

Department of Jobs,
Precincts and Regions

Ministerial Good Practice
Guideline and General Guidance
for Councils Engaging with
Aboriginal Victorians

LOCAL GOVERNMENT VICTORIA



Guidance for councils engaging with Traditional Owners, Aboriginal Organisations and Community

Acknowledgement

The Victorian Government proudly acknowledge Victoria's First Nations peoples and their ongoing strength in practising the world's oldest living culture. We acknowledge the Traditional Owners of the lands and waters on which we live and work, and pay our respects to their Elders past and present.

Purpose

This Good Practice Guideline (the Guideline) has been issued to assist and support councils to develop respectful and meaningful relationships and partnerships with Traditional Owners, Aboriginal Community Controlled Organisations (ACCOs) and the Aboriginal community in order to meet the requirements of engaging with Aboriginal Victorians as a part of the municipal community under the *Local Government Act 2020* (the Act).

The principles in the attached Guideline, MGPG-2 should assist councils in the development and maintenance of Community Engagement Policies.¹ Compliance with MGPG-2 can be used as evidence that the council has complied with the corresponding requirement under the Act.²

Consultation and Development

Through the development of the *Victorian Aboriginal and Local Government Strategy* (VALGS), Traditional Owners and ACCOs expressed the view they would appreciate additional support and knowledge of council planning processes and the opportunities for their input. In addition, Councils have expressed they would benefit from further information on communicating with Traditional Owners, ACCOs and the broader Aboriginal Community. These Guidelines have been developed to support Aboriginal communities and councils to strengthen partnerships between them.

The Guidelines have been developed in consultation with the VALGS Steering Committee, which comprises of representatives from the Aboriginal Executive Council, Reconciliation Victoria and Traditional Owner Corporations.

¹ Section 55

² Section 87(3)

Background and Context

A council must adopt and maintain a community engagement policy.³ This is a central document which informs a council's approach to engaging with the community across multiple functions including budget and policy development.

The community engagement policy should be developed and maintained cognisant of the strategic context, including the important strategic priorities in this guideline.

As the tier of government closest to the community, local government has an important role in modelling recognition and respect and ensuring that the needs and aspirations of all parts of the municipal community including Traditional Owners and the wider Victorian Aboriginal community are properly reflected in council plans, strategies, and policies. With the implementation of the Act, Traditional Owners, ACCOs and the Aboriginal community should be able to contribute to the direction of council plans, strategies and policies that impact Aboriginal people and Country through continuing engagement and partnership. Councils play an important role in engaging and supporting Aboriginal communities in a respectful and meaningful way to ensure Aboriginal communities can engage and access local government services.

Victorian Aboriginal Affairs Framework

The Guideline draws upon the [Victorian Aboriginal Affairs Framework 2018-2023](#) (VAAF) as a foundation to guide councils in engaging with Traditional Owners, ACCOs and Aboriginal Victorians. It is intended that Councils endeavour to understand which type of organisation leads particular pillars and where appropriate collaboration will maximise outcomes for community.

The VAAF provides a meaningful approach for councils to work with Aboriginal Victorians. Enhancing Aboriginal voices as part of the decision-making process will lead to more positive and meaningful outcomes for Aboriginal people in Victoria.

The Victorian Government is committed to self-determination as the guiding principle in Aboriginal affairs as set out in the VAAF. The Victorian Government is working closely with Aboriginal Victorians to drive action and improve outcomes. A Treaty process in Victoria is currently being established, with the *Advancing the Treaty Process with Aboriginal Victorians Act 2018* being Australia's first-ever treaty legislation.

In celebrating and pursuing reconciliation and self-determination, local councils play an integral role in working with Traditional Owners, ACCOs and Aboriginal community to deliver positive and enriching outcomes for their communities.

Victoria's Treaty Process

The Victorian Government has made a strong and public commitment to advancing a nation-leading treaty process with Traditional Owners and Aboriginal Victorians to create a shared future and enable true self-determination for Victoria's First Peoples.

³ Section 55

In August 2018, the *Advancing the Treaty Process with Aboriginal Victorians Act 2018* (Treaty Act) was passed and became Australia's first-ever treaty legislation.

The treaty process and ongoing work to advance Aboriginal self-determination are driving an exciting conversation about what a new relationship between the Victorian Government and Aboriginal communities could look like. Through the treaty process, Traditional Owners and Aboriginal Victorians will be able to decide how they would like to be represented and engage in the economic, social and political arenas.

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More information can be found on the [First Peoples-State Relations' website](#).

The Victorian Closing the Gap Implementation Plan

Victoria is party to National Agreement on Closing the Gap. Victoria's Closing the Gap Implementation Plan (Implementation Plan) outlines the actions Victoria will undertake to achieve the objective of the new National Agreement on Closing the Gap: equity for Aboriginal and Torres Strait Islander Peoples.

Victoria worked in close partnership with sector Implementation Partners including Aboriginal Community-Controlled Organisations and key Aboriginal partnership forums to develop this plan. This ensure we achieve sustainable, long-term success, and that we strengthen Victoria's Aboriginal community-controlled sector while ensuring Departments and mainstream services are accountable for delivering effective culturally safe services.

The Victorian Government committed to finalising the Victorian Aboriginal and Local Government Strategy (VALGS) and the release of this Guidance as an action under the Closing the Gap Implementation Plan. The VALGS is framed around seven strategic pillars and recommends actions for local and state governments, and Aboriginal communities that progress Aboriginal self-determination and reconciliation.

The Implementation Plan, including detailed actions, can be found on the [First Peoples-State Relations' Website](#).

Yoo-rrook Justice Commission

The Yoo-rrook Justice Commission (Commission) is the nation's first truth and justice process into the effects of colonisation on First Peoples. The Commission is inquiring into historical and ongoing systemic injustices against First Peoples, across all areas of social, political, cultural and economic life. As part of the truth and justice process, the Commission will be seeking information from government and other entities.

This is an opportunity for councils further develop their understanding of the initial and enduring impacts of colonisation on First Peoples within their municipalities.

More information about the Commission and truth and justice in Victoria can be found on the [First Peoples-State Relations' website](#).

First Peoples' Assembly of Victoria (Assembly)

The Assembly is an independent, democratic voice for Traditional Owners and Aboriginal Victorians in the Victoria's treaty process. The Assembly is working in partnership with the Victorian Government to establish the elements necessary to support future treaty negotiations, including:

- an independent Treaty Authority, to oversee and facilitate Treaty negotiations
- a Treaty negotiation framework, setting out the rules and process for Treaty negotiations
- a self-determination fund, which will provide Aboriginal Victorians with an independent financial resource and support them to have equal standing with the State in Treaty negotiations.

Traditional Owners, Aboriginal Organisations and community

Traditional Owners

The Act requires Councils to engage and consult with members of the municipal community when complying with certain functions under sections of the Act.⁴ Traditional Owners are formally recognised as a part of the municipal community.⁵

There are three processes referred to in the following legislation for groups to be formally recognised as Traditional Owners of Country, see the [Traditional Owner Formal Recognition in Victoria Factsheet](#).

- the *Native Title Act 1993 (Cth)*;
- the *Traditional Owner Settlement Act 2010*; and
- the *Aboriginal Heritage Act 2006*.

The Guideline acknowledges that Traditional Owners are formally recognised by one or all of the Acts stated above. To find out who the formally recognised Traditional Owners are for an area in Victoria, Councils should refer to First Peoples-State Relations' [interactive map](#), and the [National Native Title Tribunal website](#) to check the register of applications and determinations, as well as relevant maps.

Councils should note that there are Traditional Owner groups without formal recognition across Victoria, who assert rights and interests in Country. Councils must engage with these groups as they would with formally recognised Traditional Owner groups.

⁴ Sections 55, 88, 90, 91 and 92.

⁵ Section 3(1).

These groups have legal rights and responsibilities to care for and manage Country, and lead initiatives in protecting, researching, and educating on Cultural heritage and sustainable economic development.

Aboriginal Community Controlled Organisations

Aboriginal Community Controlled Organisations (ACCOs) are initiated and operated by the local Aboriginal community to deliver culturally appropriate community services. Services ACCOs provide include health, child protection, maternal and child health, and other community services.

Local Councils provide a range of services to their municipal communities which require working in partnership with local ACCOs on coordinated community service delivery models.

Why is this important?

It is critical that Traditional Owners are able to contribute to council planning on land and Country management, ACCOs are embedded in council planning for service delivery, and the broader Aboriginal community is involved in council planning on culture and connection. This includes but is not limited to when local councils initiate reporting and planning requirements under the Act or wish to engage with the community on new policies or programs.

To ensure that council planning, reporting, policies and programs are inclusive and respectful, it is critical that Aboriginal voices are listened to and drive council planning processes. The more inclusive and respectful local council planning and reporting is, the better the outcomes that can be achieved for the community.

The Guideline will provide councils with guidance on key principles for working with Traditional Owners, ACCOs and the Aboriginal community.

Requirements for Councils

The Act introduces a new integrated approach to strategic planning and reporting. The community engagement policy intersects with key strategic documents, including:

- Community Vision⁶
- Council Plan⁷
- Financial Plan⁸
- Budget⁹
- Asset Plan¹⁰.


⁶ Section 88

⁷ Section 90

⁸ Section 91

⁹ Sections 94 & 96

¹⁰ Section 92



These five elements are required to be developed through deliberative literature review and engagement processes with the municipal community.

The development of these five elements cascades into other plans and policies that councils must develop in accordance with the Act or other Acts, such as:

- A Workforce Plan that includes gender, diversity, and inclusion requirements¹¹
- Municipal Public Health and Wellbeing Plan¹²
- Municipal Planning Strategy¹³.

The community engagement policy extends into other sections of the Act and assists in framing council plans and guiding the exercise of council functions.¹⁴

Local councils need to tailor their approach in respect of the different cultural, traditional customs and regional priorities of the Traditional Owners, ACCOs and Aboriginal community. Councils should be proactive in partnering with Traditional Owners to inform the strategic vision of their municipality and incorporating strategic documents that explain cultural landscapes, country plans and other relevant visions provided by the Traditional Owners and wider Aboriginal community and their organisations.

Where an Aboriginal group's traditional country covers more than one local council area, relevant councils and traditional owners should work collaboratively to combine planning across councils.

¹¹ Section 46(4)(a)

¹² *Public Health and Wellbeing Act 2008*, section 26

¹³ Victoria Planning Provisions

¹⁴ For further information please see sections: 112, 114 and 115.

Additional resources

- Victorian Local Governance Association, Local Government Professionals and Municipal Association of Victoria produced '[Local Government Act 2020 Explained: Engaging with Traditional Owners](#)', a YouTube video about councils engaging with Traditional Owners.
- Councils can find Traditional Owner contact details and resources on the [Maggolee](#), [Aboriginal Victoria](#) or [Aboriginal Heritage Council](#) websites.
- Councils can find information on health-related ACCOs on the [Victorian Aboriginal Community Controlled Health Organisation's](#) website.
- For information on the formal recognition for Tradition Owners, refer to the [Traditional Owner Formal Recognition in Victoria Factsheet](#) on the Aboriginal Victoria website.
- The [Interactive Map of Traditional Owners by location in Victoria](#) is located on the Aboriginal Cultural Heritage Register and Information Systems website.
- Contact your local Traditional Owner Group (or alternatively ACCO) to arrange cultural competency, awareness, and safety training to understand respectful behaviours when engaging.
- View the [First Peoples-State Relations' advice on engaging Traditional Owners](#).
- Refer to the [First Peoples-State Relations' website](#) for further information on Victoria's treaty process.
- Refer to the [Victorian Aboriginal Affairs Framework](#) for the whole-of-government approach to improving outcomes for Aboriginal Victorians.
- Refer to [Victoria's 2021-2023 Closing the Gap Implementation Plan](#) for information on Closing the Gap priority reforms and targets.
- Regional Aboriginal Economic Development Plans are available on Traditional Owner group websites.
- ACCO community Vision strategy documents are available on ACCO websites.
- [Victorian TO Cultural Landscapes Strategy](#) can be found on the Federation of Victorian Traditional Owner Corporations website.
- [Victorian TO Cultural Fire Strategy](#) can be found on the Australian Institute for Disaster Resilience website.
- [Aboriginal Cultural Capability Toolkit](#) by the Victorian Public Sector Commission.
- Relevant Whole of Country Plans are available on Traditional Owner group websites.
- The National Native Title Tribunal website contains relevant information about native title applications and determinations.



Consultation Guidelines – case studies

City of Greater Bendigo – Aboriginal and Torres Strait Islander Protocols Guide 2018

www.bendigo.vic.gov.au

City of Sydney – Aboriginal and Torres Strait Islander Protocols 2012

www.cityofsydney.nsw.gov.au

Noongar Consultation Protocol Guidelines

www.noongarculture.org.au



The Hon Shaun Leane MP

Minister for Local Government
Minister for Suburban Development
Minister for Veterans

121 Exhibition Street
Melbourne, Victoria 3000 Australia
Telephone: +61 3 8392 2240
DX 210074

Ministerial Good Practice Guideline MGP-2: Engaging with Traditional Owners, Aboriginal Organisations and Community in the development and maintenance of community engagement policies

Purpose

This Guideline has been issued to assist Councils when engaging with Traditional Owners, Aboriginal Organisations and Community as part of the municipal community when developing the community engagement policy under the *Local Government Act 2020* (the Act).

Requirements for Councils engaging with Traditional Owners as part of the community engagement policy

Section 55 of the Act requires Councils to adopt and maintain a community engagement policy. Compliance by a council with a relevant good practice guideline can be used as evidence that the Council has complied with the corresponding requirement under the Act.

This guideline takes effect from 21 March 2022 and is effective until 31 December 2026.

Guideline

When seeking advice and guidance from Traditional Owners when developing and maintaining the community engagement policy, councils must take reasonable steps to give effect to the following principles.

1	Council's Role	Context	Action	Outcomes
	Research	<p>Before any consultation process begins, councils should research who the community leaders are, cultural protocols and appropriate forms of communication.</p> <p>Councils should also be aware of any commitments or agreements under Victoria's treaty process or if current negotiations are taking place with Traditional Owners and/or Council Local Government Areas, which may impact the engagement between Councils and Aboriginal communities.</p>	<p>Councils research protocols and appropriate language when engaging with Traditional Owners, ACCOs and community.</p> <p>Councils research the history, existing Country plans, cultural heritage places and objects, and the priorities of Traditional Owners, ACCOs and community.</p> <p>Councils research treaty-related commitments or agreements, including if treaty negotiations are underway.</p>	<p>The research will assist in facilitating discussions with Traditional Owners that are appropriate, informed, and respectful of ACCOs and the community.</p>
	Seek	<p>Councils should seek permission to engage early, demonstrating genuine commitment to engagement and collaboration and building on a foundation of mutual trust.</p>	<p>Councils should contact Traditional Owner groups, ACCOs as early as possible to seek permission to engage when undertaking its duties in compliance with the relevant requirements under the Act.</p>	<p>Culturally competent council officers and executives lead the engagement. By seeking permission, councils demonstrate a genuine commitment to engagement with Traditional Owners and ACCOs which will build a foundation for mutual trust and ongoing partnerships.</p>

Council's Role	Context	Action	Outcomes
3	Respect	<p>Councils demonstrate respect for the inherited rights of Traditional Owners in Victoria, and for the expertise and community connections of ACCOs, when engaging with them.</p>	<p>Councils should use clear and appropriate language when addressing Traditional Owners.</p> <p>Provide a culturally safe space for consultation. Ensure Council staff undertake cultural safety training prior to any engagement.</p> <p>Traditional Owners, ACCOs and the community feel culturally safe, and their rights are respected in their partnership and engagement with local councils.</p>
4	Enable	<p>Councils should enable Traditional Owners, ACCOs and the community to be proactive in engagement and decision-making processes.</p>	<p>Councils should listen to and be transparent with Traditional Owners, ACCOs and the community when engaging with them on council strategic plans.</p> <p>Provide clarity on the influence and role that Traditional Owners, ACCOs and the community can play in the engagement and decision-making process as appropriate with the relevant requirements under the Act.</p> <p>Councils should be upfront about who they are engaging with when multiple groups are involved.</p> <p>Traditional Owners, ACCOs and the community feel empowered by their voices being heard when engaging in the decision-making processes of local councils.</p>

	Council's Role	Context	Action	Outcomes
5	Partnering	<p>Councils should treat Traditional Owners, ACCOs and the community as partners when discussing council reporting and planning requirements under the Act. This should apply equally to any new local council policies or programs.</p> <p>Councils should be aware of and respect group governance and decision-making protocols of groups.</p>	<p>Councils should engage with Traditional Owners, ACCOs and the community to discuss any potential issues that may affect both parties.</p> <p>Councils develop a clear framework or pathway for working together in developing planning and reporting under the Act.</p>	<p>The partnerships between local councils and Traditional Owners, ACCOs and the community are based on empowerment, trust and respect.</p>
6	Awareness	<p>Councils should seek to be aware of considerable demands, often limited resources and time pressures placed on the Traditional Owners, local Aboriginal community organisations and individual community members.</p>	<p>Councils should consult with Traditional Owners, ACCOs and the community on the support they need and what can be achieved when councils develop their plans under the Act.</p> <p>Consider opportunities for a collaborative approach across a number of councils with Traditional Owners, ACCOs and the community to achieve synergies and maximise opportunities.</p>	<p>Traditional Owners, ACCOs and the community feel supported and can achieve initiatives outlined in council planning under the Act.</p>

	Council's Role	Context	Action	Outcomes
7	Timeliness	Councils should take time to build trust, rapport, and positive relationships with Traditional Owners, ACCOs and the community.	Councils should work with Traditional Owners and ACCOs to shape initiatives, such as workshops, to build trust with Traditional Owners, ACCOs and the community.	Partnerships with Traditional Owners, ACCOs and the community are enduring for future planning cycles under the Act.
8	Mutual Benefit	Council should contribute to and support the visions, plans and priorities of Traditional Owner Groups, ACCOs and the Aboriginal community by embedding them in the development of council strategic plans.	Councils should support Traditional Owners and ACCOs with their business, for example, through council procurement policies.	Improved relationships and overall mutual benefit for all parties involved.

I have issued this guideline under section 87 of the Local Government Act 2020 (Vic).

The Hon Shaun Leane MP



The Hon Shaun Leane MP
Minister for Local Government

