

LEGISLATIVE ASSEMBLY

ADVANCING THE TREATY PROCESS WITH ABORIGINAL VICTORIANS BILL
2018

(Amendments and New Clause to be moved by Ms Hutchins)

1. Clause 1, line 5, omit "Aboriginal Victorians" and insert "traditional owners and Aboriginal Victorians,".
2. Clause 1, line 9, after "of" insert "traditional owners and".
3. Clause 3, line 27, omit "10" and insert "11".
4. Clause 3, page 5, line 6, after "with" insert "traditional owners and".
5. Clause 3, page 5, line 11, after "to" insert "traditional owners and".
6. Clause 3, page 5, line 27 omit "17" and insert "18".
7. Clause 3, page 5, after line 27 insert—

"traditional owner, in relation to an area in Victoria, has the same meaning as in **Aboriginal Heritage Act 2006**;".

8. Clause 4, line 12, after "of" insert "traditional owners or".
9. Clause 4, line 17, after "of" insert "traditional owners or".
10. Clause 6, line 4, after "representation of" insert "traditional owners and".
11. Clause 8, line 4, after "of" insert "traditional owners and".
12. Clause 8, line 9, after "of" insert "traditional owners and".
13. Clause 9, line 12, after "of" insert "traditional owners and".
14. Clause 9, line 19, after "of" insert "traditional owners and".
15. Clause 9, line 21, after "with" insert "traditional owners and".
16. Clause 9, after line 21 insert—

"() All elected members (however described) other than employees of the Aboriginal Representative Body must be traditional owners.".

17. Clause 12, line 23, after "with" insert "traditional owners and".
18. Clause 12, line 29, after "supporting" insert "traditional owners and".
19. Clause 14, line 29, omit "13(1)(c)" and insert "14(1)(c)".
20. Clause 15, line 4, omit "13(1)(b)" and insert "14(1)(b)".
21. Clause 16, page 13, line 4, after "with" insert "traditional owners and".

22. Clause 16, page 13, line 9, after "all" insert "traditional owners and".
23. Clause 16, page 13, line 21, after "support" insert "traditional owners and".
24. Clause 17, line 32, omit "16" and insert "17".
25. Clause 19, line 10, after "different" insert "traditional owners and".
26. Clause 21, line 2, omit "Aboriginal" insert "Traditional owners and Aboriginal".
27. Clause 21, line 4, omit "Aboriginal" insert "Traditional owners and Aboriginal".
28. Clause 22, line 13, after "for" insert "traditional owners and".
29. Clause 24, line 27, after "for" insert "traditional owners and".
30. Clause 24, line 31, after "of" insert "traditional owners and".
31. Clause 27, after line 22 insert—
 - "() In the performance of its functions the Treaty Authority is not subject to the direction or control of the Minister."
32. Clause 29, after line 8 insert—
 - "() The Aboriginal Representative Body and the State must ensure that the treaty negotiation framework provides for the negotiation of a treaty or treaties that—
 - (a) recognise historic wrongs; and
 - (b) address ongoing injustices; and
 - (c) help heal wounds of the past; and
 - (d) support reconciliation; and
 - (e) bring pride to Victorians; and
 - (f) have positive impacts for Victoria; and
 - (g) promote the fundamental human rights of Aboriginal peoples, including the right to self-determination; and
 - (h) acknowledge the importance of culture to Aboriginal identity; and
 - (i) enhance the laws of Victoria."
33. Clause 30, line 30, omit "27" and insert "28".
34. Clause 35, line 9, after "supporting" insert "traditional owners and".
35. Clause 35, line 13, after "empowers" insert "traditional owners and".
36. Clause 36, line 29, omit "35" and insert "36".
37. Clause 40, line 13, after "with" insert "traditional owners and".

38. Clause 40, line 17, after "with" insert "traditional owners and".
39. Clause 40, line 21, omit "Aboriginal" insert "traditional owners, Aboriginal Victorians".

NEW CLAUSE

40. Insert the following New Clause to follow clause 3—

"AA Appointment of Victorian Treaty Advancement Commissioner

The Minister must not recommend a person for appointment as Victorian Treaty Advancement Commissioner unless the person is an Aboriginal Victorian."

AMENDMENT OF PREAMBLE

41. Preamble, page 2, after "stages of the journey." insert "In doing so, the State recognises the importance of the treaty process proceeding in a manner that is consistent with the principles articulated in the United Nations Declaration on the Rights of Indigenous Peoples, including free, prior and informed consent. By continuing to consult and cooperate in good faith, the State will endeavour to take each step forward on the pathway toward treaty together with traditional owners and Aboriginal Victorians."