

Submission on Budget 2024-25

About the Federation of Victorian Traditional Owner Corporations

The Federation of Victorian Traditional Owner Corporations is the Victorian state-wide body that convenes and advocates for the rights of Traditional Owners while progressing wider social, economic, environmental and cultural objectives. We support the progress of agreement-making and participation in Treaty and decision-making to enhance the authority of Traditional Owner Corporations on behalf of their communities.

The Federation was established in 2013 by Traditional Owner Corporations who recognised that through a path of working together Traditional Owner Groups could be stronger and could advance their shared interests in policy engagement, and in creating economic opportunities and caring for Country.

Introduction

This submission provides initiatives for consideration in Budget 2024-25 under the following three headings:

1. Reducing uncertainty and risk to our heritage on Country – prevention measures	\$11.4m
2. Recognising Traditional Owner Corporations as emerging regional authorities to achieve greater outcomes	\$8.0m
3. Unlocking the potential of self-determination and preventing future risk	\$3.5m

Our focus in developing these initiatives has been to maintain momentum in significant policy areas while ensuring that Traditional Owner interests can be integrated. There are some critical areas, however, where there has been a lack of progress in ensuring self-determination is enabled. Such actions (or lack of actions) are detrimental to the progress made and undermine the good will in progressing treaty in Victoria.

We call on the government “Don’t stop Now” ...

give effect to these policy and funding initiatives to prevent greater cost in the future.

1. Reduce uncertainty and risk to our heritage on Country

Key areas of change and uncertainty are on the doorstep:

- Fire – with the changing weather pattern to el nino for the coming years
- Forestry – including the discontinuation of native timber harvesting

Traditional Owners have a significant interest in the heritage and management of Country, but are largely without the resource to participate in the leadership and design of mitigating the risks and uncertainties.

Three core elements would support a stronger and more insightful practices to heal country as a way to mitigate the risks, particularly in forest areas:

- Leadership – enhancing the pre-season information and coordination of information and advice to community and to government authorities
- Operational – increased direct funding for the ‘cool burning’ and preparatory work
- Information – building the data to support the long term management of biodiversity, bushfire risk, cultural heritage destruction

The capacity to undertake activity in these ways has significant benefits:

- Increased community preparedness, and the subsequent reduction in the recovery expenditure.
 - The Federation has undertaken a number of programs of work for bushfire and flood recovery work with communities, and a common theme is the need for information, preparation and integration into the broader systemic management of Country. The reduction in social anxiety and trauma would also be expected.
- Enhanced and specific information for systems planning and management, enhancing the management of our natural resources, and the increasingly important market-led mechanisms around carbon and biodiversity, reducing the ‘insurance’ leakage (for example compared with the savannah burning which contributes to carbon capture, in the Victorian context mitigation of loss also requires direct intervention)
- The social and cultural cost of our unique heritage – tangible and intangible – is at risk if the systems and integration to decision-making is not in place. A systematic approach – and over time greater automation, will assist in decision-making processes – before the reactive ‘critical incident room’ work is undertaken.

Traditional Owners have undertaken significant work to develop the programs and advice on these matters through working with departmental agencies to develop the underpinning (and agreed with government) policy basis:

- Traditional Owner Cultural Fire Strategy (2019)
- Traditional Owner Cultural Fire Implementation Plan
- Cultural Landscapes Strategy (2020)
- Reading Country projects - Data development pilot projects (2017-2022) and
- Traditional Owner Game Management Strategy (and pilot site projects)

However, the implementation of these strategies has largely been stalled through lack of direct resourcing. Noting that previous budget allocations to Traditional Owner fire management have been well under-resourced (\$20m of the \$120m over 5 years requested) the current budget estimates are building on those figures and Reading Country projects.

Budget – lead: DEECA

Initiative	\$m			
	2024/25	2025/26	2026/27	Outyears
Leadership	1.400	1.400	1.400	1.400
Operational	8.000	9.000	9.500	10.000
Information	2.000	2.000	2.500	2.500
TOTAL	11.400	12.400	13.400	13.900

2. Traditional Owner Corporations – recognising emerging regional authorities to achieve greater outcomes

The Traditional Owner Corporations are emerging as key authorities in their regions, as bodies with Statutory functions as well as having key functions and ever increasing expectations to participate in, provide authority for and undertake multiple functions with community, local government and government.

Community governance systems

The increasing pressures on TOCs and uncertainty in funding is compounding the lack of systemic capacity to meet community and government expectations. While there are positive funding arrangements in place in a limited number of cases, the **quality of funding** remains a significant barrier.

Rather than over-invest in administrative costs, down time and delays, there are efficiencies in considering the quality of funding – including looking for longer term arrangements, flexible and adaptive, outcomes-focused, potentially with multiple funding sources, but without the complexities of multiple reporting requirements.

The Federation’s recent experience in administering programmatic funding shows that such funding arrangements can be instrumental in achieving an uplift in the capacity to undertake and deliver outcomes, and in applying funds that also have benefits in terms of youth, justice and cultural heritage.

With certainty, this could be more easily applied to preventative work undertaken in such areas assisting to meet a range of benefits including under Closing the Gap.

Local Government

The Victorian Aboriginal Local Government Strategy has essentially stalled. There is a need to supporting engagement requires \$10m over 4 years for Corporations to fulfil the legislative intention and practically engage with local government processes and strategies through funded positions and community governance systems within each Corporation; and \$2m over 4 years for strengthened coordination and development of best practice guidance enabling systemic reform.

Procurement

The Victorian Aboriginal Preferential Procurement policy is considered inadequate compared to the Commonwealth and most other States. It is no longer fit for purpose and requires a significant shift in giving effect to the policy of self-determination and in terms of respectful recognition of the roles and functions of Traditional Owners.

Furthermore, the Traditional Owner Corporations are increasingly becoming significant employers and have growing economic capabilities and aspirations. The potential however, to deliver a range of services, particularly where there are social and cultural value-added benefits that can contribute to broader outcomes (such as employment, justice, health, education) are ‘baked-in’ to the Traditional Owner sector, and therefore provide a measure of support to communities that generally wouldn’t be available through other procurement.

It is expected that with an appropriate policy and scope and initial investment, the outcomes would be largely cost neutral over time, but would help to meet agreements under the Traditional Owner Settlement Act and the certainty for Traditional Owner Corporations as well as driving practical self-determination practices. Budget is therefore sought for the development of, testing and training in, potential models in co-design with government.

Budget – Lead: Department of Government Services, DJSIR

Initiative	\$m			
	2024/25	2025/26	2026/27	Outyears
Enhanced funding mechanisms for Community governance	2.000	2.000	2.000	
TOC engagement in Local Government	2.500	2.500	2.500	2.500
LG strategy best practice coordination and monitoring	0.500	0.500	0.500	
Procurement	3.000	3.000	3.500	2.500
TOTAL	8.000	8.000	8.500	5.000

3. Unlocking the potential of self-determination and preventing future risk

There is an emerging body of work that shows Traditional Owner interests in a range of rights and assets are rapidly developing, both from a financial and a collective perspective.

There are a number of programs of work that will require adequate resourcing to ensure that the government works with Traditional Owners in good faith. We anticipate that there is sufficient knowledge of these issues for government to act now rather than continue to delay.

First Principles Review

The First Principles Review of the Traditional Owner Settlement Act (and before that the Templates Review) has not addressed or made progress on any of the substantive issues for more than 5 years. The process, entered into in good faith by Traditional Owners, has therefore simply continued to compound the problems and will likely require increased investment to unwind. It is therefore proposed that sufficient funding be made available to enable good faith negotiations to be revitalised and not simply left for the (expensive option of) treaty settlement.

There is a need to provide on-going cohesive and comprehensive advice and operational insights on how the regulatory amendments and future requirements can be implemented to avoid the delays, reduced impact and lingering doubts as to the good faith of government.

New Markets

Self-determination needs to be embedded in the systemic approach of government to working with Traditional Owners. Key examples where 'new' markets are being opened up through government action include:

- Renewable (particularly wind) energy
- Fisheries and aquaculture
- Critical minerals
- Carbon and biodiversity markets and the nature repair market.

While it is recognised that there are overlaps with the Commonwealth jurisdiction across these, self-determination (contrary to the behaviour of some departments) implies that government has responsibilities to enable participation in those industries.

As government is seeking to unlock these assets, it is in effect removing a layer of the bundle of interests from Traditional Owners to assign (and even to sell) to third parties. Such actions will continue to risk the positive expectations to mitigate the impacts on Traditional Owner interests while negotiating Treaty in good faith.

Further work to enable participation, on a more even footing, is therefore increasingly important. Developing and ensuring practices are appropriate is required for Treaty readiness. Through a sound voice and coordinated approach it is expected that there would be greater market certainty, and ability to grow a stronger 'Aboriginal economy', with efficiencies in bringing greater outcomes.

Fisheries and aquaculture

There is an urgent need to consider the Traditional Owner participation in the marine and freshwater fisheries and aquaculture sectors. The potential, particularly when integrated to the Traditional Owner led native foods and botanicals strategy, could unlock a new set of markets and opportunities, as well as de-risking the lack of participation, opportunity and investment due to government's action/inaction in managing the resources and markets.

Corollary - how to coordinate and create efficiencies from funding in a complex environment and give effect to self-determination

The Federation of Victorian Traditional Owner Corporations provides a single point of advice and information for both government and the general public. Our work furthers self-determination by:

- Providing informed and insightful expert advice through our experience, knowledge and understanding of the Traditional Owner context, organisations, infrastructure and people.
- Bridging and building on-the-ground support and information with advice and advocacy for long term and systemic change to regulatory, policy and institutional arrangements.
- Bringing together Victorian Traditional Owners to share their knowledge and views, and to connect and link with partners and opportunities.

Maintaining our operational capacity and giving effect to our unique service provision will continue to help drive real self-determination in government policy, program and statutory environments. \$4m over 4 years provides a true efficiency gain by linking and coordinating across government, business and the wider community to enable and embed Traditional Owners’ self-determination in driving wellbeing of Culture, Country and Community.

Budget – Lead: DPC and DTF

Initiative	\$m			
	2024/25	2025/26	2026/27	Outyears
First Principles Review – TO leadership	1.000	1.000	0.500	
New markets – TO leadership	1.500	1.500	1.000	
Coordination – TO leadership	1.000	1.000	1.000	1.000
TOTAL	3.500	3.500	2.500	1.000