VICTORIA State Government | Department of Transport and Planning

Wurrek-al
'Talking with Purpose'

First Peoples Engagement Framework

Acknowledgement

Wurrek-al is translated to 'For speaking or Talking with Purpose' and comes from the Wergaia Language of the Wotjobaluk Nations (Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagalk peoples). The transport and planning portfolio thanks the Barengi Gadjin Land Council and the Wotjobaluk Nations for gifting Wurrek-al to officially name the portfolio's First Peoples Engagement Framework.

We proudly acknowledge Victoria's First Peoples and their ongoing strength in practising the world's oldest living and continuous culture. We acknowledge the Traditional Owners' lands, waters and skies on which we live and work and pay respects to their Elders past and present.

We acknowledge the use of Song Lines as an integral part of First Peoples Culture. Song Lines connected our First Peoples to their journeys. They have a cultural significance as trade routes, ceremonial paths and play an important role in connecting shared stories between Traditional Owner Groups. We acknowledge that some of the transport network is on those traditional Song Lines.

We recognise that there are long-lasting, far-reaching and intergenerational consequences of colonisation. Colonisation established Victoria with the intent of excluding First Peoples. This included their laws, cultures, customs and traditions. The development of Victorian laws, policies, systems and structures excluded Victoria's First Peoples. This has resulted in entrenched systemic and structural racism. We acknowledge that the impact and structures of colonisation still exist today.

We have a responsibility to transform our systems and services. So First Peoples can hold decision-making power over matters that affect their lives.

Aaron Duggan (Gunaikurnai)
'Movements Between the Five Clans'

'The tracks are going between the five clans of the Gunaikurnai and the hands are the symbols of my spirit travelling around the campsites'.

The artwork used for this Framework is a commissioned piece created by artist Aaron Duggan, a Gunaikurnai man. The artwork used for this Framework was created to symbolise Transport's commitment to self determination through the Transport Portfolio Aboriginal Self-Determination and Reform Plan.

The artwork is a visual reminder of our ongoing commitment to working in full partnership with Traditional Owners and First Peoples Community.

Contents

Definition of Terms 2

Introduction 3

Commitment to self determination 4

Engagement Specialists 5

Traditional Owners and Formal Recognition 6

Principles of Engagement 7

Process of Engagement 9

Case Studies – Best Practice Engagement 14

Commitment to Culturally Safe Engagement 16

Definition of Terms

First Peoples

Refers to all people of Australian Aboriginal and/or Torres Strait Islander descent, living or visiting Victoria.

Traditional Owners

Refers to the original custodians of Victoria who share a deep cultural, spiritual, and social connection with Country. They have unique rights and responsibilities in Caring for Country. Each Traditional Owner Group has their own unique culture, history, language, customs and laws.

First Peoples Community

Refers to the wider community Aboriginal and Torres Strait Islander Community, including Traditional Owners. The First Peoples Community's voice can be conveyed individually or through many First Peoples organisations and peak bodies. i.e. Aboriginal Community Controlled Organisations (ACCOs), Local Aboriginal Networks (LANs) and Gathering Places.

Introduction

Wurrek-al 'Talking with Purpose' First Peoples Engagement Framework sets out the transport and planning portfolio's expectations when engaging with Traditional Owners and the First Peoples Community.

Wurrek-al aims to equip staff with the necessary skills to engage effectively and meaningfully with Traditional Owners and the First Peoples Community. It will provide them with an understanding of:

- the eight fundamental principles of engagement,
- engagement process; and
- best practice engagement case studies.

The Framework is informed by:

- Victorian Aboriginal Affairs Framework 2018-2023
- Self Determination and Reform Framework
- United Nations Declaration on the Rights of Indigenous Peoples
- The Charter of Human Rights and Responsibilities Act 2006
- Transport Portfolio Aboriginal Self Determination Plan 2020-2023
- Traditional Owner Settlement Act 2010 (Vic)
- Native Title Act 1993 (Cth)
- Aboriginal Heritage Act 2006 (Vic)
- Yoorrook Justice Commission and our commitment to supporting truth telling
- Treaty in Victoria

Commitment to self determination

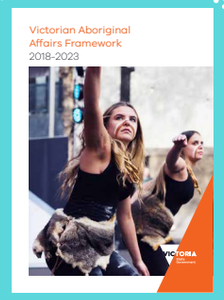
The transport and planning portfolio (the portfolio) is committed to building and maintaining meaningful partnerships with Traditional Owners and the First Peoples Community. The portfolio is committed to embedding First Peoples self determination through its Transport Portfolio Aboriginal Self-Determination Plan 2020-2023 (Plan). The Plan outlines how the portfolio will transform its systems and processes to enable Traditional Owners and First Peoples communities to realise their aspirations for transport.

The Plan incorporates 11 key actions that respond to the overarching commitments set out in the Victorian Aboriginal Affairs Framework 2018-2023 (VAAF) and covers the four Self Determination Reform Framework (SRDF) domains which are People, Systems, Outcomes and Accountability.

The First Peoples Self Determination and Reform Division (FPSDR) has a key responsibility to advise and facilitate self determination reform across transport and planning and the delivery of the 11 actions that underpin the Plan. FPSDR provides leadership, culturally sound advice, and strategic direction to guide and empower staff to genuinely partner and meaningfully engage with Traditional Owners and the First Peoples Community across the portfolio.

Victorian Aboriginal Affairs Framework 2018-2023

The Victorian Government's overarching framework for working with Aboriginal Victorians, organisations, and the wider community to drive action and improve outcomes.



Self Determination Reform Framework

The framework guides public service action to enable self determination in line with the Victorian Aboriginal Affairs Framework 2018-2023. It also provides an architecture for government departments to report annually on this action under the Framework, outlining progress towards transforming government systems and structures to enable self determination.

Transport Portfolio Aboriginal Self-Determination Plan 2020-2023

This plan formalises how the transport and planning portfolio will work together as one in a coordinated, integrated fashion to enable self determination and deliver transport and planning outcomes with, and for, Traditional Owners and the First Peoples Community.

Engagement Specialists

First Peoples Partnerships and Engagement

The First Peoples Partnerships and Engagement team (P&E) is the first point of contact for advice on engaging with Traditional Owners and First Peoples Community. The P&E team sits within FPSDR and operates alongside the Careers and Cultural Safety and Policy and Reform teams. P&E can be contacted via email at firstpeoples.engagement@transport.vic.gov.au

Aboriginal Partnership Officers

P&E may choose to facilitate the engagement process through Aboriginal Partnerships Officers (APOs). APOs sit under Transport Services and are located within each transport and planning region. APOs are responsible for leading, coordinating and providing expert advice to develop, maintain and support strong working local partnerships with:

- local Registered Aboriginal Parties,
- Aboriginal Community Controlled Organisations and;
- other First Peoples Community groups within the region

Traditional Owners and Formal Recognition

In Victoria, approximately 75% of the state is formally recognised, whereas the other 25% does not yet have formal recognition status.

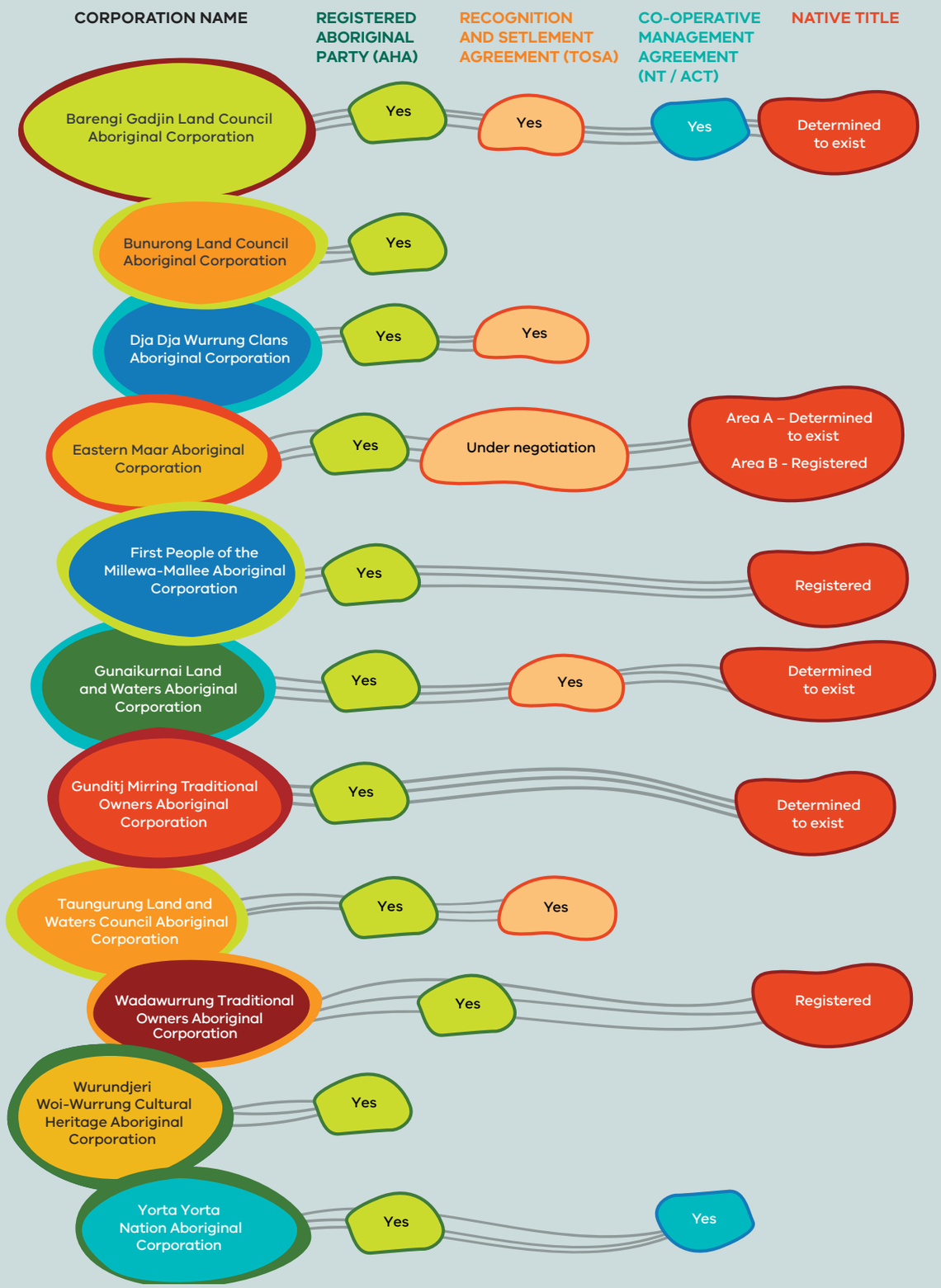
There are 3 ways in which the Victorian Government formally recognises Traditional Owners of a particular Country:

- by way of the Victorian Aboriginal Heritage Council appointing a Traditional Owner corporation as a Registered Aboriginal Party under the Aboriginal Heritage Act 2006 (Vic)
- by way of a recognition and settlement agreement under the Traditional Owner Settlement Act 2010 (Vic)
- by way of a consent determination by the Federal Court under the Native Title Act 1993 (Cth) and accompanying Indigenous Land Use Agreements.

The Heritage Practice branch is comprised of qualified Heritage Advisors and sits within Strategy & Precincts, DTP.

The Heritage Practice branch provides technical support on how best to apply these Acts at the project level and work closely with FPSDR on this aspect of engagement. This includes understanding compliance triggers, approval pathways and engaging with Traditional Owners on:

- Cultural Heritage Management Plans,
- Cultural Permits and;
- Cultural Values Assessments.



Note: the information in this table is current as at August 1 2023 and is subject to change.

Principles of Engagement

How to partner and engage with Traditional Owners and the First Peoples Community

It is an expectation that portfolio staff and contractors are culturally safe and engagement ready. The following eight principles have been developed in partnership with Traditional Owners and the First Peoples Community and provide guidance on how to best engage with Traditional Owners and the First Peoples Community.

Principle 1

Free, Prior and Informed Consent (Early Informed Engagement)

Free, Prior and Informed Consent (FPIC) is recognised in the United Nations Declaration on the Rights of Indigenous Peoples and aligns with the principles of self determination.

The FPIC principles are noted below and must be embedded into all portfolio projects and initiatives:

- **Free:** consent must be given voluntarily without an expectation or timeline that is externally imposed. For example, Traditional Owners and the First Peoples Community may not want to engage in the project. It is their choice to self determine their involvement.
- **Prior:** consent is sought at the earliest possible stage of that project or initiative. You should aim ideally within the scope planning stage.
- **Informed:** engagement is ongoing and may require multiple consultations.
- **Consent:** a collective decision must be reached through the group's own customary decision-making processes.

Principle 2

Traditional Owners are rights holders and our partners

Traditional Owners are rights holders over Country. They need to be treated as partners in planning and delivery of projects that are of interest to them.

This is a key step in establishing authentic and meaningful partnerships. Even without formal agreements, Traditional Owners have a right to partner in project works that are of interest to them.

Attending First Peoples community events is a great way to build connections and shows that you are committed to building meaningful and genuine relationships.

Principle 3

First Peoples cultural safety and competency

Staff are expected to maintain a culturally safe environment for Traditional Owners and First Peoples Community. This is a vital step to building trusting and meaningful relationships.

For this reason, it is an expectation that staff complete First Peoples Cultural Safety Training.

Cultural safety training builds cultural competency and capability, and an understanding of power dynamics that can affect relationships and trust.

Tips for culturally safe engagement:

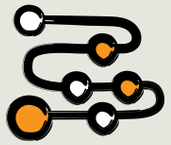
- Seek permission before taking photos and/or using their quotes
- Use plain language
- Avoid using technical language, jargon and acronyms
- Be flexible
- Listen

Principle 4

Meet on Country and in Person

Meeting on Country is a cultural custom that has been practised for many years. The practice portrays respect and signals to Traditional Owners that you respect them as partners.

Principles of Engagement



Principle 5

Create realistic timelines that respect decision making processes

Traditional Owners have their own governance structures and ways of making decisions and these need to be respected. Timelines for projects need to be decided in partnership, unless the government have determined an end date for major projects. Typically, this would occur in your first engagement meeting with Traditional Owners.

Tips and considerations for timeline planning:

- Ask how the group prefers to make decisions i.e. committee of Elders, Board of Directors, a specific project group etc.
- Find out about their governance structures.
- Build dates of significance into timelines i.e. NAIDOC week, Reconciliation week.

Note that Sorry Business (bereavement and funerals) needs to be respected and may alter timelines.

Principle 6

Be purposeful and prepared

Be purposeful in your engagement by linking project objectives and outcomes with Traditional Owner and First Peoples Community aspirations.

Strategic documents are a great starting point in sourcing aspirations and priorities.

These can be found in documents such as:

- Whole-of-Country Plans
- Joint Management Agreements

Principle 7

Resource appropriately and build in an engagement budget

Like any request for service, First Peoples need to be compensated appropriately for their time.

Your engagement budget needs to be flexible and will be informed when engaging with Traditional Owners and or First Peoples Community.

Principle 8

Build trust by being transparent and open

Building trust is key to supporting positive project outcomes.

Be transparent and open about:

- Project timelines
- Scope
- Negotiables
- Non-negotiables
- Issues or concerns.

Process of Engagement

The below is an overview of the steps in the engagement process. P&E will partner and support you throughout the engagement process. Promapp is Wurrek-al's implementation tool and contains further information and resources for each step.

1. Prepare and Plan

When planning for engagement with Traditional Owners and the First Peoples Community, staff need to:

1.1 Identify Traditional Owners and or First Peoples Community

Engaging with Traditional Owners needs to be done when a project:

- Directly disturbs or interacts with Country
- Promotes Traditional Owners' history, language, culture and or customs
- Promotes on Country economic opportunities through procurement and employment.

Engaging with the First Peoples Community and Traditional Owners needs to be done when a project aims to:

- Increase cultural safety and accessibility to transport services
- Promote wider economic opportunities through procurement and employment
- Create and promote opportunities that involve the broader First Peoples Community participation.

To identify the Traditional Owners your project area search via the RAP Map

Similarly, visit the P&E intranet page to identify appropriate First Peoples Community organisations.

1.2 Highlight opportunities to Traditional Owners and First Peoples Community

To identify potential opportunities you should read and understand the following:

- the Transport Portfolio Aboriginal Self-Determination Plan 2020-2023
- Relevant RAP Partnerships Agreements
- Regional Chapters
- Whole-of-Country Plans and other relevant strategic documents.

Potential opportunities are put in place as ideas only. Opportunities will be fully realised during your engagement with Traditional Owners and First Peoples Community. Refer to case studies on page 14 & 15 for best practice engagement across the portfolio.

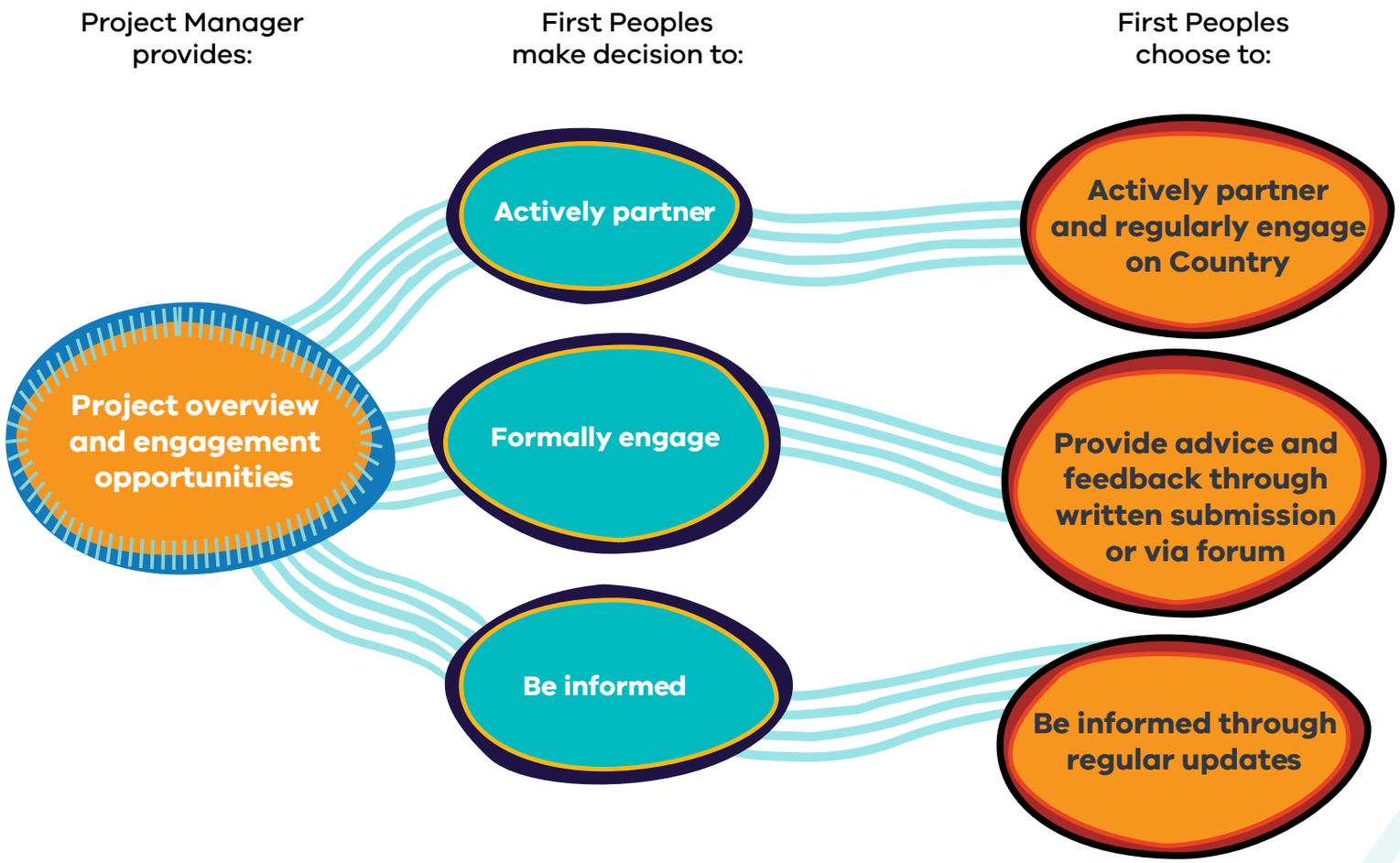
2. Contact First Peoples Partnerships and Engagement

2.1 Determine engagement approach

Your engagement approach should be based on the notion of self determination and transferring the power of choice and decision making to Traditional Owners and the First Peoples Community. The below is an example of how you could present your project engagement opportunities for consideration.

Engagement approach may change as Traditional Owners and First Peoples Community interest and priorities change throughout the project.

This means the engagement approach may involve all three engagement options.



3. Engage with Traditional Owners and or the First Peoples Community

3.1 Always open with an Acknowledgment to Country and or Connection to Country

Ensure that every meeting you have with Traditional Owners and or the First Peoples Community is opened with an Acknowledgment to Country and or Connection to Country. Further information can be accessed here.

3.2 Apply engagement principles, P&E and or APO advice and direction

Ensure that you utilise the frameworks engagement principles and incorporate any advice and direction from P&E and or APOs in your engagement approach.

Any issues or risks identified during the engagement phase need to be reported back to P&E and or relevant APO/s.

3.3 Develop an engagement budget in partnership

An engagement budget should be factored into your project's planning phase (ideally business cases on major projects), and will be informed by Traditional Owners and or First Peoples Community during engagement.

Engagement budgets that are pre-set, inflexible and not informed will typically inhibit Traditional Owners and First Peoples Community's ability to participate at the level that they want.

Your engagement budget will need to be flexible as it will need to consider:

- Traditional Owners and or First Peoples Community level of involvement in a project or initiative,
- the resourcing need for Traditional Owners and First Peoples Community to meaningfully engage; and
- varying consultation rates between Traditional Owners and First Peoples Community organisations.

3.4 Keep P&E informed of arising risks or issues

Inform and seek advice from:

- your engagement with Traditional Owners and or First Peoples Community
- changes in project scope and or negotiables (i.e. project size, budget, scalability and or ministerial intervention) and;
- other perceived issues or risks that may need P&E input, advice or direction.

4. Evaluate Engagement

Evaluating engagement with Traditional Owners and First Peoples Community is important to:

- understand the extent of self determination in project decision making and outcomes, and
- reflect on your engagement approach taking away key learnings to improve future engagement.

P&E use this information to:

- strengthen portfolio-wide project outcomes for Traditional Owners and First Peoples Community
- share best practice across the portfolio; and
- support monitoring and reporting requirements.

5. Keep Informed of Project Outcomes & Successes

Keeping Traditional Owner and First Peoples informed of project progression, outcomes and successes is vital to a partnership built on respect, trust and transparency.

As a way to acknowledge and recognise this contribution, consider providing an opportunity to co-launch the project with a Traditional Owner and or First Peoples Community member.

*Note, permission is needed for any use of media containing Traditional Owner or First Peoples Community knowledge, quotes or images.

Case Study

Best Practice Engagement across the portfolio

Turning Words into Actions – Dhungala Bridge Project

"Engage early, seek mutual understanding and push for local opportunities"

- Aunty Judy Atkinson, Yorta Yorta Elder

In 2022, in partnership with Yorta Yorta Nation Aboriginal Corporation (YYNAC), Major Road Projects Victoria (MRPV) and Transport for NSW built a second Murray River (Dhungala) crossing to connect Echuca and Moama. The project involved several decades of planning with YYNAC being involved from the outset.

MRPV required a minimum 2.5% Aboriginal employment target (AET) based on actual hours worked as well as a minimum social procurement target of 3% of the contract value. As project partners and a matter of cultural respect, YYNAC were prioritised to have meaningful input in contributing to the AET and to improving employment outcomes for their community. MRPV and it's construction partner McConnell Dowell Constructors (MCD) engaged with YYNAC prior to construction to gain insights into effective ways to engage with local Aboriginal job seekers and better understand the types of works best aligned to the capability, capacity and business aspirations of local Aboriginal-owned businesses.

As a result of the early and ongoing engagement with YYNAC, Aboriginal employment had greatly exceeded the 2.5% AET, peaking at 7.3% of the workforce during the Project. The Project spent $3.45m (2% of the total contract value) with Aboriginal businesses. This included the engagement of local Aboriginal business AKO Earth, a civil earthworks business; Zancott Recruitment, who provided labour hire support for the project; Woka Walla Natural Resource Management (YYNAC land management team) to undertake weed control; as well as the direct employment of two full-time Aboriginal employees.

Furthermore, the project made it a key priority to highlight and preserve Yorta Yorta's rich cultural connection to the land around the Murray and Campaspe rivers by naming the bridge' Dhungala' the Yorta Yorta word for Murray River and through the installation of Dhungala Dreaming at Victoria Park. Dhungala Dreaming was designed by local Yorta Yorta elder, Aunty Judy Atkinson and serves as a lasting reminder of the projects very successful collaboration with the Yorta Yorta People.

'Dhungala Dreaming' - Aunty Judy Atkinson

Case Study

Best Practice Engagement across the portfolio

Aboriginal Flag Flying Permanently on the West Gate Bridge

The then, Department of Transport, Minister of Roads and Road Safety Ben Carroll and Minister for Treaty and First Peoples Gabrielle Williams, at the end of NAIDOC Week 2022 announced the Aboriginal Flag will be flown on the West Gate Bridge permanently alongside the Australian Flag.

Since 2019, the Aboriginal and Torres Strait Islander flags were flown on rotation atop the West Gate Bridge only during Reconciliation and NAIDOC Weeks. The flags represent a symbol of unity, identity and resilience used proudly by many Aboriginal and Torres Strait Islander people across Australia.

In June 2022, the Department worked closely with the First People's Assembly of Victoria, the Minister of Treaty and First Peoples, Gabrielle Williams and Registered Aboriginal Party Bunurong Land Council Aboriginal Corporation on whose Country the West Gate Bridge is located, all support the permanent installation of the Aboriginal Flag in preparation of the Aboriginal Flag permanent raising of the flag during NAIDOC week.

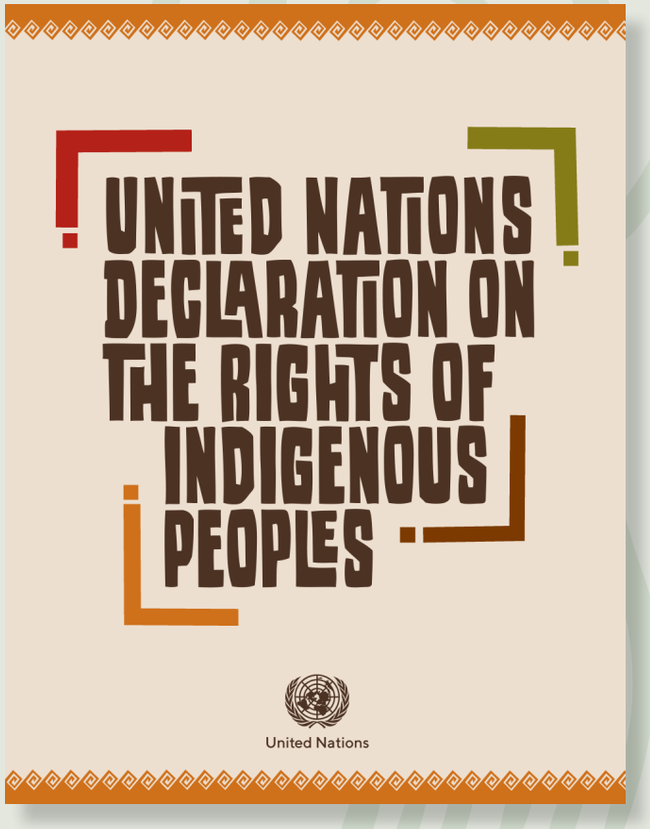
The installation of additional flagpoles will form part of future investigations which will ensure that the bridge remains structurally safe.

Flying the Aboriginal Flag permanently demonstrates Victoria's commitment to Aboriginal self-determination and acknowledges and celebrates Aboriginal and Torres Strait Islander people, history, heritage and culture. Now a permanent fixture in the Victorian skyline.

Commitment to Culturally Safe Engagement

Together, we will 'talk with purpose'

Wurrek-al informs the portfolio's process involved when engaging with Traditional Owners and the First Peoples Community throughout Victoria. It aligns with the portfolio's and the Victorian Government's commitment to self determination, enabling Free, Prior and Informed Consent (FPIC), greater visibility and decision-making for Traditional Owners and First Peoples Community regarding transport and planning projects that impact them.

The structure and process outlined in Wurrek-al is underpinned by FPIC principles – a specified right granted to Indigenous Peoples in the United Nations Declaration on the Rights of Indigenous Peoples. Wurrek-al reflects First Peoples values around culturally safe engagement, reflecting and understanding that context will determine when engagement is undertaken and at what level; how it will be undertaken and with whom.

Wurrek-al will be administered by the Department of Transport and Planning and regularly reviewed to meet the changing needs of Traditional Owners and the First Peoples Community of Victoria.