

Treaty Circle Facilitator Handbook

Building a pathway
to Treaty

What is in this book?

Summary	1
Consultations	11
Content	14
FAQs	23
Treaty Circles	27
Facilitation	33

Summary

What this book is about

This book is designed to provide you as a Treaty Circle Facilitator with enough information to support you in hosting a Treaty Circle.

In February 2016, Aboriginal people in Victoria called on the Victorian Government to negotiate a Treaty. The Victorian Government has agreed to participate in Treaty negotiations but does not have a State-wide Aboriginal representative body it can negotiate with. As a result Treaty negotiations cannot begin.

This is why a representative body is needed, so that Aboriginal people in Victoria can begin to negotiate Treaty with the Victorian Government. Treaty Circles and these consults are about giving Aboriginal people in Victoria a voice to provide instruction to design their representative body.

The role of the representative body is to represent, advocate, educate, develop a State-wide Treaty negotiation framework and engage with community and government about Treaty/Treaties. Only Traditional Owners can negotiate local Treaties for their country, supported by a State-wide Treaty negotiation framework.

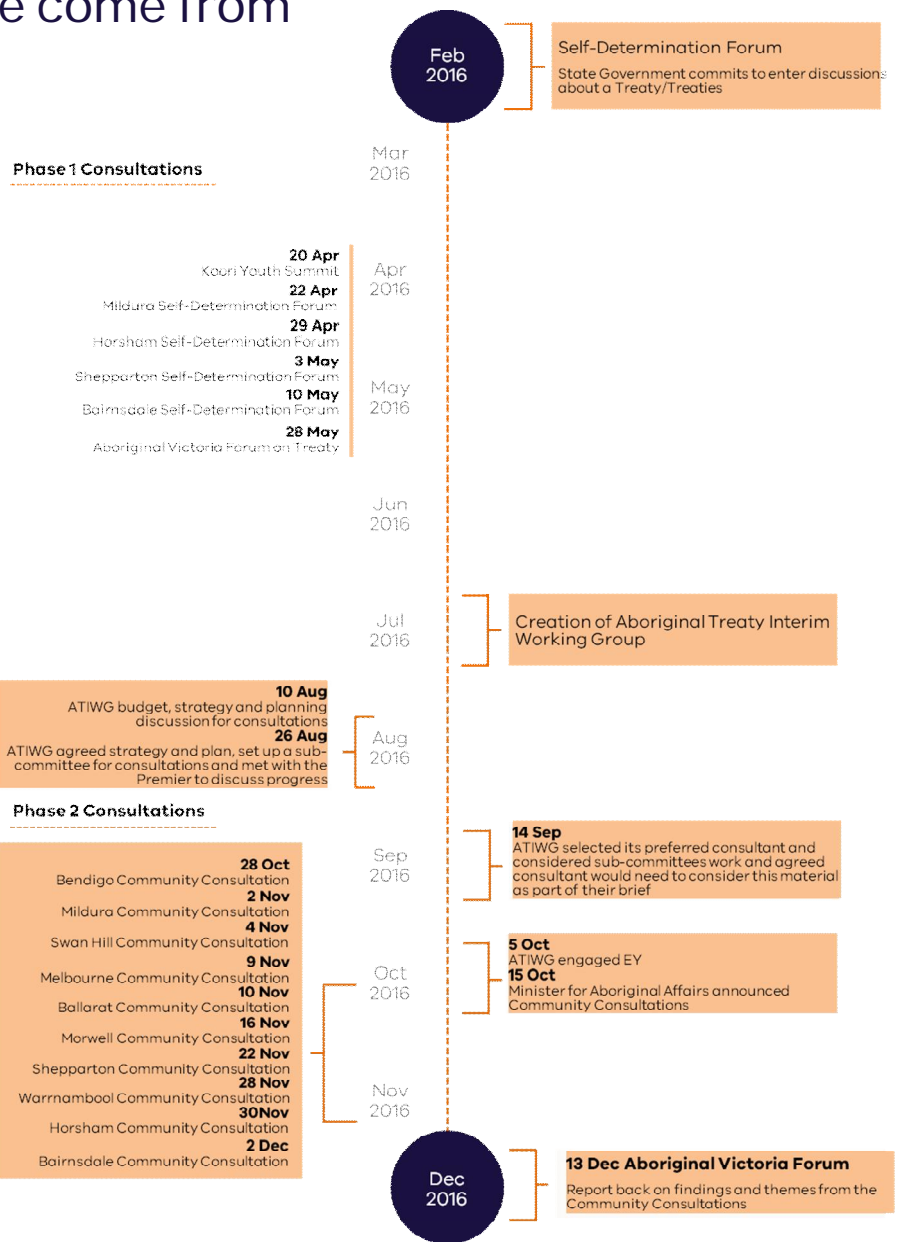
#pathwaytotreaty

Summary

Where we have come from

A lot of work has already been done by Aboriginal Victorians to provide instruction on the design of a representative body.

This work spanned two phases of consultations and included sessions across the entire State. The work in 2016 culminated in a State-wide forum in December which was a report back to community on the work conducted to date.



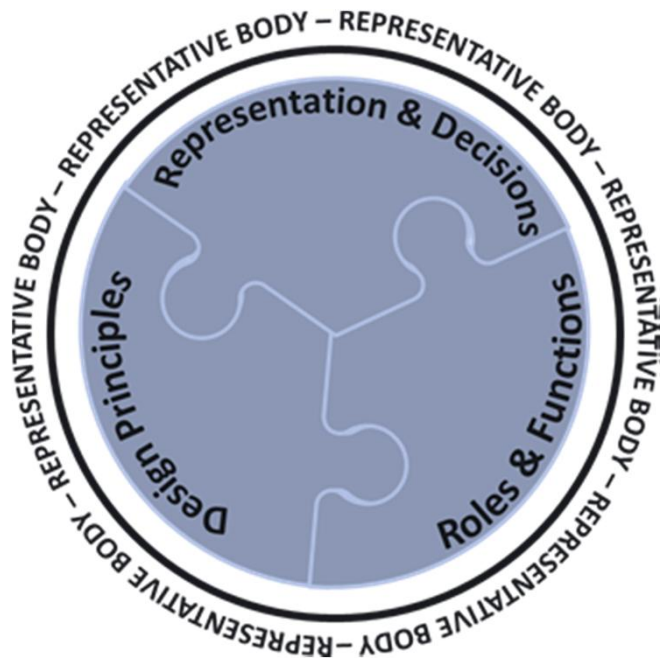
Summary

Where we have come from

The previous phase of consultations focussed on the initial design elements required to design a representative body. These are:

1. Representation and decision making
2. Design principles
3. Roles and functions

During these consultations we asked community to provide input on what they thought the roles and functions of the representative body should be. This was done through a series of workshops and activities that got attendees to brainstorm and reflect upon what components they believed to be most important for the representative body as well as the design principles upon which it can be built.



Summary

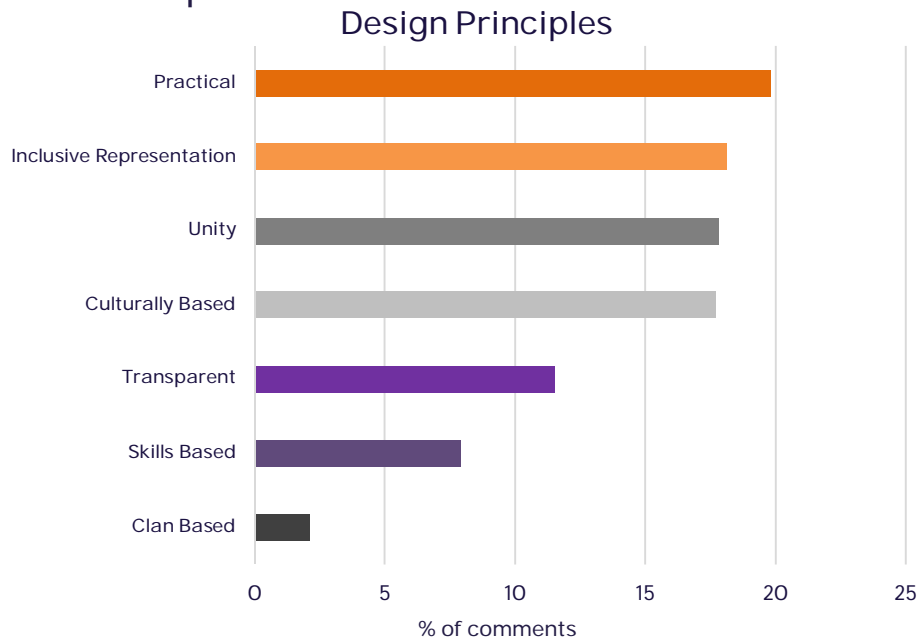
What we heard

The consultations in October – December 2016 focussed on the design principles and the roles and functions of the representative body.

This is outlined in more detail in the report which can be accessed here:

<http://www.vic.gov.au/aboriginalvictoria/treaty/results-of-consultations.html>

In relation to the design principles, the participants at the community consultations outlined that the following principles were the most important:



Summary

What we heard

Throughout the consultations it was consistently recorded that the representative body be democratically elected and independent of government.

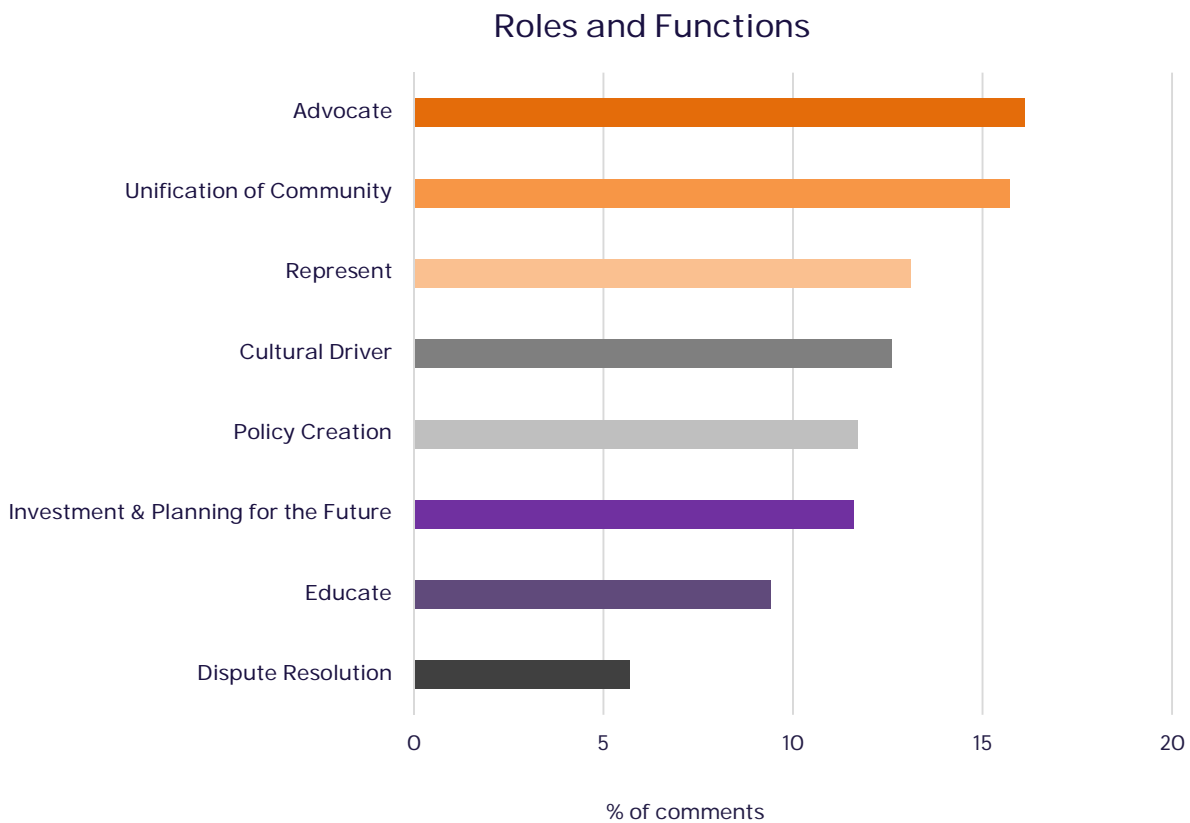
By way of summary the design principles were defined as:

- 1 Practical**
Building and design of the Representative Body should be practical in that it is easily accessible for all members of the Community, well resourced and builds upon existing frameworks and guidelines in place : "not trying to reinvent the wheel"
- 2 Inclusive Representation**
The Representative Body must be "Inclusive of all black fellas in the State". This extends to all Aboriginal people living in Victoria including but not limited to Traditional Owners, Stolen Generation, all ages, all genders, LGBTI, Aboriginal people who are living off country in Victoria and members of families who have territory that crosses State borders
- 3 Unity**
Community outlined the necessity of one cohesive voice, "we are one mob". This should be composed of all aspects of the Victorian Aboriginal community. This would ensure that there is equal representation that embraces the diversity of the Community to unify it, aiming to "put the unity back into Community"
- 4 Culturally Based**
Culture must underpin the foundation of the design of the Representative Body, yet it must combine tradition with modernity at the lead of the Community in a culturally safe manner because "culture is key to our business"
- 5 Transparent and Accountable**
The Representative Body must be accountable to and for community and to government, meaning the Representative Body does not have any hidden agendas and has to maintain its integrity
- 6 Skills Based**
The "best warriors (must be) at the table" through a democratic process, powered by the people. This will ensure that members of the Representative Body have the required skills, connections and resources to discharge their responsibilities
- 7 Independent**
The Representative Body must be "independent of Government but not of Community". It should seek to pursue its own agenda, and thus the agenda of Aboriginal Victorians, without the influence from other sources
- 8 Clan Based**
The design of the Representative Body must be inclusive of all Victorian clans and people and representative of the diversity of Aboriginal clans in Victoria

Summary

What we heard

Throughout the consultations we also heard that in addition to the primary role and function of authorising Treaty/Treaties, the following key roles and functions were also important for the representative body perform:



Summary

What we heard

The roles and functions were defined as:

- 1 Advocate**
The key role of the Representative Body is to advocate on behalf of all Aboriginal people in all aspects of Aboriginal affairs, by representing Aboriginal visions and aspirations. The Representative Body should act for "all First Peoples without fear or favour" and seek to improve the quality of life afforded to Aboriginal Victorians
- 2 Unification of Community**
The community recognises "that Treaty has potential to divide us again and we need to sit together", and the Representative Body should deliver a unified voice of Aboriginal Victorians, committing to representing the best interests of Community, and develop tools to unify the mob and help to minimise internal quarrels
- 3 Represent**
The Representative Body is needed by community to "convey our voice", and it should act for and represent all Aboriginal people through two dedicated seats in Parliament, develop RAPs for all local government, have authority to make decisions on behalf of Community and act in best interests of Community
- 4 Cultural Driver**
Creating culturally safe pathways to cultural awareness for the broader community, re-visit the structure of the education system by enforcing the role of Aboriginal history in the broader curriculum and protect culture and cultural heritage
- 5 Policy Creation**
Becoming a peak body which represents Community and creates of policy for all government bodies including strategic and cultural advice, helping to make Aboriginal affairs core to business and legislation and weaving Aboriginal culture through all policy developed by government
- 6 Investment and Planning for the Future**
The Representative Body can take on this role through advocating for the creation of revenue sources such as taxation schemes to generate funds to be used in future investments, as well as acting in the best interests of future generations, "to help our kids and make sure there are jobs"
- 7 Educate**
Representative Body should act to influence policy changes that seek to heighten awareness and understanding of Aboriginal Culture amongst the broader community, through the incorporation of Aboriginal History as an area of study within the state curriculum, and programs that facilitate greater cultural appreciation
- 8 Dispute Resolution**
Representative Body should have an in-house arm that acts to conduct dispute resolution through a transparent process, with the support and further training of nationally accredited Koori mediators who facilitate "negotiations between all mobs"

Summary

What we are doing now

The final consultations for the design and creation of a representative body to help facilitate the negotiation of Treaty/Treaties has begun.

The voice and thoughts of the participants during the previous phase of consultations on the first two pieces of the puzzle (design principles and roles and functions) have been heard and recorded and a final round of consultations are needed to discuss the remaining details of a representative body. Those details are:

1. Voting;
2. Candidates; and
3. Electorates

These are the elements that will be the focus of the final phase of consultations. The consultation for the final phase has been developed directly from the feedback provided by the attendees of the 13 December 2016 Aboriginal Victoria forum.

The approach is made up of three parts:

1. Community Consultations;
2. Treaty Circles; and
3. Online Message Stick.

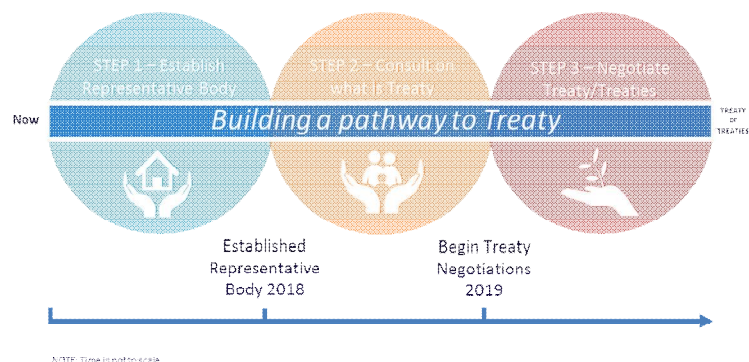
Summary

Where are we going next

We are building a pathway to Treaty and this journey takes time. This is a 3 step process. The first step is establishing a representative body.

This is the step that we are in now and it may take another 18 months to complete because of the time frames around the legislative process.

Step 2 will commence once the representative body has been established. This will involve discussions within the community around what Treaty/Treaties will look like. This will be a



time for the Aboriginal community to discuss what is important for the community to negotiate for, what Treaty actually means to the community and what form the Treaty/Treaties should take.

The final step will then be the negotiation of Treaty/Treaties. This process could take a long time with similar processes taking up to ten years in other jurisdictions.

Consultations

Consultation approach

The three parts to the consultation approach are focussed on the community leading the journey towards Treaty:

1. Treaty Circles

Treaty Circles are community run consultations that will focus on representation and decision making of the representative body. Treaty Circles are coordinated and supervised by community members known as Treaty Circle Facilitators. Treaty Circle Facilitators are community members who self-nominate, and use these materials to support the facilitation and running of Treaty Circles.

There are short training seminars available, but this is not compulsory.

2. Online Message Stick

The online message stick asks the same questions and provides the same information as the Treaty Circles and the Community Consultations. It also gives those who are unable to attend a Treaty Circle or a Community Consultation the ability to provide their voice and opinion. The online message stick is accessible via the Treaty website as of 4 March 2017.

<http://www.vic.gov.au/aboriginalvictoria/treaty.html>

Consultations

Consultation approach

3. Community Consultations

Six consultations will be held across the State over the month of March (2017). The Community Consultations will be in addition to the Treaty Circles and provide more opportunities for the Aboriginal community to share their opinions on representation and decision making.

The Community Consultations will be held at :

- Echuca: Tuesday 7 March
- Mildura: Thursday 9 March
- Portland: Tuesday 14 March
- Sale: Thursday 16 March
- Wodonga: Tuesday 21 March
- Melbourne: Thursday 23 March

The consultations will be run between 10am-3pm and then repeated between 4pm-7pm at each location to allow for community to choose between a day or evening session.

The content of the Community Consultations is consistent with all other consultation approaches. To register for consultations please go to:

<http://www.vic.gov.au/aboriginalvictoria/treaty/have-your-say-at-community-consultations.html>

Content

Content of the consultations

Representation has three primary components:



who can vote
and how is
voting
organised



who can be
chosen as
candidates
and how



how people
are nominated
to be on the
representative
body (voting
boundaries)

These structures and decision making processes must reinforce culturally appropriate governance in a culturally safe representative body.

Content

Basis of a representative body

The representative body will be designed and based on the following principles that have come through the voice and instruction of participants throughout the consultations in 2016.

1. The Representative Body represents all Aboriginal people who live in Victoria and reflects the principle of self-determination.
2. The Representative Body is a formal and permanent organisation (whether through legislation or otherwise) that is independent of government and whose primary purpose is to facilitate the authorisation of Treaty/Treaties.
3. The role of the Representative Body is to represent, advocate, educate, develop a State-wide Treaty negotiation framework and engage with community and government about Treaty/Treaties.
4. Only Traditional Owners can negotiate local Treaties for their country, supported by a State-wide Treaty negotiation framework.
5. The Representative Body is sufficiently resourced and funded to operate as an independent voice for Aboriginal people living in Victoria.
6. Voters must be 18 to be eligible to vote.

Content

Consultation questions

The consultations will focus on the mob providing their voice on a set number of questions. Each question is outlined below with a brief description aimed at clarifying what they mean and how to explain them. Before working through each question it is important to remember and take into account the principles set out on page 15 of this book. Remember to hand out the questionnaire so each person can share their opinions.

1. Who is eligible to vote? Select any you agree with.

- a) All Aboriginal people who live in Victoria
- b) Aboriginal people who were born in Victoria
- c) Victorian Aboriginal traditional owners
- d) All Aboriginal people
- e) Other – please share your thoughts

This question is about who can vote. Can it be every Aboriginal person in Victoria or does someone's mob have to be from Victoria for them to be eligible to vote? Do you have to live in Victoria to be able to vote? What is the connection required to Victoria?

Content

Consultation questions

2. Who can stand for election? Select any you agree with.

- a) All Aboriginal people who live in Victoria
- b) Aboriginal people who were born in Victoria
- c) Victorian Aboriginal traditional owners
- d) Other – please explain

The focus of the question is on who is eligible to be a candidate based on who their mob and where their country is. Something to think about might be whether it is more important for a candidate to have their country in Victoria or whether they are the best person for the job.

3. How are candidates nominated? Select any you agree with.

- a) A candidate must self-nominate and be supported by a Victorian Aboriginal organisation
- b) A candidate must be nominated by a recognised Traditional Owner corporation
- c) A candidate must self-nominate and gather 20 eligible voter signatures
- d) Other – please share your thoughts

This question is about how people become candidates in the first place. What qualifies someone to be made a candidate? What support do they need from community?

Content

Consultation questions

4. What should disqualify someone from being a candidate?
Select any you agree with.

Anyone who:

- a) Would bring the organisation into disrepute (*see below for definition*)
- b) Has been convicted of a serious indictable offence (*see below for definition*)
- c) Other – please share your thoughts

^If elected the candidate cannot also be a public servant, a Member of Parliament or a Member of local Government.

Disrepute: Conduct that is illegal or generally immoral in the eyes of the community and would be considered conduct that could bring the organisation into disrepute.

Indictable offence: Offences that include and are similar to aggravated burglary, sexual assault, drug trafficking offences, murder and manslaughter.

It is important to consider not only what makes a good candidate but also what makes for a bad one. What other criteria could or should be added to this list?

Content

Consultation questions

5. How long should candidate terms be? Please choose one option.

- a) Three year terms
- b) Four year terms
- c) Other - Please share your thoughts

6. Should candidate terms be fixed or renewable? Please choose one option.

- a) Fixed terms (the candidate can only stand once and cannot stand again)
- b) Renewable terms (the candidate can stand for re-election)
- c) Fixed terms, and cannot stand for consecutive terms (the candidate have to sit one term out before standing again)
- d) Other - Please share your thoughts

These two questions focus on the length of a term of a candidate. The intention is that candidates are to be paid once they are elected into the role. Does this impact how long you want candidates to be in the role once elected? Is it more important to keep refreshing representatives or is consistency and longevity more important?

Content

Consultation questions

7. What knowledge, skills and experience do you believe it is important for candidates to have? Select any you agree with.

- a) Victorian Aboriginal culture and communities
- b) Aboriginal affairs in Victoria
- c) Leadership and advocacy
- d) Legal/governance
- e) Finance and accounting
- f) Public office experience
- g) Risk and strategy
- h) Government/policy experience
- i) All of the above
- j) Other – please share your thoughts

These criteria are aimed at balancing out the technical skill and cultural knowledge requirements of candidates. What is most important given the potential roles and functions of the representative body? Some of the above criteria are considered important skills to sit on most executive boards. How important is it to have a good mix of skill sets? What other criteria could or should be added to this list?

Content

Consultation questions

8. What voting structure do you want for the Representative Body? Please choose one option.

- a) No boundaries, State-wide vote for the best people for the job regardless of where they live
- b) 3 regions (West, Central and East)
- c) 5 regions (North, East, South, West and Metropolitan)
- d) Other - please share your thoughts on this on the reverse side of the questionnaire

What is the best way to split the State into electoral regions? Is there a fair way? Or is there a way that is not perfect but will be the fairest way for everyone? You may look to government splits or traditional owner splits for some guidance if you would like.

FAQs

Will we be voting on who is going to be in the representative body during this next round of consultations?

No – we will be asking you about who you want to represent you, what eligibility criteria you want, where you want them to come from, how long you want them to be in office, how you want decisions to be made and what skills you want your representatives to have.

When do we decide on what we want this representative body to look like?

There will be a State-wide forum held on 28 April in Melbourne (details to be announced on the AV website closer to the date) where the Victorian Aboriginal community will have their say on what they want their representative body to look like.

Will the representative body only negotiate treaty?

It could – but it could also do more – please see the report from the previous phase of consultations to see what the Victorian Aboriginal Community told us during the last round of consultations on what else you wanted it to do.

However, the representative body will not be a service delivery organisation.

FAQs

How do I learn more about what a representative body could do? We have gathered information on what leading experts have said that a representative body could do for Aboriginal people in an Australian context. Please see the fact sheet on representative bodies for further information.

http://www.vic.gov.au/system/user_files/Documents/av/Aboriginal_Representative_Structures_Fact_Sheet.pdf

How can I have my say?

There are three different ways. Online via the online message stick:

<http://www.vic.gov.au/aboriginalvictoria/treaty.html>

Otherwise, Treaty Circles will be established by Treaty Circle Facilitators and the Aboriginal Treaty Interim Working Group will be coming back out to community and doing face to face consultations in March 2017. For more information on each of these, please visit the Treaty website mentioned above.

FAQs

When will we be voting on who will be a representative?

Not until after the representative body is designed and then established.

What will be in the Treaty?

We don't know yet. Nothing has been decided or negotiated. The Treaty/Treaties negotiation(s) will happen once the representative body is established.

When will we negotiate Treaty?

We don't know yet so not until after the representative body is established.

Treaty Circles

What Treaty Circles are

Community called for a bigger role in Treaty and want the chance to talk about how and who negotiates Treaty/Treaties. As a result, during this round of consultations, the community can choose to run and host their own Treaty consultations. Treaty Circles are conversations run by community members as Treaty Circle Facilitators, in their local area ('Treaty Circles').

It is up to each Treaty Circle Facilitator to determine where and when each Treaty Circle is held. The conversation will be based upon the questions outlined in the Content section of this book.

Each Treaty Circle Facilitator will work with participants of each Treaty Circle to fill out the questionnaire containing the questions and will then populate every participant's responses through the online message stick or via post to the address outlined on page 29 of this book.

Treaty Circles are designed to allow the community to drive the next steps in the Treaty process. Their aim is to hear the community's voice about the what they want the Representative Body to look like whilst ensuring maximum participation by as many members of the Victorian Aboriginal community as possible.

Treaty Circles

What Treaty Circle Facilitators do

As a Treaty Circle Facilitator you will be helping the community drive the next steps in the pathway to Treaty. Your job is to capture the voice of the community through the delivery of Treaty Circles.

Treaty Circle Facilitators will be tasked with:

1. Organising each Treaty Circle
2. Promoting each Treaty Circle (with the assistance of Aboriginal Victoria and the Aboriginal Treaty Interim Working Group if requested)
3. Running each Treaty Circle using the skills outlined in the Community Consultation forums and in this handbook
4. Reporting the responses from each participant back through the online message stick or via post

The location and times of each Treaty Circle is up to each Treaty Circle Facilitator. The aim is to achieve maximum spread of locations across Victoria.

It is the job of the Treaty Circle Facilitator to ensure that each Treaty Circle is a safe and inclusive space. A code of conduct has been developed which every participant of a Treaty Circle must agree to before the Treaty Circle can commence. This code of conduct can be found on page 31 of this book.

Treaty Circles

What Treaty Circle Facilitators do

Some important information to remember when organising each Treaty Circle:

Venue – This could be someone’s house, a local community hall, a park or wherever you feel culturally safe and you think is appropriate.

Materials – The online message stick will form the basis of the content required as well the content in this book and the questionnaire.

Support – You can access up to \$500 to spend on stationary, food and refreshments (no alcohol) for the purpose of running a Treaty Circle. To discuss how to do this in detail please contact AV on 1300 366 356 or via email at treaty.vic@dpc.vic.gov.au.

Timing – You can hold Treaty Circles from the 4 March 2017 and all responses must be received by no later than 13 April 2017, otherwise they won’t be accounted for.

Reporting – Please ensure you either input all participant responses via the online message stick or send any hard copy responses via mail to: Treaty, EY, GPO Box 67, Melbourne VIC 3001

Treaty Circles

Safe Treaty Circles

In the unlikely event that anyone attending a Treaty Circle displays any aggressive behaviour it is important to:

- Reinforce the code of conduct that was agreed upon and if any person continues to display aggressive behaviour you can cancel the Treaty Circle and/or ask the person to leave
- Maintain a safe distance between yourself and an aggressive participant
- Not turn your back on an aggressive participant
- Not go outside or isolate yourself with an aggressive participant
- Seek support from others at the Treaty Circle and ensure everyone else is also maintaining a safe distance
- Ask the aggressive person to leave and remind them it is a culturally safe space and their behaviour is not appropriate
- If the situation escalates, immediately call 000

Aggression refers to any unacceptable or hostile behaviour towards you or another participant that creates an intimidating, frightening or offensive situation. For example:

- threatening or offensive behaviour
- verbal abuse
- physical violence against a person
- harassment
- physical violence against objects (e.g. items of furniture and fittings)

This guidance is designed to assist in running a culturally and physically safe Treaty Circle.

Treaty Circles

Code of Conduct

To ensure that a Treaty Circle is run safely it is important to outline to participants some important ground rules and ask all participants to agree to prior to commencing a Treaty Circle:

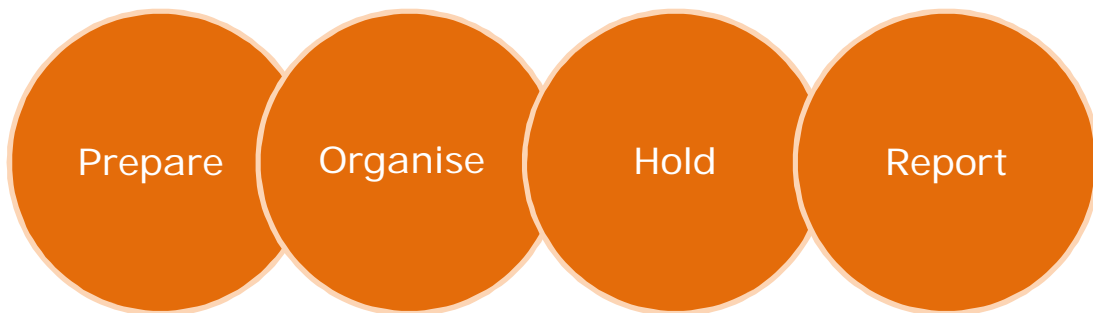
- No aggressive or threatening behavior or language and if anyone displays this behavior they will be asked to leave
- Respect everyone's opinion and right to have their say, even if you do not agree with their opinion
- Respect for Elders, ourselves, each other, for any points of difference, each others families and young people
- If anyone feels uncomfortable at any point they should outline how they are feeling
- Outline that what is said during the discussion is to remain in the discussion as this will help to create trust
- Remind everyone the aim of the Treaty Circle is for a safe discussion and that it is not about giving advice or criticism on other people's opinions

It is important to remind participants that everyone's voice is equal in the Treaty Circle and no one's opinion or voice is more important than anyone else's.

Facilitation

Holding a Treaty Circle

Holding a treaty circle is simple



Treaty Circle Facilitators must know the content prior to each Treaty Circle. They must review every question and all content so they aren't surprised during the session.

It is also important to practice delivery and get a good estimate for how long each session will take.

Understand your audience, try and think about what they will want from the session

- To do this ask yourself the following questions:
 - Why am I presenting?
 - Who is my audience?
 - What do I want them to feel, know and do?
 - What do I want out of the session?

Facilitation

Holding a Treaty Circle

When delivering a Treaty Circle, it is important to remain objective and ensure that the space remains a culturally and physically safe one so participants can form and present their own opinions.

Try to make the sessions interactive – ask questions, tell stories, use examples, connect the materials to things participants can relate to. Other key points to remember are:

- Use clear language and emphasise key points
- Speak slowly and clearly
- Present to the entire audience

Use discussions and activities with participants to fill out the Online Message Stick or the Questionnaire with that Treaty Circle's results either directly through the online portal or by having participants fill out the questionnaire themselves.

The Treaty Circle Facilitator must ensure that every participant at the Treaty Circle has their say through the online message stick or the questionnaire.

Facilitation

Holding a Treaty Circle

To generate audience participation ask for the group to respond to each question and/or participate in the discussion right from the start of the Treaty Circle and keep asking each person throughout the course of the Treaty Circle. A way to help this succeed is to:

- Direct questions to participants directly
- Use positive language and encouragement

As a facilitator it is important to actively listen. There are five key elements to active listening:

- Pay attention
- Show that you are listening
- Provide feedback
- Respond appropriately
- Defer judgement

Ensure you practice active listening with all participants of your Treaty Circles – even if you don't agree with what they are saying.

Facilitation

Holding a Treaty Circle

During Treaty Circles there is a good chance there will be some tough questions. It is important to know how to handle those questions. Some key skills in being able to handle tough questions are:

- Repeat the question so everyone can hear the question
- Answer directly by looking at the person asking the question
- Use all materials provided to help answer question
- If you can't answer the question, write it down and explain you will send it to the ATIWG and AV for further clarification and get back to them

When it comes to ending the Treaty Circle ask for final questions, revisit key points and material, review any unanswered questions and action items and explain next steps in the process and highlight the upcoming community consultations and State-wide forum. Finally, do not forget to thank participants for coming.

Facilitation

Notes
