboriginal Advisory Group and suggested that this be added to the next Group meeting agenda for consideration.
 - **Action:** Include Aboriginal Advisory Group social media presence as an item for discussion on the agenda for the next Group meeting (DPaC).

Minute to the Minister for Aboriginal Affairs

Ministerial reference:

DPAC CM reference: 23/498161

Related document(s) CM reference: 23/497100, 23/498161/1-14,
23/498161/20CRITICAL DATE: 9th October

APPROVED / NOT APPROVED

SIGNED:

DATE:


8/11/27

Subject: Appointment of Aboriginal Advisory Group for Truth-telling and Treaty members

MINISTER'S NOTATION:

RECOMMENDATION:

That you

(1)

(2)

(3)

(4)



KEY ISSUES:

- The purpose of the Aboriginal Advisory Group for Truth-telling and Treaty is to deliver strategic, authentic cultural advice to inform decision making, and whole of government policy, in relation to a process towards attaining truth-telling and treaty with Tasmanian Aboriginal people.
- The Aboriginal Advisory Group has been sized as E2 – Policy/Review/Specialist (Broad), reflecting the wide-ranging impacts of its advice across multiple Ministerial portfolios and state-wide. The impacts of the advice will be critical to the broad public interest, with potential for long-term structural and cultural progress for Tasmania.

- Aboriginal Advisory Group members will be paid \$17,781 per annum with the Chair role paid at \$29,633 per annum, noting that the Chair will rotate between the membership. The estimated cost of the Aboriginal Advisory Group for the period February 2023 to June 2024 is \$134,342. A further \$2,000 is to be disbursed to Ms Gypsy Draven for her participation in the first two meetings of the Group.
- s 27
- s 27
- The balance of funds will be utilised to advance the Aboriginal Advisory Group's Road Map (work plan), including further engagement with key stakeholders in Truth-telling and Treaty, and possible travel to other jurisdictions.
- s 27
- Remuneration for the Aboriginal Advisory Group is backdated to the Group's initial meeting on 6 February 2023.
- s 27

BACKGROUND:

- The Aboriginal Advisory Group for Truth-telling and Treaty was announced on 2 December 2022 with the media release advising that members will be remunerated consistent with other advisory bodies.
- The Minister announced the membership of the Aboriginal Advisory Group in December 2022, however, the sizing was not completed until August 2023.
- To date, the Group has met five times: 6 February, 14 April, 18 May, 14 July and 18 August. The next meeting of the Group is on 13 October 2023.
- s 27
- The Aboriginal Advisory Group is developing a Road Map covering planned activity including travel to other jurisdictions.

Aboriginal Advisory Group for Truth-telling and Treaty

Terms of Reference

Context	<p>Tasmanian Aboriginal people have lived on this island since creation. Tasmanian Aboriginal communities thrived through culture, language, education, science and lore. Knowledge passed down and across generations, enabling families and communities to flourish, and forge deep connection to land and water. This culture, language and knowledge is still passed on today.</p> <p>Tasmanian Aboriginal people have endured, with courage resilience and determination, invasion, dispossession and segregation. Lands have been stolen and Tasmanian Aboriginal people continue to live through violence, racism, and discrimination, from individuals and institutions.</p> <p>Tasmanian Aboriginal people have fought tirelessly for rights, justice and sovereignty. In 1831 Mannarlargenna entered an agreement with the colonial government to desist from fighting for reparations. This was an acknowledgement that Tasmanian Aboriginal people owned their lands. Government has not yet honoured this agreement. Systemic change is needed, to rectify the wrongs of the past and the continued discrimination and racism experienced by Tasmanian Aboriginal people.</p> <p>Systemic change, including truth telling and treaty, is the only pathway for Tasmanian Aboriginal people and the wider Tasmanian community to come together, and walk into a more just future. This process of restorative justice is about healing. This process will be hard. Confronting the horrors of the past, and the discrimination and inequalities of the present will not be easy. But Tasmanian people cannot move forward together if this is not done.</p> <p>The Aboriginal Advisory Group, through a culturally safe environment will provide practical, workable, advice and action for the Tasmanian Government to design a model for truth telling, and to lay a foundation for Treaty between Tasmanian Aboriginal people and the Tasmanian Government.</p>
Membership	<p>Members are appointed by the Minister for Aboriginal Affairs. Members are of recognised Tasmanian Aboriginal ancestry. Members are appointed as individuals and not representatives of any organisation. Members hold significant and unique expertise relevant to the work of the Advisory Group.</p> <p>Membership is time limited and will be reviewed by the Secretariat in consultation with the Group after 12 months.</p> <p>The Group may provide advice to the Minister to appoint new members to fill vacant seats.</p>
Purpose	<p>The purpose of the Aboriginal Advisory Group is to deliver strategic, authentic cultural advice to inform decisions, and whole of government policy, in relation to a process towards attaining truth telling and treaty with Tasmanian Aboriginal people.</p> <p>The impacts of the advice will be wide ranging across multiple Ministerial portfolios, and state-wide. The impacts of the advice will be critical to the broad public interest, with potential for long-term structural and cultural progress for Tasmania.</p>
Functions	<p>To undertake this purpose, the Aboriginal Advisory Group will:</p> <ul style="list-style-type: none"> • Assess and analyse truth-telling and treaty processes around Australia and the world • Advise on a model for truth-telling that meets the needs of Tasmanian Aboriginal people • Co-design a process, with Tasmanian Aboriginal People and the Tasmanian Government, towards Treaty
Roles and Responsibilities	<p>Each meeting will be chaired by a member of the Aboriginal Advisory Group. The meeting Chair will be appointed by members at the conclusion of the preceding meeting.</p>

The Chair will:

- facilitate the Welcome to Country or Acknowledgment of Country
- finalise the agenda with the Secretariat
- ensure the meeting is culturally safe and appropriate
- speak for the Group in the period between that meeting and the next meeting
- finalise the Communique of the meeting with the Secretariat

Members will:

- develop a group workplan including a progress report to Tasmanian Aboriginal people and the Tasmanian Government;
- be guided by Tasmanian Aboriginal people including Elders and young people.
- engage with, learn from and be informed by the views of Tasmanian Aboriginal people.
- be required to respond to out of session requests for input, meetings or advice.

Non-attendance of members – if members have unexplained absences for three (3) consecutive meetings, the member may be removed by the Minister, under advice from the Advisory Group.

The Minister on the advice of the Group may remove a member for breaching the terms of reference.

Remuneration	TBC
Expenses	Members will be reimbursed for any reasonable expenses incurred because of membership of the Aboriginal Advisory Group.
Meetings	<p>Meetings of the Aboriginal Advisory Group will be run using standard committee meeting protocols.</p> <p>Meetings of the Aboriginal Advisory Group will be monthly. They may be attended online. Meeting outcomes will be recorded in a communique.</p> <p>The Premier and Minister for Aboriginal Affairs will attend on invitation by the Group.</p> <p>Guest speakers/presenters and community representatives will attend by invitation of the Group.</p>
Conflicts of Interest	<p>Members share the table as individual Tasmanian Aboriginal people, to provide advice and guidance to the Tasmanian Government.</p> <p>Members are accountable to other Tasmanian Aboriginal people, rather than any role associated with an Aboriginal community organisation.</p>
Confidentiality	<p>Members respect the confidentiality of meeting proceedings.</p> <p>Members are guided by meeting communiques when talking about the work of the Aboriginal Advisory Group outside of meetings.</p> <p>Members do not discuss the work of the Aboriginal Advisory Group on social media.</p>

Communications	<p>Members will develop and agree a communique at each meeting for distribution to Aboriginal community organisations, Aboriginal people, the Tasmanian Government, and the media. The meeting Chair will finalise the communique with the Secretariat.</p> <p>The current meeting Chair performs the duties as official spokesperson for the Group up until the next meeting.</p> <p>The Aboriginal Advisory Group will have a dedicated email address enabling communications directly with Aboriginal people and the Tasmanian community.</p> <p>The Aboriginal Advisory Group may utilise a social media medium as a mechanism for enabling communications directly with Aboriginal people and the Tasmanian community</p>
Secretariat	<p>The Aboriginal Advisory Group will be supported by the Aboriginal Partnerships unit of the Department of Premier and Cabinet, including:</p> <ul style="list-style-type: none"> • Secretariat support • Sitting fees and reimbursement of out-of-pocket expenses • Communications • Meeting invitations to guest speakers/presenters • Interstate and overseas visits • Dedicated resource

The Terms of Reference is a fluid document and may be revisited at any time with consensus of the Group.

This version of the Terms of Reference was endorsed 18 May 2023.

SIZING STATEMENT FOR GOVERNMENT BOARD

Name of Board:	Aboriginal Advisory Group for Truth-Telling and Treaty
Establishing Legislation:	N/A
Responsible Agency:	Department of Premier and Cabinet
Category:	E2 – Policy/Review/Specialist (Broad)
Rate for Chairperson:	to be confirmed* (maximum \$29,633)
Rate for Member:	to be confirmed (maximum \$17,781)

Reasons for Sizing:

The functions of the Aboriginal Advisory Group are to:

- assess and analyse truth-telling and treaty processes around Australia and the world;
- advise on a model for Truth-Telling that meets the needs of Tasmanian Aboriginal people; and
- co-design a process, with Tasmanian Aboriginal people and the Tasmanian Government towards Treaty.

The Aboriginal Advisory Group will provide practical, workable advice and action for the Tasmanian Government to design a process for Truth-Telling and Treaty between Tasmanian Aboriginal people and the Tasmanian Government.

The role of the Aboriginal Advisory Group is to deliver high-level strategic, authentic cultural advice to inform decisions, and whole-of-government policy, in relation to a process towards attaining Truth-Telling and Treaty with Tasmanian Aboriginal people.

The impacts of the advice will be wide ranging across multiple Ministerial portfolios, and statewide. The impacts of the advice will be critical to the broad public interest, with potential for long-term structural and cultural progress for Tasmania.

Members are appointed by the Minister for Aboriginal Affairs. Membership will comply with the Policy on Eligibility for Tasmanian Government Aboriginal and Torres Strait Islander Programs and Services. Members are appointed as individuals and not representatives of any organisation. Members hold significant and unique expertise, hold Aboriginal knowledge and have leadership roles with Tasmanian Aboriginal people across the State relevant to the work of the Aboriginal Advisory Group.

Membership is time limited and will be reviewed by the Department of Premier and Cabinet in consultation with the Minister's Office and with the Aboriginal Advisory Group after 12 months. The Aboriginal Advisory Group may provide advice to the Minister to appoint new members to fill vacancies.

Authorised by: Courtney Ingham
Position: Manager Ministerial and Executive Services,
Ministerial and Executive Services

 5 August 2023

Each meeting will be chaired by a member of the Aboriginal Advisory Group. The next meeting Chairperson will be appointed by members at the conclusion of the preceding meeting.

The term for Ministerial appointments is for a period not exceeding twelve months and Aboriginal Advisory Group members may be reappointed if eligible.

Meetings of the Aboriginal Advisory Group will be monthly.

The Aboriginal Advisory Group is categorised as a policy review body with broad focus (E2) due to its important role in providing specialist community input and advice to influence strategic decision-making in relation to Tasmanian Government policy.

*As the chairperson position rotates, the relevant member is paid an additional sitting fee of \$120 per session when they are chairperson.

Issues Briefing to the Minister for Aboriginal Affairs

NOTED

SIGNED:

DATE:

Ministerial reference:

DPAC CM reference: 23/547321

Related document(s) CM reference: 23/547321/3 - 9

CRITICAL DATE:

Subject: Aboriginal Advisory Group for Truth-telling and Treaty

MINISTER'S NOTATION:

PURPOSE:

That you note:

(1)

(2)

s 27

KEY ISSUES:

- The Aboriginal Advisory Group has identified its next steps:
 1. Delivery of a co-drafted interim report by late December 2023
 2. Meeting with the Minister and the Premier in January 2024
 3. Recruitment of a consultant to coordinate engagement and deliver the final report; coordinated by DPAC in early 2024 and a
 4. Final report with a yet to be determined delivery date.

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s 27

- The Aboriginal Advisory Group intends for the consultant to manage an inclusive and accessible engagement process on its interim report.

- s 27

BACKGROUND:

Progress

- The Aboriginal Advisory Group has now met six times, including three detailed briefings from Victoria and South Australia (see Attachment 1), and the Group is presently in the knowledge gathering stage.
- The Group's 3 November meeting was a workshop to map out the forward pathway to meeting its deliverables for Government, which are a model for Truth-telling and a process for Treaty.
- A communique for this, and each meeting of the Aboriginal Advisory Group, has been distributed by email to all Tasmanian Aboriginal Community Controlled Organisations (service providers), to all Tasmanian Aboriginal Organisations (those without a service delivery function), and to the Tasmanian Regional Aboriginal Communities Alliance and the Tasmanian Aboriginal Health Reference Group. All communiques distributed are attached (refer Attachment 4 - 9).

Workshop outcomes

- s 27

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s 27

Engagement

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Briefing the Minister and the Premier

- The Aboriginal Advisory Group appreciates that there may not be an opportunity to meet with the Minister and the Premier prior to the end of the year and hopes to speak to its interim report in a briefing in January 2024.
- The Statement of Intent committing the Government to Truth-telling and Treaty will be presented at the January meeting.

tuylupa tunapri

- The Minister shared the draft *Lutruwita Treaty Bill 2023* with the Aboriginal Advisory Group at its first meeting in February 2023.

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s 27

Forward plan

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s 27

Resourcing

- s 27
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Expectations of the Aboriginal Advisory Group

- s 27
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Attachments:

- 1 Aboriginal Advisory Group meetings 2023 CM Ref: 23/547321/3
- 2 Communique – Aboriginal Advisory Group for Truth-telling and Treaty, Meeting Six CM Ref: 23/547321/4

	Name	Position	Phone No.	Date
Prepared by	Kate Harrison	Senior Policy Analyst	6232 7255	09/11/23
Through	Caroline Spotswood	Director Aboriginal Partnerships	6232 7379	10/11/23
Cleared by	Mel Gray	Deputy Secretary Community Partnerships and Priorities		10/11/23

Attachment 1 – Aboriginal Advisory Group meetings 2023

Meeting	Date	Attendees	Features
1	6 February	Nick Cameron, Rodney Dillon, Gypsy Draven, David Gough, Theresa Sainty	<ul style="list-style-type: none"> - Welcome by and discussion with Minister Jaensch - Terms of reference - Cultural protocol
2	24 April	Nick Cameron, Rodney Dillon, David Gough, Theresa Sainty (Gypsy Draven was present for half of the meeting)	<ul style="list-style-type: none"> - Discussion with Minister Jaensch about cultural protocol and group composition - Presentation by and discussion with Distinguished Professor Maggie Walter, Commissioner – Yoorook Justice Commission (2 hours)
3	18 May	Nick Cameron, Rodney Dillon, David Gough, Maxine Roughley, Theresa Sainty	<ul style="list-style-type: none"> - Briefing and discussion with Jill Gallagher AO, inaugural Victorian Treaty Commissioner, and Andy Gargett, CEO – First Peoples' Assembly of Victoria (2 hours)
4	14 July	Nick Cameron, Rodney Dillon, David Gough, Maxine Roughley, Theresa Sainty	<ul style="list-style-type: none"> - Roadmap stages: knowledge gathering, engagement, developing models for Truth-telling and Treaty, reporting - Resources: personnel, remuneration - Resolved to seek opportunity to brief Opposition MPs
5	21 August	Nick Cameron, Rodney Dillon, David Gough, Maxine Roughley, Theresa Sainty	<ul style="list-style-type: none"> - Briefing and discussion with South Australian Commissioner for First Nations Voice, Dale Agius (3.5 hours)
6	3 November	Nick Cameron, Rodney Dillon, David Gough, Maxine Roughley, Theresa Sainty	<ul style="list-style-type: none"> - Workshop: the way forward

Minute to the Minister for Aboriginal Affairs

For approval by: Wednesday, 19 June 2024

DPAC CM (TRIM) reference: 24/62875 Ministerial CM (TRIM) reference :

s 26

Purpose:

s 26, s 27

Analysis:

s 27

Reason for deadline:

s 27

Recommendations

s 27

Approvals (Please ensure you allow a minimum two days for each stage of approval)

A/Deputy Secretary

Associate Secretary

Minister

Approved

No ☐

Yes ☐

Noted ☐

Key reason/s

s 27

Consultation

- N/A

Financial impact

- The Department will meet the costs associated with the AAG internally.

Compliance

- N/A

Communications

s 27

Options

s 27

Background

- The AAG was announced on 2 December 2022 to deliver strategic, authentic cultural advice to inform decision making, and whole of government policy in relation to a process towards attaining Truth-telling and Treaty with Tasmanian Aboriginal people.

81

- The inaugural members of the AAG were:
 - Ms Theresa Sainty.
 - Mr Rodney Dillon.
 - Mr Nick Cameron.
 - Mr David manegenner Gough.
 - Ms Maxine Roughley.

s 27

- The AAG Terms of Reference is attached.

s 27, s 26

s 27

Attachments

Attachment Title (CM reference)

1

s 26

2

3

Sizing Statement - Aboriginal Advisory Group for Truth-telling and Treaty (24/62875/7)

Terms of Reference - Aboriginal Advisory Group for Truth-telling and Treaty (24/62875/6)

Author	Editor	Reviewer
Caroline Spotswood	6232 7379	
Nick Atkins	Not relevant, s 36	

Division