

2022 VICTORIAN STATE ELECTION SCORECARD

In this Victorian State Election Scorecard, ANTAR has provided a guide to the policies of the Victorian Labor Party, the Liberal-National Coalition, and the Victorian Greens, in relation to Aboriginal and Torres Strait Islander affairs.

In October 2022, ANTAR wrote to the three major political parties, seeking their policies and election commitments relating to:

1. **Treaty:** The advancement of Treaty in Victoria.
2. **Closing the Gap:** State obligations under the Victorian Closing the Gap Implementation Plan 2021-2023.
3. **Injustice and Incarceration:** Addressing the injustice of disproportionately high incarceration rates.
4. **Cultural Heritage Protection:** Ensuring the adequate protection of First Nations cultural heritage.

At the time this Election Scorecard was published, the Victorian Labor Government and the Victorian Greens had provided a response, however the Victorian Liberal-National Coalition had not responded, so we have drawn upon their publicly available policy positions and announcements to inform our analysis. This scorecard is based on forward-looking, stated election commitments and we are not including standard programs and services (unless they are contentious). We have only highlighted the major policy commitments.

ANTAR recommends close consideration of the policies of the major parties contesting the 2022 Victorian State Election – and particularly the policies related to Aboriginal and Torres Strait Islander peoples. We believe that justice, rights, and respect for Australia's First Nations must be a top priority for the next Victorian government.

**DON'T
FORGET
TO** 

TREATY

The advancement of Treaty in Victoria.

CLOSING THE GAP

State obligations under the Victorian Closing the Gap Implementation Plan 2021-2023.

INJUSTICE AND INCARCERATION

Addressing the injustice of disproportionately high incarceration rates.

CULTURAL HERITAGE PROTECTION

Ensuring the adequate protection of First Nations cultural heritage.

TREATY

It has been encouraging to see Victoria lead the nation in pursuit of Treaty with the State's First Nations Peoples.

The election of the First Peoples' Assembly of Victoria and subsequent work on a framework to negotiate future treaties between the State and First Nations communities, has been welcome and is modelling what is possible for treaty in other jurisdictions.




This includes the establishment of the Treaty Authority in June 2022 in addition to the truth-telling and justice work from the Yoorrook Justice Commission, aiming to cover the principles of self-determination and empowerment, fairness and equality, mutual benefit and sustainability, partnership and good faith, and transparency and accountability.

Noting the priorities of the First Peoples Assembly, AN TAR asked each party for their response in regards to the following questions:

- Now that the Framework has been announced with bipartisan support, what would your government's ambitions be for a state-wide Treaty with Victoria's First Nations Peoples?
- What would your government's ambitions be for traditional owner treaties?
- How will your government ensure the Self Determination Fund is adequately resourced and quarantined from interference from your government?

		
<p>As announced on the 20th June 2022, the Coalition supports the advancement of Victoria's Treaty process.</p> <p>Shadow Minister for Aboriginal Affairs Peter Walsh has said: "The Liberals and Nationals are committed to advancing the Treaty process in Victoria in a way that supports self-determination and reconciliation while strengthening community and connection to country,"</p> <p>"Treaty is deeply personal, meaning that the road to achieving it will be different things to all people.</p> <p>"Moving forward we must continue to ensure this process is delivered in a way that respects, and strives to meet, all the community's ideals and expectations, while contributing positively to reducing disadvantage for Aboriginal Victorians."</p>	<p>The Andrews Labor Government has long been guided by the principle of self-determination in its work with First Peoples.</p> <p>We know that long term, sustainable change is only possible when First Peoples are in the driver's seat, making decisions about the matters that impact their lives.</p> <p>Treaty is the all-important mechanism through which we will transfer decision-making power and resources to Victoria's First Peoples. The Labor Government will continue the treaty process with Victoria's First Peoples, with substantive treaty negotiations expected to commence early next year.</p> <p>Alongside treaty, the Andrews Government established the Yoorrook Justice Commission as the nation's first truth-telling process into systemic injustices experienced by Aboriginal people since colonisation.</p>	<p>The Greens strongly support self-determination and will continue to push for treaties to truly deliver peace, justice, rights and healing for the First Peoples of this land. When passing the treaty legislation in Victoria, we pushed for improvements regarding self-determination and secured recognition of the United Nations Declaration on the Rights of Indigenous Peoples in the Treaty legislation.</p> <p>Respect is the foundation of strong Treaty negotiations and we will continue to speak out on this.</p> <p>In the Victorian treaty negotiation process, the Greens support calls by First Nations communities who want control over their own affairs, to be permanently represented in parliament, to have land and sacred sites returned, to have greater protection and respect of their culture and heritage, greater economic opportunities, reforms to justice and child protection systems, and to have greater legislated rights and resources for self-determination.</p>

TREATY

		
<p>Nevertheless, the passing of the 2022 Treaty Authority and Other Treaty Elements Bill was met with liberal opposition, as former Liberal Bernie Finn and Liberal Democrats Tim Quilty and David Limbrick voted against the bill, in addition to Bev McArthur Liberal MP abstaining from voting.</p>	<p>The Commission is investigating both historical and ongoing injustices committed against Aboriginal Victorians since colonisation by the State and non-State entities, across all areas of social, political and economic life.</p> <p>On the 20th October 2022, the Andrews Labor Government and First People’s Assembly announced their commitment to the next critical phase of the state’s landmark Treaty process, aiming to commence treaty negotiations in 2023.</p> <p>In addition to the signing of the Treaty Negotiation Framework and the Self-determination Fund which guarantees an open and inclusive treaty process, Labor has invested \$65 million to establish a Self-determination Fund to provide First Nations with a financial resource to ensure Treaty negotiations are fair and equitable and create a new mechanism to build capacity, wealth and prosperity for First Nations communities.</p>	<p>The Greens believe that all First Nations in Victoria must be resourced to participate equally in Treaty. We are concerned that the funding committed by the government for the Self-Determination Fund is not sufficient for the task of ensuring all Traditional Owners can negotiate on equal footing with the government and that no money has been committed as yet for building prosperity. The Greens will monitor this closely and hold the government to account on fully delivering on the legislated requirement for equal footing and building prosperity. Further, The Greens believe funding for the Self Determination Fund should not be subject to budget cycles and want to see independent funding secured.</p> <p>The Greens are strongly committed to returning land and building prosperity of First Nations people. That’s why this election we have committed to a \$1 billion land buyback fund that would see sacred sites and lands returned to Traditional Owners.</p> <p>The Greens have also committed to providing an additional \$1.5 million for additional salary for the First Peoples’ Assembly of Victoria members so they can fully participate in the work.</p>



THUMBS UP



THUMBS UP



THUMBS UP

CLOSING THE GAP

ANTAR asked how the Victorian parties intend to implement and further develop the State's commitments outlined in the Victorian Closing the Gap Implementation Plan 2021-2023.




The 16 outcome targets outlined in the Victorian Closing the Gap Implementation Plan 2021-2023, encompass vast, extensive and inclusive goals covering the topics of health, cultural appropriation in medical and educational services, economic participation, youth engagement, over-representation in the criminal justice system, child protection, social and emotional wellbeing, as well as Aboriginal and Torres Strait Islander cultures and languages. Additionally, as highlighted through VACCHO and their aim to create an

Aboriginal Accountability Commission, Aboriginal self-determination is of great importance as it will give First Nations people the ability to determine their own political, economical, social and cultural development, furthermore aiming to overcome disparity and inequality.

ANTAR asked each party's policies and election commitments regarding closing the gap:

- What are your party's next steps to support the four core priority reforms and the 16 target outcomes stated in the Victorian Closing the Gap Implementation Plan 2021-2023?
- How will your Government provide the Aboriginal Community-Controlled service sector with more resources and authority to support their self-determination in delivering for their communities in Victoria?

- What will your elected government do to further develop and advance the Victorian Closing the Gap Implementation Plan 2021-2023, in order to address the issues of high incarceration rates, lower employment and school rates, the health priorities and overcrowded housing in Victoria?
- Will your government mandate cross-cultural safety training for mainstream services across the board?
- Will your elected Government create an Aboriginal Accountability Commission that reports to parliament as proposed by VACCHO?
- How will your government ensure the Self Determination Fund is adequately resourced and quarantined from interference from your government?

		
<p>Shadow Minister for Aboriginal Affairs Peter Walsh has said:</p> <p>"The Liberals and Nationals are committed to working with Indigenous Victorians to work on Closing the Gap and addressing the persistent disadvantage among Aboriginal Victorians."</p> <p>As announced on the 16th of March 2022, Liberal described Closing the Gap as a "vehicle for the government to work with Indigenous communities to deliver better outcomes where it's needed most". The strategy of focusing on a whole-of-government approach will "secure progress in foundational areas, setting Indigenous Victorians up for good health, education and financial wellbeing throughout life."</p>	<p>The Victorian Aboriginal Affairs Framework 2018-2023 (VAAF), ensures self-determination is embedded across government policies, programs and services by prioritising culture, supporting healing, addressing racism, promoting cultural safety, and transferring power and resources to communities. Victoria's progress in improving outcomes alongside Aboriginal Victorians is reported on annually in the Victorian Government Aboriginal Affairs Report (Report) – Victoria's mechanism for reporting on progress made under the VAAF and the National Agreement on Closing the Gap.</p>	<p>The Greens support VACHHO's calls to establish an independent Aboriginal Affairs Commission to evaluate services that should be delivering outcomes for Aboriginal and Torres Strait Islander people.</p> <p>The Greens have introduced legislation into the Victorian Parliament to raise the age of criminal responsibility, and to reform our bail laws to make remand in prison a last resort.</p> <p>Have committed to provide an additional \$24.5 million to the Victorian Aboriginal Legal Service to ensure First Nations people have proper legal representation.</p>

CLOSING THE GAP

		
<p>Lastly, the importance of meeting foundational priority needs through secure employment and improved financial wellbeing is highlighted, as it establishes secure housing and better physical and mental health outcomes. Ensuring the Victorian Government is working from reliable data in priority areas is essential for Victoria's genuine progress on Closing the Gap.</p>	<p>The Commission is investigating both historical and ongoing injustices committed against Aboriginal Victorians since colonisation by the State and non-State entities, across all areas of social, political and economic life.</p> <p>On the 20th October 2022, the Andrews Labor Government and First People's Assembly announced their commitment to the next critical phase of the state's landmark Treaty process, aiming to commence treaty negotiations in 2023.</p> <p>In addition to the signing of the Treaty Negotiation Framework and the Self-determination Fund which guarantees and open and include treaty process, Labor has invested \$65 million to establish a Self-determination Fund to provide First Peoples with a financial resource to ensure Treaty negotiations are fair and equitable and create a new mechanism to build capacity, wealth and prosperity for First Peoples communities.</p>	<p>Will close two prisons and invest the money back into wrap-around support services, including child protective services, family violence services, housing, drug and alcohol support services, health services and more.</p> <p>This election the Greens plan includes:</p> <p>A big build of 200,000 new accessible and sustainable public and affordable homes over the next 20 years. One hundred thousand of these homes would be public housing, which would be enough for everyone on the waiting list and would reduce overcrowding in homes.</p> <p>As part of the big build, we would provide community-controlled and appropriate housing for First Nations people and families. We will also ensure First Nations people are given priority access to new public housing through the Victorian Housing Register.</p> <p>The Greens will invest \$1.46 billion dollars over the next five years into Victoria's public schools. With this additional investment, the Greens will make quality, public schools genuinely free, abolishing out-of-pocket school costs for families, including 'voluntary' fees, subject costs, and digital devices.</p> <p>The Greens are also calling for an inquiry into the quality of healthcare provided in prisons, including the adequacy of culturally safe health services for First Nations people in custody.</p>
 <p>THUMBS DOWN</p>	 <p>MIXED BAG</p>	 <p>THUMBS UP</p>

INJUSTICE AND INCARCERATION

In Victoria, the Aboriginal and Torres Strait Islander imprisonment rate almost doubled between 2011 and 2021, from 965 to 1903 per 100,000 adults. Raising the age of criminal responsibility in Victoria to 14 years would help address the issue of the high number of Aboriginal and Torres Strait Islander children (47% of children aged 10-13 years) who were in contact with Youth Justice (in custody and in the community) on an average day in Victoria.

This would further enable the release of those children from custody, therefore lowering chances of reoffending. Additionally, rates of children in out of home care are worsening in Victoria and are not projected to be on track by

2031. Concerning bail reform, the Royal Commission into Aboriginal Deaths in Custody recommended:




‘that governments, in conjunction with Aboriginal Legal Services and Police Services, give consideration to amending bail legislation... to revise any criteria which inappropriately restrict the granting of bail to Aboriginal people’ and ‘that governments which have not already done so should legislate to enforce the principle that imprisonment should be utilised only as a sanction of last resort.’

Lastly, while First Nations women make up a relatively small division of Victoria’s prison system, this cohort has consistently been the fastest growing with a high number of repeat offenders.

ANTAR asked each party for their policies and commitments in regards to:

Addressing the over-representation of First Nations people in prison, in particular women and young children;

- Confront and initiate changes to reduce the high rates of Indigenous children in out of home care and child protection in Victoria;
- Raising the age of criminal responsibility to 14 with no carve-outs; and
- Returning to the Royal Commission into Aboriginal Deaths in Custody principle of imprisonment as a last resort when it come to bail laws;
- Addressing the excessively high rates of family and domestic violence against Aboriginal and Torres Strait Islander women; and
- the Delivery of health services to prisoners/detainees in a culturally safe way (by ACCHOs).

		
	<p>The Andrews Labor Government is strongly committed to working with Aboriginal communities to reduce rates of incarceration and improve outcomes for Aboriginal youth, including through our Aboriginal Justice Agreement and upcoming Aboriginal Youth Justice Strategy.</p> <p>The Victorian Government is continuing to work with our community partners to divert as many children as possible, particularly those aged 10-13 years old, from our criminal justice system.</p> <p>Furthermore, we are working on a range of programs to help reduce preventable deaths in custody by keeping Aboriginal people out of the justice system.</p> <p>Under Phase 4 of the Agreement, Burra Lotjpa Dungaludja, we have invested</p>	<p>The Greens have introduced legislation and bill amendments into the Victorian Parliament to raise the age of criminal responsibility to 14 years old, and legislation to reform our bail laws to make remand an act of last resort.</p> <p>The Greens aim to work towards:</p> <p>Reducing deaths in custody by changing bail laws so they stop disproportionately locking up First Nations people for minor offences – like women caught shoplifting.</p> <p>Ending mandatory sentencing.</p> <p>Closing two prisons and investing the money back into wrap-around support services, including child protective services, family violence services, housing, drug and alcohol</p>

INJUSTICE AND INCARCERATION

		
	<p>\$40 million in community-based, intensive diversion programs, culturally appropriate restorative justice models and programs to keep the Aboriginal young people connected to their family and culture.</p>	<p>support services, health services and more.</p> <p>Independently monitoring police and prisons to address racism and discrimination and stop mistreatment of prisoners.</p> <p>Provide an additional \$24.5 million to the Victorian Aboriginal Legal Service to ensure First Nations people have proper legal representation.</p> <p>Creating an independent commissioner to monitor progress on implementation of recommendations of both the Royal Commission into Aboriginal Deaths in Custody and coronial inquests.</p>
 <p>THUMBS DOWN</p>	 <p>MIXED BAG</p>	 <p>THUMBS UP</p>

CULTURAL HERITAGE PROTECTION

In spite of the protection of Victorian places and objects under the Heritage Act 2017, the cumulative impacts of climate change are causing a loss of heritage sites in Victoria. The collective understanding of the risks of climate change is vital for a productive collaboration between the Heritage Council of Victoria and Heritage Victoria conducting the 'Heritage and Climate Change' project, as urgent action is needed.

As part of the Strategic Plan 2021-2025 developed by the Heritage Council of Victoria, collaboration with and




empowerment of First Nations people will ensure their self-determination to control, manage, protect and retain their Cultural Heritage, furthermore expanding the Aboriginal Heritage Act 2016 amendments. The Strategic Plan 2021-2025 includes the following strategies, aiming to connect Victorians and value the diverse cultural heritage: wider understanding of cultural heritage, effective and representative Victorian Heritage Register, innovative and sustainable heritage practice, shared responsibility for heritage conservation, and improved Heritage Council operations.

ANTAR asked each party for their state policy intentions relating to:

- The loss of ancient cultural heritage sites in particular through the impacts of global warming on Australia's environment;
- The support of and engagement with the 'Heritage and Climate Change' project;
- the protection of First Nations languages and the delivery of outcomes for the UN International Decade of Indigenous Language, and
- Prioritising self-determination of First Nations people in retaining their Cultural Heritage and supporting the Heritage Council of Victoria Strategic Plan 2021-2025

		
<p>As stated on the 26th October 2022, the coalition promises the following: "Liberals and Nationals Government will implement comprehensive planning protections that stops the endless debates and gets the balance right, giving everyone certainty and respecting local heritage", without mentioning First Nations ancient cultural heritage, protection heritage sites or supporting the Heritage Council of Victoria Strategic Plan 2021-2025.</p> <p>On the 4th of August 2022, the Liberals and Nationals announced their opposition to introducing the Building, Planning & Heritage Amendment Bill 2022, due to the Bill being "poorly drafted and incomplete".</p>	<p>The Labor Government recently invested \$35.7 million into our cultural heritage system to ensure that it can continue to provide Australia's most robust system for heritage protection. This includes funding to support a pro-active mapping process, assisting Traditional Owners to map Country and identify cultural heritage in advance of major projects.</p> <p>In July 2022, Labor announced it is investing almost \$13.5 million in frontline support to Traditional Owners to protect and manage Aboriginal cultural heritage, ensuring it is preserved for generations to come. A further \$3.3 million was also given to support Traditional Owners to proactively assess and map Aboriginal cultural heritage on their Country, informed by a thorough understanding of the presence and likelihood of heritage in the landscape.</p>	<p>The Greens plan includes:</p> <p>A \$1bn private land buyback fund to return sacred sites to First Nations communities.</p> <p>Rights for First Nations to veto destructive developments, such as mines and highways, that threaten sites of high cultural significance. If veto rights were in place, the Djab Wurrung sacred trees would not have been destroyed and threatened.</p> <p>Strengthening cultural heritage protection laws with self-determination rights, so that Traditional Owners are the decision makers over developments and issues that affect their communities, their heritage and land.</p> <p>Deepening teaching and respect of First Nations cultural heritage and language by introducing more First Nations cultural education, including</p>

CULTURAL HERITAGE PROTECTION

		
	<p>Announced in the Victorian Budget 2022/23, the Labor Government is investing \$35.7 million in Victoria's Aboriginal cultural heritage system to support the promotion, protection and celebration of Victoria's invaluable Aboriginal cultural heritage.</p> <p>Lastly, Labor aims to cut the state's greenhouse gas emissions by 75-80 per cent by 2035 and to net zero by 2045, outlining their support to combat climate change.</p>	<p>languages, into the Victorian school curriculum.</p> <p>Ensuring that over time, in consultation with Traditional Owners and local communities, the names, monuments, symbols, celebrations and histories told about our communities better reflect and respect First Nations culture. We will fight to reverse the erasure of the Maroondah Hospital name.</p> <p>The Greens will also work towards:</p> <ul style="list-style-type: none"> A ban on new oil and gas drilling in our oceans and an end to coal burning in Victoria by 2030, helping to protect Country. Ending native forest logging by 2023 and stopping extinction, including of totem animals. A \$1 billion a year ongoing Zero Extinction fund, to protect and restore Victoria's environment. This includes a Dedicated First Nations Ranger training and employment program to bring Traditional Owner cultural knowledge to caring for Country. A moratorium on new water licences, centering First Nations rights to water and a plan to return water for healthy rivers. Ending native duck hunting in accordance with calls by Traditional Owners and an overhaul of wildlife laws that currently allow large-scale wildlife killing permits.



THUMBS DOWN



THUMBS UP



THUMBS UP

ANTAR is a national advocacy organisation working for Justice, Rights and Respect for Australia's First Nations Peoples. We do this primarily through campaigns, advocacy, and lobbying.

Our current national campaigns include:

- Mobilising Australians to vote yes at the referendum for a First Nations Voice to Parliament enshrined in the constitution; and
- Advocating for treaty and agreement-making processes across Australia at both State and national levels.

We also engage in national advocacy across various policy and social justice issues affecting Aboriginal and Torres Strait Islander communities, including cultural heritage protection; justice reinvestment, over incarceration and raising the age of criminal responsibility; anti-racism campaigns, native title and land rights, and closing the life equality gap.

ANTAR is a foundational member of both the Close the Gap Campaign and Change the Record Campaign Steering Committee, and an organisational and executive committee member of Just Reinvest NSW. ANTAR has been working with Aboriginal and Torres Strait Islander communities, organisations and leaders on rights and reconciliation issues since 1997. ANTAR is a non-government, not-for-profit, independently funded and community-based organisation.

CONTACT

Paul Wright
National Director

hello@antar.org.au

(02) 9280 0060

PO Box 77
Strawberry Hills
NSW 2012

ANTAR.ORG.AU

ANTAR is proud to acknowledge and pay our respects to First Nations Peoples as the traditional owners of the lands on which we work across the continent.