

ABORIGINAL AFFAIRS

Written Questions on Notice provided by Richard Riordan MP

1. **Question:**

Budget Paper 3 (2019/20) page 3 and funding in the Aboriginal Affairs Portfolio for the Treaty and Self-Determination for Aboriginal Victorians. With \$9 million last year for an Aboriginal treaty and self-determination, this Budget Paper refers to a further \$14.2 million in 2019/20 and 16.2 million in 2020/21. This includes funding for the election of an independent Aboriginal representative body. The 2019/20 Budget Questionnaire for Department of Premier and Cabinet, mentions the Treaty as a Lapsing Program for 2018/19, with \$18.4 million being provided in 2018/9, and extended funding of \$20 million in 2019/20 and \$21 million in 2020/21. Minister, can you explain where the additional funding for the treaty is provided for under the Department of Premier and Cabinet (BP3, page 92), if at all, and what the total funding for the treaty is, across all Departments, for 2018/19, 2019/20, 2020/21, 2021/22 and 2022/23?

Response:

All funding that the Victorian Government has committed to date to advance treaty with Aboriginal Victorians has been allocated to the Department of Premier and Cabinet (DPC).

The *2017/18 Victorian Budget* provided \$8.4 million for 2017-18, \$9.4 million for 2018-19, \$5.8 million for 2019-20 and \$4.8 million for 2020-21 for the State to pursue treaty and other self-determination initiatives with Aboriginal Victorians. This funding has enabled DPC to build capacity to develop treaty in partnership with Aboriginal Victorians. To date, this funding has supported DPC to undertake extensive community engagement, develop policy expertise and legislation, fund the establishment of the Victorian Treaty Advancement Commission and build public support for treaty through communications campaigns on treaty.

The *2018/19 Victorian Budget* provided an additional \$9 million in 2018-19 for treaty and self-determination. This included funding for the election of an independent Aboriginal Representative Body to be the State's partner in designing the treaty process. This funding has been characterised as a Lapsing Program as it was a discrete allocation to support the election and establishment of an Aboriginal Representative Body, to be known as the First Peoples' Assembly of Victoria (Assembly).

The *2019/20 Victorian Budget* provided \$30.4 million over two years towards treaty and self-determination. Funding provided in the *2019/20 Victorian Budget* will support the Assembly's operations, comprising \$4.8 million in 2019-20 and \$6.3 million in 2020-21. The reduced amount in 2019-20 is phased to align with the establishment of the Assembly, which is not expected to occur until late 2019. The *2019/20 Victorian Budget* also provided:

- \$6.6 million in 2019-20 and \$7 million in 2020-21: to support treaty readiness initiatives for Traditional Owners
- \$2.9 million in 2019-20 and \$2.9 million in 2020-21: to support the State to fulfil its obligations in Phase 2 of treaty, including a specialist team to represent the State in discussions with the Assembly, and continued communications and engagement to raise awareness throughout Victoria of Aboriginal culture and the importance of treaty

2. **Question:**

How much of this funding was spent on advertising for the Victorian Treaty Advancement Commission (VTAC), including a cost breakdown of advertising during the duration of the 2019 Federal election?

Response:

The Victorian Treaty Advancement Commissioner (Commissioner) is leading the work on establishing the First Peoples' Assembly of Victoria (Assembly) and the election process, in consultation with Aboriginal communities across Victoria.

The *2018/19 Victorian Budget* allocated \$9.0 million to treaty and self-determination. \$5.9 million was allocated to the Victorian Treaty Advancement Commission (VTAC) for operations, community engagement, communications and the election and establishment of the Assembly.

As the Commissioner is independent, she is not subject to ministerial direction, including with respect to the specific allocation of those funds. This independence ensures that the process is led by Aboriginal Victorians.

3. **Question:**

Existing bodies of the Victorian Electoral Commission (VEC) and Australian Electoral Commission (AEC) are already funded to manage the State and Federal roll of voters, the VEC costing \$43.7 million this year and \$95.2 million last year. Yet, the government has insisted on creating an independent electoral roll of Aboriginal Victorians, and contracted this project at a cost of almost \$ 1 million, for a six month period from 1 April 2019, to 1 September 2019. How many people are expected to enrol on the independent roll?

Response:

The Victorian Government set up the Victorian Treaty Advancement Commission (VTAC) as an independent body to ensure Aboriginal self-determination remains at the heart of the treaty process. As such, the Victorian Treaty Advancement Commissioner (Commissioner) is not subject to ministerial direction. The Commissioner is leading the election process to establish the First Peoples' Assembly of Victoria (Assembly) and has published Election Rules for the Assembly elections and is currently in the process of developing an electoral roll. It would be inappropriate for the government to speculate on enrolment numbers relating to the work being led by an independent commissioner.

To be eligible to vote, individuals must be aged 16 or above and must be either:

- a Victorian Traditional Owner, including those currently living interstate,
- or an Aboriginal or Torres Strait Islander person that lives in Victoria and has done so for three of the past five years.

Voting in the Assembly election process is voluntary.

The Australian Electoral Commission (AEC) and Victorian Electoral Commission (VEC) electoral rolls do not record indigenous status. I am also aware that the Assembly is proposed to be a company limited by guarantee, independent of government. It is for the Commissioner to determine whether the AEC and VEC electoral rolls are fit for purpose for use in the Assembly election process in these circumstances.

4. **Question:**

What funding has been provided beyond September, after this contract expires, to maintain and update the VTAC Electoral Roll and ensure adequate privacy and data protection for these Victorians?

Response:

The Victorian Treaty Advancement Commissioner (Commissioner) is leading the work on establishing the First Peoples' Assembly of Victoria (Assembly) and the election process, in consultation with Aboriginal communities across Victoria. This includes the procurement of an electoral provider and the development of an electoral roll. The contract for the electoral provider has been extended as the election timeframes have been extended.

The Assembly Election Rules, which are publicly available, specify how the roll will be used. The electoral roll is independent of any other existing election rolls. The roll will be held in accordance with the Victorian Treaty Advancement Commissioner's privacy statement and personal information will be protected in accordance with the *Privacy and Data Protection Act 2014* (Vic).

The roll will be provided to the Assembly once established. The Assembly may only use the roll for the purposes set out in the Election Rules. The *2019/2020 Victorian Budget* provides \$4.8 million in 2019-20 and \$6.3 million in 2020-21 to support the Assembly's operations. As an independent body, the Assembly will determine how to allocate this funding.

5. **Question:**

Given the contract expires in September and that the creation of the electoral roll is to include Aboriginal Victorians residing in Victoria but also those residing outside of Victoria, what is the process for identifying and contacting these people within such a short-time frame?

Response:

The Victorian Treaty Advancement Commissioner (Commissioner) is leading the work on establishing the First Peoples' Assembly of Victoria (Assembly) and the election process, in consultation with Aboriginal communities across Victoria.

The contract for the electoral provider has been extended as the election timeframes have been extended.

Traditional Owners of country in Victoria can both vote and stand as a candidate for the Assembly when residing outside of Victoria.

Since its establishment, the Victorian Treaty Advancement Commission has been leading community consultations on the model and establishment of the Aboriginal Representative Body. This has included expenditure on sustained community engagement and communication with Aboriginal Victorians and Traditional Owner groups, to ensure all Victorian Traditional Owners are adequately informed of, and supported to participate in, the Assembly election process.

Written Questions on Notice provided by Sam Hibbins MP

REFERENCE: Budget Paper 3, page 3-5

1. **Question:**

Is the government giving consideration to implementing a Compensation scheme for victims of Aboriginal Stolen wages in this budget?

Response:

Funding is not allocated through the *2019/2020 Victorian Budget* to implement a Victorian compensation scheme for victims of Aboriginal stolen wages.

In 2009, the Victorian Government examined state-held records for evidence of the Board for the Protection of Aborigines (Board) and its successors withholding wages from Aboriginal Victorians between 1918 and 1974.

I understand that this process confirmed that there was no evidence of the systemic withholding of wages by the Board from Aboriginal Victorians between 1918 and 1974.

The Victorian Government will continue to listen to and be guided by Victoria's Aboriginal community on this matter.