



16 November 2018

Jill Gallagher AO
Victorian Treaty Advancement Commissioner
116 Cardigan Street
Carlton VIC 3053

By email to: jill.gallagher@victreatyadvancement.org.au

Dear Jill

Submission on the proposed Aboriginal Representative Body model

As you know, the Federation of Victorian Traditional Owner Corporations is the peak body representing the interests of Victorian Traditional Owners who have or are in the process of gaining recognition under the *Native Title Act 1993* (Cth), *Traditional Owner Settlement Act 2010* (Vic), or the *Aboriginal Heritage Act 2006* (Vic).

Traditional Owner corporations are the primary vehicle through which traditional groups and bodies (however described, be they nations, peoples or clans) have organised for the purpose of asserting and exercising traditional rights to country. We acknowledge that the proposal put forward by the Victorian Treaty Advancement Commission (**Commission**) envisions such corporations playing a substantial role in the Aboriginal Representative Body, and accordingly, we welcome this opportunity to respond to the proposed model.

Please find enclosed our submission. As you can see, we generally support the proposal, and commend the Commission for its diligent work in its development. However, we also provide a number of recommendations which we believe may ultimately strengthen the model and the Treaty process in general.

If you have any questions or would like to discuss our submission further, please do not hesitate to contact me.

Yours sincerely



Marcus Stewart
Chief Executive Officer

Submission on the proposed Aboriginal Representative Body model

Introduction

This submission is a response to the proposed structure of the Aboriginal Representative Body (**ARB**), as developed by the Victorian Treaty Advancement Commission (**Commission**) and set out in the publication titled *Treaty Statewide Gathering*, dated 25 September 2018 (**Proposal**).

The Proposal sets out a suggested structure for the ARB that is comprised of seventeen *general seats* and eleven *reserved seats*. The general seats are open to all Victorian Traditional Owners living in Victoria to stand for a position, and to all Aboriginal people living in Victoria to vote for a representative. The reserved seats enable formally recognised Traditional Owner groups, through their corporate bodies, to directly appoint a representative.

As is clear below, this submission focuses primarily on the proposal for reserved seats for Traditional Owner corporations. As the peak body for such corporations, we are uniquely placed to comment on this aspect of the Proposal.

Our submission consists of three parts:

Part 1: Formal Recognition: provides an overview of the various methods of formal recognition available to Traditional Owner groups in Victoria, as well as a brief examination of the groups who have to-date achieved one or more category of formal recognition.

Part 2: Reserved Seats: examines the rationale for providing reserved seats to established and formally recognised Traditional Owner groups, and considers which category of recognition (if any) is most appropriate to be provided a reserved seat.

Part 3: Recommendations: provides a series of recommendations as to how the current ARB model can be strengthened.

Part 1: Formal Recognition

The Proposal states that through consultations “*the Commission heard the need to ensure that formally recognised Traditional Owner groups were represented.*”

As we explore below, there are multiple avenues to achieve recognition in Victoria, each with its own particular requirements and thresholds. In determining which form of recognition will result in a reserved seat, it is indicated that reliance will be placed on the most common, and arguably most accessible form: appointment as a Registered Aboriginal Party (**RAP**) under the *Aboriginal Heritage Act 2006* (Vic) (**Heritage Act**).

Below we examine the other forms of recognition, as well as the current status of recognised groups across the State.

(a) Methods of formal recognition

In Victoria, Traditional Owner groups may be formally recognised by the State or Commonwealth under the *Native Title Act 1993* (Cth) (**NTA**), *Traditional Owner Settlement Act 2010* (Vic) (**Settlement Act**) or the *Aboriginal Heritage Act 2006* (Vic) (**Heritage Act**).

However, it is important to acknowledge that the recognition afforded under the above legislation is not the principal aim or purpose of the legislation. Instead, recognition is largely a by-product of the group gaining access to certain rights, each which bring different roles, functions and accountabilities to be met by the recognised group.

The central similarity between each form of recognition is that each involves acknowledgment by the State that the group are the Traditional Owners for a distinct area of land, and meet a certain threshold of representative governance. The distinction between them is that the threshold of evidence and internal representation is to some extent aligned to the strength of the rights conveyed. So that while the NTA and Settlement Act both recognise and enliven rights and interests in land, the Heritage Act simply provides a role in the management of Aboriginal cultural heritage.

There are additional similarities between the legislative regimes. For instance, each piece of legislation requires that the Traditional Owner group establish, or nominate, a corporation under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth) to represent their interests. This corporation is then appointed under the relevant legislation as follows:

Act	Traditional Owner Settlement Act 2010 (Vic)	Native Title Act 1993 (Cth)	Aboriginal Heritage Act 2006 (Vic)
Title of appointed corporation	Traditional Owner Group Entity (TOGE)	Registered Native Title Body Corporate (RNTBC or PBC)	Registered Aboriginal Party (RAP)
Role	To be the representative entity for the Traditional Owner group and manage their settlement agreements	To be the representative entity for the Native Title holders and manage their native title rights and interests	To be the representative and advisory body for Aboriginal cultural heritage matters
Accountability	Duty to act for the benefit of the whole Traditional Owner group (the ILUA that forms part of a settlement package requires the TOGE to confirm that benefits are held on behalf of the whole Traditional Owner group; this is also confirmed in the standard First Nations Legal and Research Services TOGE appointment resolutions)	Duty to act for the benefit of all native title holders (section 56 of the NTA – the court may determine that a PBC holds native title on trust for native title holders)	Required to be inclusive of the whole Traditional Owner group and have inclusive governance practices implemented (section 151(3) of the Heritage Act)

(b) Role of entities, and current status of recognition

We now turn to examine the role of an entity under each piece of legislation in greater detail, as well as the current status of recognition for various groups in Victoria.

(i) Registered Native Title Bodies Corporate (RNTBCs or PBCs)

Under sections 55-57 of the NTA, as part of the determination of native title, native title groups are required to nominate a ‘prescribed body corporate’ or PBC to hold (as trustee) or manage (as agent) their native title.

Following a determination, PBCs are entered onto the National Native Title Register. At this point, the corporation becomes a ‘registered native title body corporate’ or RNTBC.

The RNTBC holds the native title rights in trust for all the native title holders. It must manage the native title rights and interests, hold money on behalf of the native title holders and undertake other related functions and activities. A RNTBC has a fiduciary relationship with the native title holders – it has a duty to act for the benefit of the whole Traditional Owner group, and must consult with them for any decision that affects their native title rights and interests, in accordance with their traditional or adopted decision making processes.

There are currently four RNTBCs in Victoria:

- Barengi Gadjin Land Council Aboriginal Corporation;
- Eastern Maar Aboriginal Corporation;
- Gunaikurnai Land and Waters Aboriginal Corporation; and
- Gunditj Mirring Traditional Owners Aboriginal Corporation.

(ii) **Traditional Owner Group Entities (TOGEs)**

The Settlement Act is an alternative to the NTA, which allows the State and a Traditional Owner group to directly negotiate formal recognition, rights to land and natural resources, and financial compensation. Upon agreement being reached the settlement is recorded in an Indigenous Land Use Agreement, and the Traditional Owner group agrees to not pursue an outcome through the NTA, thus, in effect, resolving native issues for the relevant area.

At the conclusion of the negotiations, the Traditional Owner group will appoint a TOGE to be the representative entity for the group. The TOGE needs to demonstrate to the State effective and transparent governance, and clear decision making processes. It must also be inclusive of all persons who are Traditional Owners for the area and cannot refuse membership to an eligible Traditional Owner.

The TOGE has the responsibility of managing the settlement agreements on behalf of the Traditional Owner group, and a duty to act for the benefit of the whole Traditional Owner group.

There are currently three TOGEs in Victoria:

- Dja Dja Wurrung Clans Aboriginal Corporation;
- Gunaikurnai Land and Waters Aboriginal Corporation; and
- Taungurung Clans Aboriginal Corporation.

(iii) **Registered Aboriginal Parties (RAPs)**

The Victorian Aboriginal Heritage Council (**VAHC**) is responsible for appointing Traditional Owner groups as RAPs through an application process. A total of eleven Traditional Owners sit on the VAHC, and are appointed by the Minister for Aboriginal Affairs. All members must live in Victoria and be knowledgeable in Aboriginal cultural heritage.

Once appointed, a RAP must undertake specific functions under the Heritage Act. These functions relate to managing the protection of Aboriginal cultural heritage and include: advising the Minister on Aboriginal places or objects and the repatriation of cultural heritage; advising on applications for Cultural Heritage permits; and, making decisions on Cultural Heritage Management Plans.

An entity wishing to become a RAP for an area must demonstrate and provide evidence of how the entity members are connected to the apical ancestors for that Country. When appointing a RAP, the VAHC is also required to ensure that the RAP is inclusive of all Traditional Owners for that Country, and that there are appropriate and inclusive governance practices implemented.

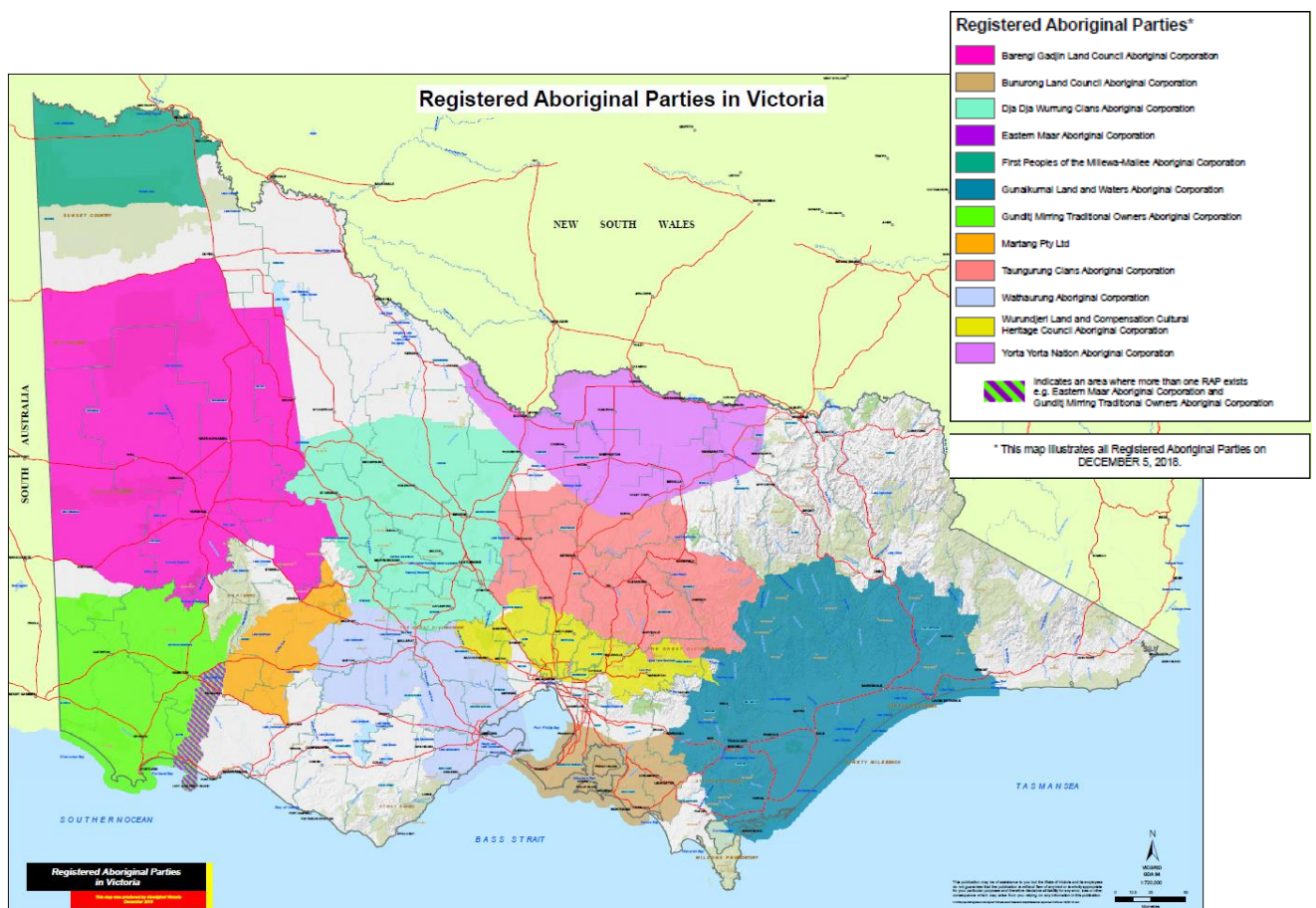
However, the requirements for the appointment of RAPs have evolved over time. Thus, not all RAPs were necessarily inclusive of all the Traditional Owners at the time of their appointment. This has been observed in practice, and in statements and decisions of the VAHC.

If a Traditional Owner group holds a native title determination for an area or has entered into a recognition agreement under the Settlement Act, the VAHC must register the group as a RAP. On the contrary, if a group is registered as a RAP first, it does not affect their status under the NTA or the Settlement Act.

There are currently twelve RAPs in Victoria:

- Firstly, each TOGE and RTNBC:
 - Barengi Gadjin Land Council Aboriginal Corporation
 - Dja Dja Wurrung Clans Aboriginal Corporation
 - Eastern Maar Aboriginal Corporation
 - Gunaikurnai Land and Waters Aboriginal Corporation
 - Gunditj Mirring Traditional Owners Aboriginal Corporation
 - Taungurung Clans Aboriginal Corporation

- Secondly, each group appointed only as a RAP:
 - Bunurong Land Council Aboriginal Corporation
 - Martang Pty Ltd
 - Wathaurung Aboriginal Corporation (trading as Wadawurrung)
 - Wurundjeri Tribe Land and Compensation Cultural Heritage Council Inc.
 - Yorta Yorta Nation Aboriginal Corporation
 - First People of the Millewa-Mallee Aboriginal Corporation



Part 2: Reserved Seats

The Federation of Victorian Traditional Owner Corporations (**Federation**) supports the proposal that formally recognised Traditional Owner groups should have reserved seats on the ARB. The Federation does so on the basis that Victorian Aboriginal people are not a homogenous group, but are in fact members, or citizens, of the various first nations of this State.

In our view, the movement for Treaty is one seeking to recognise these first nations as sovereign bodies, with their own cultures, languages and systems of laws. In the modern context, these polities have sought to reassert themselves through all avenues available to them, which in the Victorian context is principally (but not only) through the NTA, Settlement Act or Heritage Act processes. Accordingly, where these groups have organised themselves into representative, sustainable and formally recognised entities, they should be given the ability to directly participate in the ARB.

However, the Federation comes to this view somewhat reluctantly. Firstly, we recognise that all of the methods of recognition referred to above are legislative provisions imposed by the coloniser. That is, these are methods by which Traditional Owners are required to prove themselves to the satisfaction of the State. Ideally, Traditional Owner groups should not be required to prove their credentials to anybody, and as independent political bodies, should be free to assert themselves without restriction. Secondly, we also recognise that the legislation referred to above is imperfect, and has not always resulted in the best or most culturally appropriate structures for representation of our people.

Notwithstanding these concerns, and after much consideration, the Federation continues to support the view that formally recognised groups should, in the first instance, be the basis on which a seat is reserved on the ARB.

(a) Should seats be reserved for unrecognised groups?

The Federation recognises that many groups, although yet to achieve formal recognition, are still operating on a cohesive basis and within their own cultural authority. Indeed, many groups are on the cusp of achieving one or more of the categories of recognition set above. We also recognise that such recognition should not, in an ideal world, determine the right of the group to participate directly in the ARB.

However, we also recognise the profound impact of colonisation upon our people, and that, unfortunately, the displacement and violence of colonisation has taken a heavy toll on the first nations of Victoria, and often left our governance structures and knowledge base disrupted. As a result, the membership of Traditional Owner groups, as well as the extent of Country, is often contested.

Accordingly, we suggest that Traditional Owner groups require space in which to rebuild. The legislation mentioned above has, to a greater and lesser extent, provided some opportunity for first nations to do this work. For instance, the research required to support native title and Settlement Act claims has provided a solid information base, recorded from the historical record and our own

oral tradition, on which to construct our nations, and to re-establish our laws, and our culture on our own lands. In settling and advancing these claims, we have had to negotiate internally, and with our neighbours, and have built solid representative structures over many years.

Unfortunately, groups without formal recognition have not been through this process, and accordingly there exists no objective or other measure of their representative status, the extent and strength of their base, or whether their claim to cultural authority is accepted or contested by their membership or their neighbours. Accordingly, the Federation does not support the reservation of seats for groups without any formal recognition. However, nor do we support their exclusion from the process, as is explored further below in our recommendations.

(b) Reserved seats by self-assertion

While imperfect, it makes sense to build on the work of existing recognition structures. Indeed, the only alternative seems to be to allow self-assertion to be the basis of claiming the political space. In this regard, we note that the chief alternative seems to be that advocated by the Victorian Traditional Owner Land Justice Group (**VTOLJG**), and the Victorian Greens, being the automatic recognition of thirty-eight traditional nations (**38 Nations Model**).

The problem with this model is that while it appears to embed some threshold to recognition, it is not explicitly stated what that threshold is or how it operates. The implicit, or perhaps rhetorical threshold, appears to be that a group is included if it is one of thirty-eight surviving clans or nations. However, the make-up of these groups does not seem to have a clear basis in tradition, the historical record, or have achieved any wider consensus in the Aboriginal community. Accordingly, we contend that inclusion in the 38 Nations Model has been determined by self-assertion of individuals or groups, and perhaps to a lesser extent, alignment with the particular political views of its proponents.

By way of example, we note that the 38 Nations Model appears to:

1. record as two separate nations, a group historically thought of as a single nation, but which is currently in dispute; and
2. record as separate nations many clan groups which in fact identify as part of a larger nation, and have chosen to be represented by a single corporate entity.

Despite claims to cultural purity, it is not apparent that any of these groups have been consulted as to their inclusion in the 38 Nations Model. On the basis of the above it is our view that this model would seem to solidify internal disputes and undermine previously adopted representative models.

Accordingly, we suggest there is a benefit in relying on an independent arbiter, and the somewhat objective measure of existing legislation. While we note there remains some issue that these structures are imposed by the State, we also note that much of this legislation was developed following significant consultation with, and the consent of, Victorian Traditional Owners, and so has not been completely imposed by external forces. In particular, we refer to the Heritage Act, enacted after wide ranging consultation, and the Settlement Act, which was developed in conjunction with,

and endorsed by, the VTOLJG. Accordingly, it cannot be said that groups achieving recognition under these pieces of legislation are wholly reacting to the requirements of non-Aboriginal forces, or regimes forced upon them through colonisation.

(c) Other arguments for reserved seats

We note there are other compelling reasons as to why there should be reserved seats for recognised groups:

(i) The community has asked for reserved seats

The Proposal states that the Commission's consultations heard strong support for the representation of formally recognised Traditional Owner groups. Since March 2018 the Federation has conducted its own consultations with our members, other Traditional Owner groups, and individuals, which support this view. In these consultations there has been consistent and strong support for reserved seats for Traditional Owner groups.

(ii) Reserved seats will assist the ARB to perform its functions

The *Advancing the Treaty Process with Aboriginal Victorians Act 2018 (Vic) (Treaty Act)* prescribes that the ARB's function will be to:

Represent the diversity of Traditional Owners and Aboriginal Victorians when working with the State to establish the elements necessary for future treaty negotiations.

In our view the only way to guarantee a diverse representation of Traditional Owners is to have as many Traditional Owner groups as possible represented through reserved seats. The most practical way of doing this would be to have reserved seats for formally recognised Traditional Owner groups.

The groups that have had their Traditional Ownership formally recognised have been through a rigorous process that is evidence based. They have undertaken historical and anthropological research to determine their members and boundaries. They have also had to politically organise, form organisational and membership structures and develop decision making processes. This includes where clans have sought to organise into larger groups. Accordingly, these groups are immediately, and demonstrably, ready to participate in this process.

(iii) Reserved seats respect the existing structures of Traditional Owners

The inclusion of reserved seats for formally recognised groups respects the existing structures that have been developed to represent Traditional Owners in Victoria. Since the enactment of the NTA, Traditional Owner groups have undergone lengthy processes to prove that they are the right people for their Country. They have developed

organisational and membership structures as well as robust decision making processes. These structures must remain relevant in this new form of Aboriginal representation in Victoria, and not be undermined.

(d) Are RAPs the appropriate form of recognition?

The Commission proposes that all appointed RAPs should have reserved seats on the ARB, being a total of twelve seats. While the focus is on RAPs, this will also include all groups that have achieved NTA or Settlement Act outcomes, as they are automatically given appointment under the Heritage Act.

Given that this will result in the widest representation of recognised Traditional Owner groups, the Federation supports this proposal. However, the Federation is also keen to ensure that all participating RAPs are as internally inclusive as possible. For that reason, we make a number of recommendations below designed to ensure and promote inclusivity of RAPs.

Part 3: Recommendations

Recommendation 1: Measures to ensure inclusiveness and accountability of RAPs

Measures should be put in place to ensure that RAPs demonstrate inclusiveness and accountability.

The Federation understands that the Commission is not resourced to adopt independent mechanisms to ensure RAPs are in compliance with their requirements of inclusivity. However, there are steps that may be taken to ensure, or promote, greater inclusion of all Traditional Owners.

There are several ways this could occur:

(a) Assessment of inclusivity

There should be a process in which RAPs make a formal application to be assigned an ARB seat. The application could require a RAP to show:

- i. that it is inclusive of all Traditional Owners for its RAP area;
- ii. that if it is not inclusive, the steps it intends to take to ensure it becomes inclusive (for instance, by amending its Rule Book); and
- iii. if the RAP considers itself inclusive, it should be asked to identify (confidentially) any disputes raised by other's claiming a lack of inclusivity, and explain the RAP's view of the dispute, and how, or if, it will be resolved.

There are, in our view, some objective indicators as to whether a corporation is inclusive. For instance a lack, or limited number, of disputes on the issue, or where a dispute is maintained only by an individual or small group, would be a likely indicator that a group is generally inclusive. Another clear method for assessment would be to examine the historical record as to all known Aboriginal people traditionally associated with the area (commonly referred to as "apical ancestors"). This could then be assessed as against the ability of descendants of those people to join and participate in corporation business. This would be an assessment of the formal rules of the corporation, but also a look at practicalities, such as how membership applications, and director nominations, are responded to and resolved.

To be clear, we do not suggest that any RAP should, upon the formation of the ARB, be excluded from obtaining a reserved seat due to issues of inclusivity. Instead what we propose is that these issues be identified, recorded and raised with the RAPs. This work could be undertaken by the Commission as part of the formation process, and the Commission could work with and encourage RAPs to address and resolve these issues on their own, or using existing available resources.

However, the Commission's limited role in this process would end upon the establishment of the ARB. As we explore below in Part 3, Recommendation 1(d), the ARB should be encouraged, by the end of its first term, to have strong and clear guidelines in place, and to adopt process, and potential consequences, for any RAPs that still retain significant issues of inclusivity.

- **Traditional Owner voting rights**

When selecting its representative for the ARB, a RAP should be required to allow all Traditional Owners to vote or participate, even if they are not members of the corporation.

- **Reporting back**

Each ARB delegate appointed by a RAP should be required to report in writing to both the RAP and all Traditional Owners on a regular basis. ARB delegates should be provided with appropriate resources to allow this to occur.

- **Independent assessment of inclusivity**

While currently there is not the resources (and perhaps time) for an independent mechanism assuring inclusivity to be developed, the Commission should clearly assert the view that this should be work undertaken by the ARB (perhaps through a sub-committee), and should be resolved and established by the end of the first three-year term of ARB delegates.

The ARB should consider establishing new, or drawing on existing, resources to try and resolve questions of inclusivity in RAPs. This could include:

- i. providing a role for the proposed Elders' Voice in monitoring, mediating or making decisions in respect of these issues;
- ii. requesting that the VAHC exercise its functions under the Heritage Act to monitor and ensure inclusivity; or
- iii. requesting that the parties engage Right People for Country to mediate and resolve the dispute.

Recommendation 2: Involvement of non-recognised groups

Although non-recognised groups are not to be provided reserved seats, every opportunity should be taken to involve them in the process.

This could be done in a number of ways; however we would suggest a staged process, as follows:

Stage One: Interim Registration by the Commission

- (a) Prior to the establishment of the ARB, groups without formal recognition could be given the opportunity to identify themselves, and register on an interim basis with the Commission. Thereafter they should be referred to as "Registered Groups" (or similar).
- (b) To be eligible for interim registration, a Registered Group should be required to pass a limited threshold process, such as they:

- i. are known in the Traditional Owner community to be a distinct group, and are approved as such by a majority vote of all reserved seat holders; and
 - ii. do not have access to representation through any of the RAPs (i.e. where the group claims land currently falling within a RAP area, and the members of the group are eligible under the RAP Rule Book to join the RAP, they would not be eligible to become a Registered Group).
- (c) The Commission would be responsible for processing applications to become a Registered Group on an interim basis. However, provided the group satisfies item (b)(ii) above, the ultimate decision will rest with other Traditional Owner groups, ensuring a democratic and self-determining process based on wider acceptance and acknowledgement in the Traditional Owner community.
- (d) Once a group is registered on an interim basis:
- i. the Commission secretariat could meet with them, and provide some assistance as to how they may put forward a nominee for one of the seventeen general seats; and
 - ii. they would be entitled to receive all correspondence and updates provided by the Commission to reserved seat holders.

Stage Two: Confirmation of Registration by the ARB

- (e) Upon the establishment of the ARB, the ARB would be required to confirm the registration of all Registered Groups, by a majority vote of all ARB delegates.
- (f) Any group that previously applied for Registered Group status, and were rejected, would be free to apply again, and may be appointed as a Registered Group provided that they pass a limited threshold process, such as they:
- i. are known in the Traditional Owner community to be a distinct group, and are approved as such by a majority vote of all ARB delegates; and
 - ii. do not have access to representation through any of the RAPs (i.e. where the group claims land currently falling within a RAP area, and the members of the group are eligible under the RAP Rule Book to join the RAP, they would not be eligible to become a Registered Group).
- (g) Upon confirmation of a Registered Group by the ARB, they would be entitled to certain other rights, which could be set and approved by the ARB.
- (h) These rights could include things such as:

- iii. the right to send an observer to all ARB meetings;
- iv. the right to receive notice, and minutes of all ARB meetings;
- v. the right to receive regular briefings or updates on ARB activities; and
- vi. the right to make written submissions on all significant resolutions, and for those submissions to be distributed to all ARB delegates.

- (i) In addition to the above, and as resources allow, the ARB could also attempt to assist Registered Groups to achieve formal recognition, and therefore the ability to take up a reserved seat on the ARB.

Finally, we call on the Commission to support the Federation in its efforts to undertake a process of “cultural mapping” for the purpose of more clearly defining each Traditional Owner group. The Federation proposes to do this work on the basis of attempting to identify existing political bodies and structures among Traditional Owners, and to assist them in achieving formal recognition. This work could be done alongside, and would be a supplement to the processes and decision making around unrecognized groups outlined above.

Recommendation 3: Traditional Owner groups nearing formal recognition

There are a number of Traditional Owner groups who have established entities and are nearing completion of achieving recognition from the state, either as a RAP, a TOGE or PBC.

With some support and further resources, several Traditional Owner groups and their associated entity could, in a relatively short period of time, meet the requirements so as to be assigned a reserved seat.

We make the following recommendations:

- (a) The Commission and/or ARB should petition the State to provide extra resources to assist these groups in achieving formal recognition.
- (b) The Commission and/or ARB needs to develop a clear process setting out what occurs on such a group achieving recognition during (or after) the anticipated first three-year term of the ARB. For instance:
 - i. will the new group gain a seat at the expense of one of the seventeen general seats? If so, how will this be decided?; or
 - ii. will the new group be given an additional seat, so as to increase the number of total seats above twenty-eight?

Our view is that a new, and additional seat, should be provided, as the removal of one of the seventeen general seats would undermine the democratic integrity of the ARB.

Recommendation 4: Appointing a representative

The Commission proposes that formally recognised Traditional Owner groups self-determine how their representative on the ARB will be appointed.

While we agree in principle, we also maintain that true self-determination requires the inclusion of all Traditional Owner voices. It is of utmost importance that groups exercise inclusivity and accountability in this process. It is therefore recommended that:

- (a) RAPs are required to allow all Traditional Owners to vote, regardless if they are members of the corporation.
- (b) Each RAP should be required to develop and maintain a voter roll, with eligibility being dependent on demonstrated descent from an apical ancestor. Traditional Owners should only be permitted to be enrolled to vote on one voter roll at any given time.
- (c) The voter rolls could be prepared with the assistance of the Australian Electoral Commission and First Nations Legal and Research Services, in conjunction with the relevant RAP.
- (d) Voting could occur by post, and be monitored by the Australian Electoral Commission.
- (e) This will result in there being:
 - i. one state-wide election to appoint representatives to the general seats; and
 - ii. twelve (or more) individual elections for each of the formally recognised Traditional Owner groups to appoint their representative to their reserved seat.

Recommendation 5: Resourcing and support

In order to participate in the ARB, Traditional Owner groups will require additional resourcing and support. This should include:

- (a) Logistical and secretarial support and advice for Registered Groups, which could take the form of a dedicated unit within the ARB.
- (b) The funding of a paid position within each RAP to provide logistical and secretarial support and/or advice with respect to the appointed representative.
- (c) Funding with respect to the elections, so as to allow:
 - i. the RAP to develop and maintain a voter roll;
 - ii. the undertaking of a postal vote; and
 - iii. each nominee to write to all Traditional Owners outlining their beliefs and policy platform.