



**“To be heard and  
for the words to  
have actions”**

**Traditional Owner voices:**  
improving government  
relationships  
and supporting  
strong foundations



### **Baring (which translates to Journey/Connection in Dja Dja Wurrung)**

The story behind this piece is a depiction of a seed (in the middle), this seed has been planted in Community, this seed is planted as the beginning for many, and this seed has strong connections to the soil it grows within (the Community). The seed also holds strong connections to the roots of the tree, and the roots, our Ancestors are the beginning of all Aboriginal people's growth. Being those of our Ancestors, these roots are there to guide and strengthen the connection to culture, which continues and will continue to flourish. These connections to our Ancestors are how growth will continue to be strengthened into the future. The trunk of the tree is shown as an etching, a web-like element, displaying the interconnectedness of all our stories, our connections, our struggles, our triumphs, and our histories. We will never forget where we have come from, the journey we have taken and the resilience our people have continued to show.

**Madison Connors is a Yorta Yorta, Dja Dja Wurrung and Kamilaroi artist based in Melbourne.**

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"To be heard and for the words to have actions" Traditional Owner voices:  
improving government relationships and supporting strong foundations

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# Acknowledgement

We strongly acknowledge the traditional land on which we live and work and pay our respects to Elders past, present and future. We acknowledge the inherent rights of First Nations peoples to preserve and care for Country while continuing to connect and practice the oldest living culture in the world.

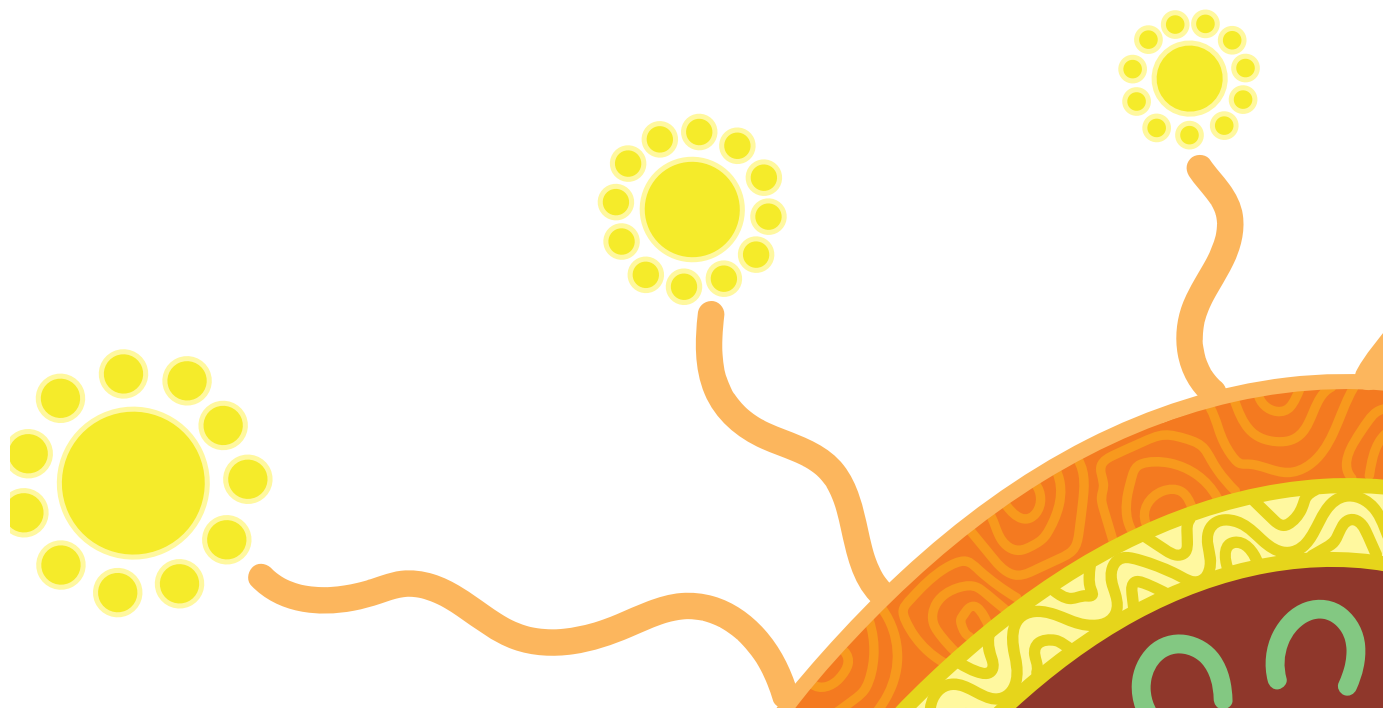
This report is the result of an ongoing collaboration between the Traditional Owner Programs team at Aboriginal Victoria and First Nations peoples from across the state of Victoria. The time and commitment given to the projects goes to the heart of the content of this report, and we acknowledge the ongoing commitments and resilience of First Nations communities.

We would also like to acknowledge the contribution of the Australian Indigenous Governance Institute as research and facilitation partners in this work.

We thank all participants who contributed and shared their powerful stories and knowledge with us, which helped form this report.

Furthermore, we acknowledge the responsibility of governments to carry these voices forward through the work we do, while continuing to strengthen our relationships with First Nations people through meaningful dialogue supporting the self-determination journey.

The strength and cultural obligations of Aboriginal people deserve to be recognised and acknowledged in their entirety.



# Foreword

As is our custom, and for the purposes of this foreword, I acknowledge the Traditional Owners across the State of Victoria and pay my respects to your Elders both past and present, in particular to those that have fought hard to maintain a strong cultural connection to your land and waters.

Inevitably, government agencies are responsible for putting community at the centre of everything that we do however, in my mind, *"To be heard and for the words to have actions" – Traditional Owners voice: improving government relationships and supporting strong foundations* is the first time that we have sought to capture the voices of Traditional Owners in a collective manner. With 120 Traditional Owners consulted over an eight-month period, it is important that you respect the unique voices that come through in this report by determining how your actions as a government agency will give heed to the words that you will read in the following pages.

To the Traditional Owners who participated in these important projects, I thank you for your trust in my team and Aboriginal Victoria. We will endeavour to promote your voice with respect and determine to influence actions that are important to you.

A handwritten signature in black ink, appearing to read 'Tim Kanoa', with a long horizontal flourish extending to the right.

**Tim Kanoa**

Executive Director  
Aboriginal Victoria

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# Language statement


## Traditional Owner

The term 'Traditional Owner' has been used in this report to recognise the connections to Country and culture held by the Aboriginal people who contributed to these discussions.

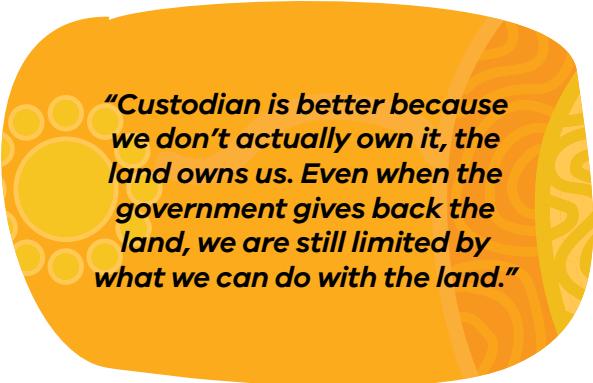
The meaning of 'Traditional Owner' varies significantly, depending on the context. While the term may be applied differently by different people and jurisdictions, it very quickly became clear in the consultations for these projects that there are diverse feelings about its meaning and application in the Victorian context.

Throughout the engagement process, people reflected on what the term Traditional Owner means to them. Some felt good about the term, stating, *"It means to not be invisible"* and that the term supported their connection to place; *"It means where we are from"*.

Whereas others felt less positive about it, explaining, *"Government doesn't understand and respect the concept of being a Traditional Owner. There is a lot of lip service about what Traditional Owner means – but government has a limited concept that doesn't match what Traditional Owners think."*



***"Traditional Owner' doesn't work for us, it's not an inclusive term for people without formal recognition and this has caused a lot of conflict."***



***"Custodian is better because we don't actually own it, the land owns us. Even when the government gives back the land, we are still limited by what we can do with the land."***

Others felt that it is a difficult term, particularly when a group doesn't have recognition from the government.

Because of this, one group felt that, *"Traditional Owner as a term can lock people out."*

Several people suggested that the term 'Traditional Owner' could to be revised to reflect what it means to Aboriginal people, such as 'people of the Land', 'Custodians' or 'First Peoples'. Some thought that the term Custodian better reflects the responsibility and process of looking after the land.

The diverse preferences held by Aboriginal people for other terms, although not discussed at length throughout these projects, is also acknowledged and at times in this document such terms have been used interchangeably.

## Aboriginal people

Whilst the terms 'Koorie' or 'Koori' are commonly used to describe Aboriginal people of southeast Australia, we have used the term 'Aboriginal people' to include all people of Aboriginal and Torres Strait Islander descent who are living in Victoria. We recognise the diversity of Aboriginal people living throughout Victoria.



## Introduction

From late 2018 to mid-2019, Aboriginal Victoria engaged with Traditional Owners for two projects:

- Traditional Owner Self-Determination Scheme (Scheme), and
- Victorian Government Traditional Owner Engagement Project (Engagement Project).

These projects sought to discuss different but complementary questions about Traditional Owner aspirations, challenges and relationships with government. Engagement on these two issues was undertaken concurrently.

This report aims to hear, reflect and project Traditional Owner voices, particularly those of regions where there is no formal recognition.

These projects are happening within a broader social and political context of Aboriginal Victorians advancing self-determination. The Victorian Government's support of Aboriginal self-determination through significant structural and systemic transformation is outlined in the Victorian Aboriginal Affairs Framework (VAAF). Further, the *Advancing the Treaty Process with Aboriginal Victorians Act 2018* is Australia's first ever treaty legislation, with a key outcome being the 'First Peoples Assembly of Victoria'. This body will be self-determined through elections and will work with government to develop a treaty negotiation framework relevant to Aboriginal Victorians, from their own perspectives.

The projects discussed in this report engage with Victorian Traditional Owners and therefore must be considered in the context of the formal recognition processes of the *Aboriginal Heritage Act 2006* (Vic), *Traditional Owner Settlement Act 2010* (Vic) and *Native Title Act 1993* (Cth).

# Traditional Owner formal recognition in Victoria

In Victoria, there are three different processes through which Aboriginal people can seek the formal recognition of the State as Traditional Owners of their ancestral Country. Traditional Owners can pursue formal recognition through any or all these three processes:

**Table 1: Formal recognition processes in Victoria**

<b>Registered Aboriginal Party</b> <i>Aboriginal Heritage Act 2006 (Vic)</i>	<b>Native Title Determination</b> <i>Native Title Act 1993 (Cth)</i>	<b>Recognition &amp; Settlement Agreement</b> <i>Traditional Owner Settlement Act 2010 (Vic)</i>
<p>Registered Aboriginal Parties (RAPs) are responsible for managing Aboriginal cultural heritage within their appointed areas.</p> <p>RAPs are appointed by the Victorian Aboriginal Heritage Council, a statutory body made up of Victorian Traditional Owners, established under the <i>Aboriginal Heritage Act 2006</i>.</p> <p>Traditional Owners apply to become a RAP by submitting an application form and supporting materials to the Victorian Aboriginal Heritage Council.</p>	<p>Native Title is a property right held by Aboriginal and Torres Strait Islander peoples under traditional laws and customs, which pre-dates colonisation and is recognised by Australian law.</p> <p>Native title is determined by the Federal Court of Australia, or on appeal, by the High Court.</p> <p>Traditional Owners seek recognition of native title rights by making a native title application to the Federal Court.</p>	<p>The <i>Traditional Owner Settlement Act 2010</i> provides an alternative framework for the recognition of Traditional Owner rights, financial and land management packages and settlement of native title claims in Victoria.</p> <p>A Recognition and Settlement Agreement is negotiated by Traditional Owners with the Victorian Government.</p>

11 Traditional Owner groups are formally recognised in Victoria. Collectively, these formally recognised groups have a legal interest in 66% of land and waters throughout Victoria (identified in red in Map 1, page 11 of this report).



# What are the projects?

The two projects are separate but interrelated. The **Traditional Owner Engagement Project** is about strengthening government engagement with Traditional Owners of areas without formal recognition. The **Traditional Owner Self Determination Scheme** will provide direct support and funding to Traditional Owner groups to strengthen their foundations.

The strength of combining the two projects through a single engagement process was that Traditional Owner groups could speak openly and honestly about how their previous experiences engaging with government continue to affect them, and what is needed to support them now. In general, conversations transitioned smoothly between the two projects. Discussing the two projects alongside one another served additional purposes, including allowing people to meet for two government processes at one time.

## Traditional Owner Engagement Project

The Traditional Owner Engagement Project aims to understand and improve the way Victorian Government agencies engage with Traditional Owners who express interest in regions of Victoria without formal recognition. A core outcome is to develop a whole-of-government approach to improving engagement that enables and supports Traditional Owner aspirations and government objectives.

Government engagement is not often effective in regions where formal recognition does not yet exist. The Traditional Owner Engagement Project emerged from this observation and from recognition of the importance of meaningful engagement with Traditional Owners based on principles of self-determination.

The project is not intended to identify the 'right' people to speak for Country. Rather, it has sought the input of Traditional Owners about how to direct government to a better way of working with them.

The project focuses on engagement in relation to land and water, cultural heritage, natural resource and environmental management. Traditional Owner interests are not limited to these domains. However, for Traditional Owner groups, management of land, water and cultural heritage values are frequently the first priority when engaging with government agencies and managing these aspects of Country often creates a significant opportunity to partner with government.

## Traditional Owner Self Determination Scheme

The Traditional Owner Self Determination Scheme<sup>1</sup> (The Scheme) is a new project established to resource activities that support strong, self-determining Traditional Owner groups, and engagement with formal recognition processes.

The Scheme has a primary focus on providing foundational support for Traditional Owners of the Mid North West, North East and Far East Gippsland regions, as described below. Formal recognition processes have not benefited groups in these regions to date, and they receive little government support despite continuing cultural responsibilities to care for Country and people. Traditional Owner groups without formal recognition risk being further left behind as treaty and self-determination agendas progress.

The Scheme has a secondary focus on providing foundational resources for Traditional Owner groups with formal recognition, particularly groups earlier in formal recognition processes. While some rights and resources flow from formal recognition, groups have foundational support priorities that are not resourced.

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<sup>1</sup> Traditional Owner Self-Determination Scheme is the working title of this project. The title of the new project was discussed with Traditional Owner groups during consultation and is discussed later in this report.

Given the legacy of historical dispossession, forced displacement and institutional discrimination, government has a responsibility to support Traditional Owners to participate in formal recognition processes and other self-determined activities. The Scheme has been established to help meet this responsibility. It also responds to a growing acknowledgement of the need for government to resource Traditional Owner groups not only to deliver responsibilities to government under legislation and agreements, but to manage their own foundational capacity and internal group governance matters.

The Scheme received funding of \$3 million over four years in the 2018 Victorian Government budget. The Scheme is being co-designed through conversations with Traditional Owners in the first of the four years (2018-19) and will be rolled out over three years from late 2019.



# Who was involved?

## Traditional Owners of the Mid North West, North East and Far East Gippsland

Engagement had a focus on conversations with Victorian Traditional Owner groups that are not recognised under the *Aboriginal Heritage Act 2006*, *Native Title Act 1993* or *Traditional Owner Settlement Act 2010*, located in three key regions of the State: Mid North West, North East and Far East Gippsland (in black, Map 1).

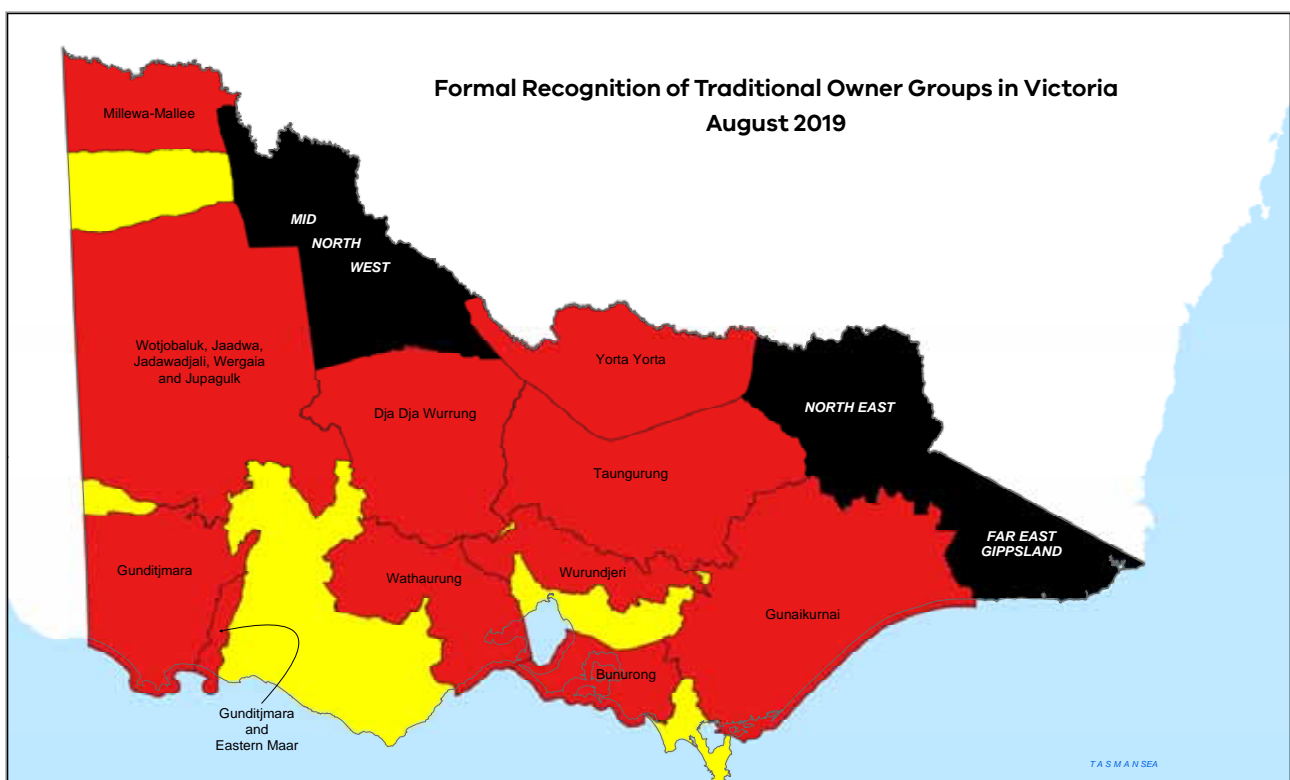
This focus acknowledges the current lack of government support and history of poor government engagement with Traditional Owner groups for these regions.

## Other Traditional Owners and Country

Engagement also sought to hear from the 11 Traditional Owner groups with formal recognition across Victoria (in red, Map 1), acknowledging that these groups have foundational support priorities, and may have interests in the three regions and other areas without formal recognition, identified in yellow in Map 1.

The Victorian Government acknowledges the need to improve engagement in the areas identified in yellow, as well as in the Mid North West, North East and Far East Gippsland. This engagement process has sought to understand this need through an open approach and willingness to speak with all groups asserting interests in these areas. The feedback from groups with formal recognition set out in this report provides some information on the engagement issues in these areas, but further conversations are required.

Map 1. Formal Recognition in Victoria



# What was the approach?

## Traditional Owners of the Mid North West, North East and Far East Gippsland

These projects aimed to engage as broadly as possible in the three regions. Information about the projects and invitations to meet were advertised and promoted by:

- First Nations Legal & Research Services distributing project information sheets to their mailing list for the regions
- Speaking with the relevant Local Aboriginal Networks (LANs)
- Getting in touch with key contacts recommended by officers working in the regions
- Publishing the project information sheet on the Aboriginal Victoria website.

In total there were 24 meetings held with over 120 Traditional Owners from the Mid North West, North East and Far East Gippsland regions of Victoria. These meetings took place between December 2018 and June 2019. Meeting participants controlled who they wanted to invite to meetings, where the meetings were held and when they wanted to meet. The project team generally met with smaller family groups and, where possible, met with groups more than once, although participants at these meetings varied.

The project team's Aboriginal Engagement Officer played a leading role in coordinating meetings, providing support to Traditional Owners, having pre-meeting conversations and using knowledge of each region and the various family groups to help design and advise the facilitator on meeting protocols, structure and approach.

Most meetings were facilitated by an independent Aboriginal facilitator from the Australian Indigenous Governance Institute. The presence of an independent Aboriginal facilitator created space at meetings for Traditional Owner groups to express their views, opinions and stories openly and with honesty.

Thorough meeting plans were developed that allowed for both the collection of standardised information across the regions while also being responsive to the circumstances of each group.

From the outset, the project team adopted principles that underpinned engagement with all participants. These included:

- Being upfront about the projects, including their limitations
- Being inclusive (meeting with everyone who wanted to meet)
- Being available for Traditional Owners if they had questions or concerns in the lead up to, during and after the meetings
- Ensuring Traditional Owners were in control of their information
- Bringing Traditional Owner groups together in culturally safe ways that did no further harm.

Some Traditional Owners did not respond to the correspondence. Other groups actively disengaged from the projects. Accordingly, the feedback contained in this report is not representative of the views of *all* Traditional Owner groups with interests in the Mid North West, North East and Far East Gippsland.

## Traditional Owners with formal recognition

Invitations were sent to all formally recognised Traditional Owner groups, offering to speak or meet with them about the two projects. Interviews and small group discussions were held with groups that chose to participate. In total, eight groups spoke with the project team about the Scheme, and six spoke about the Engagement Project.

Engagement with Traditional Owner groups with formal recognition occurred through the established corporate governance structures of the board or CEO. As these conversations often occurred with an individual or small group, the feedback provided in this report may not reflect the full scope of thoughts and experiences of the groups.

## Travel support

Participants were offered travel support to travel to and attend the meetings at locations of their choosing, but were not paid for their time at the meetings or advice provided. As set out in the feedback, many participants expressed that government should have paid participants for their time and advice on these projects.

## Information collection and consent

At each meeting, the project team explained how information was to be collected, managed and used. Aboriginal Victoria staff requested permission to take notes and collect the following information to include in a draft meeting summary:

- Names of people recorded in attendance
- Summary of the discussion at the meeting as well as key quotes
- Contact details for participants who wish to receive the draft meeting summaries.

When consent to this process was provided, it was agreed by all that the meeting summaries with identifying information were to remain confidential, but that the information could be de-identified and included in this report. The draft summaries were then either posted or emailed to the participants for review. Participants were able to withdraw their consent at any time during the meeting or following the meeting by contacting the project team.



# Strengths, aspirations and support needs

## Conversations in the Mid North West, North East and Far East Gippsland

Throughout the Mid North West, North East and Far East Gippsland, Traditional Owners discussed a range of strengths and aspirations. The following sections present the strengths and aspirations that arose consistently across these regions, as well as Traditional Owner suggestions of activities that would support and facilitate their development.

### Healing

Many groups talked about the need for the local history to be told for healing to occur. People discussed the critical step of acknowledging the deep and recent history of these areas, the trauma caused and the ways in which this trauma is transferred across generations. Of particular importance was the trauma associated with government engagement and formal recognition processes.

***“Some work needs to be done with the different families and groups to try and bring the issues out. Young people particularly want to move beyond this.”***

***“We are all wanting the same thing but we don’t have respectful relationships.”***

The need to heal relationships within the community to move forward in a sustainable way was expressed in all regions, both implicitly and explicitly. Groups discussed the need to heal long-standing disputes between families and to be able to have difficult conversations in a culturally safe space.

Support for meetings and the need for reunions to reengage family was raised extensively across the regions. Support is needed to cover the cost of bringing people together in a culturally safe environment and to support people living off Country to return to Country.

***“Bring our mobs back together.”***

***“We don’t want a band-aid solution to healing, we want our own treatment and only we can give that.”***

Groups also talked about access to independent facilitators and mediators as well as training in facilitation and mediation skills to support them to hold challenging conversations. Several groups noted that healing needs to happen in small steps so challenges can be overcome safely, and people aren't re-traumatised.

***“There is such healing needed... the cultural cry is what we need and walking together helps.”***

***“Creating a physically and culturally safe space on Country is the only way to overcome differences. The issues have been left too long and have been neglected.”***

## Caring for Country

In all regions, Traditional Owners discussed their strong connections to Country, explaining this as critical to their identity and wellbeing.

***“Looking after Country will bring about good health.”***

Traditional Owners reflected on connection practices that remain strong including supporting one another to return to Country, providing access, visiting culturally significant areas, hunting, fishing and facilitating young people being on Country. Groups also expressed how important it was for young people to be active in decisions made about Country and cultural heritage management. Traditional Owners spoke about the importance of traditional burning, harvesting of foods and medicines.

Many of these caring for Country activities occur irrespective of formal recognition or external support. Several groups are actively engaging with land managers to formalise this work. Examples include Aboriginal waterways assessments, revegetation and cultural heritage work. One group also explained they already have conservation and land management training facilitated by one of their Elders, commenting that support for existing activities is needed. Groups in all regions also called for greater involvement and engagement with cultural heritage management on Country whether through access to the Certificate IV in Aboriginal Cultural Heritage Management, or recognition of and support for their own cultural heritage management processes and training.

***“We need training to be able to take care of cultural heritage and the environment but need to do this alongside cultural teachings so that people know what to do, when to do it, and how it’s done.”***

Several groups suggested particular activities supporting this aspiration, including small projects to clean up Country and protect cultural sites, constructing a toilet block to assist in managing site use, establishing a team of rangers and Country planning.

## Strengthening and maintaining culture

***“Cultural identity is number one. That’s the most important.”***

Traditional Owners across the state discussed their strong sense of identity and the strength of their cultural connections. Many groups continue to share language and knowledge across their community through their own programs and activities. However, some Traditional Owners talked about a lack of

interest shown by government or the broader public. Groups spoke about how important it is for government and the broader public to acknowledge and value the cultural knowledge they possess, and the labour required to ensure its continuity.

One group discussed the varying degrees of cultural knowledge held by people in the group and the need for opportunities to come together to learn and share, to strengthen the cultural knowledge of the group.

Overarching goals include practicing culture across and between generations (thus passing this knowledge on) and creating opportunities to share cultural practices across the entire region. It was believed these opportunities would strengthen identity and continue to make people proud of their history and where they come from.

***“We want to make sure that the maintenance of culture is there, the transition of knowledge from Elders. Not just one-off workshops, but ongoing strengthening.”***

Traditional Owners talked about the importance of sharing and maintaining culture in their own way and want to be able to hold their own cultural workshops, camps and language programs with their own community, but also to be supported in sharing some of their knowledge with the broader local community. Groups discussed many activities through which they would be better able to do this; groups from two regions discussed the need to record cultural knowledge and oral histories as well as the need for a keeping place or cultural centre to hold and make accessible this material. Several groups also discussed the return of cultural material as an important activity to be centred around a cultural centre. The return and reburial of Ancestral Remains was also raised in two regions as a priority.

***"[Cultural material] belongs to a keeping place, a library or something like that. There is a great need for institutions to look at processes so that agencies who hold material give it back."***

## **Governance**

In all three regions, the need to build and strengthen effective governing practices was identified. This was complemented by many groups who explicitly stated their desire to develop functioning governing arrangements for both their own community and the region more generally. Key areas of focus included strengthening the governance and decision-making capacity of all community members, with an identified need to focus on young Traditional Owners. One group spoke about the importance of *"laying strong foundations for the future."*

Others discussed their goals for an active and engaged membership, greater decision-making powers and observation of cultural protocols. For some groups, strengthening governance is important as a requirement for formal recognition processes, for others it was discussed as a tool to embed cultural decision-making structures, for example, establishing an Elders Council.

***"We want to set our own priorities."***

In one region, groups felt the support required in the first instance was to come together for constructive conversations to determine future priorities.

Groups across two regions were interested in support to discuss and record their own cultural constitution and others hoped to produce their own engagement protocols and code of conduct for external parties wanting to engage with the group.

***"We've got to be involved in the processes and decision-making that affects us as a people."***

## **Engaging young people**

Groups in all regions had young people present at meetings and while discussing their current involvement, hoped to increase it. One group is already running youth sports programs and educational cultural programs. Engaging young people was raised in two of three regions as an explicit aspiration, however all groups discussed the importance of involving young people and the need for greater opportunities for young people. In one region, this aspiration was discussed in the context of being able to provide greater opportunities for future generations; *"We need to make sure young people are involved."*

In other regions, groups discussed the need to recognise young people as the next leaders and ensure young people are connected to Country. It was explained that strengthening connection to Country will further embed the responsibilities of young people and is of great significance in Traditional Owner governance.

***"Our young people deserve to be connected to Country and have the right to do things on their Country and have a future in that."***



Nearly all groups stressed the need for support to better engage young people with Elders and foster the transfer of knowledge and skills. In two regions groups expressed interest in mentoring opportunities and training to better understand the skills and requirements to be a good a mentee and a good mentor. Other groups talked about having opportunities to hold camps for young people and Elders to spend time on Country together.

In two regions, groups discussed creating a space for young people to meet separately from the rest of the group, to articulate their distinct voice in the form of a Youth Space or Youth Council. Other groups talked about the need for small projects directed at engaging more young people.

## Education and capacity building

Across the regions, levels of capacity varied, with some groups discussing the benefits they have accessed through training courses offered by both Aboriginal Victoria and other government agencies. Yet in all regions people spoke about a greater need for training and education opportunities, and the importance of these being delivered regionally, not in the city. In many instances, training was discussed in relation to capacity building in non-Indigenous systems, ways of operating and requirements. Capacity building was explained as the right people with the right skills being able to participate, building capacity to work on Country and to be able to operate sustainably and employ *“our own people”*, *“making strong through knowledge and resourcing.”*

Many groups across all regions talked about their interest in training opportunities in cultural heritage management. Some groups discussed this in relation to the Aboriginal Victoria Certificate IV in Aboriginal Cultural Heritage Management offered in partnership with La Trobe University, whereas other groups discussed the need for more localised and culturally-specific cultural heritage management training or even creating their own training modules.

Groups in two regions discussed the need for administration and corporate governance skills training, one group identified a need for training in stakeholder engagement, and another group discussed the need to better understand contracts, memorandums of understanding and agreements. There was an acknowledgement of the distinct skillset required for successful and beneficial relationships with government and other stakeholders.


## Building relationships

All Traditional Owner groups continue to want to build relationships. This was discussed in relation to government, external agencies and other Aboriginal groups.

In some regions, groups did have established relationships with government agencies, whilst others had little interaction. Groups without established relationships often spoke about feeling left behind as opportunities were not shared. They felt excluded from important decisions for both the community and Country.

Traditional Owners also discussed the need to build relationships across groups within their region but also to be able to share ideas, knowledge and learning with groups across the state.

One group discussed an instance when positive relationships were formalised between groups across the regions, without government. In two of the regions, groups discussed the need to establish relationships with private land holders, particularly to assist in the management of Country and cultural heritage.



***“Don’t know what the future is, but we have to do things differently. Operated this way without money, with knowledge and strength. We are still playing at the edges.”***

## Recognition

Although there are groups in each of the regions with a degree of recognition from their local community and some government agencies, recognition was raised as a high priority in all regions. Recognition was discussed both in relation to existing formal recognition processes, particularly as a Registered Aboriginal Party under the *Aboriginal Heritage Act 2006*, but also more broadly in the context of local community recognition and broader recognition of groups' connection to Country and their history. Groups spoke about the long-term outcomes of formal recognition such as formalising a group's rights to Country and what that would mean for future generations. Other groups spoke about the importance of being recognised and respected by the local community as well as more broadly by the state or federal governments.

***"We want to be recognised as a nation, not just a handful of people."***

Groups across all regions explored activities they need to undertake to embark on one of these processes. Groups in all regions requested more information about formal recognition processes including the differences between the processes, requirements and outcomes.

Groups also acknowledged they need support for ongoing meetings to bring people together to plan for these processes. One group also discussed the need to understand the history of applications for formal recognition, the reasons for their decline and lessons from previous applications.

***"Having a voice and having your rights respected and recognised. The right to make a decision about what happens in your life, in your community and on Country. It's about being involved in these processes."***

Central to these discussions was the need to work through questions of 'right people', group membership and representation, with one group explaining this needs to be a collaborative and culturally safe process so information and knowledge can be shared safely across the community. Groups noted the need for specific support to resolve these matters, including genealogical expertise and access to ethno-historical research, while others discussed wanting greater involvement in the research process.

One group also discussed holding community workshops to bring people together to discuss questions such as: Where are we from? Where have we been? Where are we going?

Several groups also supported the idea of more holistic ways of doing this business including holding cultural workshops or camps alongside formal recognition processes.

***"Some work needs to be done with the different families and groups first."***

***"The ball game is changing, no more can they come in to communities and control research."***

## Engaging with government

Traditional Owner groups across all regions expected and wanted to engage with government agencies, particularly regarding decisions affecting Country. Some groups held that government should always engage with Traditional Owners, and others observed it is useful for agencies to have a conversation with them about priorities for engagement and opportunities they want to hear about.

Participants identified a few government agencies with which they were working, or had worked with, in the past. These include:

- Aboriginal Victoria (AV)
- Catchment Management Authorities (CMAs)
- Department of Environment Land, Water and Planning (DELWP)
- Department of Jobs, Precincts and Regions
- Parks Victoria (PV)
- Ancestral Remains Unit at the Office of the Victorian Aboriginal Heritage Council
- VicRoads
- VicRail

Groups across all three regions also stated that local government authorities (LGAs) were key organisations with which they engaged. Many groups identified they also had frequent dealings with non-government organisations such as Murray Lower Darling Rivers Indigenous Network and First Nations Legal & Research Services.



## Conversations with groups with formal recognition

Groups with formal recognition expressed many similar aspirations and support needs as groups in the Mid North West, North East and Far East Gippsland. Often these were discussed in the context of the Traditional Owner corporation and its membership.

### Healing and family engagement

Groups spoke about the need for healing at various levels, from individuals to families and the full group. They discussed wanting to strengthen their relationships and engagement with all Traditional Owners to build resilient relationships between families and *“a greater understanding of each other”*.

***“We are increasing our connection with members but there is a long way to go.”***

One group also discussed their aspiration to engage with Traditional Owners who haven't been involved and to continue to support people coming forward who want to engage with the corporation.

Groups identified a range of support needs to facilitate healing including funding for an engagement officer, opportunities for families to meet and build relationships and access to facilitation training and independent facilitators to engage in dialogue processes supporting 'brave' conversations to address conflict.

### Strengthening and maintaining culture

Groups discussed the strength of their culture but also the need to further strengthen cultural knowledge and practice. Some groups discussed the varying degrees of cultural knowledge across their corporations' membership lists and their aspirations to share and build the cultural knowledge and skills of all members.

***“We are proud and culturally strong.”***

Many groups explained the need for support for activities and opportunities to do this, and that although they receive some resourcing, it is limited and often tied to other activities.

### Caring for Country

Traditional Owner groups with formal recognition felt good about being able to manage Country, do Country Plans and set priorities for Country. Some groups felt they weren't able to access all their Country, or that they haven't been recognised for the full extent of their Country, limiting their ability to manage Country.

Some groups wanted to be engaged by government regarding all matters relating to Country and others discussed their broader hopes for healthier Country.

### Governance

Traditional Owner groups acknowledged they had strong corporate governance, however some discussed the need to further strengthen and renew their corporate governance structures and their relationship with their members. They also spoke about the need to further acknowledge and embed Indigenous governance.

***“We are meeting our corporate governance requirements, but also need to integrate Indigenous governance.”***

Through support for stronger governance, formally recognised groups explained they hope to be able to facilitate difficult conversations and manage conflict internally.

## Engaging young people

Traditional Owner groups discussed the need to ensure opportunities are available for young people and spoke about the need to educate young people on Country.

One group spoke about the need to set up things for the next generation, *“ready for them to come up”*.

***“Education going back to Country and land. Sit down and tell our young people our stories, tell them about the land.”***

***“It’s as much about learning the successes as it is about understanding the losses along the way and learning from them.”***

## Education and capacity building

Traditional Owner groups with formal recognition discussed the broad and varied skillsets within their group but also the need to broaden the depth of skills and knowledge through training and mentoring opportunities. Several groups explained the overarching aspiration to have capacity to manage their own affairs, to facilitate mediation processes and difficult conversations and to grow community leadership.

One group also commented on the need for ongoing access to training opportunities like the facilitation and mediation skills training offered by the Right People for Country program.

***“Capacity building to me means educating our own people to take charge of our own community... to be our own CEOs, everything.”***

## Recognition

The Traditional Owner groups consulted have various forms of recognition. All groups are RAPs, while some groups also have recognition under the *Native Title Act 1993* and/or the *Traditional Owner Settlement Act 2010*. For others, recognition under these processes is an aspiration currently being progressed.

Several groups spoke about their aspirations for recognition to extend beyond land and water into the ‘social sphere’, and the need for this work to be resourced, with one group adding they hoped to break the chain of intergenerational poverty. Many groups also spoke about the need for recognition of the full extent of their Country.

## Engaging with government

As set out above, groups have aspirations across a number of domains relevant to government business – beyond land and water and into the ‘social sphere’. One group spoke about their aspiration for Traditional Owners to be *“approached regarding anything to do with our business – language, extent of Country, traditions, customs etc – social and community services as well as land and water management.”* This group expressed they felt their engagement was relegated just to DELWP and AV.

***“Just because we are Traditional Owners, does not mean we are not interested in the social and community services business.”***

One group felt that engagement should be focussed on how government can enhance what the group does or wants to do.

# What is holding people back?

## Conversations in the Mid North West, North East and Far East Gippsland

Conversations with Traditional Owners revealed complex histories across the three regions. Listening to the history of Traditional Owner groups from these regions reveals many of the barriers that are now long-standing and deeply entrenched. The following section explores common barriers to achieving aspirations existing across the regions.

### Trauma arising from the historical impacts of colonisation

Across the three regions, acknowledging the historical trauma associated with colonisation and understanding the negative impacts of past government practices are critical. Many groups spoke about this in terms of understanding local histories. People discussed the critical step of acknowledging the deep and recent history of these areas, and particularly for government to acknowledge the trauma caused and the ways in which this trauma has been transferred across generations.

In one region a group talked about the history of displacement and dispossession from their Ancestral lands and how this has had a devastating effect on their ability to maintain connections to Country and protect significant sites over time. Whilst in another region, groups stated a lack of acknowledgment of the history and associated trauma from colonisation is a hindrance to moving forward.

***“We still feel like we’re visitors on our own land, I still feel like we are dispossessed here. The journey isn’t done yet, we’re pleasing everyone else but not fixing our spirits.”***

Multiple groups spoke of the lack of recognition and acknowledgment of people, Country and history. Some felt that their history has been ignored or adopted by other groups, whose recollection of history has been taken as truth.

### Trauma arising from lack of recognition

Participants across all regions commented on the harm and trauma associated with formal recognition processes.

Many people spoke of the way in which the native title process and the way government agencies engage had impacted the community. One group recounted a time when local government agencies refused to engage with groups until formal recognition had been resolved. Concern was expressed that if native title proceedings recommence, this situation will again eventuate.

***“A lack of recognition of the oldest culture and law in the world.”***

***“The native title process has been traumatic and drawn out.”***

Many groups across the three regions stated the lack of formal recognition is hindering groups’ abilities to move forward. Groups stated formal recognition processes have been drawn out, unsuccessful, damaging and divisive.

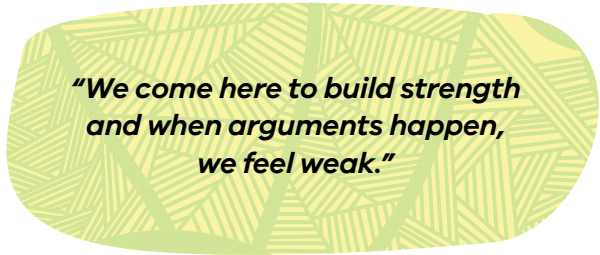
The reasons for unsuccessful formal recognition applications are not clear and this has created a level of mistrust in the existing processes for formal recognition and in government generally.

Furthermore, the corporate structures required to take forward any rights is often incongruent with cultural ways of organising and governing. Consequently, some groups stated that this is not a path they are willing to go down again, at least not for some time.

Some groups also feel that people sitting in influential, decision-making positions about formal recognition processes are those who have benefited from these processes.

## Conflict

Groups spoke about the ongoing impacts of colonial processes including fractures and divisions within the community and explained that these longstanding disputes have hampered their efforts to come together to achieve their aspirations. One group commented these are often generational disputes that have been left for too long. Relationship breakdowns and neglect are viewed as symptoms of these family disputes and ongoing lateral violence. In one region, groups talked about one of the impacts of such divisions - people disengage from Traditional Owner business, hesitant to engage in anything exacerbating divisions.



***"We come here to build strength and when arguments happen, we feel weak."***



***"If there's no unity, there's no way forward".***

## Unresolved questions about right people and group representation

In regions where questions of 'right people' have not yet been resolved, issues of representation and group membership are viewed as barriers to groups achieving their self-determined aspirations. The legacy of previous formal recognition applications has created enduring divisions. Some groups talked about the lack of incentives for some community leaders to act inclusively and create opportunities for the larger community.

In one region, groups acknowledged that the unresolved questions about right people meant some groups are included in important conversations whilst others are left out. Some groups acknowledged this has been a reason for previously declined RAP applications.

Groups across all three regions had concerns with government not engaging with the right people. Many people said government picks and chooses who they engage with – often the loudest or most convenient voice. This was explained as bad practice engagement as these are not necessarily the right people or representative of the right people. Many groups were concerned about agencies engaging only with one or two individuals who were not representative of the group, and that the decisions about who to engage were based purely on existing relationships. Multiple groups were also concerned about government agencies attempting to consult by approaching Aboriginal staff employed by the agencies instead of consulting with the whole group.

Groups in one region stated government's focus on neighbouring groups with formal recognition means opportunities are often not provided to groups without recognition. In two regions, groups discussed the impact on their ability to care for Country because of extent of Country disputes with neighbouring groups. One group expressed their frustration with being left behind in government processes as government agencies often engage with the formally recognised group, even for matters relating to Country outside of their recognised area.

In one region, some Traditional Owners observed government was meeting separately with multiple groups. They explained this makes each group feel like government are speaking exclusively with them when they are actually having the same conversations with many groups. Groups stated the confidentiality around this process can cause confusion and anxiety in communities. Other groups however, supported government meeting with groups on their own terms and in small groups, commenting that this was a more comfortable approach.

## Being left out or left behind

Many groups spoke about being left out or left behind in particular reference to neighbouring groups who have been formally recognised. This was explained in the context of neighbouring groups having access to greater resources and opportunities.

In all regions, Traditional Owner groups commented on feeling as though they have been left out or left behind by government. One group spoke about feeling they were the last ones to be included in government consultation processes. To them, government 'consults' through a short conversation, often with minimal notice and a lack of support, and these conversations frequently occur at the end of a project or process. In another region, a group mentioned the city centric State Government mentality means that Traditional Owners are getting left out of government processes.

***"The first ones who got Registered Aboriginal Party were best dressed and others who did not get in early don't get opportunities."***

***"Every time we get an opportunity, it's always taken away from us."***

***"We will keep missing out if we are not at the table."***

***"How can there be over consultation when there isn't any consultation?"***

***"We're left behind."***

***"Nothing is ever ongoing for us."***



## Lack of meaningful engagement by government

All groups reported a lack of meaningful engagement with Traditional Owners by the Victorian Government, and agencies such as DELWP, PV, AV and the CMAs were mentioned. Groups talked about having poor relationships with one or more of these agencies.

***"I don't think we have a good relationship with government otherwise they would be interested in the work we are doing out here."***

***"Good engagement – we haven't had that yet!"***

***"They are very hard to deal with, we're not hard to deal with."***

Some groups stated government engagement is cursory, weak, and establishes no commitment to ongoing engagement. There was a feeling that not having formal recognition meant government only consulted when absolutely necessary. Other groups believed there has not even been a "tick the box" approach to engagement as there have been no opportunities at all to "be at the table".

***"We have no say over our cultural heritage."***

***"Engagement only happens when they need to."***

Another group commented on engagement occurring in a 'practical' way for government, but as 'disrespectful' for Traditional Owners. Associated with this is a feeling that government holds the power.

Some groups reported a recent decline in engagement, observing there was a time when government engaged more frequently. On the other hand, there were also some positive reflections on government engagement, or at least a feeling that things are improving. There was also sentiment amongst some groups that due to their persistence, agencies were beginning to engage. In one region, a group spoke about a recent opportunity to meet with government agencies and hear about their engagement plans and that this has resulted in some improved engagement outcomes.

***"The power is stacked against us."***

## Lack of resources


All groups discussed the lack of resources as a significant barrier. Many groups explained they are only able to come together and organise on a voluntary basis, often outside of their work and other commitments. Groups in two regions discussed the impact of a lack of transport and support for attending meetings as hindering their ability to come together. This then has a flow-on effect, causing friction within the group as people feel left out when decisions are made without consulting the full group.

One group commented that in instances when resources have been provided, they have been limited and only able to be used for specific purposes determined by others, not on the basis of what is needed as determined by the group.

Groups in all regions discussed the limitations of organising and meeting reporting requirements without administrative support and without a physical space to conduct their business. Almost all groups stated that the lack of resources, especially an office, impacts adversely on their ability to perform high value tasks.



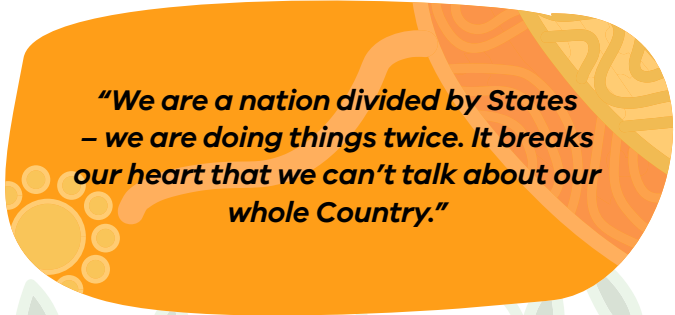
***“We want the support to support ourselves.”***



***“What’s missing is the foundational stuff – we are always offered training but need funding to buy assets and employ people to help with the administration.”***

## Victoria-New South Wales border

The state border between Victoria and New South Wales was described as an arbitrary line imposed by colonists which represents a barrier for groups in all regions. Groups stated that the border bears no relation to Traditional Owner connections. Groups in all regions discussed their connections to Country and family across the border and the way in which operating across two jurisdictions affects their ability to come together as a group and care for Country. Examples of how the border impacts Traditional Owners’ daily lives include access arrangements, permit regimes and regulations governing activities such as fishing. Traditional Owners are often required to duplicate their effort to get things done and stay connected to Country.



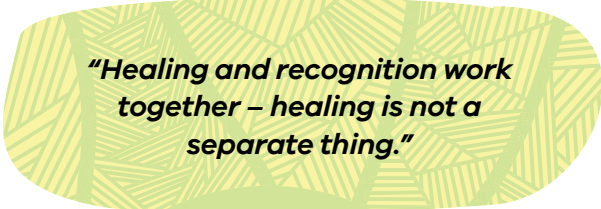
***“We are a nation divided by States – we are doing things twice. It breaks our heart that we can’t talk about our whole Country.”***

## Conversations with groups with formal recognition

Conversations with Traditional Owner groups with formal recognition also revealed a number of significant barriers that prevent them from achieving their aspirations as Traditional Owner groups and as corporations.

### Lack of acknowledgement of history and associated trauma

Formally recognised Traditional Owner groups spoke about the history of racist treatment from government and explained that this history continues in the context of government policies and procedures that are “white man’s way”. This included a feeling that government did not consider the group to be capable.



***“Healing and recognition work together – healing is not a separate thing.”***

### Group engagement and identity

Several Traditional Owner groups spoke about the need to engage more broadly with their members and discussed some of the associated challenges including:

- Traditional Owners who are disengaged
- The relationships between those living on and off Country
- Managing and responding to a wide range of needs across a large membership.

Traditional Owners discussed challenges with group identity and membership. One group raised the challenge of working to reintegrate families not previously engaged with the corporation and another discussed challenges for corporations with members who have connections to multiple groups.

All Traditional Owner groups with formal recognition talked about the challenges of managing conflict and lateral violence between families and with the corporation as well as a lack of trust and understanding between families and members.

### Governance

Several groups raised several challenges related to corporate governance including:

- Managing board member turnover
- New board members with varying levels of corporate governance and cultural and community knowledge
- The need to review and renew governance structures and processes to respond to changing contexts, responsibilities and aspirations
- A lack of understanding and acceptance by members of governance structures, roles and processes
- Conflict and a lack of trust between the corporation and members.

Groups also spoke about the importance of cultural or Indigenous governance. One group explained that their rule book sets out corporate governance structures and processes but doesn’t include anything about cultural governance. This focus on corporate governance leaves little time for, and has an impact on, cultural or Indigenous governance.

## Lack of resources

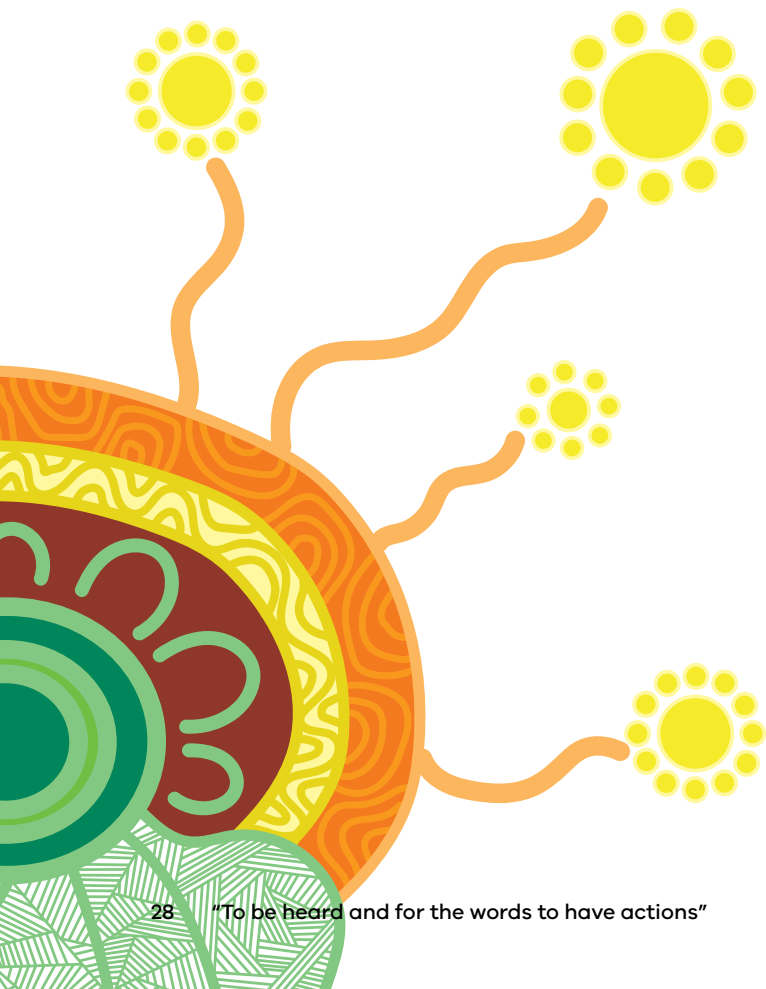
Traditional Owner groups consistently spoke about challenges associated with resourcing. Although groups with formal recognition receive some funding, groups spoke about the constraints of this funding and that it's often tied to government priorities, rather than Traditional Owner priorities. This can distract from the strategic direction of the Traditional Owner group.

Traditional Owner groups also discussed challenges in addressing and responding to all the demands on their time. This results in groups being stretched thinly across vast demands, some of which the groups are funded for and others such as specialist advice, cultural education and internal group engagement work, that they are not resourced for.

Responding to diverse requests leaves groups with little to no time to further their own priorities, particularly in sharing cultural skills and knowledge within their groups.

## Government coordination

Traditional Owner groups stated that government is not coordinated or cohesive in their engagement, and that government departments are competing with one another for engagement with Traditional Owners. Others explained a feeling that agencies sometimes play groups off against each other. One group also explained the challenges of different and varied government projects *"each with their own government engagement officer, seeking to engage with us"* and that there is an expectation for corporations to *"be across all of these"*. Another commented on the challenges of representation that occur when work is carried out across multiple groups' Country, particularly when there is not yet agreed governance or group composition in areas without formal recognition.



# How can government better engage with Traditional Owners?

## Conversations in the Mid North West, North East and Far East Gippsland

Traditional Owners of the Mid North West, North East and Far East Gippsland regions acknowledged the importance of government engaging with the right people. Questions around 'right' people for Country and group representation are ongoing in these regions, however Traditional Owners in all three regions firmly believed that this should not stop positive work occurring between government and Traditional Owner groups. The following section explores common themes that arose from discussions where Traditional Owners spoke about what government must do to engage meaningfully and respectfully.

### Rights

A strong theme that came through in the meetings was the importance of knowing, respecting and embedding Aboriginal peoples' inherent rights in everyday practices.

Many groups spoke about rights having been taken away or not being respected. One group cited an example of cultural mapping activities occurring on Country before a conversation was had with Traditional Owners about whether a site should be visited in the first place.

Many groups talked about government having an obligation to recognise and abide by Aboriginal cultural rights and human rights including self-determination and free, prior and informed consent (FPIC). One group spoke of the importance of government ensuring cultural rights were being considered when making decisions. Another group talked about this in terms of recognising Aboriginal peoples' inherent rights to Country, for example to hunt and fish, regardless of whether formal recognition processes had been completed.

Groups referred to existing government policies, obligations and other instruments that acknowledge and embed Indigenous peoples' rights, such as the Victorian Aboriginal Affairs Framework (VAAF), Victorian Charter of Human Rights and Responsibilities and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

Groups across all regions talked about rights in relation to their information and Traditional Owner knowledge. People felt that government and government funded organisations such as First Nations Legal & Research Services, are holding Traditional Owner information and not returning it. Some groups called for information to be returned to community. Others expressed a wariness around sharing cultural information with government because in the past, knowledge and information has been shared and used against Traditional Owners.

Groups spoke of the need for government to acknowledge and respect that Traditional Owners have within their own laws and customs, a cultural and moral obligation to care for Country. They talked about the importance of their old and young people looking after Country and being involved in decisions about Country, particularly when government is working on Country. One group stated government's consideration of these obligations should not be treated just as a "*whim and inconvenience*", and that government needs to recognise its ethical and moral responsibility in this business.



***"Why would we want to work with a government that has taken our rights, that has disrespected us?"***

## Relationships

Groups across all three regions talked about the importance of building good relationships that build trust in government agencies and the individuals that represent them.

Across the regions, respect was seen as the critical element that enables positive relationships. One group observed that a lack of respect for Elders makes it difficult to 'close the gap' for the community, as a lack of recognition of Elders limits the community's ability to engage with government and thus, opportunities. Others observed that the way in which government agency representatives conduct themselves in meetings can be disrespectful.

Some groups spoke about a lack of commitment from government agencies. Examples include when government representatives do not follow through with commitments as well as not turning up to meetings when invited by Traditional Owners. This creates feelings of disappointment and further entrenches the distrust that exists.

However, some groups did reflect on good relationships with government. Some groups said that engagement works best where government staff know the community and have good relationships with Elders. Another group reported developing good relationships with some government agencies, particularly in relation to water management, leading to some positive engagement. A number of groups stated that government can establish good relationships based on trust and respect through commitment, willingness, and making time to talk.


One group reflected positively about a facilitated meeting between the group and various government agencies to discuss engagement. The group explained this created an opportunity to speak directly with agencies, providing a space for a conversation that went both ways and fostering stronger interpersonal relationships. The group observed that the agencies listened and that this led to better engagement outcomes.

A few groups spoke about good engagement involving agencies engaging and building relationships with Traditional Owners inclusively. One group cited that VicRoads and the local shire continue to engage with everyone and that this is positive because everyone had the same amount of information about what was happening on Country.

## Higher levels of Aboriginal staff in government

A consistent theme across all regions was the need to create new opportunities for Aboriginal employment and promotion. This was seen as a way to improve engagement processes and as a means to provide opportunities to work on Country. Groups felt that the various government agencies had a responsibility to create a culturally safe and welcoming workplace where Aboriginal people feel comfortable and confident in carrying out their duties.

Aboriginal engagement officers were seen as a critical position to improve government engagement. Some groups described having had a good experience with an Aboriginal engagement officer that frequently communicated with the group on the phone before and after meetings to see if everything was o.k. They also described the comfort associated with knowing they could call a person who they can relate to if they had any questions. Some people reflected on the sense of happiness and pride they felt when they were able to yarn with an Aboriginal person involved in government engagement processes. They also spoke about needing to make sure Aboriginal people working in government had opportunities to learn and grow.



***"There should be employment for our mob to do cultural heritage work on Country like site monitoring and surveys."***

## Healing and wellbeing

Traditional Owner groups reflected consistently on the need to heal relationships within the community to move forward in a positive and sustainable way. Acknowledging history and understanding that past government practices have inflicted trauma on Traditional Owner groups is seen as a critical step in moving towards positive relationships.

Many groups felt that government agencies need to understand the importance of healing in community and support this through their engagement processes. In this context, they observed that meetings with government can be indirect opportunities for groups to engage with their membership and promote healing.

Groups in two of the three regions discussed the importance of wellbeing and safety in government engagement processes. Groups explained the importance of ensuring engagement occurs in culturally safe spaces. For some groups, this meant government representatives should attend meetings on Country. One group raised the need for new criteria for the term 'cultural safety' to account for holistic wellbeing across the physical, emotional and spiritual dimensions.

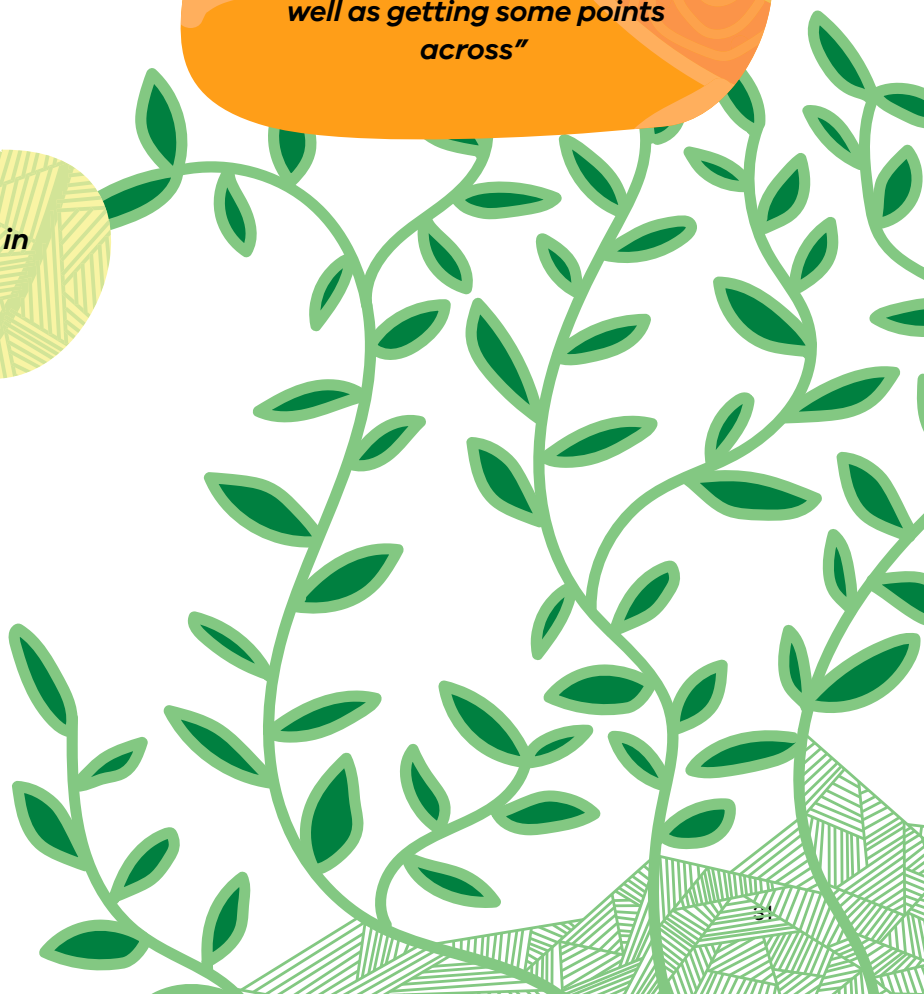
## Aboriginal facilitation

Across all three regions, groups reflected on the value of having an Aboriginal facilitator involved in meetings with government. Many people felt it was important to have an Aboriginal facilitator as they share key understandings of history. Some expressed that having an Aboriginal facilitator was important because non-Indigenous people may make assumptions without knowing which can create further harm and trauma. Others said that some people are not often engaged in government processes and having an Aboriginal facilitator is about ensuring comfort and safety.

The groups also reflected on power and facilitation. For some, having an Aboriginal facilitator reduced the potential for power imbalances, while others wanted to have the power to select their preferred facilitator for meetings.

***"Coming from the same space in terms of understanding"***

***"It's a bit like having a yarn as well as getting some points across"***



## Culturally appropriate and respectful engagement

The need for government officers to undertake cultural awareness and engagement training was a consistent theme emerging from all regions. A number of reasons were articulated as to why this is important:

- Staff need to be culturally competent and have adequate capacity and capability for engagement with Traditional Owners
- Staff need to feel comfortable in the engagement space
- Staff need to hear about what has broken down and understand the history.

Suggestions were also made that new staff should undertake an induction program aimed at developing an understanding of the social and cultural context of the region and how to engage with the Traditional Owners of the region.

Some groups felt that government and Traditional Owners needed to work together to settle on agreed ways of working based on Traditional Owners' cultural protocols. This would ensure there is alignment of expectations and obligations when agencies and Traditional Owners come to the table. The importance of government officers understanding cultural protocols before working on Country was also discussed.

***"There are things that agencies do every day on Country and there are different cultural expectations that they need to understand and comply with."***

Groups across all three regions called for government to recognise and respect Aboriginal knowledge, skills and culture.

***"It's a real insult to our people. They are dealing with our sites. There is a cultural exchange that is needed."***

***"It's like we're making them feel uncomfortable, talking about our culture."***

Groups felt that government agencies do not recognise Aboriginal knowledge and rely on 'settler' forms of expertise. Others felt that government needs to acknowledge the differences in skills and expertise in a community and not expect everyone to know everything.

***"They expect us to be aware of government, but it goes both ways."***

***"Respecting Aboriginal knowledge and taking it seriously."***



## Support and resourcing

All groups talked about resourcing and the requirement for adequate, timely and flexible support for meaningful engagement. One group explained that although it hadn't occurred often, support is more adequate when government or government funded agencies are able to tailor support to suit the particular needs of the group.

***"It's time to pay the rent."***

***"These organisations/ agencies get paid to turn up to meetings, we don't."***

Groups throughout all regions spoke about a lack of support provided for Traditional Owners to engage in government processes. A lack of support for things like travel, meals and accommodation is a significant constraint on their ability to attend and participate in government processes, especially if travel to Melbourne is required. In calling for adequate

travel assistance, groups sought clarity and consistency across government agencies in the way they provide meeting support and travel assistance. In one region, groups discussed the need for government agencies to better communicate with each other to facilitate greater support for Traditional Owners. Some groups also discussed the provision of travel allowances at Australian Tax Office rates or the same rates paid to government officers (whether State or Commonwealth). Groups also discussed the need for support to be provided to people ahead of government engagement, not retrospectively. In some cases, people are unable to get to meetings without this support up front.

The need for government to pay Traditional Owners for their time, advice and knowledge was a consistent theme across the regions. This was seen as a requisite for good engagement. Some groups expressed that working people needed to be compensated for loss of income or leave associated with attending meetings. A number of groups also explained that this could be addressed through payment of sitting fees or at a minimum, compensating people for their time.

## Effective communication

Groups across all regions highlighted the value of effective communication. Effective communication was seen as a fundamental element of meaningful relationships between government agencies and Traditional Owners. Groups discussed the importance of embedding listening as part of government practice as well as the need for respectful conversations, particularly when there is disagreement.

***"It's a talk fest, but we're the ones doing the talking and no one is listening."***

Another group stated that stakeholders need to be clear about their priorities for engagement, and then need to engage in an open dialogue with Traditional Owners about priorities for the region.

Groups reflected extensively on instances of poor communication from government. One group recounted an example of poor communication when a government officer called an Elder and left a message on their phone to inform them that a particular location on Country had moved portfolios without any further conversation or consultation. Another group expressed frustration at writing letters to particular people in government and receiving responses from a different person. They also said that when they write letters to the Minister, they received generic responses that do not contain information relevant to their enquiry. They felt that the issue at play was a lack of value in communicating effectively and respectfully. Other examples of poor communication include the total lack of feedback, or insufficient feedback from previous formal recognition applications.

There were some examples of good communication, with one group articulating that grassroots approaches had worked well where discussions had occurred in person about how to engage on Country appropriately. Another group reflected on what they observed as a successful engagement process, stating that a successful or effective process leaves them feeling satisfied that everything raised by the group was either pointed out, written up or talked through at the meeting. This group asserted, *"that to me is finished business."*

## Sharing opportunities and information

***“There’s a lot of work happening out on Country. We don’t live on Country but we want to know when things are happening.”***

Most groups across all regions expressed concern about government not sharing relevant information with Traditional Owners. Information fell into a number of categories, including information about work happening on Country, and information about engagement and employment opportunities, with one group observing that young people who are often

highly skilled and able to contribute are keen to engage with government but do not know what is happening or how to get there.

Groups also commented on a lack of feedback about funding applications, and feedback about decisions made in formal recognition processes. Some groups saw this as a lack of transparency.

Multiple groups across two regions wanted to understand how government does its business so Traditional Owners can better engage.

People had different suggestions about how best government can reach out to Traditional Owners with information about engagement opportunities. Conversations reveal that approaches need to be flexible, dynamic and varied depending on the group and situation. Some ideas included:

***“We want to know how they do their business so we can better engage in that business. If there is a process, what is it?”***

- Providing information to Traditional Owners to share through their networks
- Working with engagement officers who know the community and the Elders
- Talking to Local Aboriginal Networks (but be aware that some Victorian Traditional Owners live interstate and may not be reached this way)
- Talking to local Aboriginal organisations
- Working with First Nations Legal & Research Services to mail out information to those registered with the organisation.

## Decision making and power sharing

In every meeting, groups spoke about government decision-making processes. Through these conversations, a theme of sharing control in defining and achieving mutually beneficial outcomes has emerged.

Groups spoke about wanting to have greater control over engagement processes, which need to be based on and driven by their priorities. Some spoke about the need to share control of the agenda. Others spoke of needing an alignment of government and Traditional Owner priorities, with the broader aspiration of better outcomes for Country. They raised the need to consider and define 'benefits' within engagement processes so that it is clear who will benefit and how.


One group said that a key component of good engagement was having a say about who from government the Traditional Owners work with. If government is carrying out work in the region, they would like to be involved in the selection of personnel. In cultural heritage management processes, the group also expressed wanting to be responsible for choosing heritage advisors from a register for each cultural heritage management plan.

Participants in all regions spoke about wanting to be involved earlier in engagement processes. For some groups, this means working together with government in developing a funding bid for a project at the very outset of this process. Groups reflected on the impact of being involved at the planning stages versus at the end of a project:

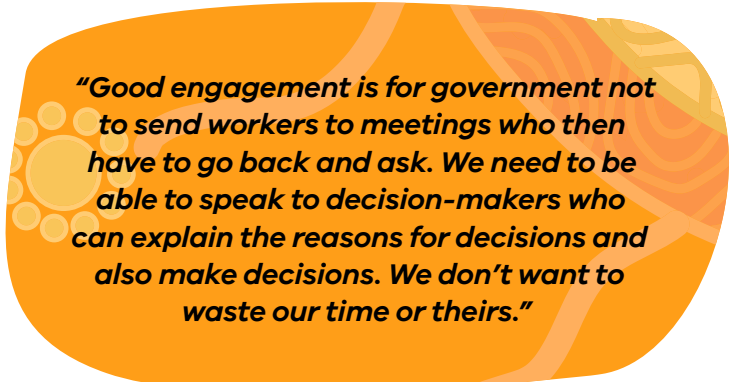
- Undertaking planning together with Traditional Owners ensures there is sustainability and not just one-off site visits. Being able to plan makes it easier to organise people and build capacity to participate, whereas
- Being involved at the end of a project exacerbates the power imbalance and means that people are always trying to catch up with projects.

All groups highlighted the importance of having access to decision-makers within government. Groups felt that when decision-makers were not at meetings with them they were further removed from government decision-making processes, adding that there is also a time delay while government representatives present at meetings have to relay information up the chain and back down again. Groups said that sometimes they don't even get a response, adding to their frustration.

Some also called for government to impose "less red tape" when they are working together on Country, explaining that they feel there are barriers preventing them from using Aboriginal knowledge methods even though the outcome will be the same.



***"We want to be at the forefront of every decision on our Country."***



***"Good engagement is for government not to send workers to meetings who then have to go back and ask. We need to be able to speak to decision-makers who can explain the reasons for decisions and also make decisions. We don't want to waste our time or theirs."***



***"By the time information gets up to the decision makers, the government changes."***

## Allowing adequate time and space

Across all regions, groups discussed the different time frames and pressures of both community and government and the need for these to better align. Traditional Owners spoke often about the challenges that government time frames present. A number of groups expressed frustration that government processes are slow and inefficient, yet several groups also stated that government time frames are inappropriate or unrealistic and are imposed without consultation rather than negotiated with Traditional Owners. Groups observed that sometimes the community feels pushed by people to get things done and that government time constraints put a lot of pressure on people and do not reflect the actual time it takes to effect environmental changes.

***“We need to think of our Ancestors first, then ourselves, then our grandchildren.”***

Groups in all regions also expressed frustration about government expectations regarding when engagement with Traditional Owners occurs. Many people spoke about their work and other commitments, stating that it is often difficult or not possible for people to meet with government during regular working hours, explaining the need for flexibility to arrange meetings during the evenings or on the weekends.

Groups spoke about needing more time for thought and reflection in government engagement processes, to account for the *“big thought process”* Traditional Owners need to go through, which one group explained as involving consideration of the Ancestors, the present and future generations.

***“Good engagement creates the space for people to think about the long-term impacts.”***

***“Good engagement is not just about us, it’s about our grandkids and grandkids’ kids.”***

## High expectations

A theme emerging across all regions was the commitment from groups to work towards better engagement outcomes, and an expectation that government will do the same.

Many conversations called for government officers to operate with commitment, dedication and honesty.

***“We’ve been here before, we’ve tried to improve government engagement and it hasn’t worked, but that doesn’t mean that we stop trying. When we stop trying, we’ve given up.”***

***“There’s got to be an outcome, you may not get the one you want but you’ve got to start with something.”***

Traditional Owners want to have high expectations of government. One group commented that they should be able to assume that government officers are working effectively in their roles, but that they often don't feel that this is the case. One group offered that to embed accountability to Traditional Owners, engagement should be built in as a performance measure for government staff and that Traditional Owners should assist in evaluating this measure.



## **A coordinated government**

Many groups talked about a lack of coordination and cohesion within government, both between agencies and between different levels. Some felt that the Victorian Government does not work in sync with their Federal Government counterparts. Others expressed frustration at the lack of a whole-of-government process for Traditional Owner engagement, often resulting in engagement that is ad hoc and opportunistic. Groups also spoke of the importance of bringing local government and organisations such as First Nations Legal & Research Services into the conversation about a whole-of-government approach. Some also explained that a whole-of-government approach to the protection of cultural heritage is needed, and that Aboriginal Victoria should be able to hold other agencies to a higher level of accountability regarding the protection of cultural sites.

Of particular concern in all regions was the lack of coordination between the Victorian and New South Wales Governments. One group added that government agencies fail to acknowledge that a number of Traditional Owner communities extend across the border. Some groups have called for the Victorian Government to lead the way in developing a partnered approach with the New South Wales Government in these areas. Greater collaboration between the Victorian and New South Wales Governments was also explained as a critical component of a more holistic approach to cultural heritage and land management.

Collaboration and coordination were also discussed in a broader context, with one group articulating that collaboration should be cohesive across land, fire, biodiversity and water to produce a shared perspective and better outcomes for Country. Others saw coordination as crucial in ensuring that everyone along a river system is working together, government, non-government agencies, and Traditional Owners, including all neighbouring groups.

## Conversations with groups with formal recognition

Given the focus of the Engagement Project on areas without formal recognition, discussions with formally recognised groups focused on the groups' interests in these areas. A number of groups explained that they have not yet been recognised over the full extent of their Country and accordingly have interests in these areas. Groups explained that in these regions they are experiencing challenges engaging with government.

Groups also took the opportunity to make more general observations about engaging with government. As such, the below feedback may also be relevant to government engagement with formally recognised groups regarding their recognised area.

## Sharing and strengthening knowledge and skills

Traditional Owner groups explained the need for two-way understanding as well as knowledge and skills sharing between government and Traditional Owners.

Traditional Owners stated that they need greater understanding and clarity of the systems within government and that government need greater understanding of Traditional Owners and their situations, explaining further that government often expects that all Traditional Owners are experts across all areas and often expects Traditional Owners to all have the same level of cultural knowledge without understanding their individual situation.

Examples provided for training and skills sharing included Traditional Owners accessing government training opportunities, and government officers accessing cultural education and awareness training. One group talked about the need for government to explain to stakeholders the responsibilities and obligations they have to newly appointed Traditional Owner groups.

## Effective communication and good relationships

Traditional Owners stressed the need for direct contact and personal connections and explained that government needs to have face to face contact with the right people. Traditional Owner groups also spoke about the need for good personal relationships that are transparent, reciprocal and strengthen community capacity.

Some Traditional Owners commented that government needs to provide better communication about their structures, policies and procedures and need to be clearer about the outcomes of engagement processes so that Traditional Owners understand their role and their input.

## Support and resourcing

As discussed above, Traditional Owners explained that they are often carrying out work that they are not funded to do. Some groups stated a number of ways for government to rectify this:

- Pay Traditional Owners for all services that groups provide, including input and advice to government in engagement processes
- Embed the cost of contracting specialist advice in project budgets
- Provide resourcing for groups to support members' health and wellbeing
- Implement land taxes for any activity on Country
- Fund Traditional Owner positions in RAPs to facilitate a stronger relationship between the group and government
- Fund groups to discuss a project or issue as opposed to involving government to do this work.
- Involve groups in any development on Country from the beginning so that *"Traditional Owners [can] be part of the significant spend on infrastructure on Country, and not just get the crumbs"*.

## Healing informed practices

Groups identified that government can support healing by recognising the hurt and impact of colonisation and government practices. They also talked about government supporting healing through recognising, respecting and understanding what it means to be Traditional Owners, and then working with them as Traditional Owners. This includes respecting Traditional Owner rights, understanding history and recognising the responsibilities Traditional Owners have to their Ancestors, families and future generations. Groups also discussed the need for a new approach to formal recognition processes, with one group referring to an *“absence of cultural safety in government processes”* and another commenting that *“the State is doing lateral violence to us”* in the *Traditional Owner Settlement Act* process. Groups also raised a lack of cultural safety and listening in native title and *Traditional Owner Settlement Act* processes, commenting further that outcomes do not fully address Traditional Owner aspirations.

## Decision making and power sharing

Traditional Owner groups with formal recognition had mixed sentiments about how much power was being shared by government. There were some positive reflections around being engaged by government at the inception of ideas and having control of Country where land had been handed back.

***“Government is like a taxi driver taking us for a ride.”***

However, groups also discussed challenges of having to meet to work on government’s priorities explaining that this impacts the strategic direction of the group.

One group added that they feel that they are treated as a ‘tick a box’, that government *“use us for their advantage, not ours.”*

Groups were concerned that they are not being involved up-front in decision-making and planning processes, and that engagement was more of an afterthought.

***“They often don’t talk to us before they go out and do things so then we can’t meet their expectations.”***

As well as the need to engage early, groups also stated that government needs to understand and respect groups’ time frames so they have *“room to breathe”*.

***“We are being overwhelmed by engagement by government, but we are not involved upfront in preparing the vision.”***

# Moving forward

## Victorian Government Traditional Owner Engagement Project

There was broad support for the development of guiding documents (i.e. policies, principles, framework etc.) to improve government engagement with Traditional Owners of areas where there is no formal recognition. Participants held that any guiding documents should be based on the feedback that has been provided by Traditional Owners, with key themes emerging in this report around:

- Recognising and respecting rights
- Strengthening relationships with a more coordinated government
- Supporting and resourcing Traditional Owners
- Building a culturally aware and competent workforce
- Effectively reaching out, communicating and sharing information
- Sharing power and control in defining and achieving mutually beneficial outcomes
- Creating more opportunities for Aboriginal employment and promotion in government, in supportive and culturally safe workplaces.

Traditional Owners supported a coordinated, state-wide approach to improved engagement, yet some emphasised that working well with the government agencies will be best facilitated by also working with groups to understand and respect their own engagement protocols, specific and relevant to them.

***“We don’t want this to be just a box to tick off, just part of a protocol.”***

Some people spoke about the need for the guiding documents to incorporate an action plan and principles that incorporate respect and inclusion. They also spoke about engagement principles needing to be underpinned by self-determination, with one group referencing government’s obligations under the Victorian Charter of Human Rights and Responsibilities.

***“It’s got to do something. It can’t be a project for a project’s sake. They end up on the shelf.”***

***“Hopefully the guiding documents will create a space for respectful engagement.”***

People talked about the guiding documents needing to deliver genuine benefits and outcomes for Traditional Owners in the short and long term, and called for government to commit to good engagement as an ongoing practice.

There was also recognition that DELWP is developing principles and a framework for engaging with Traditional Owners. Traditional Owners felt that this was a good opportunity for government agencies to work together through a coordinated approach. More generally, people discussed the importance of coordination, acknowledging that this is a big job.

***“It’s not about getting one good idea and putting it on a pedestal, good engagement is an ongoing practice.”***



## Traditional Owner Self-Determination Scheme

There was extensive support from Traditional Owners for the Traditional Owner Self-Determination Scheme and an acknowledgement that this project addresses a gap in foundational support. Many groups warned however, of the importance of learning from past mistakes and ensuring that the same practices that have inflicted trauma are not repeated.

Several groups discussed values that should be considered when providing support. People suggested that the Scheme should support projects that:

- **Promote healing** for individuals and across families, groups and regions
- Build on the **strengths base** of Traditional Owners
- Respect **cultural knowledge and build cultural connections**
- **Engage young people** in all stages.

Groups discussed the need for clear criteria for accessing resources; assistance to apply, plan and implement projects; detailed feedback for all who make applications; and transparency about allocation of resources. Traditional Owners also felt that groups with less resources and capacity to organise, or who are not incorporated, should not be disadvantaged in accessing the Scheme.

Several groups raised the need for coordination with other agencies and service providers to enable the sharing of relevant information and attendance at meetings.

Some groups also suggested that the Scheme should bring Traditional Owners from across the state together to share their experiences, learnings and ideas, explaining that this would also help to coordinate and maximise resources.

Across the regions, the name of this project was considered and many groups didn't like the title 'Traditional Owner Self Determination Scheme'. For some groups, the term 'Traditional Owner' has been used to isolate groups without formal recognition and is not considered an inclusive term.

Several groups spoke about the empowerment and power sharing associated with the term 'self-determination', with one group stating that self-determination is about having *"the power to make decisions for our people"*. Nevertheless, groups warned against using this term, commenting that the term has been adopted *"just to make us feel good"*. Finally, groups across the regions stated that the term 'Scheme' should be reconsidered. To many people, Scheme carried negative connotations. Terms such as 'program' were viewed as more appropriate.





# Conclusion

This report presents the voices of over 120 Victorian Traditional Owners who provided critical information about how government can better resource and engage with Traditional Owner groups while continuing to build meaningful relationships.

For Traditional Owners, particularly those of the Mid North West, North East and Far East Gippsland, there is persistent disappointment about government processes and a feeling of being left behind.

At the same time, there is hope and courage for the future: *“We want to get things in place for our future leaders”*; and a desire to build better relationships to take *“everybody – government and community – to a sustainable place.”*

In providing the advice in this report, Traditional Owners have loudly and consistently said they want ***“to be heard and for the words to have actions”***.



***“We want to get things in place for our future leaders”***

This report will be available to all but is intended to be of particular importance to government agencies and of the greatest benefit to the Traditional Owners who contributed to the report. It is hoped that Traditional Owners can see their voices reflected in this report and that the report also provides an opportunity for Traditional Owners to hear what groups have said collectively.

This report will be presented to decision-makers such as the Victorian Government Secretaries Leadership Group and to all relevant government and government funded agencies, with an invitation to listen, hear and act – to reset the relationship with Traditional Owners.

Traditional Owner advice in this report will inform the design of the Scheme and guiding documents for the Engagement Project. For both projects, this report is part of a continuing conversation and relationship with Traditional Owners: *“laying strong foundations for the future”*.

