

Authorised Version No. 001
Advancing the Treaty Process with
Aboriginal Victorians Act 2018

No. 28 of 2018

Authorised Version as at
1 August 2018

TABLE OF PROVISIONS

<i>Section</i>	<i>Page</i>
Part 1—Preliminary	3
1 Purposes	3
2 Commencement	4
3 Definitions	4
4 Appointment of Victorian Treaty Advancement Commissioner	6
5 Act does not affect certain rights	6
6 Act does not affect native title rights and interests	6
7 Act does not affect certain entities	7
8 Act binds the Crown	7
Part 2—Aboriginal Representative Body	8
9 Recognition of Aboriginal Representative Body	8
10 Function of Aboriginal Representative Body	8
11 Declaration of Aboriginal Representative Body	8
12 Recommendation for declaration of Aboriginal Representative Body	9
13 Declaration to be made by certain date	9
14 Revocation of declaration	10
15 Process for determining if misconduct has occurred	11
16 Effect of revocation of declaration	12
17 Minister to prepare plan for making subsequent Aboriginal Representative Body declaration	12
18 Subsequent Aboriginal Representative Body declaration	13
19 Transmission of plans to the Parliament when in recess	14
Part 3—Guiding principles for the treaty process	15
20 Application of this Part and definition	15
21 Effect of this Part	15
22 Self-determination and empowerment	16
23 Fairness and equality	16

<i>Section</i>	<i>Page</i>
24 Partnership and good faith	16
25 Mutual benefit and sustainability	16
26 Transparency and accountability	17
Part 4—Treaty Authority	18
27 Treaty Authority	18
28 Functions of the Treaty Authority	18
29 Recognition of the Treaty Authority	18
Part 5—Treaty negotiation framework	20
30 Treaty negotiation framework	20
31 Content of the treaty negotiation framework	20
32 Variation of the treaty negotiation framework	21
33 Commencement of treaty negotiations	21
34 Treaty negotiations to comply with treaty negotiation framework	21
Part 6—Self-determination fund	22
35 Self-determination fund	22
36 Purposes of self-determination fund	22
37 Aboriginal Representative Body to administer self-determination fund	22
Part 7—Dispute resolution	23
38 Dispute resolution process	23
39 Application of dispute resolution process	23
40 Content of the dispute resolution process	23
Part 8—Reporting	24
41 Minister's annual report	24
42 Aboriginal Representative Body's annual report	25
43 Transmission of annual reports to the Parliament	25
44 Transmission of annual reports to the Parliament when in recess	26
<hr style="border-top: 3px double #000;"/>	
Endnotes	27
1 General information	27
2 Table of Amendments	29
3 Amendments Not in Operation	30
4 Explanatory details	31

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Preamble

The State of Victoria acknowledges Victorian traditional owners as the first peoples of what is now known as Victoria. From time immemorial Victorian traditional owners have practised their laws, customs and languages, and nurtured Country through their spiritual, cultural, material and economic connections to land, water and resources. Through the strength, resilience and pride of Victorian traditional owners, their cultures, communities and economies endure and continue to grow and thrive today. Aboriginal Victorians are an intrinsic and valued part of Victoria's past, present and future.

The State acknowledges the diversity of Aboriginal Victorians, their communities and cultures, and the intrinsic connection of traditional owners to Country. Aboriginal Victorians are Victorian traditional owners, clans, family groups and all other people of Aboriginal and Torres Strait Islander descent who are living in Victoria.

Victorian traditional owners maintain that their sovereignty has never been ceded, and Aboriginal Victorians have long called for treaty. These calls have long gone unanswered. The time has now come to take the next step towards reconciliation and to advance Aboriginal self-determination. Aboriginal Victorians and the State are ready to talk treaty.

In recent times, Victorian traditional owners and the State have worked together to ensure traditional owners play a lead role in managing and protecting land, natural resources and cultural heritage. To date, consultations with Aboriginal Victorians have emphasised the leading role and authority of traditional owners when it comes to treaty. Through this historic Act, all Aboriginal Victorians and the State

are building on this and other good work and embarking on a renewed and mature relationship. This relationship is one of equal partnership, founded on mutual respect and a commitment to justice and equality for Aboriginal Victorians, and to promoting reconciliation between Aboriginal and non-Aboriginal Victorians.

The State will work to strengthen this relationship as it walks alongside Aboriginal Victorians on the pathway to treaty. This Act is an important first step on the journey. It is an expression of the State's commitment to lay the groundwork for future treaty negotiations in Victoria. To translate this commitment into outcomes, it is essential that Aboriginal Victorians and the State work in partnership at all stages of the journey.

In doing so, the State recognises the importance of the treaty process proceeding in a manner that is consistent with the principles articulated in the United Nations Declaration on the Rights of Indigenous Peoples, including free, prior and informed consent. By continuing to consult and cooperate in good faith, the State will endeavour to take each step forward on the pathway toward treaty together with traditional owners and Aboriginal Victorians.

Accordingly, this Act requires the State and a future Aboriginal Representative Body, as the voice chosen by Aboriginal Victorians, to work together in partnership to establish the entities, rules and resource base necessary to facilitate future treaty negotiations. The State and future Aboriginal Representative Body will at all times work collaboratively and always in good faith to achieve their joint vision for a state that celebrates Aboriginal Victorians in all areas of life.

The contents of a future treaty or treaties are yet unknown. A future treaty or treaties can help heal the wounds of the past, provide recognition for historic wrongs, address ongoing injustices, support reconciliation and promote the fundamental human rights of Aboriginal peoples, including the right to self-determination. A future treaty or treaties should enhance the existing laws of this State, acknowledge the importance of culture to Aboriginal identity, bring pride to all Victorians and have positive impacts for all of Victorian society. The State is committed to working with

Aboriginal Victorians to negotiate a treaty or treaties on terms that will help tangibly improve their lives, and the lives of future generations.

The injustices of the past cannot be undone. The State is pursuing treaty because it is the right thing to do. Victoria needs a treaty or treaties that are reciprocal, and that through truth and justice provide far reaching benefits for Aboriginal Victorians. For traditional owners, Aboriginal children, elders, and stolen people; for a society that all Victorians can all be proud of; treaty will be for all Aboriginal Victorians. In the spirit of reconciliation, treaty will be for all Victorians.

With this Act Aboriginal Victorians and the State join hands to take the first step on the pathway towards treaty.

The Parliament of Victoria therefore enacts:

Part 1—Preliminary

1 Purposes

The purposes of this Act are—

- (a) to advance the process of treaty making between traditional owners and Aboriginal Victorians, and the State; and
- (b) to provide for a mechanism for the State to recognise the Aboriginal Representative Body as the sole representative of traditional owners and Aboriginal Victorians for the purpose of establishing elements necessary to support future treaty negotiations; and
- (c) to enshrine the guiding principles for the treaty process; and
- (d) to require the Aboriginal Representative Body and the State to work together to establish elements necessary to support future treaty negotiations.

2 Commencement

- (1) Subject to subsection (2), this Act comes into operation on a day or days to be proclaimed.
- (2) If a provision of this Act does not come into operation before 30 September 2018, it comes into operation on that day.

3 Definitions

In this Act—

Aboriginal Representative Body means the entity declared to be the Aboriginal Representative Body by the Minister—

- (a) by an Aboriginal Representative Body declaration; or
- (b) by a subsequent Aboriginal Representative Body declaration;

Aboriginal Representative Body declaration means a declaration by the Minister under section 11;

Aboriginal Treaty Working Group means—

- (a) the Aboriginal Treaty Working Group recognised by the Minister in July 2016; or
- (b) if that Aboriginal Treaty Working Group is no longer in existence, a body established by the Minister from time to time with objectives that correspond with—
 - (i) consulting with traditional owners and Aboriginal Victorians on options for establishing, or re-establishing, the Aboriginal Representative Body; and

- (ii) providing advice to traditional owners and Aboriginal Victorians and to the State for the purpose of advancing the treaty process;

dispute resolution process means the dispute resolution process established by agreement by the Aboriginal Representative Body and the State in accordance with Part 7;

guiding principles means the principles set out in Part 3;

misconduct means conduct at a systemic level that brings the Aboriginal Representative Body into disrepute and that is not limited to the conduct of one person;

subsequent Aboriginal Representative Body declaration means a declaration by the Minister under section 18;

traditional owner, in relation to an area in Victoria, has the same meaning as in **Aboriginal Heritage Act 2006**;

Treaty Authority means the Treaty Authority established by agreement by the Aboriginal Representative Body and the State in accordance with Part 4;

treaty negotiation framework means the treaty negotiation framework established by agreement by the Aboriginal Representative Body and the State in accordance with Part 5;

Victorian Treaty Advancement Commissioner means the office holder of that name appointed by the Governor in Council under section 88 of the **Constitution Act 1975**.

4 Appointment of Victorian Treaty Advancement Commissioner

The Minister must not recommend a person for appointment as Victorian Treaty Advancement Commissioner unless the person is an Aboriginal Victorian.

5 Act does not affect certain rights

- (1) Nothing in this Act—
 - (a) derogates from any right or expectation under the **Aboriginal Heritage Act 2006**, the **Conservation, Forests and Lands Act 1987** or the **Traditional Owner Settlement Act 2010**; or
 - (b) affects any other right or expectation of traditional owners or Aboriginal Victorians under any other Act or law.
- (2) The provisions of this Act must be interpreted in a way that does not prejudice or reduce rights or expectations of traditional owners or Aboriginal Victorians established by or existing under any other Act or law.

6 Act does not affect native title rights and interests

- (1) Nothing in this Act is intended to affect native title rights and interests otherwise than in accordance with the Native Title Act 1993 of the Commonwealth.
- (2) The provisions of this Act must be interpreted in a way that does not prejudice native title rights and interests to the extent that those rights and interests are recognised and protected by the Native Title Act 1993 of the Commonwealth.
- (3) In this section, *affect* and *native title rights and interests* have the same meanings as in the Native Title Act 1993 of the Commonwealth.

7 Act does not affect certain entities

Nothing in this Act—

- (a) affects any statutory appointment existing for the purpose of representation of traditional owners and Aboriginal Victorians; or
- (b) limits the recognition of any Aboriginal entity under any other Act or regulations or other law; or
- (c) limits the functions of any Aboriginal entity conferred or imposed by any other Act or regulations or other law.

8 Act binds the Crown

This Act binds the Crown—

- (a) in right of the State of Victoria; and
- (b) to the extent that the legislative power of the Parliament permits, in all its other capacities.

Part 2—Aboriginal Representative Body

9 Recognition of Aboriginal Representative Body

- (1) The Aboriginal Representative Body is the sole representative of traditional owners and Aboriginal Victorians for the purpose of establishing elements necessary to support future treaty negotiations.
- (2) The State must recognise the Aboriginal Representative Body as the sole representative of traditional owners and Aboriginal Victorians for that purpose.

10 Function of Aboriginal Representative Body

- (1) The function of the Aboriginal Representative Body is to represent the diversity of traditional owners and Aboriginal Victorians in working with the State to establish by agreement elements necessary to support future treaty negotiations.
- (2) In carrying out the function specified in subsection (1), the Aboriginal Representative Body must—
 - (a) ensure that cultures of traditional owners and Aboriginal Victorians are promoted and respected; and
 - (b) work with traditional owners and Aboriginal Victorians.
- (3) All elected members (however described) other than employees of the Aboriginal Representative Body must be traditional owners.

11 Declaration of Aboriginal Representative Body

- (1) The Minister, on the recommendation of the Victorian Treaty Advancement Commissioner, must declare an entity to be the Aboriginal Representative Body.

- (2) A declaration under subsection (1) must be made by notice published in the Government Gazette.

12 Recommendation for declaration of Aboriginal Representative Body

- (1) The Victorian Treaty Advancement Commissioner must make a recommendation to the Minister that an entity be declared to be the Aboriginal Representative Body.
- (2) A recommendation under subsection (1) must be in writing and include—
- (a) the name of the entity; and
 - (b) how the entity is established; and
 - (c) the legal structure of the entity.

13 Declaration to be made by certain date

- (1) If the Minister has not made an Aboriginal Representative Body declaration before 1 July 2019, the Minister must cause a plan for making a timely Aboriginal Representative Body declaration to be laid before each House of the Parliament on or before 15 sitting days after that day.
- (2) In preparing a plan under subsection (1), the Minister must—
- (a) for the purpose of working in partnership with traditional owners and Aboriginal Victorians, work together with the Victorian Treaty Advancement Commissioner and the Aboriginal Treaty Working Group; and
 - (b) set out the actions to be taken by the Minister for the purposes of—
 - (i) supporting traditional owners and Aboriginal Victorians in establishing the Aboriginal Representative Body; and

- (ii) making an Aboriginal Representative Body declaration.

14 Revocation of declaration

- (1) The Minister may only revoke an Aboriginal Representative Body declaration if—
 - (a) the entity declared to be the Aboriginal Representative Body ceases to exist; or
 - (b) the Aboriginal Representative Body informs the Minister in writing that it is unable to perform its function under this Act; or
 - (c) the Minister is satisfied on reasonable grounds that—
 - (i) the Aboriginal Representative Body has committed misconduct; and
 - (ii) by reason of the misconduct, the Aboriginal Representative Body is unable to effectively perform its function under this Act; and
 - (iii) the Aboriginal Representative Body has failed to take reasonable steps to remedy the misconduct and to take all necessary steps to prevent further misconduct that are reasonably available.
- (2) If the Minister revokes an Aboriginal Representative Body declaration, the Minister must give reasons for the decision in writing.
- (3) If the Minister revokes an Aboriginal Representative Body declaration, the Minister, in the instrument of revocation, must provide for any transitional arrangements in relation to the activities of the Aboriginal Representative Body that are required until the Minister makes a subsequent Aboriginal Representative Body declaration.

- (4) This section applies despite anything to the contrary in sections 27 and 41A of the **Interpretation of Legislation Act 1984**.

15 Process for determining if misconduct has occurred

- (1) For the purpose of determining if the Aboriginal Representative Body has committed misconduct, the Minister must carry out the following process—
- (a) give the Aboriginal Representative Body notice in writing of the Minister's concern that the Aboriginal Representative Body has committed misconduct;
 - (b) invite the Aboriginal Representative Body to meet with the Minister within a reasonable period of time to discuss—
 - (i) the alleged misconduct; and
 - (ii) any actions taken by the Aboriginal Representative Body to remedy the alleged misconduct or prevent further misconduct;
 - (c) request in writing the Aboriginal Representative Body to provide reasons, within a reasonable period of time specified by the Minister, why the Aboriginal Representative Body declaration should not be revoked.
- (2) The Minister must not revoke an Aboriginal Representative Body declaration under section 14(1)(c) unless the Minister has carried out the process specified in subsection (1).

16 Effect of revocation of declaration

- (1) If the Minister revokes an Aboriginal Representative Body declaration under section 14(1)(b) or (c), the entity to which the revocation applies ceases to be the Aboriginal Representative Body for the purposes of this Act, without affecting the constitution or function of the entity for any other purpose.
- (2) The revocation of an Aboriginal Representative Body declaration does not affect the following—
 - (a) any agreements already in force between the Aboriginal Representative Body and the State;
 - (b) any actions taken by the Aboriginal Representative Body, or by the Aboriginal Representative Body and the State acting together.
- (3) Subsection (2) applies whether or not the Aboriginal Representative Body is declared to be the Aboriginal Representative Body—
 - (a) by an Aboriginal Representative Body declaration; or
 - (b) by a subsequent Aboriginal Representative Body declaration.

17 Minister to prepare plan for making subsequent Aboriginal Representative Body declaration

- (1) If the Minister revokes an Aboriginal Representative Body declaration, the Minister must cause a plan for making a timely subsequent Aboriginal Representative Body declaration to be laid before each House of the Parliament on or before 30 sitting days after the day the Minister revokes the declaration.

- (2) In preparing a plan under subsection (1), the Minister must—
 - (a) for the purpose of working in partnership with traditional owners and Aboriginal Victorians—
 - (i) convene or cause to be convened a forum, or more than one forum, in relation to the Aboriginal Representative Body that is open to all traditional owners and Aboriginal Victorians; and
 - (ii) work together with the Aboriginal Treaty Working Group; and
 - (b) set out any other actions that must be taken by the Minister before making a subsequent Aboriginal Representative Body declaration.
- (3) If the Minister revokes an Aboriginal Representative Body declaration because the entity declared to be the Aboriginal Representative Body ceases to exist, the Minister must include in a plan prepared under subsection (1) the actions to be taken by the Minister to support traditional owners and Aboriginal Victorians to re-establish the Aboriginal Representative Body.

18 Subsequent Aboriginal Representative Body declaration

- (1) The Minister must declare an entity to be the Aboriginal Representative Body subsequent to revoking an Aboriginal Representative Body declaration.
- (2) Before declaring an entity to be the Aboriginal Representative Body under subsection (1), the Minister must comply with a plan prepared under section 17.

- (3) A declaration under subsection (1) must be made by notice published in the Government Gazette.

19 Transmission of plans to the Parliament when in recess

- (1) If the Minister proposes to transmit a plan prepared under this Part to the Parliament when Parliament is in recess, the Minister must—
- (a) give one business day's notice of the Minister's intention to do so to the clerk of each House of the Parliament; and
 - (b) give the plan to the clerk of each House on the day indicated in the notice; and
 - (c) cause the plan to be published on an appropriate government website as soon as practicable after giving it to the clerks.
- (2) The clerk of each House of the Parliament must—
- (a) notify each member of the House of the receipt of a notice under subsection (1)(a) on the same day that the clerk receives that notice; and
 - (b) give a copy of the plan to each member of the House as soon as practicable after the plan is received under subsection (1)(b); and
 - (c) cause the plan to be laid before the House on the next sitting day of the House.
- (3) For the purposes of this section, the Parliament is in recess when neither House is sitting.

Part 3—Guiding principles for the treaty process

20 Application of this Part and definition

- (1) This Part specifies the guiding principles for the treaty process.
- (2) It is the intention of the Parliament that the guiding principles should be culturally empowering, and the Parliament acknowledges that the guiding principles may have different meanings and emphasis for different traditional owners and Aboriginal Victorians and those variations must be considered in the application of the guiding principles.
- (3) In this Part—

parties to the treaty process means the following—

- (a) the Aboriginal Representative Body;
- (b) the State;
- (c) the Treaty Authority;
- (d) any person, group or body participating in future treaty negotiations.

21 Effect of this Part

- (1) The parties to the treaty process at all times must act in accordance with the guiding principles.
- (2) Without limiting subsection (1), the Aboriginal Representative Body and the State must act in accordance with the guiding principles in establishing elements necessary to support future treaty negotiations.
- (3) It is the intention of the Parliament that in the administration of this Act regard is to be given to the guiding principles.

22 Self-determination and empowerment

- (1) Traditional owners and Aboriginal Victorians have the right to self-determination.
- (2) Traditional owners and Aboriginal Victorians are empowered to freely determine their participation in the treaty process and, to this end, their form of representation in the treaty process.

23 Fairness and equality

- (1) The parties to the treaty process must ensure fairness between parties as they work together to advance the treaty process.
- (2) The parties to the treaty process must make decisions that promote equality for traditional owners and Aboriginal Victorians.

24 Partnership and good faith

- (1) The parties to the treaty process must work together in good faith to advance the treaty process.
- (2) If any disputes arise in advancing the treaty process, the parties to the treaty process must resolve those disputes as soon as possible after they arise.

25 Mutual benefit and sustainability

- (1) The parties to the treaty process must commit to a treaty process that, in an ongoing and sustainable manner, provides material social, economic and cultural benefits for traditional owners and Aboriginal Victorians.
- (2) The parties to the treaty process must commit to advancing the treaty process in a manner that promotes reconciliation and celebration of cultures of traditional owners and Aboriginal Victorians and, in doing so, provides benefits to the whole of the Victorian community.

26 Transparency and accountability

The parties to the treaty process must act with honesty and integrity and must be accountable for their shared commitment to self-determination and to the treaty process.

Part 4—Treaty Authority

27 Treaty Authority

The Aboriginal Representative Body and the State must work together to establish the Treaty Authority by agreement.

28 Functions of the Treaty Authority

- (1) The Treaty Authority, once established, has the following functions—
 - (a) facilitating and overseeing treaty negotiations;
 - (b) administering the treaty negotiation framework;
 - (c) providing for resolution of disputes in treaty negotiations in accordance with the treaty negotiation framework;
 - (d) carrying out research to support treaty negotiations and the administration of the treaty negotiation framework.
- (2) In establishing the Treaty Authority, the Aboriginal Representative Body and the State may include any additional functions to those specified in subsection (1).
- (3) In the performance of its functions the Treaty Authority is not subject to the direction or control of the Minister.

29 Recognition of the Treaty Authority

- (1) The State must recognise the Treaty Authority established by the Aboriginal Representative Body and the State in accordance with this Part as a necessary element to the treaty process and as the sole entity performing the functions of the Treaty Authority.

- (2) The State must work with the Treaty Authority
in good faith to advance the treaty process.

Part 5—Treaty negotiation framework

30 Treaty negotiation framework

- (1) The Aboriginal Representative Body and the State must work together to establish the treaty negotiation framework by agreement.
- (2) The Aboriginal Representative Body and the State must not agree to the treaty negotiation framework before the Treaty Authority is established.
- (3) The Aboriginal Representative Body and the State must ensure that the treaty negotiation framework provides for the negotiation of a treaty or treaties that—
 - (a) recognise historic wrongs; and
 - (b) address ongoing injustices; and
 - (c) help heal wounds of the past; and
 - (d) support reconciliation; and
 - (e) bring pride to Victorians; and
 - (f) have positive impacts for Victoria; and
 - (g) promote the fundamental human rights of Aboriginal peoples, including the right to self-determination; and
 - (h) acknowledge the importance of culture to Aboriginal identity; and
 - (i) enhance the laws of Victoria.

31 Content of the treaty negotiation framework

- (1) The treaty negotiation framework must include the following matters—
 - (a) the process for negotiating a treaty or treaties;
 - (b) the process for formalising agreement to a treaty or treaties;

- (c) minimum standards with which a party must comply in order to enter into treaty negotiations;
 - (d) a schedule setting out the matters (if any) that cannot or must not be agreed to in the course of treaty negotiations;
 - (e) the process for the resolution of disputes arising in the course of treaty negotiations;
 - (f) the mechanisms for enforcing a treaty or treaties;
 - (g) reporting requirements in relation to a treaty or treaties.
- (2) The treaty negotiation framework must be consistent with the functions of the Treaty Authority specified in section 28.
- (3) In establishing the treaty negotiation framework by agreement, the Aboriginal Representative Body and the State may include additional matters to those specified in subsections (1) and (2).

32 Variation of the treaty negotiation framework

The Aboriginal Representative Body and the State may vary the treaty negotiation framework by agreement.

33 Commencement of treaty negotiations

Treaty negotiations must not commence before the treaty negotiation framework is agreed to.

34 Treaty negotiations to comply with treaty negotiation framework

Treaty negotiations must be conducted in accordance with the treaty negotiation framework.

Part 6—Self-determination fund

35 Self-determination fund

The Aboriginal Representative Body and the State must work together to establish the self-determination fund by agreement.

36 Purposes of self-determination fund

- (1) The self-determination fund has the following purposes—
 - (a) supporting traditional owners and Aboriginal Victorians to have equal standing with the State in treaty negotiations;
 - (b) providing a financial resource, independent from the State, that empowers traditional owners and Aboriginal Victorians to build capacity, wealth and prosperity.
- (2) In establishing the self-determination fund, the Aboriginal Representative Body and the State may include purposes additional to those specified in subsection (1) by agreement.
- (3) The Aboriginal Representative Body and the State may vary any additional purposes of the self-determination fund agreed to under subsection (2) by agreement.

37 Aboriginal Representative Body to administer self-determination fund

The Aboriginal Representative Body must administer the self-determination fund in a manner consistent with the purposes specified in section 36.

Part 7—Dispute resolution

38 Dispute resolution process

The Aboriginal Representative Body and the State must work together to establish the dispute resolution process by agreement.

39 Application of dispute resolution process

Any disputes between the Aboriginal Representative Body and the State that arise in the course of performing any function under Parts 4, 5 or 6 must be dealt with in accordance with the dispute resolution process.

40 Content of the dispute resolution process

The dispute resolution process must—

- (a) be culturally appropriate; and
- (b) set out a procedure for the resolution of disputes between the Aboriginal Representative Body and the State that arise in the course of performing any function under Parts 4, 5 or 6; and
- (c) specify the periods of time within which stages of the dispute resolution process must be carried out; and
- (d) provide for the extension of time by written consent of the Aboriginal Representative Body and the State.

Part 8—Reporting

41 Minister's annual report

- (1) The Minister must prepare an annual report on the work of the State in advancing the treaty process that—
 - (a) sets out the progress towards establishing by agreement—
 - (i) the Treaty Authority; and
 - (ii) the treaty negotiation framework; and
 - (iii) the self-determination fund; and
 - (b) includes the details of any events or activities conducted for the purpose of working in partnership with traditional owners and Aboriginal Victorians in advancing the treaty process; and
 - (c) sets out any findings or outcomes arising from events or activities conducted for the purpose of working in partnership with traditional owners and Aboriginal Victorians in advancing the treaty process; and
 - (d) sets out the activities conducted by the State to engage traditional owners, Aboriginal Victorians and non-Aboriginal Victorians in the treaty process; and
 - (e) includes any other information in relation to advancing the treaty process that the Minister considers relevant.
- (2) The Minister must prepare a report under subsection (1)—
 - (a) as soon as practicable after the end of each financial year; and
 - (b) as a report separate to any other report prepared by the Minister.

42 Aboriginal Representative Body's annual report

- (1) The Aboriginal Representative Body must prepare an annual report on the work of the Aboriginal Representative Body in advancing the treaty process that—
 - (a) sets out the progress towards establishing by agreement—
 - (i) the Treaty Authority; and
 - (ii) the treaty negotiation framework; and
 - (iii) the self-determination fund; and
 - (b) includes the details of any events or activities conducted for the purpose of advancing the treaty process; and
 - (c) sets out any findings or outcomes arising from events or activities conducted for the purpose of advancing the treaty process; and
 - (d) includes any other information in relation to advancing the treaty process that the Aboriginal Representative Body considers relevant.
- (2) The Aboriginal Representative Body must provide a report prepared under subsection (1) to the Minister for the purpose of transmission of the report to the Parliament.

43 Transmission of annual reports to the Parliament

The Minister must cause a copy of the Minister's annual report and a copy of the Aboriginal Representative Body's annual report to be laid before each House of the Parliament within 3 sitting days of that House after the preparation of the Minister's annual report or receipt of the Aboriginal Representative Body's annual report (as the case requires).

44 Transmission of annual reports to the Parliament when in recess

- (1) If the Minister proposes to transmit a copy of the Minister's annual report and a copy of the Aboriginal Representative Body's annual report to the Parliament when Parliament is in recess, the Minister must—
 - (a) give one business day's notice of the Minister's intention to do so to the clerk of each House of the Parliament; and
 - (b) give the reports to the clerk of each House on the day indicated in the notice; and
 - (c) cause the reports to be published on an appropriate government website as soon as practicable after giving the reports to the clerks.
- (2) The clerk of each House of the Parliament must—
 - (a) notify each member of the House of the receipt of a notice under subsection (1)(a) on the same day that the clerk receives that notice; and
 - (b) give copies of the reports to each member of the House as soon as practicable after the reports are received under subsection (1)(b); and
 - (c) cause the reports to be laid before the House on the next sitting day of the House.
- (3) For the purposes of this section, the Parliament is in recess when neither House is sitting.

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

Minister's second reading speech—

Legislative Assembly: 28 March 2018

Legislative Council: 8 June 2018

The long title for the Bill for this Act was "A Bill for an Act to advance the treaty process between Aboriginal Victorians and the State by providing for the recognition of the Aboriginal Representative Body, enshrining the guiding principles for the treaty process and requiring the Aboriginal Representative Body and the State to work together to establish elements necessary to support future treaty negotiations and for other purposes."

The **Advancing the Treaty Process with Aboriginal Victorians Act 2018** was assented to on 3 July 2018 and came into operation on 1 August 2018: Special Gazette (No. 356) 31 July 2018 page 1.

INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided section or clause of a Schedule is amended by the insertion of one or more subsections or subclauses, the original section or clause becomes subsection or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original section or clause.

Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in an Act which is passed on or after 1 January 2001 form part of that Act. Any heading inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. This includes headings to Parts, Divisions or Subdivisions in a Schedule; sections; clauses; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in an Act which is passed on or after 1 January 2001 form part of that Act. Any examples, diagrams or notes inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, form part of that Act. See section 36(3A).

- **Punctuation**

All punctuation included in an Act which is passed on or after 1 January 2001 forms part of that Act. Any punctuation inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. See section 36(3B).

- **Provision numbers**

All provision numbers included in an Act form part of that Act, whether inserted in the Act before, on or after 1 January 2001. Provision numbers include section numbers, subsection numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of an Act is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of an Act. See section 36(3)(3D)(3E).

2 Table of Amendments

There are no amendments made to the **Advancing the Treaty Process with Aboriginal Victorians Act 2018** by Acts and subordinate instruments.

3 Amendments Not in Operation

There are no amendments which were Not in Operation at the date of this publication.

4 Explanatory details

No entries at date of publication.