

Statewide Treaty Act 2025

No. of 2025

TABLE OF PROVISIONS

<i>Clause</i>		<i>Page</i>
Part 1—Preliminary		4
1	Purposes	4
2	Objects and principles	5
3	Commencement	7
4	Definitions	7
5	Act does not affect native title rights and interests or certain other rights	24
6	Good faith obligation	25
7	Parliamentary privilege preserved	25
8	Powers are not coercive	25
Part 2—Gellung Warl		27
9	Objects of this Part and of Gellung Warl	27
10	Establishment of Gellung Warl	28
11	Common seal	29
12	Functions and powers of Gellung Warl	29
13	Gellung Warl not subject to direction or control	30
14	Gellung Warl to engage on local government matters through relevant Minister	30
15	Indemnities	31
Part 3—The First Peoples' Assembly of Victoria		32
16	Object of this Part	32
17	The First Peoples' Assembly of Victoria	32
18	Functions of the First Peoples' Assembly of Victoria	32
19	Powers of the First Peoples' Assembly of Victoria	34
20	Delegations by the First Peoples' Assembly of Victoria	35
21	Qualification to be a member of the First Peoples' Assembly of Victoria	37
22	Term of office of members of the First Peoples' Assembly of Victoria	39
23	Suspension of a member of the First Peoples' Assembly of Victoria	39
24	Removal from office	40
25	The Chief Executive Officer	40
26	Executive Employment and Remuneration Policy	40

<i>Clause</i>	<i>Page</i>
27 Functions of the Chief Executive Officer	41
28 Staff and contractors	41
29 Delegations by Chief Executive Officer	41
Part 4—Powers to make substantive rules and internal rules	43
Division 1—Preliminary	43
30 Objects of this Part	43
Division 2—Substantive rules	43
31 Power of First Peoples' Assembly to make substantive rules	43
32 Substantive rules—recognition and certificates evidencing acceptance by community	44
Division 3—Internal rules	46
33 Power of First Peoples' Assembly to make internal rules	46
Division 4—Rule making requirements and other matters	48
34 Other rule making requirements	48
35 Gellung Warl plebiscite required for electoral rules which change First Peoples' Assembly member term periods	49
36 Consultation with Treaty Authority on certain internal rules	49
37 Status of rules under the Subordinate Legislation Act 1994 and Interpretation of Legislation Act 1984	49
38 Certification of proposed internal rule or substantive rule	50
39 Process for making internal rules or substantive rules	50
40 First Peoples' Assembly to publish notice of making of internal rule or substantive rule and make rule and certification available for inspection	51
41 Notice of publication of rule to be given to Minister and Chief Parliamentary Counsel	51
42 Rules commence on day of making or later date as specified in rule	52
43 Acts and statutory rules prevail to extent of any inconsistency	53
44 Validity of internal rules and substantive rules may be disputed	53
Division 5—Disallowance	53
45 Disallowance of an internal rule or a substantive rule	53
46 Effect of disallowance	55
47 Clerk to publish notice of disallowance	56
48 Transmission of documents to Parliament	56
Part 5—First Peoples' Assembly guidelines and standards and statutory appointments	58
49 Objects of this Part	58
50 First Peoples' Assembly guidelines and standards	58

<i>Clause</i>	<i>Page</i>
51 Rules and policies to support guidelines and standards	59
52 Effect of First Peoples' Assembly guidelines and standards	60
53 Requirements in relation to appointment functions	60
Part 6—Election of general members and appointment of reserved members	62
54 Object of this Part	62
55 Gellung Warl electoral roll	62
56 Conduct of elections	62
57 Validity of elections	63
58 Forfeiture of election donations accepted in contravention of electoral rules	63
59 Dispute of validity of election on application to VCAT	64
60 Powers of VCAT	64
61 Consequences of VCAT's orders	65
62 Appointment of reserved members	65
Part 7—Addresses and reports to Parliament	66
Division 1—Preliminary	66
63 Objects of this Part	66
Division 2—Annual address to Parliament	66
64 Annual address to Parliament	66
Division 3—Informing Parliament of the effect of proposed legislation on First Peoples	67
65 First Peoples' Assembly to be notified of introduction of Bills	67
66 Statement of Treaty compatibility	67
67 Notification of Bill affecting internal rules or substantive rules	68
68 No effect on Victorian law	68
69 First Peoples' Assembly may request information	69
70 Presiding Officer may invite First Peoples' Assembly to make submission or address	69
71 Requirements for written submission and tabling	69
72 Requirements for address	70
73 Parliamentary committee may request address or written submission	70
Division 4—Other reports	70
74 First Peoples' Assembly may give report to Parliament	70
Division 5—General	72
75 No effect on conduct of parliamentary business	72

<i>Clause</i>	<i>Page</i>
Part 8—Representations and advice to State government	73
Division 1—Preliminary	73
76 Objects of this Part	73
Division 2—Representation meetings	73
77 What is a representation meeting?	73
78 Conduct of representation meetings	74
79 Representation meeting subject to Cabinet confidentiality	74
Division 3—Engagement hearing	75
80 Purpose of engagement hearing	75
81 Conduct of engagement hearing	76
82 Transcript or joint communique to be published following engagement hearing	77
Division 4—Representations and submissions to Ministers	77
83 First Peoples' Assembly may make representations to Ministers	77
84 Minister may request First Peoples' Assembly give information or advice	78
85 Validity of decisions	79
Division 5—Briefing meetings and Departmental consultation	80
86 Briefing meetings with Secretaries and the Chief Commissioner of Police	80
87 Conduct and timing of briefing meetings	80
Division 6—Guidelines and duties to consult	81
88 Duty to develop guidelines	81
Division 7—Representations and submissions to authorities and State-funded service providers	82
89 Representations to authorities and State-funded service providers	82
Division 8—General	84
90 Statutory obligations to consult	84
Part 9—Nginma Ngainga Wara	85
Division 1—Preliminary	85
91 Object of this Part	85
Division 2—Nginma Ngainga Wara	85
92 Nginma Ngainga Wara	85
93 Purposes of Nginma Ngainga Wara	86

<i>Clause</i>	<i>Page</i>
94 Functions of Nginma Ngainga Wara	86
95 Powers of Nginma Ngainga Wara	87
96 Content of recommendations and solutions	87
97 Annual forward plan	88
98 Delegation	89
99 Independence of Nginma Ngainga Wara	89
Division 3—Appointment of Nginma Ngainga Wara members	89
100 Appointment as Nginma Ngainga Wara member	89
101 Suspension of Nginma Ngainga Wara member	91
102 Resignation and removal from office	91
Division 4—Inquiries	91
103 Inquiries	91
104 First Peoples' Assembly may direct Nginma Ngainga Wara to conduct inquiry	92
105 Limit on inquiry subject matter	93
106 Nginma Ngainga Wara to conduct inquiry as it thinks fit	94
107 Nginma Ngainga Wara may request information and documents	94
108 Nginma Ngainga Wara may request Minister or agency head to attend	94
109 Outcome of inquiry	95
Division 5—Monitoring and research	95
110 Monitoring reports	95
111 Research by Nginma Ngainga Wara	95
112 Research reports	96
Division 6—Referral	96
113 Nginma Ngainga Wara may refer matters	96
Division 7—Information and reports	97
114 De-identified data agreements	97
115 Access to reports	98
116 First Peoples' Assembly may publish reports	98
Part 10—Nyerna Yoorrook Telkuna	99
117 Object of this Part	99
118 Nyerna Yoorrook Telkuna	99
119 Purposes of Nyerna Yoorrook Telkuna	100
120 Truth-telling principles	100
121 Functions of Nyerna Yoorrook Telkuna	101
122 Powers of Nyerna Yoorrook Telkuna	102
123 Delegation	102
124 Independence of Nyerna Yoorrook Telkuna	103

<i>Clause</i>	<i>Page</i>
125 Appointment as a Nyerna Yoorrook Telkuna member	103
126 Suspension of Nyerna Yoorrook Telkuna member	105
127 Resignation and removal from office	105
128 Collection of information by Nyerna Yoorrook Telkuna	105
129 Publication of truth-telling information	105
Part 11—Information sharing and confidentiality	107
Division 1—Preliminary	107
130 Objects of this Part	107
Division 2—Restricted information	108
131 Restricted First Peoples' Assembly information not to be disclosed to Nginma Ngainga Wara or Nyerna Yoorrook Telkuna	108
132 Restricted Nginma Ngainga Wara information not to be disclosed to the First Peoples' Assembly or Nyerna Yoorrook Telkuna	109
133 Restricted Nyerna Yoorrook Telkuna information not to be disclosed to First Peoples' Assembly or Nginma Ngainga Wara	109
134 Consent to disclosure of restricted information that is culturally sensitive or culturally secret information	110
135 Limitation on consent—disclosure that would be otherwise prohibited	110
Division 3—Disclosure by Gellung Warl official to external entities	111
136 Disclosure of culturally sensitive or culturally secret information	111
137 Copy of guidelines for handling culturally sensitive or culturally secret information	111
138 External disclosure of restricted information or confidential information prohibited	112
139 Exception—disclosure of information for permitted purpose	112
Division 4—Protection of confidentiality and privileges	113
140 Protection of confidentiality and privileges	113
Division 5—Application of Freedom of Information Act 1982	114
141 Exemption from Freedom of Information Act 1982	114
Part 12—Financial and annual reporting	115
142 Objects of this Part	115
143 General funding arrangements	115
144 Funding for Gellung Warl from Consolidated Fund	116
145 Minister and Treasurer may agree to additional funding out of the Consolidated Fund	118
146 Dealing with money	118

<i>Clause</i>	<i>Page</i>
147 Financial management	119
148 Insurance	119
149 Procurement	119
150 Annual reporting	120
Part 13—Standards of Conduct	121
151 Object of this Part	121
152 Member Standards of Conduct	121
153 Minimum content for Member Standards of Conduct	122
154 Staff Standards of Conduct	123
155 Minimum content for Staff Standards of Conduct	124
156 Allegation of misconduct or serious misconduct	125
157 Role of Treaty Authority in dealing with allegation of misconduct or serious misconduct	125
158 Other rights of complaint not affected	126
Part 14—Larbargirrar gnuurtak tulkuuk (community answerability)	127
159 Objects of this Part	127
160 Community Governance and Answerability Framework	127
161 Larbargirrar gnuurtak tulkuuk (community answerability) principles	128
162 Community Engagement Charter	129
163 Ngarrakeetoong Martongakeeyt (Community Vision)	130
164 Strategic Plan	131
Part 15—Complaints	132
Division 1—Preliminary	132
165 Objects of this Part	132
Division 2—Complaints	132
166 Complaints	132
167 Making a complaint	133
168 How a complaint is to be dealt with	133
169 Treatment of certain complaints	133
170 Role of Treaty Authority	134
Division 3—Electoral complaints	134
171 Electoral complaints	134
172 Who can make an electoral complaint	135
173 Making an electoral complaint	135
174 How an electoral complaint is to be dealt with	135
Division 4—General	135
175 Other rights of complaint not affected	135

<i>Clause</i>	<i>Page</i>
Part 16—Dissolution of First Peoples' Assembly and election and appointment	136
Division 1—Preliminary	136
176 Object of this Part	136
Division 2—Dissolution by the First Peoples' Assembly	136
177 Dissolution by resolution	136
178 No-confidence community petition	136
Division 3—Dissolution by Treaty Authority	137
179 When may Treaty Authority commence dissolution process?	137
180 Content of notice of proposed dissolution	137
181 First Peoples' Assembly to have reasonable opportunity to resolve matters	138
182 Treaty Authority may dissolve First Peoples' Assembly	138
Division 4—Announcement and effect of dissolution	139
183 Announcement of dissolution	139
184 Effect of dissolution	140
Part 17—Procedure for amending this Act	141
185 Object of this Part	141
186 Application of this Part	141
187 Consultation statement to be prepared	141
188 Presiding Officer may invite First Peoples' Assembly or Treaty Authority to make submission	143
189 No effect on Victorian law	143
Part 18—Transitional provisions—transitional elections	144
190 Definitions	144
191 Treaty Authority must appoint transitional Electoral Officer	144
192 Assembly electoral roll	145
193 Election dates and times to be set	145
194 First Peoples' Assembly of Victoria Ltd to publish proposed remuneration	146
195 Application of Assembly election rules to transitional election	146
196 No application of Assembly Constitution to transitional election	147
197 Announcement of transitional election results and notification of electors	147
198 Repeal of this Part	147
Part 19—General transitional provisions	148
Division 1—Transitional regulations	148
199 Regulations dealing with transitional matters	148

<i>Clause</i>	<i>Page</i>
200 Repeal of this Division	149
Division 2—Other transitional provisions	149
201 Definitions	149
202 Establishment of Gellung Warl	150
203 The First Peoples' Assembly	151
204 Terms of office of members of the First Peoples' Assembly	152
205 Interim Chief Executive Officer	152
206 Gellung Warl electoral roll	152
207 Aboriginal Representative Body declarations revoked	153
208 Reconstruction of references to Aboriginal Representative Body	153
209 Minister may fix relevant date for allocation statement made on or before 30 June 2026	153
210 First Peoples' Assembly of Victoria Ltd chief executive officer may prepare allocation statement or statements on or before 30 June 2026	153
211 Certificate as to property, rights and liabilities	155
212 Property, rights and liabilities allocated in accordance with statement	155
213 Vesting of property, rights and liabilities on 1 July 2026	156
214 Vesting of property etc. subject to encumbrances	156
215 Substitution of party to agreement	157
216 Former First Peoples' Assembly of Victoria Ltd instruments	157
217 Proceedings relating to former First Peoples' Assembly of Victoria Ltd property	158
218 Other proceedings to which First Peoples' Assembly of Victoria Ltd was a party	159
219 Evidence	159
220 Taxes	159
221 Validity of things done under this Division	160
Part 20—Consequential amendment of the Advancing the Treaty Process with Aboriginal Victorians Act 2018 and the Treaty Authority and Other Treaty Elements Act 2022	162
Division 1—Amendment of Advancing the Treaty Process with Aboriginal Victorians Act 2018	162
222 Definitions	162
223 Section 4 repealed	162
224 Functions of the Aboriginal Representative Body	162
225 Sections 11, 12, 13, 14, 15, 16, 17, 18 and 19 repealed	163
226 Minister's annual report	163
227 Aboriginal Representative Body's annual report	163

<i>Clause</i>	<i>Page</i>
Division 2—Amendment of Treaty Authority and Other Treaty Elements Act 2022	164
228 Definitions	164
229 New section 8A inserted	166
230 Funding of certain activities and expenditures out of the Consolidated Fund	166
231 New Part 3 inserted	167
Part 21—Amendment of other Acts	177
Division 1—Amendment of Aboriginal Heritage Act 2006	177
232 Membership	177
233 Resignation and removal	177
234 Acting members	178
235 Alternate members	178
236 Terms and conditions for alternate members	178
237 New section 199 inserted	179
Division 2—Amendment of Aboriginal Lands Act 1970	179
238 Appointment of Administrator	179
Division 3—Amendment of Audit Act 1994	180
239 Definitions	180
240 New section 9A inserted	180
241 Reports not to question policy objectives	181
Division 4—Amendment of Freedom of Information Act 1982	182
242 Definitions	182
243 New section 6JA inserted	183
244 Publication of information concerning functions etc. of agencies	184
245 Statement of certain documents in possession of agencies to be published	185
246 Notices to require specification of documents in statements	185
247 Forms of access	185
248 Deferment of access	186
249 Cabinet documents	186
250 New sections 32A, 32B and 32C inserted	187
251 Disciplinary action	189
Division 5—Amendment of Health Records Act 2001	189
252 Application to public sector	189
Division 6—Amendment of Heritage Act 2017	190
253 Definitions	190
254 Members of the Heritage Council	190

<i>Clause</i>	<i>Page</i>
255 Terms of appointment of members of the Heritage Council	190
256 Resignation and removal of members of the Heritage Council	191
257 New clause 3A of Schedule 1 inserted	192
258 Alternate members of the Heritage Council	193
259 Terms of appointment for alternate members of the Heritage Council	194
260 New Division 4 of Part 14 inserted	194
Division 7—Amendment of Independent Broad-based Anti-corruption Commission Act 2011	195
261 Definitions	195
262 Definitions of <i>public body</i> , <i>public officer</i> and <i>public sector</i>	196
263 New section 15A inserted	196
264 Disclosure or provision of information by the IBAC	197
265 Recommendations	197
266 Advance copy of report to the Parliament	198
267 Advice to a complainant and other persons	198
268 Persons who receive reports or information prior to publication	199
Division 8—Amendment of Integrity Oversight Victoria Act 2011	199
269 New section 12A inserted	199
Division 9—Amendment of Interpretation of Legislation Act 1984	200
270 Definitions	200
Division 10—Amendment of Land Tax Act 2005	201
271 New section 81A inserted	201
Division 11—Amendment of Ombudsman Act 1973	202
272 Definitions	202
273 New section 13AD inserted	203
274 Making a complaint	204
275 Notice of referral	204
276 Procedure relating to investigations	204
277 Procedure on completion of investigation	205
278 Advance copy of sections 23(6) and 25 reports to Parliament	207
279 Disclosure of information by the Ombudsman	207
280 Schedule 1 amended	207
Division 12—Amendment of Payroll Tax Act 2007	207
281 New Division 3A inserted in Part 3 of Schedule 2	207
Division 13—Amendment of Privacy and Data Protection Act 2014	208
282 Public sector organisations to which this Part applies	208
283 Application of Part	208

<i>Clause</i>	<i>Page</i>
Division 14—Amendment of Public Administration Act 2004	208
284 Part 2 heading amended	208
285 New section 8A inserted	208
Division 15—Amendment of Public Interest Disclosures Act 2012	209
286 Definitions	209
287 Persons or bodies to which certain public interest disclosures must be made	210
288 New section 16A inserted	210
289 Schedule 2 amended	211
Division 16—Amendment of Public Records Act 1973	211
290 Definitions and limit of application of the Act	211
291 New section 7A inserted	212
292 Personal or private records may be withheld	213
293 New section 9A inserted	213
294 Records may be withheld for 30 years	214
295 New section 10AAA inserted	215
296 Standards for management of public records	215
297 New section 22A inserted	216
Division 17—Amendment of Subordinate Legislation Act 1994	216
298 Definitions	216
Division 18—Repeal of this Part and Part 20	217
299 Repeal of this Part and Part 20	217
Schedule 1—Content and subject matter of internal rules other than electoral rules	218
Schedule 2—Content and subject matter of electoral rules	233
Schedule 3—Content and subject matter for First Peoples' Assembly guidelines and standards	243
Schedule 4—Persons or bodies to whom Nginma Ngainga Wara may refer matters	244
=====	
Endnotes	246
1 General information	246

Statewide Treaty Act 2025[†]

No. of 2025

[Assented to]

Preamble

The State of Victoria acknowledges the unique status of First Peoples and their unceded connection to Country, history, cultures and enduring strength.

The Parliament of Victoria, in accordance with section 1A of the **Constitution Act 1975**, recognises First Peoples of Victoria, as the original custodians of the land on which the colony of Victoria was established—

- (a) have a unique status as the descendants of Australia's first people; and
- (b) have a spiritual, social, cultural and economic relationship with their traditional lands and waters within Victoria; and

- (c) have made a unique and irreplaceable contribution to the identity and wellbeing of Victoria.

The Traditional Owners of Country in Victoria have a unique role in their ongoing custodianship of, and connection to, Country and have authority to speak for Country.

First Peoples and Traditional Owners of Country in Victoria maintain that their sovereignty has never been ceded.

The historic wrongs and ongoing injustice of colonisation have resulted in unacceptable levels of discrimination, disadvantage and intergenerational trauma for First Peoples. These acts of injustice must not continue or be repeated.

The State of Victoria commits to not repeating past injustices.

Past and existing laws have not been able to fully recognise the inherent rights of First Peoples or address disadvantage and trauma.

It is acknowledged that since colonisation Traditional Owners of Country in Victoria have fought for and won back some of the rights and status they hold under Aboriginal Lore and Law. These rights have been shaped by First Peoples' Ancestors and are a foundational pillar in the ongoing journey to self-determination.

This Act builds on the **Advancing the Treaty Process with Aboriginal Victorians Act 2018** and the **Treaty Authority and Other Treaty Elements Act 2022** and is the product of negotiations on the first Statewide Treaty between First Peoples in Victoria and the State, as well as the journey to Treaty that preceded it.

To rectify the consequences of past injustices, this Act gives effect to the first Statewide Treaty to enact special measures for securing advancement and protection of First Peoples. It recognises and restores the inherent rights of First Peoples in Victoria, including the right to self-determination, and acknowledges First Peoples' unique status and connection to Victoria's land and waters.

This Act also builds on the pivotal work of the Yoorrook Justice Commission and acknowledges the importance of ongoing truth-telling.

This Act creates a renewed relationship between First Peoples and the State of Victoria to bring about improved and enduring outcomes for First Peoples and a more just and prosperous future for First Peoples.

To ensure First Peoples' equal enjoyment of human rights and fundamental freedoms, Gellung Warl embodies and advances the right to self-determination of First Peoples to come together politically and make collective decisions. As such, Gellung Warl represents the diversity of First Peoples, being Traditional Owners of Country in Victoria and First Peoples living in the lands and waters now known as Victoria.

The first Statewide Treaty, along with future Treaties, will deliver practical outcomes for First Peoples to promote social cohesion, reconciliation and address disadvantage for the benefit of all Victorians. Future Treaties will continue to advance and restore the inherent rights of First Peoples and honour First Peoples' Ancestors and Elders.

The State recognises the importance of this Statewide Treaty and future Treaties 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 in the Treaty era together with Traditional Owners of Country in Victoria and First Peoples.

With this Act, it is acknowledged with pride that future generations of Victorian children will grow up in a State shaped by Treaty, truth and justice. Treaty imposes mutual obligations on Gellung Warl and the State of Victoria to create and uphold co-operative arrangements to ensure laws and practices in Victoria benefit and create a better future for all Victorians.

The Parliament of Victoria therefore enacts:

Part 1—Preliminary

1 Purposes

The main purposes of this Act are—

- (a) to establish Gellung Warl—
 - (i) to exercise decision-making powers by representing First Peoples in Victoria and making decisions in relation to First Peoples in Victoria; and
 - (ii) to represent First Peoples in Statewide Treaty negotiations with the State, including undertaking ongoing Statewide Treaty negotiations; and
 - (iii) to provide for ongoing truth-telling and healing; and
-

- (iv) to advise the Parliament and the State government in relation to matters that affect First Peoples; and
- (v) to hold the State government to account in relation to its commitments to, and the impact of its actions on, First Peoples; and
- (b) to amend the **Advancing the Treaty Process with Aboriginal Victorians Act 2018** and the **Treaty Authority and Other Treaty Elements Act 2022** in relation to the establishment of Gellung Warl; and
- (c) to make consequential amendments to other Acts.

2 Objects and principles

- (1) The objects of this Act are—
 - (a) to give effect to the first Statewide Treaty; and
 - (b) to provide foundations for ongoing Statewide Treaty-making between Gellung Warl and the State, including to negotiate further functions and powers of Gellung Warl over time; and
 - (c) to advance the inherent rights and self-determination of First Peoples; and
 - (d) to address the unacceptable disadvantage inflicted on First Peoples by the historic wrongs and ongoing injustices of colonisation and ensure the equal enjoyment of human rights and fundamental freedoms by First Peoples.
-

- (2) This Act is underpinned by the following principles—
- (a) Gellung Warl established under this Act has evolved from the critical successes of the First Peoples' Assembly of Victoria Ltd ACN 636 189 412 and now sits at the centre of the Treaty relationship; and
 - (b) Gellung Warl has been designed by and for First Peoples based on broad engagement with First Peoples in Victoria and—
 - (i) it is inclusive and representative of all First Peoples; and
 - (ii) its structure of representation reflects Aboriginal Lore, Law and Cultural Authority and the responsibilities of Traditional Owners to Country and to all peoples who are on Country; and
 - (c) Gellung Warl is an ongoing feature of the democratic and political fabric of Victoria; and
 - (d) Statewide Treaty-making is an ongoing relationship in accordance with the Treaty Negotiation Framework and involves ongoing negotiations and agreement between the State and Gellung Warl; and
 - (e) Statewide Treaty-making imposes mutual obligations on Gellung Warl and the State to create and uphold co-operative arrangements to ensure laws and practices in Victoria benefit and create a better future for all Victorians; and
 - (f) ongoing Statewide Treaty-making includes the negotiation of the ongoing transfer of decision-making, rule-making, advisory and
-

other powers and functions from the State government to Gellung Warl.

3 Commencement

- (1) This Part, Part 18, Division 1 of Part 19 and section 229 come into operation on the day after the day on which this Act receives the Royal Assent.
- (2) The remaining provisions of this Act come into operation on 1 May 2026.

4 Definitions

In this Act—

agency, in Part 9, means a public sector body within the meaning of the **Public Administration Act 2004** but does not include an excluded body;

agency head, in Part 9, means—

- (a) in relation to an agency that is a public service body, the public service body Head within the meaning of the **Public Administration Act 2004**;
 - (b) in relation to an agency that is a public entity—
 - (i) a person nominated by the public entity; or
 - (ii) otherwise, the public entity Head within the meaning of the **Public Administration Act 2004**;
 - (c) in relation to an agency that is a special body—
 - (i) a person nominated by the special body; or
-

- (ii) otherwise, the special body Head within the meaning of the **Public Administration Act 2004**;

authority, in Part 8, means any of the following but does not include an excluded body—

- (a) a public entity;
- (b) a special body;
- (c) an Administrative Office within the meaning of the **Public Administration Act 2004**;
- (d) the Victorian Public Sector Commission;
- (e) a contractor within the meaning of the **Corrections Act 1986**;
- (f) each of the following within the meaning of the **Health Services Act 1988**—
 - (i) a public health service;
 - (ii) a public hospital;
 - (iii) a denominational hospital;
 - (iv) a private hospital;
- (g) a registered school within the meaning of the **Education and Training Reform Act 2006**;
- (h) a university within the meaning of the **Education and Training Reform Act 2006**;

briefing meeting means a meeting between the First Peoples' Assembly and a Secretary of a Department or the Chief Commissioner of Police conducted under Part 8;

candidate—

- (a) in relation to an election to be conducted in an electoral division, means a person who has nominated as a candidate for that election in accordance with the electoral rules; and
- (b) in relation to the appointment of a reserved member by a Traditional Owner group, means a person who nominates for appointment as a reserved member in accordance with that Traditional Owner group's procedures developed and published in accordance with the electoral rules;

Chief Executive Officer means the Chief Executive Officer of Gellung Warl employed under section 25;

Closing the Gap Agreement means the National Agreement on Closing the Gap as in effect on and after 27 July 2020;

Community means—

- (a) First Peoples; and
- (b) First Peoples organisations;

Community Engagement Charter means a Community Engagement Charter developed in accordance with section 162;

culturally sensitive or culturally secret information means—

- (a) information that the individual or group providing it to Gellung Warl advises is culturally sensitive or culturally secret information; or
-

- (b) if that advice was not given, information that is determined to be culturally sensitive or culturally secret information in accordance with the internal rules;

de-identified data agreement means an agreement made under section 114;

Department has the same meaning as in the **Public Administration Act 2004**;

Department Head has the same meaning as in the **Public Administration Act 2004**;

disposition of property means any conveyance, transfer, assignment, settlement, delivery, payment, gift or other alienation of property, including the following—

- (a) the allotment of shares in a company;
 - (b) the creation of a trust in property;
 - (c) the grant or creation of any lease, mortgage, charge, servitude, licence, power, partnership or interest in property;
 - (d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of any debt, contract or chose in action, or of any interest in property;
 - (e) the exercise by a person of a general power of appointment of property in favour of any other person;
 - (f) any transaction entered into by any person with intent thereby to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of any other person;
-

donation period—

- (a) in relation to an election for an electoral division, means the period that—
 - (i) starts 30 days after the last election conducted in that electoral division; and
 - (ii) ends 30 days after a general member is declared elected; or
- (b) in relation to the appointment of a reserved member by a Traditional Owner group, means the period that—
 - (i) starts 30 days after the last appointment of a reserved member by that Traditional Owner group; and
 - (ii) ends 30 days after a reserved member is appointed by that Traditional Owner group;

donor means a person who makes an election campaign donation to a candidate;

election means—

- (a) a general election; and
- (b) any other election to fill a vacancy conducted in accordance with the electoral rules;

election campaign disclosure return means a disclosure return provided to the Chief Executive Officer in accordance with the electoral rules;

election campaign donation means—

- (a) a gift made by a donor to a candidate that is equal to or exceeds \$1000; and
-

- (b) if the sum of the gifts made by a donor to a candidate is equal to or exceeds \$1000, a gift made by that donor that is less than \$1000;

election period, in relation to an election, means the period that—

- (a) starts at 8 a.m. on the first day of voting for that election in accordance with the electoral rules; and
- (b) ends at 6 p.m. on the last day of voting for that election in accordance with the electoral rules;

Electoral Officer means the Electoral Officer appointed under section 20 of the **Treaty Authority and Other Treaty Elements Act 2022**;

electoral rule means an internal rule made by the First Peoples' Assembly in relation to elections under Part 4 and Schedule 2;

electorate officer means an electorate officer employed under section 30 of the **Parliamentary Administration Act 2005**;

eligible elector means a person who is registered on the Gellung Warl electoral roll;

engagement hearing means an engagement hearing referred to in section 80;

excluded body means—

- (a) the Office of the Governor and the Official Secretary within the meaning of the **Public Administration Act 2004**;
 - (b) the IBAC;
 - (c) Integrity Oversight Victoria;
-

- (d) the office of the Public Interest Monitor;
 - (e) the office of the Chief Examiner appointed under Part 3 of the **Major Crime (Investigative Powers) Act 2004**;
 - (f) a court or VCAT;
 - (g) the Judicial Commission or an investigating panel under the **Constitution Act 1975**;
 - (h) a board, tribunal (other than VCAT), commission or other body presided over by a judge, magistrate or Australian lawyer presiding as such by virtue of a statutory requirement and appointment;
 - (i) a Royal Commission, whether established under the **Inquiries Act 2014** or under the prerogative of the Crown;
 - (j) a Board of Inquiry established under the **Inquiries Act 2014** and Board of Inquiry officers within the meaning of that Act;
 - (k) a Formal Review established under the **Inquiries Act 2014** and Formal Review officers within the meaning of that Act;
 - (l) the Office of Public Prosecutions within the meaning of the **Public Prosecutions Act 1994**;
 - (m) the Victorian Electoral Commission;
 - (n) the Victorian Auditor-General's Office;
 - (o) the Electoral Boundaries Commission;
-

- (p) a Department of the Parliament;
- (q) the office of the Parliamentary Budget Officer;
- (r) the office of the Parliamentary Workplace Standards and Integrity Commission;
- (s) the office of the Parliamentary Integrity Adviser;
- (t) the office of the Ombudsman;
- (u) the Office of the Victorian Information Commissioner established under the **Freedom of Information Act 1982**;

First Peoples means—

- (a) Traditional Owners; and
- (b) Aboriginal and Torres Strait Islanders who are living in Victoria;

First Peoples' Assembly means the First Peoples' Assembly of Victoria established by section 17;

First Peoples' Assembly guidelines and standards means guidelines or standards made by the First Peoples' Assembly under Part 5 and Schedule 3;

First Peoples' Assembly staff member means a person employed or engaged by the Chief Executive Officer (including any contractor) for the purposes of the functions of the First Peoples' Assembly, to the extent the person is performing those functions;

First Peoples organisation means—

- (a) a Traditional Owner group; or
-

- (b) an entity constituted or controlled by Aboriginal or Torres Strait Islander peoples; or
- (c) a trust incorporated under the **Aboriginal Lands Act 1970**;

Gellung Warl means Gellung Warl established by section 10;

Gellung Warl electoral roll means the Gellung Warl electoral roll referred to in section 55;

Gellung Warl official means any of the following—

- (a) a member of the First Peoples' Assembly;
- (b) a Nginma Ngainga Wara member;
- (c) a Nyerna Yoorrook Telkuna member;
- (d) the Chief Executive Officer;
- (e) a Gellung Warl staff member;

Gellung Warl staff member means a person employed or engaged by the Chief Executive Officer under this Act and includes—

- (a) a First Peoples' Assembly staff member; and
- (b) a Nyerna Yoorrook Telkuna staff member; and
- (c) a Nginma Ngainga Wara staff member; and
- (d) a contractor engaged under section 28;

general election means an election for all general members conducted in accordance with the electoral rules;

general member means a general member of the First Peoples' Assembly who is elected in accordance with the electoral rules;

gift means any disposition of property otherwise than by will made by a person to another person without consideration in money or money's worth or with inadequate consideration, including—

- (a) the provision of a service (other than volunteer labour); and
- (b) the payment of an amount in respect of a guarantee; and
- (c) the making of a payment or contribution at a fundraising function;

health information has the same meaning as it has in the **Health Records Act 2001**;

IBAC means the Independent Broad-based Anti-corruption Commission established by section 12 of the **Independent Broad-based Anti-corruption Commission Act 2011**;

integrity agency means any of the following—

- (a) the Auditor-General;
- (b) the IBAC;
- (c) Integrity Oversight Victoria;
- (d) the Ombudsman;
- (e) the Office of the Victorian Information Commissioner established under the **Freedom of Information Act 1982**;

internal rule means a rule made by the First Peoples' Assembly under Part 4 and Schedules 1 and 2;

larbargirrar gnuurtak tulkuuk (community answerability) principles means the larbargirrar gnuurtak tulkuuk (community answerability) principles included in the Community Governance and Answerability Framework in accordance with section 160(2)(b)(i);

law enforcement agency means the following—

- (a) Victoria Police;
- (b) the Australian Federal Police;
- (c) a police force or police service of another State or a Territory;
- (d) any other authority or person responsible for the enforcement of the laws of the Commonwealth or of a State or a Territory;

Member Standards of Conduct means the standards of conduct developed in accordance with section 152;

Ministerial officer means a Ministerial officer employed under Division 1 of Part 6 of the **Public Administration Act 2004**;

misconduct—

- (a) in relation to a member of the First Peoples' Assembly, a Nyerna Yoorrook Telkuna member or a Nginma Ngainga Wara member, means conduct engaged in by that member that constitutes a contravention of the Member Standards of Conduct; or
 - (b) in relation to the Chief Executive Officer or a Gellung Warl staff member, means conduct engaged in by the Chief Executive Officer or that staff
-

member that constitutes a contravention of the Staff Standards of Conduct;

Ngarrakeetoong Martongakeeyt (Community Vision) means the Ngarrakeetoong Martongakeeyt (Community Vision) developed in accordance with section 163;

Nginma Ngainga Wara means Nginma Ngainga Wara established by section 92;

Nginma Ngainga Wara member means a member of Nginma Ngainga Wara appointed under section 100;

Nginma Ngainga Wara staff member means a person employed or engaged by the Chief Executive Officer (including any contractor) for the purposes of the functions of Nginma Ngainga Wara to the extent that the person is performing those functions;

Nyerna Yoorrook Telkuna means Nyerna Yoorrook Telkuna established by section 118;

Nyerna Yoorrook Telkuna member means a member of Nyerna Yoorrook Telkuna appointed under section 125;

Nyerna Yoorrook Telkuna staff member means a person employed or engaged by the Chief Executive Officer (including any contractor) for the purposes of the functions of Nyerna Yoorrook Telkuna to the extent that the person is performing those functions;

Parliamentary officer has the same meaning as it has in the **Parliamentary Administration Act 2005**;

personal information has the same meaning as it has in the **Privacy and Data Protection Act 2014**;

President means the President of the Legislative Council;

Presiding Officer means—

- (a) in relation to the Legislative Council, the President; and
- (b) in relation to the Legislative Assembly, the Speaker;

principal place of residence has the same meaning as it has under section 3 of the **Electoral Act 2002**;

prison has the same meaning as it has in the **Corrections Act 1986**;

public entity has the same meaning as it has in the **Public Administration Act 2004**;

public service body has the same meaning as it has in the **Public Administration Act 2004**;

publish means disseminate or provide access to the public or a section of the public by any means, including by—

- (a) publication in a book, newspaper, magazine or other written publication; or
- (b) broadcast by radio or television; or
- (c) public exhibition; or
- (d) broadcast or electronic communication—

and ***publication*** must be construed accordingly;

qualified certifier means a person who—

- (a) is an Australian legal practitioner who has at least 5 years post-admission experience; and
-

- (b) is not a member of the First Peoples' Assembly;

representation meeting means a meeting between the Cabinet and the First Peoples' Assembly referred to in section 77;

reserved member means a reserved member of the First Peoples' Assembly who is appointed by a Traditional Owner group in accordance with procedures developed by that Traditional Owner group in accordance with the electoral rules;

restricted First Peoples' Assembly information means information given by an entity to the First Peoples' Assembly that—

- (a) is marked as confidential by the entity;
or
(b) the entity advises the First Peoples' Assembly is confidential;

restricted information means—

- (a) restricted First Peoples' Assembly information; or
(b) restricted Nginma Ngainga Wara information; or
(c) restricted Nyerna Yoorrook Telkuna information;

restricted Nginma Ngainga Wara information means information given by an entity to Nginma Ngainga Wara that—

- (a) is marked as confidential by the entity;
or
(b) the entity advises Nginma Ngainga Wara is confidential;
-

restricted Nyerna Yoorrook Telkuna information

means information given by an entity to Nyerna Yoorrook Telkuna that—

- (a) is marked as confidential by the entity; or
- (b) the entity advises Nyerna Yoorrook Telkuna is confidential;

Secretary, in relation to a Department, means the Department Head;

Self-Determination Fund means the fund referred to in section 35 of the **Advancing the Treaty Process with Aboriginal Victorians Act 2018**;

serious misconduct—

- (a) in relation to a member of the First Peoples' Assembly, a Nyerna Yoorrook Telkuna member or a Nginma Ngainga Wara member, means misconduct that—
 - (i) is intentional, wilful or deliberate; or
 - (ii) occurs frequently or forms part of a pattern of behaviour; or
 - (iii) is specified as serious misconduct in the internal rules; or
 - (b) in relation to the Chief Executive Officer or a Gellung Warl staff member, means misconduct that—
 - (i) is intentional, wilful or deliberate; or
 - (ii) occurs frequently or forms part of a pattern of behaviour; or
-

(iii) is specified as serious misconduct in the internal rules;

sexual harassment has the meaning given by section 92 of the **Equal Opportunity Act 2010**;

Speaker means the Speaker of the Legislative Assembly;

special body has the same meaning as it has in the **Public Administration Act 2004**;

Staff Standards of Conduct means the standards of conduct developed in accordance with section 154;

State-funded service provider, in Part 8, means an entity that—

- (a) on behalf of the State (whether under contract or otherwise) provides services to or administers programs used by First Peoples; and
- (b) is funded (wholly or partly) by the State to provide those services or administer those programs;

State government does not include the judicial branch or the Parliament;

State government outcomes directed to First Peoples means—

- (a) socio-economic targets, outcomes and priority reforms specified in the Closing the Gap Agreement; and
- (b) other goals, targets, outcomes and measures that are specifically directed to First Peoples;

Strategic Plan means a plan developed in accordance with section 164;

substantive rule means a rule other than an internal rule made by the First Peoples' Assembly under Part 4;

Traditional Owner, in relation to an area in Victoria, has the same meaning as it has in the **Aboriginal Heritage Act 2006**;

Traditional Owner group, in relation to an area in Victoria, means—

- (a) in relation to land within the boundaries of an area in which there has been a determination that native title exists—a registered native title body corporate within the meaning of the Native Title Act 1993 of the Commonwealth; or
- (b) in relation to land within the boundaries of an area that is the subject of a recognition and settlement agreement within the meaning of the **Traditional Owner Settlement Act 2010**—a Traditional Owner group entity within the meaning of that Act that has entered into the recognition and settlement agreement; or
- (c) in relation to an area which is registered under the **Aboriginal Heritage Act 2006**—a registered Aboriginal party within the meaning of that Act; or
- (d) an entity specified in the electoral rules to be a Traditional Owner group;

Note

Land includes land covered with water—see section 38 of the **Interpretation of Legislation Act 1984**.

travel restriction condition, in relation to a parole order, means a term or condition of a parole order that restricts travel within Victoria;

Treaty Authority has the same meaning as it has in section 6 of the **Treaty Authority and Other Treaty Elements Act 2022**;

Treaty Negotiation Framework means the Treaty Negotiation Framework made in accordance with Part 5 of the **Advancing the Treaty Process with Aboriginal Victorians Act 2018**;

Victorian Electoral Commission means the Victorian Electoral Commission established under section 6 of the **Electoral Act 2002**;

water entitlement includes any legal entitlement, right or interest in water, including any water share or licence issued under the **Water Act 1989**;

Yoorrook Justice Commission has the same meaning as it has in section 3 of the **Inquiries Act 2014**.

5 Act does not affect native title rights and interests or certain other rights

- (1) The provisions of this Act must be interpreted in a way that does not prejudice or reduce rights or expectations of Traditional Owners or First Peoples in Victoria established by or existing under any other Act or law.
 - (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) 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.
- (4) In this section, *affect* and *native title rights and interests* have the same meanings as in the Native Title Act 1993 of the Commonwealth.

6 Good faith obligation

- (1) In any engagement with the First Peoples' Assembly, Nyerna Yoorrook Telkuna or Nginma Ngainga Wara in the course of performing their functions or exercising their powers under this Act, the State government must conduct itself in good faith.
- (2) In any engagement with the State government by the First Peoples' Assembly, Nyerna Yoorrook Telkuna or Nginma Ngainga Wara in the course of performing their functions or exercising their powers under this Act, the First Peoples' Assembly, Nginma Ngainga Wara and Nyerna Yoorrook Telkuna must each conduct itself in good faith.

7 Parliamentary privilege preserved

This Act does not limit the powers, privileges and immunities of the Parliament or each House of the Parliament and their members and committees, including any joint committees of both Houses.

8 Powers are not coercive

- (1) The powers conferred on Gellung Warl, the First Peoples' Assembly, Nginma Ngainga Wara or Nyerna Yoorrook Telkuna by this Act or any other Act are not coercive powers and none of Gellung Warl, the First Peoples' Assembly, Nginma Ngainga Wara or Nyerna Yoorrook
-

Telkuna may impose a penalty for non-compliance.

- (2) Nothing in this section affects the operation of section 58.

Part 2—Gellung Warl

9 Objects of this Part and of Gellung Warl

- (1) The object of this Part is to establish Gellung Warl.
 - (2) Gellung Warl has the following objects—
 - (a) to deliver improved and enduring outcomes for First Peoples;
 - (b) to be led by democratically elected representatives of First Peoples in a self-determining and deliberative way to enable First Peoples to freely determine their political status, pursue their economic, social and cultural development and make decisions about their own futures;
 - (c) to form an enduring part of the democratic landscape of Victoria;
 - (d) to respect Aboriginal Lore, Law and Cultural Authority and meet its cultural obligations and responsibilities as determined by First Peoples;
 - (e) to be generative and flexible with the capacity to evolve over time;
 - (f) to be transparent and accountable in carrying out its functions and powers;
 - (g) to operate with integrity and be subject to appropriate oversight, including by State integrity agencies such as IBAC and the Ombudsman;
 - (h) to undertake any charitable work or charitable purposes.
-

10 Establishment of Gellung Warl

- (1) Gellung Warl is established.

Note

"Gellung Warl" is Gunaikurnai language. It is pronounced "gullungwarl".

- (2) Gellung Warl consists of—

- (a) the First Peoples' Assembly; and
- (b) Nginma Ngainga Wara; and
- (c) Nyerna Yoorrook Telkuna.

- (3) Gellung Warl—

- (a) is a body corporate with perpetual succession;
- (b) has a common seal;
- (c) may sue and be sued;
- (d) may acquire, hold and dispose of real and personal property;
- (e) may do and suffer all acts and things that a body corporate may do and suffer.

- (4) Gellung Warl does not represent the Crown but is a public authority for the purposes of the **Charter of Human Rights and Responsibilities Act 2006**.

- (5) The **Public Administration Act 2004** does not apply to Gellung Warl or the appointment or employment of any person by Gellung Warl.

Note

The First Peoples' Assembly is the constituent arm of Gellung Warl responsible for the overall architecture of Gellung Warl, including making rules and appointing members of Nginma Ngainga Wara and Nyerna Yoorrook Telkuna. Funding for the entire architecture of Gellung Warl is provided for by special appropriation in Part 12.

11 Common seal

- (1) The common seal of Gellung Warl—
 - (a) must be kept in custody in accordance with the internal rules; and
 - (b) must not be used except as authorised by the internal rules.
- (2) All courts must take judicial notice of the common seal of Gellung Warl affixed to a document and, until the contrary is proved, must presume that it was duly affixed.
- (3) The Chief Executive Officer may execute a deed or other instrument without using the common seal if the deed or other instrument is signed by—
 - (a) the Chief Executive Officer; and
 - (b) a Gellung Warl official specified in the internal rules as authorised to sign.
- (4) The **Electronic Transactions (Victoria) Act 2000** applies to a deed or other instrument executed under this section as if in section 12A(1) of that Act, for "signed, sealed and delivered" there were substituted "signed and delivered" and as if a reference to "deed" included a reference to "or other instrument".

12 Functions and powers of Gellung Warl

- (1) The functions of Gellung Warl are the functions conferred on the First Peoples' Assembly, Nginma Ngainga Wara and Nyerna Yoorrook Telkuna under this Act or any other Act.
 - (2) Gellung Warl has the power to do all things that are necessary or convenient to be done for or in connection with the performance of its functions.
-

- (3) Without limiting subsection (2), Gellung Warl may—
- (a) enter into any agreements or arrangements in connection with its functions; and
 - (b) engage in commercial activities to raise revenue; and
 - (c) participate in the formation of companies, trusts, partnerships and other bodies; and
 - (d) become a member of a company limited by guarantee; and
 - (e) acquire, hold and dispose of company shares or an interest in a partnership or other body; and
 - (f) act as trustee; and
 - (g) make grants or other forms of funding arrangements; and
 - (h) undertake any other charitable work or charitable purposes that support the objects of this Part.

13 Gellung Warl not subject to direction or control

Gellung Warl is not subject to the direction or control of the Minister in respect of the performance of its functions and the exercise of its powers.

14 Gellung Warl to engage on local government matters through relevant Minister

- (1) In the performance of its functions and the exercise of its powers under Part 8 in relation to representations to or advice to State government, any matter relating to local government is to be dealt with by Gellung Warl engaging with the Minister having responsibility for the matter.
-

- (2) Nothing in subsection (1) prevents Gellung Warl from engaging with a Council other than in Gellung Warl's performance of its functions and exercise of its powers under Part 8.

15 Indemnities

- (1) Gellung Warl must indemnify a person specified in subsection (2) against any liability incurred by the person for anything done or omitted to be done in good faith—
- (a) in the performance of a function or the exercise of a power under this Act or any other Act; or
 - (b) in the reasonable belief that the act or omission was in the performance of a function or the exercise of a power under this Act or any other Act.
- (2) The persons indemnified are—
- (a) a member of the First Peoples' Assembly;
and
 - (b) the Chief Executive Officer; and
 - (c) a Gellung Warl staff member; and
 - (d) a Nginma Ngainga Wara member; and
 - (e) a Nyerna Yoorrook Telkuna member.

Part 3—The First Peoples' Assembly of Victoria

16 Object of this Part

- (1) The object of this Part is to establish the First Peoples' Assembly of Victoria within Gellung Warl to be a self-determined, democratically elected, enduring institution for the political representation of First Peoples.
- (2) The First Peoples' Assembly is the central decision-making arm of Gellung Warl and remains answerable to First Peoples through its democratic nature and its cultural obligations and responsibilities.

17 The First Peoples' Assembly of Victoria

The First Peoples' Assembly of Victoria is established and consists of general members and reserved members who are elected or appointed in accordance with the electoral rules.

18 Functions of the First Peoples' Assembly of Victoria

- (1) The First Peoples' Assembly has the following functions—
 - (a) to represent First Peoples and make decisions in relation to First Peoples;
 - (b) to advocate for the interests of First Peoples;
 - (c) to represent First Peoples in Statewide Treaty negotiations and ongoing Statewide Treaty negotiations with the State;
 - (d) to make representations to—
 - (i) the Parliament and State government in relation to matters that affect First Peoples; and

- (ii) authorities and State-funded service providers referred to in Part 8 in relation to matters that affect First Peoples;
 - (e) to make internal rules and substantive rules;
 - (f) to make guidelines and standards;
 - (g) to appoint the Chief Executive Officer of Gellung Warl in accordance with section 25;
 - (h) to appoint persons as Nginma Ngainga Wara members in accordance with Part 9;
 - (i) to appoint persons as Nyerna Yoorrook Telkuna members in accordance with Part 10;
 - (j) any function conferred on Gellung Warl that is not a function to be exercised by Nginma Ngainga Wara or Nyerna Yoorrook Telkuna;
 - (k) to engage in activities relating to capacity building in First Peoples' communities, including but not limited to the following—
 - (i) promoting the fundamental human rights of First Peoples, including the right to self-determination;
 - (ii) providing support, advice, education and information to First Peoples or in relation to First Peoples;
 - (iii) carrying out research in relation to issues that affect First Peoples;
 - (iv) managing and allocating funds provided to or generated by Gellung Warl for the benefit of First Peoples, including making grants;
-

- (v) promoting the role of First Peoples community and organisations in the Victorian community, including facilitating relationships, connection and engagement;

Example

Establishing a First Peoples' Institute.

- (l) to provide information to Nyerna Yoorrook Telkuna and Nginma Ngainga Wara to guide Nyerna Yoorrook Telkuna and Nginma Ngainga Wara in the performance of their functions and the exercise of their powers;
 - (m) to participate in the ceremonial life of the State;
 - (n) to represent First Peoples in national and international forums;
 - (o) any other functions conferred on the First Peoples' Assembly by this Act or any other Act;
 - (p) any other functions conferred on the First Peoples' Assembly by or under any treaty agreed between First Peoples and the State.
- (2) The First Peoples' Assembly is to work collaboratively with Traditional Owner groups in Victoria to meet cultural obligations and responsibilities and realise self-determination for First Peoples in accordance with the United Nations Declaration on the Rights of Indigenous Peoples.

19 Powers of the First Peoples' Assembly of Victoria

- (1) The First Peoples' Assembly is self-determining and deliberative.
-

- (2) The First Peoples' Assembly has the power to do all things that are necessary or convenient to be done for or in connection with the performance of its functions.

20 Delegations by the First Peoples' Assembly of Victoria

- (1) Subject to subsections (2) and (3), the First Peoples' Assembly may delegate to the following any function or power of the First Peoples' Assembly under this Act or any other Act—
- (a) a committee or subcommittee of the First Peoples' Assembly;
 - (b) the Chief Executive Officer.
- (2) The First Peoples' Assembly must not delegate to a committee or subcommittee of the First Peoples' Assembly any of the following functions or powers—
- (a) this power of delegation;
 - (b) the power to elect a Chairperson of the First Peoples' Assembly;
 - (c) the power to appoint a Nyerna Yoorrook Telkuna member or Nginma Ngainga Wara member;
 - (d) subject to subsection (4), the power to appoint the Chief Executive Officer, whether on a permanent or acting basis;
 - (e) the power to make any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;
 - (f) the power to make internal rules or substantive rules.
-

- (3) The First Peoples' Assembly must not delegate to the Chief Executive Officer any of the following functions or powers—
- (a) this power of delegation;
 - (b) the power to elect a Chairperson of the First Peoples' Assembly;
 - (c) the power to appoint a Nyerna Yoorrook Telkuna member or Nginma Ngainga Wara member;
 - (d) subject to subsection (4), the power to appoint the Chief Executive Officer, whether on a permanent or acting basis;
 - (e) the power to make any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;
 - (f) the power to make internal rules or substantive rules;
 - (g) the power to develop, adopt or amend—
 - (i) the Executive Employment and Remuneration Policy under section 26; or
 - (ii) the Member Standards of Conduct; or
 - (iii) the Staff Standards of Conduct; or
 - (iv) the Community Governance and Answerability Framework, including the Community Engagement Charter, Strategic Plan and Ngarrakeetoong Martongakeeyt (Community Vision); or
 - (v) any other policy that the First Peoples' Assembly is required to adopt under this Act or the internal rules;
-

- (h) the power to appoint a chairperson or the members of any committee or subcommittee of the First Peoples' Assembly;
 - (i) any power conferred on the First Peoples' Assembly under Part 7 or 8;
 - (j) the power to approve a budget;
 - (k) a power to borrow money.
- (4) The First Peoples' Assembly may delegate to the Chief Executive Officer the power to appoint an Acting Chief Executive Officer for a period specified in the internal rules.
- (5) A delegation may be subject to any conditions or limitations specified in the delegation.
- (6) A delegation that includes the power to enter into a contract or make any expenditure must specify the maximum monetary limit that cannot be exceeded.
- (7) The First Peoples' Assembly must keep a public register of delegations made under this section.

Note

See section 29 for the power of delegation of a Chief Executive Officer.

21 Qualification to be a member of the First Peoples' Assembly of Victoria

- (1) Subject to subsection (2), a person is qualified to be a member of the First Peoples' Assembly if the person meets the requirements set out in the internal rules.
 - (2) A person is not qualified to be a member of the First Peoples' Assembly if the person—
 - (a) is a member of the Parliament of Victoria or the Parliament of the Commonwealth or the Parliament of another State or a Territory; or
-

- (b) is employed as a Ministerial officer, a Parliamentary officer or an electorate officer by a member of the Parliament of Victoria or in a corresponding position (however designated) by, or for, a member of the Parliament of the Commonwealth or the Parliament of another State or a Territory; or
 - (c) is a Councillor of a Council constituted under the **Local Government Act 2020** or a member of a corresponding body (however designated) under an Act of another State or a Territory; or
 - (d) is a member of Council staff within the meaning of the **Local Government Act 2020** or in a corresponding position (however designated) under an Act of another State or a Territory; or
 - (e) is a member of the Treaty Authority or holds a paid position with the Treaty Authority; or
 - (f) is the Chief Executive Officer; or
 - (g) is a Nginma Ngainga Wara member, Nyerna Yoorrook Telkuna member or Gellung Warl staff member or holds a paid position with Gellung Warl; or
 - (h) is a public sector employee within the meaning of the **Public Administration Act 2004** or in a corresponding position (however designated) under an Act of the Commonwealth or of another State or a Territory; or
 - (i) has property that is subject to control under the law relating to bankruptcy; or
 - (j) is disqualified from managing corporations under Part 2D.6 of the Corporations Act; or
 - (k) is currently held in a prison; or
-

- (l) is subject to an order under the **Crimes (Mental Impairment and Unfitness to be Tried) Act 1997**; or
 - (m) has been sentenced to a term of imprisonment for an indictable offence and is subject to a parole order that includes a travel restriction condition.
- (3) A person who is not qualified to be a member of the First Peoples' Assembly only because they hold a position or office specified in subsection (2)(a) to (h), is not prevented from nominating for election as a general member or appointment as a reserved member if, for the duration of the election period for that election—
- (a) the person takes leave from that office or position; and
 - (b) the person does not perform any of the duties of that office or position.

22 Term of office of members of the First Peoples' Assembly of Victoria

- (1) A member of the First Peoples' Assembly holds office for the period specified in the electoral rules.
- (2) The office of a member of the First Peoples' Assembly becomes vacant at the expiry of that member's term of office.

23 Suspension of a member of the First Peoples' Assembly of Victoria

- (1) A member of the First Peoples' Assembly may be suspended in accordance with the internal rules.
 - (2) If a member of the First Peoples' Assembly is suspended in accordance with the internal rules, the member must not perform any functions or exercise any powers of a member of the First
-

Peoples' Assembly for the period of the suspension.

24 Removal from office

- (1) A member of the First Peoples' Assembly may be removed from office in accordance with the internal rules.
- (2) If a member of the First Peoples' Assembly is removed from office—
 - (a) the member ceases to be a member of the First Peoples' Assembly; and
 - (b) the office becomes vacant.

25 The Chief Executive Officer

The First Peoples' Assembly must employ a person to be the Chief Executive Officer of Gellung Warl in accordance with the Executive Employment and Remuneration Policy under section 26.

26 Executive Employment and Remuneration Policy

- (1) The First Peoples' Assembly must develop, adopt and keep in force an Executive Employment and Remuneration Policy.
 - (2) The Executive Employment and Remuneration Policy must provide for—
 - (a) the recruitment and appointment process for executive staff of Gellung Warl; and
 - (b) matters to be addressed in the contract of employment of executive staff of Gellung Warl; and
 - (c) performance monitoring of executive staff of Gellung Warl; and
 - (d) an annual review of executive staff of Gellung Warl.
-

- (3) The First Peoples' Assembly must adopt the first Executive Employment and Remuneration Policy under this section within 6 months of the commencement of this section.

27 Functions of the Chief Executive Officer

The Chief Executive Officer has the following functions—

- (a) to support the First Peoples' Assembly, Nginma Ngainga Wara and Nyerna Yoorrook Telkuna in the performance of their functions;
- (b) to ensure the effective and efficient management of day to day operations of the First Peoples' Assembly, Nginma Ngainga Wara and Nyerna Yoorrook Telkuna;
- (c) to perform any other function or duty of the Chief Executive Officer specified in this Act, any other Act or the internal rules.

28 Staff and contractors

On behalf of Gellung Warl, the Chief Executive Officer may—

- (a) employ as many employees; and
- (b) engage as many contractors—

as are required to enable the functions of Gellung Warl under this Act or any other Act to be performed.

29 Delegations by Chief Executive Officer

- (1) Subject to section 20(3) and subsection (2), the Chief Executive Officer, by instrument, may delegate to a Gellung Warl staff member any function or power of the Chief Executive Officer under this Act or any other Act, other than this power of delegation.
-

- (2) A delegation by the Chief Executive Officer under subsection (1) must be—
- (a) to a First Peoples' Assembly staff member, in relation to any function or power of the First Peoples' Assembly that has been delegated to the Chief Executive Officer by the First Peoples' Assembly; and
 - (b) to a Nginma Ngainga Wara staff member, in relation to any function or power of Nginma Ngainga Wara that has been delegated to the Chief Executive Officer by Nginma Ngainga Wara; and
 - (c) to a Nyerna Yoorrook Telkuna staff member, in relation to any function or power of Nyerna Yoorrook Telkuna that has been delegated to the Chief Executive Officer by Nyerna Yoorrook Telkuna.

Part 4—Powers to make substantive rules and internal rules

Division 1—Preliminary

30 Objects of this Part

The objects of this Part are—

- (a) to empower the First Peoples' Assembly to make substantive rules to give effect to Gellung Warl's deliberative nature, including to make rules that affect First Peoples; and
- (b) to empower the First Peoples' Assembly to make internal rules to give effect to its self-determining and generative nature, including in relation to its internal affairs; and
- (c) to reflect the intention that Gellung Warl is generative and will continue to evolve as it takes on further powers, functions and responsibilities in relation to First Peoples through the ongoing Statewide Treaty-making process.

Division 2—Substantive rules

31 Power of First Peoples' Assembly to make substantive rules

- (1) The First Peoples' Assembly may make substantive rules.
 - (2) Substantive rules may relate to any specified matter authorised by this Act or any other Act to be included in substantive rules.
 - (3) A substantive rule may—
 - (a) be of general or limited application; and
-

- (b) differ according to differences in time, place or circumstance; and
- (c) leave any matter or thing to be from time to time determined or approved by Gellung Warl or the First Peoples' Assembly; and
- (d) confer powers or discretions or impose duties on any person or on a specified person or body or class of persons or bodies; and
- (e) provide in a specified case or class of cases for the exemption of persons or things or a class of persons or things from any of the provisions of the substantive rules—
 - (i) whether unconditionally or on specified conditions; and
 - (ii) either wholly or to such an extent as is specified in the rules; and
- (f) apply, adopt or incorporate by reference any document formulated or published by a person or body, whether—
 - (i) without modification or as modified by the rule; or
 - (ii) as formulated or published on or before the date when the rule is made; or
 - (iii) as formulated or published from time to time.

32 Substantive rules—recognition and certificates evidencing acceptance by community

- (1) Substantive rules may relate to how First Peoples organisations in Victoria provide certificates evidencing that a person is accepted as an Aboriginal or Torres Strait Islander person by the Aboriginal or Torres Strait Islander community, including the following—
-

- (a) establishing processes for authorising First Peoples organisations in Victoria to provide certificates evidencing that a person is accepted as an Aboriginal or Torres Strait Islander person by the Aboriginal or Torres Strait Islander community or otherwise confirm that a person is accepted as an Aboriginal or Torres Strait Islander person by the Aboriginal or Torres Strait Islander community;
 - (b) establishing processes for how First Peoples organisations in Victoria may issue certificates evidencing that a person is accepted as an Aboriginal or Torres Strait Islander person by the Aboriginal or Torres Strait Islander community or otherwise confirm that a person is accepted as an Aboriginal or Torres Strait Islander person by the Aboriginal or Torres Strait Islander community;
 - (c) establishing processes relating to mutual recognition standards which provide for when a Victorian entity can recognise certificates evidencing that a person is accepted as an Aboriginal or Torres Strait Islander person by the Aboriginal or Torres Strait Islander community provided by an interstate or Territory entity for First Peoples who are not Traditional Owners in Victoria and the acceptance of that interstate or Territory recognition;
 - (d) establishing processes which may be adopted by a Victorian entity in relation to recognition of certificates evidencing that a person is accepted as an Aboriginal or Torres Strait Islander person by the Aboriginal or Torres Strait Islander community or
-

otherwise confirm that a person is accepted as an Aboriginal or Torres Strait Islander person by the Aboriginal or Torres Strait Islander community.

- (2) A substantive rule made under subsection (1)—
- (a) is binding on First Peoples organisations in Victoria and First Peoples in Victoria insofar as a person applies to First Peoples organisations for certification or other confirmation that the person is accepted as an Aboriginal or Torres Strait Islander person by the Aboriginal or Torres Strait Islander community; and
 - (b) may be used as optional policy guidance by any Victorian entity that is not a First Peoples organisation in Victoria; and
 - (c) only operates within Victoria.

Division 3—Internal rules

33 Power of First Peoples' Assembly to make internal rules

- (1) The First Peoples' Assembly may make internal rules.
- (2) Internal rules must relate to the internal affairs of Gellung Warl, including all or any of the following—
 - (a) its institutional structure;
 - (b) its institutional governance;
 - (c) any other matter relating to its internal operation.

- (3) Without limiting subsection (2), internal rules—
- (a) must provide for—
 - (i) the content or subject matter set out in Schedule 1; and
 - (ii) in the case of internal rules which are electoral rules, the content or subject matter set out in Schedule 2; and
 - (b) may provide for any other matter authorised by this Act or any other Act to be included in internal rules.

Note

See also section 36.

- (4) An internal rule may—
- (a) be of general or limited application; and
 - (b) differ according to differences in time, place or circumstance; and
 - (c) leave any matter or thing to be from time to time determined or approved by Gellung Warl or the First Peoples' Assembly; and
 - (d) confer powers or discretions or impose duties on any person or on a specified person or body or class of persons or bodies; and
 - (e) provide in a specified case or class of cases for the exemption of persons or things or a class of persons or things from any of the provisions of the internal rules—
 - (i) whether unconditionally or on specified conditions; and
 - (ii) either wholly or to such an extent as is specified in the rules; and
-

- (f) apply, adopt or incorporate by reference any document formulated or published by a person or body, whether—
 - (i) without modification or as modified by the rule; or
 - (ii) as formulated or published on or before the date when the rule is made; or
 - (iii) as formulated or published from time to time.

Division 4—Rule making requirements and other matters

34 Other rule making requirements

- (1) An internal rule or a substantive rule must not be inconsistent with this Act or any other Act or statutory rule, including any Commonwealth Act, or a legislative instrument to which section 8(4) of the Legislation Act 2003 of the Commonwealth applies made under a Commonwealth Act.
- (2) An internal rule or a substantive rule—
 - (a) must not exceed the power to make internal rules or substantive rules conferred by this Act or any other authorising Act; and
 - (b) must comply with any rule making process and procedures set out in this Act and any processes and procedures set out in any internal rules relating to the rule making processes.

35 Gellung Warl plebiscite required for electoral rules which change First Peoples' Assembly member term periods

- (1) The First Peoples' Assembly must make electoral rules to require a Gellung Warl plebiscite to be conducted before a rule changing the period of First Peoples' Assembly member terms is made.
- (2) Before a proposed electoral rule changing the period of First Peoples' Assembly member terms is made by the First Peoples' Assembly, the proposed electoral rule changing the period of member terms must be approved by the majority of eligible electors voting at a Gellung Warl plebiscite conducted in accordance with the internal rules.
- (3) Any internal rule which is an electoral rule changing the period of member terms is void if a Gellung Warl plebiscite is not conducted in relation to it.

36 Consultation with Treaty Authority on certain internal rules

- (1) This section applies if the First Peoples' Assembly intends to make an internal rule under clause 6 or 7 of Schedule 1 which involves complaints handling or dispute resolution by the Treaty Authority.
- (2) The First Peoples' Assembly must consult with the Treaty Authority before making any internal rule to which this section applies.

37 Status of rules under the Subordinate Legislation Act 1994 and Interpretation of Legislation Act 1984

- (1) An internal rule or a substantive rule is not a statutory rule within the meaning of the **Subordinate Legislation Act 1994**.
-

- (2) An internal rule or a substantive rule is not a legislative instrument within the meaning of the **Subordinate Legislation Act 1994**.
- (3) An internal rule or a substantive rule is a subordinate instrument for the purposes of the **Interpretation of Legislation Act 1984**.

38 Certification of proposed internal rule or substantive rule

- (1) Before the First Peoples' Assembly makes an internal rule or a substantive rule (including a rule amending or repealing or revoking such a rule), the First Peoples' Assembly must obtain a certificate from a qualified certifier stating that the person is of the opinion that the proposed internal rule or proposed substantive rule complies with the requirements of this Act relating to internal rules or substantive rules, as the case requires.

Note

See section 27 of the **Interpretation of Legislation Act 1984** which provides for amending and repealing or revoking subordinate instruments.

- (2) The certificate obtained under subsection (1) must be tabled at the First Peoples' Assembly meeting at which the proposed internal rule or proposed substantive rule is to be made.

39 Process for making internal rules or substantive rules

- (1) Internal rules or substantive rules are made by the First Peoples' Assembly voting on the proposed rule and the rule being passed by at least a majority of the First Peoples' Assembly.
 - (2) Internal rules and substantive rules must be made in accordance with the Community Engagement Charter once that Charter is in force.
-

- (3) A failure to comply with subsection (2) does not affect the operation or effect of the internal rule or substantive rule.

40 First Peoples' Assembly to publish notice of making of internal rule or substantive rule and make rule and certification available for inspection

- (1) On the making of an internal rule or a substantive rule, the First Peoples' Assembly must ensure that a notice of its making is published on the First Peoples' Assembly's Internet site.
- (2) The First Peoples' Assembly must ensure that a copy of any internal rule or substantive rule made by it and a copy of the related certification under section 38 are available for inspection—
- (a) at the First Peoples' Assembly's office; and
 - (b) on the First Peoples' Assembly's Internet site.

41 Notice of publication of rule to be given to Minister and Chief Parliamentary Counsel

- (1) The First Peoples' Assembly must give a notice stating that it has made an internal rule or substantive rule to the Minister as soon as practicable after the publication of the rule.
- (2) The First Peoples' Assembly must give a notice stating that it has made an internal rule or substantive rule to the Chief Parliamentary Counsel as soon as practicable after the publication of the rule.
- (3) Notice of the publication of a rule under this section is for information purposes only.

Note

See also Part 7.

- (4) A failure to comply with subsection (1) or (2) does not affect the operation or effect of the internal rule or substantive rule.
-

42 Rules commence on day of making or later date as specified in rule

- (1) An internal rule or a substantive rule or a provision of an internal rule or substantive rule comes into operation at the beginning of—
 - (a) the day on which the rule is made by the First Peoples' Assembly; or
 - (b) if a later date is specified in the rule, that later date.
 - (2) Despite the coming into operation of an internal rule, a substantive rule or a provision of a rule, a person cannot be prejudicially affected or made subject to any liability by the rule or provision if evidence is provided that, at the time of the alleged prejudicial effect or liability—
 - (a) notice under section 40(1) had not been published by the First Peoples' Assembly on its Internet site; or
 - (b) the rule had not been made available for inspection under section 40(2)—
 - (i) at the First Peoples' Assembly's office; and
 - (ii) on the First Peoples' Assembly's Internet site.
 - (3) A person cannot rely on subsection (2) if evidence is provided that, at the relevant time, reasonable steps had been taken for the purpose of bringing the effect of the internal rule, substantive rule or provision to the notice of—
 - (a) the public; or
 - (b) persons likely to be affected; or
 - (c) the person concerned.
-

43 Acts and statutory rules prevail to extent of any inconsistency

If there is any inconsistency between an Act or a statutory rule and internal rules or substantive rules—

- (a) the Act or statutory rule prevails to the extent of the inconsistency; and
- (b) the internal rule or substantive rule is inoperative to the extent of the inconsistency.

44 Validity of internal rules and substantive rules may be disputed

- (1) First Peoples or First Peoples organisations may dispute the validity of an internal rule or a substantive rule under section 103 of the **Supreme Court Act 1986** as if—
 - (a) an internal rule or a substantive rule were a by-law within the meaning of that section; and
 - (b) the First Peoples' Assembly were a corporation with the meaning of that section.
- (2) Nothing in subsection (1) limits any other right or otherwise affects the standing of any person to dispute or challenge an internal rule or a substantive rule in the Supreme Court or any other applicable jurisdiction.

Division 5—Disallowance

45 Disallowance of an internal rule or a substantive rule

- (1) Without limiting subsection (2)(a), if a member of a House of the Parliament so requests, the Clerk of the relevant House must cause an internal rule or a substantive rule to be laid before that House as soon as practicable after the request.
-

- (2) An internal rule or a substantive rule is disallowed in whole or in part if—
 - (a) the rule is laid before each House of the Parliament by a member of that House after its publication or by the Clerk, if so requested by a member; and
 - (b) a notice of a resolution to disallow the rule is given in each House on or before the 18th sitting day of the House after the rule is laid before that House by the member seeking disallowance; and
 - (c) the resolution is passed by each House on or before the 12th sitting day of the relevant House after the giving of the notice of the resolution in that House.
 - (3) The notice of a resolution to disallow the rule under subsection (2)(b) must be accompanied by a statement of reasons by the member for the disallowance which is to be laid before the House with the notice.
 - (4) Notice of a resolution to disallow an internal rule or a substantive rule may be expressed to apply to the whole or to any part of the internal rule or substantive rule.
 - (5) The member giving notice of the resolution to disallow the rule must give to the First Peoples' Assembly a copy of—
 - (a) the notice of the resolution to disallow the rule; and
 - (b) the statement of reasons.
 - (6) The member must give the copies to the First Peoples' Assembly under subsection (5) as soon as reasonably practicable after notice of a resolution to disallow the rule has been given to each House under subsection (2)(b).
-

- (7) The resolution to disallow has effect according to its tenor.
- (8) If a House of the Parliament is prorogued or the Legislative Assembly is dissolved—
 - (a) the prorogation or dissolution does not affect the power of the House to pass a resolution disallowing an internal rule or a substantive rule; and
 - (b) the calculation of sitting days of the House is to be made as if there had been no prorogation or dissolution.

46 Effect of disallowance

- (1) Subject to subsection (2), if an internal rule or a substantive rule or a part of an internal rule or a substantive rule is disallowed by each House of the Parliament, the disallowance has the same effect as a revocation or repeal of the rule or part, as the case requires.
 - (2) If an internal rule or a substantive rule or a part of a rule is disallowed by each House of the Parliament—
 - (a) any internal rule or substantive rule or part of a rule that had been revoked or repealed by the disallowed rule or part is revived as from the beginning of the day on which the rule or part was disallowed; and
 - (b) any internal rule or substantive rule that had been amended by the disallowed rule or part takes effect without that amendment as from the beginning of the day on which the rule or part was disallowed in all respects as if the disallowed rule or part had not been made.
-

47 Clerk to publish notice of disallowance

If an internal rule or a substantive rule, or part of an internal rule or a substantive rule, is disallowed, the Clerk of the Parliaments must cause notice of the disallowance to be published in the Government Gazette.

48 Transmission of documents to Parliament

- (1) If a document is transmitted to a House of the Parliament under this Act, the Clerk of the relevant House must cause the document to be laid before the House—
 - (a) on the day on which it is received; or
 - (b) on the next sitting day of the House.
 - (2) If a person or other entity proposes to transmit a document to a House of the Parliament under this Act on a day on which the House is not actually sitting, the person or other entity must—
 - (a) give one business day's notice of the intention to do so to the Clerk of the relevant House; and
 - (b) give the document to the Clerk on the day indicated in the notice.
 - (3) If the Clerk of a House of the Parliament receives a notice under subsection (2)(a), on the same day the Clerk must notify each member of the House of the receipt of the notice.
 - (4) If the Clerk of a House of the Parliament receives a document under subsection (2)(b), the Clerk must—
 - (a) notify each member of the House as soon as practicable of the receipt of the document; and
-

Statewide Treaty Act 2025
No. of 2025

Part 4—Powers to make substantive rules and internal rules

- (b) ensure that a copy of the document is available to each member on request; and
 - (c) cause the document to be laid before the House on the next sitting day of the House.
- (5) A document given to the Clerk of a House of the Parliament under subsection (2)(b) is taken to have been published by order, or under the authority, of the Houses of the Parliament or each of them.

Part 5—First Peoples' Assembly guidelines and standards and statutory appointments

49 Objects of this Part

The objects of this Part are—

- (a) to provide other mechanisms for First Peoples to make decisions in relation to matters that affect First Peoples including—
 - (i) making guidelines and standards; and
 - (ii) making certain statutory appointments of First Peoples; and
- (b) to reflect the intention that Gellung Warl is generative and will continue to evolve as it takes on further powers, functions and responsibilities in relation to First Peoples through the ongoing Statewide Treaty-making process.

50 First Peoples' Assembly guidelines and standards

- (1) The First Peoples' Assembly may issue guidelines and standards.
- (2) Without limiting subsection (1), First Peoples' Assembly guidelines and standards—
 - (a) may provide for the content or subject matter set out in Schedule 3; and
 - (b) may provide for any other matter authorised by this Act or any other Act to be included in First Peoples' Assembly guidelines and standards; and
 - (c) must not be inconsistent with this Act or any other Act or statutory rule.

Note

Schedule 3 currently provides for the content and subject matter of First Peoples' Assembly guidelines and standards for promoting and upholding First Peoples' cultural safety

and for the sharing and trading between First Peoples of water entitlements held by First Peoples or First Peoples organisations.

51 Rules and policies to support guidelines and standards

- (1) The First Peoples' Assembly may make internal rules and adopt policies for or in relation to—
 - (a) the issuing of First Peoples' Assembly guidelines and standards; and
 - (b) the provision of advice by Gellung Warl to any person on First Peoples' Assembly guidelines and standards.
 - (2) In relation to cultural safety guidelines and standards, the First Peoples' Assembly may make internal rules and adopt policies for or in relation to—
 - (a) the definition of cultural safety and any related concepts, such as cultural competency, for the purposes of cultural safety guidelines and standards; and
 - (b) registration or accreditation of persons and other entities that agree to comply with cultural safety guidelines and standards; and
 - (c) the monitoring and oversight of registration, accreditation or compliance with cultural safety guidelines and standards; and
 - (d) dispute resolution processes in relation to registration, accreditation or compliance; and
 - (e) the provision of advice by Gellung Warl to any person on cultural safety and cultural competency.
-

52 Effect of First Peoples' Assembly guidelines and standards

- (1) Cultural safety guidelines and standards may be voluntarily adopted by any entities but do not apply to an entity if they have not been voluntarily adopted by the entity.
- (2) Subject to subsection (3), cultural safety guidelines and standards do not create any legally enforceable rights or obligations.
- (3) Subsection (2) does not apply to the extent to which entities enter into a contract, agreement or other arrangement under which compliance with or contravention of the guidelines or standards is given legally enforceable consequences.
- (4) If First Peoples' Assembly guidelines and standards relate to water entitlements held by First Peoples or First Peoples organisations, the guidelines and standards do not affect the operation of the **Water Act 1989** or the Native Title Act 1993 of the Commonwealth.

53 Requirements in relation to appointment functions

- (1) This section applies where the First Peoples' Assembly has a function to make statutory appointments under any other Act.

Note

See for example the **Aboriginal Heritage Act 2006** and the **Heritage Act 2017**.

- (2) The First Peoples' Assembly must develop and maintain internal policies and processes that demonstrate—
 - (a) risk assessments and probity checks are completed to determine suitability and integrity of any potential candidates for statutory appointments; and
-

Statewide Treaty Act 2025
No. of 2025

Part 5—First Peoples' Assembly guidelines and standards and statutory appointments

- (b) the processes ensure candidates for statutory appointments appropriately identify and manage conflicts of interest; and
 - (c) merit-based selection processes are used in relation to any pool of candidates for statutory appointments.
- (3) The First Peoples' Assembly must have regard to any existing State policies and procedures in relation to statutory appointments when developing any policies and processes under subsection (2).
 - (4) The First Peoples' Assembly must have regard to the Community Engagement Charter for all decisions about statutory appointments.
 - (5) A failure to comply with subsection (4) does not affect the validity of the statutory appointment or provide grounds for review of the decision to appoint.

Part 6—Election of general members and appointment of reserved members

54 Object of this Part

- (1) The object of this Part is to provide for the Gellung Warl electoral and appointment processes and form of representation to be determined by First Peoples under the electoral rules.
- (2) The electoral model outlined in this Part aims to provide for a self-determined model of political representation for First Peoples in Victoria that reflects Aboriginal Lore, Law and Cultural Authority and the responsibilities of Traditional Owners to Country and to all peoples who are on Country.

55 Gellung Warl electoral roll

- (1) The Electoral Officer must establish and maintain the Gellung Warl electoral roll in accordance with the electoral rules.
- (2) The Gellung Warl electoral roll is an independent electoral roll that is separate and distinct from—
 - (a) an electoral roll prepared by the Victorian Electoral Commission under section 29 of the **Electoral Act 2002**; and
 - (b) an electoral roll prepared under the Commonwealth Electoral Act 1918 of the Commonwealth; and
 - (c) any other electoral roll prepared under any other Act.

56 Conduct of elections

- (1) For the purposes of this Part, the First Peoples' Assembly must make electoral rules in accordance with Part 4 and Schedules 1 and 2.
-

- (2) An election must be conducted by the Electoral Officer in accordance with the electoral rules.

Note

See also Part 3 of the **Treaty Authority and Other Treaty Elements Act 2022** for further functions and powers of the Electoral Officer.

57 Validity of elections

- (1) The validity of an election is not affected by any defect in the appointment of any person for the purpose of holding the election.
- (2) The validity of an election is not affected by—
- (a) any irregularity in any of the procedures preliminary to voting; or
 - (b) any failure to hold the election in accordance with the electoral rules—
- if the irregularity or failure did not affect the result of the election.

58 Forfeiture of election donations accepted in contravention of electoral rules

- (1) If an election campaign donation is accepted in contravention of the electoral rules, an amount equal to the amount or value of the donation is payable by the candidate who accepted the donation to Gellung Warl.
- (2) Any amount payable under this section may be recovered by the Chief Executive Officer as a debt due to Gellung Warl in any court of competent jurisdiction.
- (3) Any amount recovered under subsection (2) must be paid into the Self-Determination Fund.
-

59 Dispute of validity of election on application to VCAT

- (1) Within 14 days after the declaration of the result of an election—
 - (a) a candidate for the election in dispute; or
 - (b) at least 10 persons who were entitled to vote at the election in dispute; or
 - (c) the Electoral Officer—may apply to VCAT to dispute the validity of the election.
- (2) An application under subsection (1)—
 - (a) is made to VCAT in its original jurisdiction; and
 - (b) must be made in accordance with section 67 of the **Victorian Civil and Administrative Tribunal Act 1998**.

Note

See also Part 3A of the **Victorian Civil and Administrative Tribunal Act 1998** in relation to matters of federal jurisdiction.

60 Powers of VCAT

VCAT has the following powers in any proceeding in relation to an application under section 59—

- (a) the power to order that any candidate who was declared elected was not elected;
 - (b) the power to order that any candidate who was not declared elected was elected;
 - (c) the power to order that any election is void;
 - (d) the power to dismiss or uphold an application in whole or in part.
-

Notes

1. See also Division 3 of Part 15 in relation to complaints other than disputed elections.
2. See also Part 3A of the **Victorian Civil and Administrative Tribunal Act 1998** in relation to matters of federal jurisdiction.

61 Consequences of VCAT's orders

- (1) If VCAT orders that a person declared elected was not elected, the person ceases to be a member of the First Peoples' Assembly from the date determined by VCAT.
- (2) If VCAT orders that a person not declared elected was elected, the person is declared to be elected from the date determined by VCAT.
- (3) If VCAT orders that an election is void, a re-election must be held.
- (4) A re-election must be held on the Gellung Warl electoral roll that was prepared for the purposes of the election that has been declared void.

62 Appointment of reserved members

In accordance with the electoral rules, each Traditional Owner group is entitled to appoint a reserved member to the First Peoples' Assembly in accordance with the Traditional Owner group's procedures developed and published by that group.

Part 7—Addresses and reports to Parliament

Division 1—Preliminary

63 Objects of this Part

The objects of this Part are—

- (a) to empower the First Peoples' Assembly to inform the Parliament on the effect of proposed legislation on First Peoples to support more effective laws as they relate to First Peoples and—
 - (i) to address the significant disadvantage of First Peoples; and
 - (ii) to support self-determined and better outcomes for First Peoples, benefitting the Victorian community as a whole; and
- (b) to establish advisory and relational practices between Parliament and the First Peoples' Assembly that supports the broader relationship established under Statewide Treaty-making.

Division 2—Annual address to Parliament

64 Annual address to Parliament

- (1) Each year, the Minister, in consultation with the First Peoples' Assembly and with the Presiding Officers, must determine a sitting day or sitting days on which the First Peoples' Assembly is to present an annual address to a joint sitting of the Legislative Council and Legislative Assembly.
 - (2) The First Peoples' Assembly's annual address is about any matters that the First Peoples' Assembly considers affect First Peoples.
-

- (3) The annual address is to be made by not more than 2 members of the First Peoples' Assembly, nominated by the First Peoples' Assembly.

Division 3—Informing Parliament of the effect of proposed legislation on First Peoples

65 First Peoples' Assembly to be notified of introduction of Bills

As soon as practicable after the introduction of a Bill into the Parliament, the Clerk of the House in which it was introduced must cause notification of the introduction to be given to the First Peoples' Assembly.

66 Statement of Treaty compatibility

- (1) A member of Parliament who proposes to introduce a Bill into the Parliament must cause a statement of Treaty compatibility to be prepared in respect of that Bill.
- (2) A member of each House must cause the statement of Treaty compatibility prepared under subsection (1) to be laid before that House before the second reading speech on the Bill is given.
- (3) A statement of Treaty compatibility must state—
- (a) whether the First Peoples' Assembly was given an opportunity to advise on the Bill or the First Peoples' Assembly otherwise made representations about the effect of the Bill on First Peoples; and
 - (b) the nature and timing of any opportunity to advise and the nature and timing of any representations; and
 - (c) in the member's opinion, the extent to which the Bill is consistent with any advice given or representations made; and
-

- (d) whether, in the member's opinion, the Bill is compatible with—
 - (i) advancing the inherent rights and self-determination of First Peoples; and
 - (ii) addressing the unacceptable disadvantage inflicted on First Peoples by the historic wrongs and ongoing injustices of colonisation; and
 - (iii) ensuring the equal enjoyment of human rights and fundamental freedoms by First Peoples; and

Note

These matters are included in the objects of this Act—see section 2(1)(c) and (d).

- (e) if, in the member's opinion, any part of the Bill is incompatible with paragraph (d)(i), (ii) or (iii), the nature and extent of that incompatibility.

67 Notification of Bill affecting internal rules or substantive rules

As soon as reasonably practicable after giving the member's second reading speech on a Bill in the first House of introduction, the member must notify the First Peoples' Assembly if, in the member's opinion, the Bill deals with a matter that is the subject of an internal rule or substantive rule.

68 No effect on Victorian law

A failure to comply with section 65, 66 or 67 in relation to any Bill that becomes an Act does not affect the validity, operation or enforcement of that Act or any other Act or any subordinate instrument, or any provision of any Act or subordinate instrument.

69 First Peoples' Assembly may request information

- (1) After the second reading of a Bill has been proposed, the First Peoples' Assembly, in writing, may request further information about the Bill from the member of Parliament who introduced the Bill into the Parliament.
- (2) The First Peoples' Assembly may publish or disseminate—
 - (a) a copy of a request made under subsection (1); and
 - (b) a copy of any response received or, if a response has not been received, a statement to that effect.

70 Presiding Officer may invite First Peoples' Assembly to make submission or address

- (1) The President or the Speaker, by written notice, may invite the First Peoples' Assembly to make a written submission to the Legislative Council or the Legislative Assembly (as the case requires) addressing matters specified in the notice.
- (2) The President or the Speaker, by written notice, may invite the First Peoples' Assembly to address the Legislative Council or the Legislative Assembly (as the case requires) in relation to matters specified in the notice.
- (3) Nothing in this section requires the First Peoples' Assembly to make a submission or an address.

71 Requirements for written submission and tabling

- (1) If the First Peoples' Assembly decides to make a submission in response to an invitation under section 70(1) or (2), it must give a copy of the submission to the Clerk of the Assembly or the Clerk of the Council (as the case requires).
-

- (2) Subject to section 48, if a submission is received by the Clerk of a House, the Clerk must cause the submission to be tabled in that House on the next sitting day of the House.

72 Requirements for address

An address under section 70 is to be made by not more than 2 members of the First Peoples' Assembly, nominated by the First Peoples' Assembly.

73 Parliamentary committee may request address or written submission

- (1) A parliamentary committee, by written notice, may invite the First Peoples' Assembly to make a written submission to the committee addressing matters specified in the notice.
- (2) A parliamentary committee, by written notice, may invite the First Peoples' Assembly to address the committee in relation to matters specified in the notice.
- (3) Nothing in this section—
 - (a) requires the First Peoples' Assembly to make a submission or address; or
 - (b) limits the powers or privileges of a parliamentary committee under the **Parliamentary Committees Act 2003** or any other law.

Division 4—Other reports

74 First Peoples' Assembly may give report to Parliament

- (1) At any time, the First Peoples' Assembly may give a written report to the Legislative Assembly and the Legislative Council about any matter it considers affects First Peoples.
-

- (2) A copy of the report must be delivered to—
 - (a) the Clerk of each House; and
 - (b) the Minister.
 - (3) Subject to section 48, the Clerk must cause a copy of the report to be tabled in the House on the next sitting day of the House.
 - (4) As soon as is reasonably practicable after receiving the report, the Minister must provide a copy of the report to each Minister having responsibility for a matter identified in the report.
 - (5) Within 6 months after the report was first tabled in a House, the Minister must cause a response to be prepared setting out—
 - (a) each Minister's response to any matter identified in the report for which that Minister has responsibility; and
 - (b) if any action has been taken, or is proposed to be taken in response to the report or part of the report, details of that action or proposed action; and
 - (c) if no action is to be taken in response to the report or part of the report, the reasons for not taking action.
 - (6) The Minister must cause a copy of the response to be given to the Clerk of each House.
 - (7) Subject to section 48, the Clerk must cause a copy of the response to the report to be tabled in the House on the next sitting day of the House.
-

Division 5—General

75 No effect on conduct of parliamentary business

Nothing in this Act limits the power of a House of the Parliament to conduct its business, including, to avoid doubt, the consideration or passing of Bills—

- (a) about which the First Peoples' Assembly has been invited to make an address or a written submission; and
- (b) that are the subject of any report given to the responsible Minister under section 74.

Part 8—Representations and advice to State government

Division 1—Preliminary

76 Objects of this Part

The objects of this Part are—

- (a) to empower the First Peoples' Assembly to inform the State government and State-funded service providers on matters affecting First Peoples—
 - (i) to address the significant disadvantage of First Peoples; and
 - (ii) to support self-determined and better outcomes for First Peoples, benefitting the Victorian community as a whole; and
 - (iii) to support the development and implementation of more effective policies and laws as they relate to First Peoples; and
- (b) to establish advisory and relational practices between the State government and the First Peoples' Assembly that supports the broader relationship established under Statewide Treaty-making.

Note

See also the Treaty principles set out in Part 2 of the **Public Administration Act 2004**.

Division 2—Representation meetings

77 What is a representation meeting?

A representation meeting is a meeting between the Cabinet and the First Peoples' Assembly for the purpose of enabling the First Peoples' Assembly

to make representations to the Cabinet about matters affecting First Peoples.

78 Conduct of representation meetings

- (1) The Premier must cause at least 2 representation meetings to be held in each year.
- (2) Despite subsection (1), fewer than 2 representation meetings may be held in a year if—
 - (a) the First Peoples' Assembly decides that it is not reasonably practicable for a particular representation meeting to take place; and
 - (b) it is not reasonably practicable for that representation meeting to be rescheduled to take place in the same year.
- (3) More than 2 representation meetings may be held in any year as agreed by the Premier and the First Peoples' Assembly.
- (4) A representation meeting is to be conducted in accordance with the procedures agreed by the Premier and the First Peoples' Assembly.
- (5) The First Peoples' Assembly may nominate 2 members of the First Peoples' Assembly to attend a representation meeting.

79 Representation meeting subject to Cabinet confidentiality

- (1) A representation meeting is subject to the same requirements for confidentiality as if it were a meeting of the Cabinet.
 - (2) Each of the following documents are subject to Cabinet confidentiality—
 - (a) a document that is the official record of any representation meeting;
-

- (b) a document that has been prepared by or for a Minister or on the Minister's behalf for the purposes of a representation meeting;
- (c) a document prepared for the purpose of briefing a Minister in relation to issues to be considered at a representation meeting;
- (d) a document given to a Minister or the Cabinet by the First Peoples' Assembly at or for the purposes of a representation meeting;
- (e) a document given to the First Peoples' Assembly by a Minister or the Cabinet at or for the purposes of a representation meeting;
- (f) a document that is a copy or draft of, or contains extracts from, a document referred to in paragraph (a), (b), (c), (d) or (e);
- (g) a document the disclosure of which would involve disclosure of the content or subject of any representation meeting.

Note

See also section 28(4) of the **Freedom of Information Act 1982**.

- (3) Information is subject to Cabinet confidentiality if it is information that, if it were in the form of a document, would be a document referred to in subsection (2).

Division 3—Engagement hearing

80 Purpose of engagement hearing

- (1) The purpose of an engagement hearing with Ministers and Secretaries is to enable the First Peoples' Assembly to ask Ministers and Secretaries questions about the priorities, operations, expenditure and budget of the Department for which that Minister or Secretary is
-

responsible, to the extent of that responsibility, as they affect—

- (a) the health, welfare or education of First Peoples; or
 - (b) the structure, organisation and efficiency of the Department as they relate to matters affecting First Peoples and the ways in which those areas may be enhanced; or
 - (c) any other matter agreed between the First Peoples' Assembly and the Premier.
- (2) The purpose of an engagement hearing with the Chief Commissioner of Police is to enable the First Peoples' Assembly to ask the Chief Commissioner of Police questions about the priorities, expenditure and budget of Victoria Police as they affect—
- (a) the health, welfare or education of First Peoples; or
 - (b) the structure, organisation and efficiency of Victoria Police as they relate to matters affecting First Peoples and the ways in which those areas may be enhanced; or
 - (c) any other matter agreed between the First Peoples' Assembly and the Premier.

81 Conduct of engagement hearing

- (1) The Premier must cause an engagement hearing to be held if it is requested in writing by the First Peoples' Assembly.
 - (2) Not more than one engagement hearing may be held in any year.
 - (3) An engagement hearing is to be conducted in accordance with the procedures agreed by the Premier and the First Peoples' Assembly.
-

- (4) In accordance with the procedures agreed under subsection (3), an engagement hearing is to be attended by—
- (a) at least 2 members of the First Peoples' Assembly, nominated by the First Peoples' Assembly; and
 - (b) each Minister who is specified by the First Peoples' Assembly for the purposes of the engagement hearing, in accordance with the procedures; and
 - (c) the Secretary of each Department and the Chief Commissioner of Police, if specified by the First Peoples' Assembly for the purposes of the engagement hearing, in accordance with the procedures.

82 Transcript or joint communique to be published following engagement hearing

- (1) The Premier must cause the publication of—
- (a) a transcript of an engagement hearing; or
 - (b) if the Premier and the First Peoples' Assembly agree, a written joint communique about the engagement hearing.
- (2) The transcript or joint communique is to be published as soon as reasonably practicable after the conclusion of the engagement hearing.

Division 4—Representations and submissions to Ministers

83 First Peoples' Assembly may make representations to Ministers

- (1) From time to time, the First Peoples' Assembly, on its own initiative, may—
- (a) make written submissions to a Minister about matters of interest to First Peoples; and
-

- (b) ask questions, in writing, of a Minister about matters of interest to First Peoples.
- (2) The Minister must respond in writing to the First Peoples' Assembly within 60 days after receiving any submission or questions, unless a longer period is agreed to by the First Peoples' Assembly.
- (3) Subject to section 140, the response must—
 - (a) in the case of questions, answer any questions or set out reasons why the Minister is unable to answer any question; and
 - (b) in the case of a submission, set out the actions taken or proposed to be taken in response to the submission or, if no actions are taken or proposed to be taken, the reasons for this.
- (4) Subject to this Act and any other Act, the First Peoples' Assembly may publish any submissions or questions given to a Minister under subsection (1).

84 Minister may request First Peoples' Assembly give information or advice

- (1) A Minister may request, in writing, the First Peoples' Assembly to provide information or advice about its understanding of—
 - (a) the views of First Peoples on any matter specified in the request; or
 - (b) how any matter specified in the request affects First Peoples.
 - (2) Within 60 days after receiving the request, unless a longer period is agreed to by the Minister, the First Peoples' Assembly must—
 - (a) if the First Peoples' Assembly decides to provide the information or advice, provide that information or advice; or
-

- (b) notify the Minister that the First Peoples' Assembly declines to provide information or advice.
- (3) The First Peoples' Assembly may provide the information or advice in writing or any other form determined appropriate by the First Peoples' Assembly.

85 Validity of decisions

- (1) A failure to consider any submission, advice or information given under section 83 or 84 or to respond to any submission or question given under section 83 does not, of itself—
 - (a) create any legal right or give rise to any civil cause of action; or
 - (b) affect the validity of any act or decision or any Act or subordinate instrument, or any provision of an Act or subordinate instrument, or provide grounds for review of any act or decision.
 - (2) The consideration of any submission, advice or information received under section 83 or 84 or questions received under section 83 does not, of itself—
 - (a) create any legal right or give rise to any civil cause of action; or
 - (b) affect the validity of any act or decision or any Act or subordinate instrument, or any provision of an Act or subordinate instrument, or provide grounds for review of any act or decision.
-

Division 5—Briefing meetings and Departmental consultation

86 Briefing meetings with Secretaries and the Chief Commissioner of Police

- (1) Each Secretary must meet with the First Peoples' Assembly to—
 - (a) brief the First Peoples' Assembly about matters relating to the responsibilities of the Department that are of interest to First Peoples; and
 - (b) allow the First Peoples' Assembly to ask questions about matters relating to the responsibilities of the Department that are of interest to First Peoples.
- (2) The Chief Commissioner of Police must meet with the First Peoples' Assembly to—
 - (a) brief the First Peoples' Assembly about matters relating to the responsibilities of the Chief Commissioner and Victoria Police that are of interest to First Peoples; and
 - (b) allow the First Peoples' Assembly to ask questions about matters relating to the responsibilities of the Chief Commissioner and Victoria Police that are of interest to First Peoples.

87 Conduct and timing of briefing meetings

- (1) Briefing meetings are to be conducted in accordance with any procedures agreed by the Secretary to the Department of Premier and Cabinet and the First Peoples' Assembly.
 - (2) The procedures agreed must provide for at least 2 briefing meetings to be held each year between each Secretary or the Chief Commissioner of
-

Police (as the case requires) and the First Peoples' Assembly.

- (3) At least one briefing meeting between each Secretary and the Chief Commissioner of Police (as the case requires) and the First Peoples' Assembly must be held to enable the First Peoples' Assembly's briefing to inform annual State government budget priorities.

Division 6—Guidelines and duties to consult

88 Duty to develop guidelines

- (1) Each Secretary must develop, in consultation with the First Peoples' Assembly, written guidelines providing for—
 - (a) any matters specified in the Statewide Treaty; and
 - (b) without limiting paragraph (a), any matters relating to the manner of consultation with the First Peoples' Assembly during the development of any legislative proposal, statutory rule (not including a court rule) or policy that is specifically directed to First Peoples.
 - (2) The Chief Commissioner of Police must develop, in consultation with the First Peoples' Assembly, written guidelines providing for—
 - (a) any matters specified in the Statewide Treaty; and
 - (b) without limiting paragraph (a), any matters relating to the manner of consultation with the First Peoples' Assembly during the development of any policy that is specifically directed to First Peoples.
-

- (3) A failure to develop guidelines or to comply with the guidelines does not, of itself—
 - (a) affect the validity or operation of any Act or subordinate instrument or any provision of an Act or subordinate instrument; and
 - (b) affect the validity of any act or decision or provide grounds for review of any act or decision.

Note

See also the Treaty principles set out in section 8A of the **Public Administration Act 2004**.

Division 7—Representations and submissions to authorities and State-funded service providers

89 Representations to authorities and State-funded service providers

- (1) From time to time, the First Peoples' Assembly, on its own initiative, may—
 - (a) make written submissions to an authority about the provision of services or administration of programs by that authority to or in relation to First Peoples; and
 - (b) ask questions, in writing, of an authority about the provision of services or administration of programs by that authority to or in relation to First Peoples.
 - (2) From time to time, the First Peoples' Assembly, on its own initiative, may—
 - (a) make written submissions to a State-funded service provider about the provision of services or administration of programs by that provider to First Peoples; and
-

- (b) ask questions, in writing, of a State-funded service provider about the provision of services or administration of programs by that provider to First Peoples.
 - (3) The authority or State-funded service provider must respond in writing to the First Peoples' Assembly within 60 days after receiving any submission or questions, unless a longer period is agreed to by the First Peoples' Assembly.
 - (4) Subject to section 140, the response must—
 - (a) in the case of questions, answer any questions or set out reasons why the authority or service provider is unable to answer any question; and
 - (b) in the case of a submission, set out the actions taken or proposed to be taken in response to the advice or, if no actions are taken or proposed to be taken, the reasons for this.
 - (5) Subject to this Act and any other Act, the First Peoples' Assembly may publish any submissions or questions given to an authority or State-funded service provider under this section.
 - (6) A failure to consider or respond to any submission or question given under this section does not, of itself—
 - (a) create any legal right or give rise to any civil cause of action; or
 - (b) affect the validity of any act or decision or any Act or subordinate instrument, or any provision of an Act or subordinate instrument, or provide grounds for review of any act or decision.
-

- (7) The consideration of a submission or question received under this section does not, of itself—
- (a) create any legal right or give rise to any civil cause of action; or
 - (b) affect the validity of any act or decision or any Act or subordinate instrument, or any provision of an Act or subordinate instrument, or provide grounds for review of any act or decision.

Division 8—General

90 Statutory obligations to consult

Nothing in this Part limits a requirement under any other Act to consult the First Peoples' Assembly in relation to an administrative decision.

Note

See section 23B(4A) of the **Aboriginal Lands Act 1970**.

Part 9—Nginma Ngainga Wara

Division 1—Preliminary

91 Object of this Part

The object of this Part is to establish Nginma Ngainga Wara within Gellung Warl, governed by rules provided for in Part 4, in order to—

- (a) provide for greater accountability for the State's actions and impacts on First Peoples; and
- (b) address the significant disadvantage of First Peoples; and
- (c) support the enduring transformation of State government by identifying and recommending measures to eliminate institutional racism, discrimination and unconscious bias and to embed cultural safety; and
- (d) support self-determined and better outcomes for First Peoples, benefitting the Victorian community as a whole.

Division 2—Nginma Ngainga Wara

92 Nginma Ngainga Wara

- (1) Nginma Ngainga Wara is established.

Note

"Nginma Ngainga Wara" is Wadi Wadi language. It is pronounced "Ng-in-ma Ng-eye-nga Wa-ra".

- (2) Nginma Ngainga Wara consists of the persons appointed as Nginma Ngainga Wara members by the First Peoples' Assembly under section 100.
-

93 Purposes of Nginma Ngainga Wara

The purposes of Nginma Ngainga Wara are—

- (a) to evaluate and monitor the actions and performance of State government towards achieving State government outcomes directed to First Peoples; and
- (b) to evaluate and monitor the actions and performance of State government towards implementing the recommendations of the Yoorrook Justice Commission; and
- (c) to recommend to the First Peoples' Assembly practical and feasible measures to improve outcomes for First Peoples.

94 Functions of Nginma Ngainga Wara

(1) Nginma Ngainga Wara has the following functions—

- (a) to conduct ongoing monitoring of the impacts of State government performance and actions on First Peoples, including—
 - (i) the performance of State government towards achieving State government outcomes directed to First Peoples; and
 - (ii) the performance of State government towards the elimination of institutional racism, discrimination and unconscious bias and embedding of cultural safety;
 - (b) to monitor implementation of the recommendations of the Yoorrook Justice Commission;
 - (c) to conduct research;
 - (d) to conduct inquiries;
-

- (e) to provide information to the First Peoples' Assembly and to Nyerna Yoorrook Telkuna to inform the performance of their functions and exercise of their powers;
- (f) to make recommendations and propose solutions to the First Peoples' Assembly;
- (g) to liaise with other entities in the conduct of its functions;
- (h) any other function conferred on Nginma Ngainga Wara by or under this Act or any other Act.

- (2) Nginma Ngainga Wara is to carry out its functions in accordance with this Act and the internal rules.

95 Powers of Nginma Ngainga Wara

- (1) Nginma Ngainga Wara has powers to do all things that are necessary or convenient to be done for or in connection with the performance of its functions.
- (2) Nginma Ngainga Wara is to exercise its powers in accordance with this Act and the internal rules.

96 Content of recommendations and solutions

- (1) In developing recommendations or solutions under this section, Nginma Ngainga Wara may consult with any person, including any expert who is not a Gellung Warl official.
 - (2) Nginma Ngainga Wara may make recommendations or propose solutions that Nginma Ngainga Wara considers appropriate to improve outcomes for First Peoples including by—
 - (a) ensuring law, policy or practice is in line with evidence-based best practice; and
-

- (b) removing defects, systemic racism, discrimination and bias in law, policy or practice; and
 - (c) strengthening law, policy or practice; and
 - (d) simplifying law, policy or practice; and
 - (e) adopting new or more effective methods of practice for developing and administering the law and dispensing justice or implementing policy.
- (3) Any recommendations made or solutions proposed by Nginma Ngainga Wara must consider budgetary impacts and available resourcing and be practical and capable of implementation by State government.

97 Annual forward plan

- (1) Nginma Ngainga Wara must prepare an annual forward plan that outlines the work proposed to be undertaken by Nginma Ngainga Wara in the 12 month period to which the plan relates.
 - (2) An annual forward plan must be prepared—
 - (a) in accordance with any internal rules; and
 - (b) after any consultation required by the internal rules.
 - (3) The annual forward plan must be approved by the First Peoples' Assembly in accordance with the internal rules.
 - (4) The annual forward plan does not limit the functions of Nginma Ngainga Wara or prevent Nginma Ngainga Wara undertaking work not outlined in the forward plan.
-

98 Delegation

Nginma Ngainga Wara may delegate any of its functions or powers to any Nginma Ngainga Wara staff member (including any contractor) employed or engaged by the Chief Executive Officer except—

- (a) this power of delegation; and
- (b) any function or power in Division 4.

99 Independence of Nginma Ngainga Wara

Except where expressly provided by this Act or the internal rules, Nginma Ngainga Wara is not subject to the direction or control of the First Peoples' Assembly in respect of the performance of its functions or the exercise of its powers.

Division 3—Appointment of Nginma Ngainga Wara members

100 Appointment as Nginma Ngainga Wara member

- (1) The First Peoples' Assembly must appoint at least 2 but not more than 3 eligible persons as Nginma Ngainga Wara members.
 - (2) The First Peoples' Assembly may appoint a person in accordance with the internal rules if it is of the opinion that the person has the skills and experience necessary for Nginma Ngainga Wara to perform its functions.
 - (3) A person is not eligible for appointment as a Nginma Ngainga Wara member if the person—
 - (a) is a member of the Parliament of Victoria or the Parliament of the Commonwealth or the Parliament of another State or a Territory; or
 - (b) is employed as a Ministerial officer, a Parliamentary officer or an electorate officer by a member of the Parliament of Victoria or
-

- in a corresponding position (however designated) by, or for, a member of the Parliament of the Commonwealth or the Parliament of another State or a Territory; or
- (c) is a Councillor of a Council constituted under the **Local Government Act 2020** or a member of a corresponding body (however designated) under an Act of another State or a Territory; or
 - (d) is a member of Council staff within the meaning of the **Local Government Act 2020** or in a corresponding position (however designated) under an Act of another State or a Territory; or
 - (e) is a member of the Treaty Authority or holds a paid position with the Treaty Authority; or
 - (f) is the Chief Executive Officer; or
 - (g) is a member of the First Peoples' Assembly, a Nyerna Yoorrook Telkuna member or a Gellung Warl staff member or holds a paid position with Gellung Warl; or
 - (h) is a public sector employee within the meaning of the **Public Administration Act 2004** or in a corresponding position (however designated) under an Act of the Commonwealth or of another State or a Territory; or
 - (i) has property that is subject to control under the law relating to bankruptcy; or
 - (j) is disqualified from managing corporations under Part 2D.6 of the Corporations Act; or
 - (k) is currently held in a prison; or
-

- (l) is subject to an order under the **Crimes (Mental Impairment and Unfitness to be Tried) Act 1997**; or
- (m) has been sentenced to a term of imprisonment for an indictable offence and is subject to a parole order that includes a travel restriction condition.

101 Suspension of Nginma Ngainga Wara member

- (1) A Nginma Ngainga Wara member may be suspended in accordance with the internal rules.
- (2) If a Nginma Ngainga Wara member is suspended in accordance with the internal rules, the member must not perform any functions or exercise any powers of a member of Nginma Ngainga Wara for the period of the suspension.

102 Resignation and removal from office

- (1) A Nginma Ngainga Wara member may resign the member's office in writing delivered to the First Peoples' Assembly.
- (2) The First Peoples' Assembly may remove a Nginma Ngainga Wara member from office in accordance with the internal rules.

Division 4—Inquiries

103 Inquiries

Subject to section 105, Nginma Ngainga Wara may conduct an inquiry into any structural or systemic matter that Nginma Ngainga Wara considers requires the attention of the First Peoples' Assembly relating to any of the following—

- (a) institutional racism, discrimination, unconscious bias or a lack of cultural safety;
-

- (b) performance of any agency or Minister in relation to impacts on First Peoples including in relation to State government outcomes directed to First Peoples relevant to that agency's or Minister's functions;
- (c) implementation of any recommendation made by the Yoorrook Justice Commission by an agency or Minister.

Note

Nginma Ngainga Wara may refer matters including those relating to individuals to other persons and bodies—see section 113.

104 First Peoples' Assembly may direct Nginma Ngainga Wara to conduct inquiry

- (1) The First Peoples' Assembly may refer to Nginma Ngainga Wara for inquiry any of the following matters if the First Peoples' Assembly considers it requires recommendations on the matter—
 - (a) institutional racism, discrimination, unconscious bias or a lack of cultural safety;
 - (b) performance of any agency or Minister in relation to impacts on First Peoples including in relation to State government outcomes directed to First Peoples relevant to that agency's or Minister's functions;
 - (c) implementation of any recommendation made by the Yoorrook Justice Commission by an agency or Minister.
 - (2) Subject to section 106, Nginma Ngainga Wara must conduct an inquiry into any matter referred by the First Peoples' Assembly unless—
 - (a) Nginma Ngainga Wara determines that the matter is not a matter specified in subsection (1); or
-

- (b) Nginma Ngainga Wara determines that the matter is not systemic or structural; or
- (c) Nginma Ngainga Wara determines that it does not have sufficient resources to conduct the inquiry; or
- (d) Nginma Ngainga Wara refers the matter under section 113; or

Note

Nginma Ngainga Wara may refer matters including those relating to individuals to other persons and bodies—see section 113.

- (e) Nginma Ngainga Wara considers that the inquiry could prejudice any legal proceeding or any investigation of a law enforcement agency; or
 - (f) Nginma Ngainga Wara considers that the matter has already been investigated by another person or body with jurisdiction.
- (3) Nginma Ngainga Wara must notify the First Peoples' Assembly in writing of a determination or referral under subsection (2).

105 Limit on inquiry subject matter

- (1) Unless the Minister having responsibility for the subject matter of the proposed inquiry agrees under subsection (3), Nginma Ngainga Wara must not conduct an inquiry into a matter if within the previous 12 months, it has already conducted an inquiry into that matter.
 - (2) If, having regard to the seriousness of a matter, Nginma Ngainga Wara is satisfied that it is reasonable to conduct more than one inquiry into that matter within a 12 month period, it may recommend to the Minister having responsibility for the subject matter of the proposed inquiry that a further inquiry be conducted.
-

- (3) The Minister having responsibility for the subject matter of the proposed inquiry may agree to the inquiry being conducted if satisfied that it is reasonable to conduct another inquiry having regard to the seriousness of the matter.

106 Nginma Ngainga Wara to conduct inquiry as it thinks fit

- (1) Nginma Ngainga Wara may conduct an inquiry in any manner it considers fit, subject to—
- (a) the requirements of procedural fairness; and
 - (b) this Act; and
 - (c) the internal rules.
- (2) Without limiting subsection (1), for the purpose of conducting an inquiry, Nginma Ngainga Wara may—
- (a) receive submissions from any person or body;
 - (b) invite any person or body to appear or otherwise participate in the inquiry.

107 Nginma Ngainga Wara may request information and documents

For the purpose of conducting an inquiry, Nginma Ngainga Wara may request a Minister or an agency head or an agency to give Nginma Ngainga Wara any information or any document that Nginma Ngainga Wara is reasonably satisfied is relevant to the subject matter of the inquiry.

108 Nginma Ngainga Wara may request Minister or agency head to attend

For the purpose of conducting an inquiry, Nginma Ngainga Wara may request the attendance of a Minister or an agency head for interview to answer questions that Nginma Ngainga Wara is

reasonably satisfied are relevant to the subject matter of the inquiry.

109 Outcome of inquiry

- (1) Nginma Ngainga Wara must give to the First Peoples' Assembly a report of the inquiry.
- (2) In preparing the report, Nginma Ngainga Wara must take into account all relevant information received by it in the course of conducting the inquiry.

Division 5—Monitoring and research

110 Monitoring reports

- (1) Nginma Ngainga Wara may at any time give a report to the First Peoples' Assembly about its ongoing evaluation or monitoring activities.
- (2) In addition, once a year the First Peoples' Assembly may request Nginma Ngainga Wara to give a report to the First Peoples' Assembly about its ongoing evaluation or monitoring activities.

111 Research by Nginma Ngainga Wara

- (1) The First Peoples' Assembly may refer to Nginma Ngainga Wara for research any of the following matters—
 - (a) institutional racism, discrimination, unconscious bias or a lack of cultural safety;
 - (b) performance of any agency or Minister in relation to impacts on First Peoples including in relation to State government outcomes directed to First Peoples relevant to that agency's or Minister's functions;
 - (c) implementation of any recommendation made by the Yoorrook Justice Commission by an agency or Minister.
-

- (2) Nginma Ngainga Wara must undertake research into any matter referred by the First Peoples' Assembly unless Nginma Ngainga Wara determines—
 - (a) that the matter is not a matter specified in subsection (1); or
 - (b) that it does not have sufficient resources to undertake the research.
- (3) Nginma Ngainga Wara must notify the First Peoples' Assembly in writing of a determination under subsection (2).
- (4) Nginma Ngainga Wara, on its own initiative, may conduct research on any matter referred to in subsection (1).

112 Research reports

- (1) Nginma Ngainga Wara—
 - (a) must report to the First Peoples' Assembly about any research conducted as directed under section 111; and
 - (b) may report to the First Peoples' Assembly about any research conducted on its own initiative.
- (2) In addition, once a year the First Peoples' Assembly may request Nginma Ngainga Wara to give a report to the First Peoples' Assembly about its research activities.

Division 6—Referral

113 Nginma Ngainga Wara may refer matters

- (1) Nginma Ngainga Wara may refer a matter, including a matter relating to an individual, to a person or body specified in Schedule 4 if Nginma Ngainga Wara considers that—
-

- (a) the matter is relevant to the performance of the functions or the exercise of powers of the other person or body; and
 - (b) the matter could be more effectively or appropriately dealt with by that other person or body.
- (2) When referring a matter under subsection (1), Nginma Ngainga Wara may advise the person or body that Nginma Ngainga Wara considers that the matter should be dealt with urgently.

Division 7—Information and reports

114 De-identified data agreements

- (1) Nginma Ngainga Wara and an agency may make an agreement that provides for the agency to give de-identified data to Nginma Ngainga Wara for the purposes of conducting monitoring and evaluation, research or an inquiry.
- (2) Without limiting subsection (1), a de-identified data agreement must—
- (a) specify the type of de-identified data to be provided; and
 - (b) specify the purpose for which the de-identified data is to be provided.
- (3) In this section—

data means any facts, statistics, instructions, concepts or other information in a form that is capable of being communicated, analysed or processed (whether by an individual or by a computer or other automated means);

de-identified, in relation to data, means data that no longer relates to an identifiable individual or an individual who can be reasonably identified.

115 Access to reports

Nginma Ngainga Wara or a Nginma Ngainga Wara staff member must not—

- (a) publish a report of an inquiry, a monitoring report or a research report; or
- (b) give a report of an inquiry, a monitoring report or a research report to any person other than the First Peoples' Assembly.

Note

A report cannot include restricted Nginma Ngainga Wara information without consent—see Part 11.

116 First Peoples' Assembly may publish reports

- (1) Subject to this section, the First Peoples' Assembly may publish any report of an inquiry, monitoring report or research report.
 - (2) The First Peoples' Assembly must not publish a report or any part of that report that Nginma Ngainga Wara has notified the First Peoples' Assembly is not to be published.
 - (3) The First Peoples' Assembly must not publish a report or any part of that report that is restricted Nginma Ngainga Wara information unless Nginma Ngainga Wara notifies the First Peoples' Assembly that the entity that gave the information to Nginma Ngainga Wara has consented to the publication of that information.
 - (4) For the purposes of subsection (3), if the restricted Nginma Ngainga Wara information is also culturally sensitive or culturally secret information, consent to publication is to be given in accordance with the internal rules.
-

Part 10—Nyerna Yoorrook Telkuna

117 Object of this Part

The object of this Part is to establish Nyerna Yoorrook Telkuna within Gellung Warl, governed by rules provided for in Part 4, in order to—

- (a) provide for non-judicial and self-determined truth-telling across Victoria that is capable of being localised and place-based; and
- (b) allow for the sharing and recording of experiences of historical events and the impact of colonisation on First Peoples; and
- (c) support the aim of enabling healing for First Peoples and healing between First Peoples and the broader community.

118 Nyerna Yoorrook Telkuna

- (1) Nyerna Yoorrook Telkuna is established.

Note

"Nyerna Yoorrook Telkuna" is Wamba Wamba / Wemba Wemba language. It is pronounced "Nyern-ah Yoo-rrook Terl-kun-ah".

- (2) Nyerna Yoorrook Telkuna consists of the persons appointed as Nyerna Yoorrook Telkuna members by the First Peoples' Assembly.
 - (3) Without limiting subsection (2), a person may be appointed as a Nyerna Yoorrook Telkuna member in relation to specific places.
 - (4) An appointment as a Nyerna Yoorrook Telkuna member in relation to a specific place does not limit the powers or functions of that member.
-

119 Purposes of Nyerna Yoorrook Telkuna

- (1) The purposes of Nyerna Yoorrook Telkuna are—
- (a) to facilitate truth-telling about historical events, including any continuing impacts, and ongoing healing and reconciliation; and
 - (b) to collect information on the impact of colonisation on First Peoples and Victoria's history; and
 - (c) to maintain an archive of truth-telling information on the impact of colonisation on First Peoples and Victoria's history collected in the performance of its functions under this Part.

- (2) In this Part—

historical events means events occurring in the time period before 14 May 2021.

Note

A copy of the letters patent under section 5 of the **Inquiries Act 2014** appointing the Commissioners for the Yoorrook Justice Commission was published in the Government Gazette on 14 May 2021.

120 Truth-telling principles

- (1) Truth-telling is to be—
- (a) self-determined by First Peoples; and
 - (b) non-judicial; and
 - (c) trauma-informed, including by being embedded in an understanding of ongoing and intergenerational impacts; and
 - (d) capable of being localised and place-based; and
 - (e) led by First Peoples, with clear roles for and involvement of members of the Victorian community who are not First Peoples; and
-

- (f) conducted to further promote and support the transformation of Victoria towards healing, reconciliation, understanding and truth.
- (2) Nyerna Yoorrook Telkuna is to be guided by the truth-telling principles in the performance of its functions and exercise of its powers.
- (3) The First Peoples' Assembly is to be guided by the truth-telling principles in making internal rules relating to Nyerna Yoorrook Telkuna.

121 Functions of Nyerna Yoorrook Telkuna

- (1) Nyerna Yoorrook Telkuna has the following functions—
 - (a) to promote ongoing truth-telling about historical events including their continuing impacts;
 - (b) to receive and to collect truth-telling information about historical events, including information specific to place and collected on Country;
 - (c) to hold an archive of truth-telling information collected under this Part and to publish material contained in it as authorised by this Act and in accordance with the internal rules;
 - (d) to promote ongoing healing and reconciliation;
 - (e) to promote ongoing understanding of local history and place;
 - (f) to conduct research;
 - (g) to provide information to the First Peoples' Assembly and to Nginma Ngainga Wara to inform the performance of their functions and exercise of their powers;
-

- (h) to provide ongoing education about the impacts of colonisation on First Peoples and about the diversity, strength and resilience of First Peoples;
- (i) to manage and hold records of the Yoorrook Justice Commission transferred to it, other than any record that is required under the **Inquiries Act 2014** or the **Public Records Act 1973** to be transferred to the Secretary to the Department of Premier and Cabinet or the Keeper of Public Records;

Example

The publicly accessible records and website of the Yoorrook Justice Commission currently held by the State Library of Victoria.

- (j) any other functions under this Act or the internal rules.
- (2) Nyerna Yoorrook Telkuna is to perform its functions in accordance with this Act and the internal rules.

122 Powers of Nyerna Yoorrook Telkuna

- (1) Nyerna Yoorrook Telkuna has powers to do all things that are necessary or convenient to be done for or in connection with the performance of its functions.
- (2) Nyerna Yoorrook Telkuna is to exercise its powers in accordance with this Act and the internal rules.

123 Delegation

Nyerna Yoorrook Telkuna may delegate any of its functions or powers to any Nyerna Yoorrook Telkuna staff member (including any contractor) employed or engaged by the Chief Executive Officer except this power of delegation.

124 Independence of Nyerna Yoorrook Telkuna

Except where expressly provided by this Act or the internal rules, Nyerna Yoorrook Telkuna is not subject to the direction or control of the First Peoples' Assembly in respect of the performance of its functions or the exercise of its powers.

125 Appointment as a Nyerna Yoorrook Telkuna member

- (1) The First Peoples' Assembly must appoint 3 persons as Nyerna Yoorrook Telkuna members in accordance with the internal rules.
 - (2) The First Peoples' Assembly may appoint a person if it is of the opinion that—
 - (a) the person has the skills and experience necessary for Nyerna Yoorrook Telkuna to perform its functions; and
 - (b) if the person were appointed, Nyerna Yoorrook Telkuna would broadly reflect the diversity of the experiences and views of First Peoples and other Victorians.
 - (3) A person is not eligible for appointment as a Nyerna Yoorrook Telkuna member if the person—
 - (a) is a member of the Parliament of Victoria or the Parliament of the Commonwealth or the Parliament of another State or a Territory; or
 - (b) is employed as a Ministerial officer, a Parliamentary officer or an electorate officer by a member of the Parliament of Victoria or in a corresponding position (however designated) by, or for, a member of the Parliament of the Commonwealth or the Parliament of another State or a Territory; or
-

- (c) is a Councillor of a Council constituted under the **Local Government Act 2020** or a member of a corresponding body (however designated) under an Act of another State or a Territory; or
 - (d) is a member of Council staff within the meaning of the **Local Government Act 2020** or in a corresponding position (however designated) under an Act of another State or a Territory; or
 - (e) is a member of the Treaty Authority or holds a paid position with the Treaty Authority; or
 - (f) is the Chief Executive Officer; or
 - (g) is a member of the First Peoples' Assembly, a Nginma Ngainga Wara member or a Gellung Warl staff member or holds a paid position with Gellung Warl; or
 - (h) is a public sector employee within the meaning of the **Public Administration Act 2004** or in a corresponding position (however designated) under an Act of the Commonwealth or of another State or a Territory; or
 - (i) has property that is subject to control under the law relating to bankruptcy; or
 - (j) is disqualified from managing corporations under Part 2D.6 of the Corporations Act; or
 - (k) is currently held in a prison; or
 - (l) is subject to an order under the **Crimes (Mental Impairment and Unfitness to be Tried) Act 1997**; or
-

- (m) has been sentenced to a term of imprisonment for an indictable offence and is subject to a parole order that includes a travel restriction condition.

126 Suspension of Nyerna Yoorrook Telkuna member

- (1) A Nyerna Yoorrook Telkuna member may be suspended in accordance with the internal rules.
- (2) If a Nyerna Yoorrook Telkuna member is suspended in accordance with the internal rules, the member must not perform any functions or exercise any powers of a member of Nyerna Yoorrook Telkuna for the period of the suspension.

127 Resignation and removal from office

- (1) A Nyerna Yoorrook Telkuna member may resign the member's office in writing delivered to the First Peoples' Assembly.
- (2) The First Peoples' Assembly may remove a Nyerna Yoorrook Telkuna member from office in accordance with the internal rules.

128 Collection of information by Nyerna Yoorrook Telkuna

Nyerna Yoorrook Telkuna may collect and hold personal information in accordance with the internal rules.

Note

Information specified as confidential at the time of collection is restricted Nyerna Yoorrook Telkuna information. See the definition of *restricted Nyerna Yoorrook Telkuna information* in section 4.

129 Publication of truth-telling information

- (1) Subject to subsection (2), Nyerna Yoorrook Telkuna may publish information in accordance with the internal rules.
-

- (2) Nyerna Yoorrook Telkuna must not publish—
- (a) any information that is not otherwise permitted to be published under any other Act; or
 - (b) any restricted information unless—
 - (i) in the case of restricted information that is culturally sensitive or culturally secret information, consent to publication is given in accordance with the internal rules; or
 - (ii) in any other case, the entity that gave the information to the First Peoples' Assembly, Nyerna Yoorrook Telkuna or Nginma Ngainga Wara (as the case requires) consents to the publication; or
 - (c) any culturally sensitive or culturally secret information unless consent to publication is given in accordance with the internal rules.

Note

Information specified as confidential by the entity which gave the information to the First Peoples' Assembly, Nyerna Yoorrook Telkuna or Nginma Ngainga Wara is restricted information. See the definitions of *restricted information*, *restricted First Peoples' Assembly information*, *restricted Nyerna Yoorrook Telkuna information* and *restricted Nginma Ngainga Wara information* in section 4.

Part 11—Information sharing and confidentiality

Division 1—Preliminary

130 Objects of this Part

The objects of this Part are—

- (a) to provide for the First Peoples' Assembly to self-determine Gellung Warl's record and information processes in a manner that—
 - (i) recognises the importance of transparent and accountable public record and information management; and
 - (ii) accounts for the information requirements of the ongoing Statewide Treaty-making process and the evolving relationship and mutual obligations between Gellung Warl and the State; and
 - (iii) is consistent with other Acts; and
 - (b) to ensure restricted information provided to the First Peoples' Assembly, Nginma Ngainga Wara or Nyerna Yoorrook Telkuna or their respective staff is treated in accordance with the arrangements established under this Act, other laws and the first Statewide Treaty; and
 - (c) to support Indigenous data sovereignty and First Peoples' self-determination over culturally sensitive or culturally secret information held by Gellung Warl.
-

Division 2—Restricted information

131 Restricted First Peoples' Assembly information not to be disclosed to Nginma Ngainga Wara or Nyerna Yoorrook Telkuna

- (1) A member of the First Peoples' Assembly, the Chief Executive Officer or a First Peoples' Assembly staff member must not disclose restricted First Peoples' Assembly information to Nginma Ngainga Wara or Nyerna Yoorrook Telkuna unless the entity which gave the information to the First Peoples' Assembly consents to the disclosure.
- (2) If restricted First Peoples' Assembly information is disclosed under subsection (1) to Nginma Ngainga Wara or Nyerna Yoorrook Telkuna, unless the entity which gave the information to the First Peoples' Assembly consents—
 - (a) a Nginma Ngainga Wara member or a Nginma Ngainga Wara staff member must not disclose that information to Nyerna Yoorrook Telkuna; and
 - (b) a Nyerna Yoorrook Telkuna member or a Nyerna Yoorrook Telkuna staff member must not disclose that information to Nginma Ngainga Wara.

132 Restricted Nginma Ngainga Wara information not to be disclosed to the First Peoples' Assembly or Nyerna Yoorrook Telkuna

- (1) A Nginma Ngainga Wara member, the Chief Executive Officer or a Nginma Ngainga Wara staff member must not disclose restricted Nginma Ngainga Wara information, including in any report under Part 9, to the First Peoples' Assembly or Nyerna Yoorrook Telkuna unless the entity which gave the information to Nginma Ngainga Wara consents to the disclosure.
- (2) If restricted Nginma Ngainga Wara information is disclosed under subsection (1) to the First Peoples' Assembly or Nyerna Yoorrook Telkuna, unless the entity which gave the information to Nginma Ngainga Wara consents—
 - (a) a member of the First Peoples' Assembly or a First Peoples' Assembly staff member must not disclose that information to Nyerna Yoorrook Telkuna; and
 - (b) a Nyerna Yoorrook Telkuna member or a Nyerna Yoorrook Telkuna staff member must not disclose that information to the First Peoples' Assembly.

133 Restricted Nyerna Yoorrook Telkuna information not to be disclosed to First Peoples' Assembly or Nginma Ngainga Wara

- (1) A Nyerna Yoorrook Telkuna member, the Chief Executive Officer or a Nyerna Yoorrook Telkuna staff member must not disclose restricted Nyerna Yoorrook Telkuna information to the First Peoples' Assembly or Nginma Ngainga Wara unless the entity which gave the information to Nyerna Yoorrook Telkuna consents to the disclosure.
-

- (2) If restricted Nyerna Yoorrook Telkuna information is disclosed under subsection (1) to the First Peoples' Assembly or Nginma Ngainga Wara, unless the entity which gave the information to Nyerna Yoorrook Telkuna consents—
- (a) a member of the First Peoples' Assembly or a First Peoples' Assembly staff member must not disclose that information to Nginma Ngainga Wara; and
 - (b) a Nginma Ngainga Wara member or Nginma Ngainga Wara staff member must not disclose that information to the First Peoples' Assembly.

134 Consent to disclosure of restricted information that is culturally sensitive or culturally secret information

For the purposes of this Division, consent to disclosure of restricted information that is culturally sensitive or culturally secret information is to be given in accordance with the internal rules.

135 Limitation on consent—disclosure that would be otherwise prohibited

Despite anything to the contrary in this Division, an entity must not consent to a disclosure of restricted information that would otherwise be prohibited by or under this Act or any other Act.

Division 3—Disclosure by Gellung Warl official to external entities

136 Disclosure of culturally sensitive or culturally secret information

- (1) A Gellung Warl official must not disclose culturally sensitive or culturally secret information to an entity unless the disclosure is made with consent given in accordance with the internal rules.
- (2) This section does not apply to a disclosure made—
 - (a) to a court or tribunal in the course of any legal proceeding or pursuant to an order of the court or a tribunal; or
 - (b) to an integrity agency; or
 - (c) to a law enforcement agency for a law enforcement purpose; or
 - (d) to another Gellung Warl official.

Note

Restrictions apply to disclosure between Gellung Warl officials of culturally sensitive or culturally secret information that is also restricted information—see Division 2.

- (3) This section does not apply in relation to any information in a document that is required to be given to the Keeper of Public Records under the **Public Records Act 1973**.

137 Copy of guidelines for handling culturally sensitive or culturally secret information

Any culturally sensitive or culturally secret information that is permitted to be given to any entity may be accompanied by a copy of the guidelines made by the First Peoples' Assembly regarding handling of that information.

138 External disclosure of restricted information or confidential information prohibited

- (1) A Gellung Warl official must not disclose information obtained by that Gellung Warl official in the course of performing their functions or exercising their powers under this Act or any other Act to an entity if the information is—
 - (a) restricted information; or
 - (b) any other kind of information specified in the internal rules to be confidential information.
- (2) This section does not apply to—
 - (a) culturally sensitive or culturally secret information (whether or not it is also restricted information); or

Note

See section 136 in relation to disclosure of culturally sensitive or culturally secret information.

- (b) a disclosure of information to another Gellung Warl official.

Note

Restrictions apply to disclosure between Gellung Warl officials of restricted information— see Division 2.

139 Exception—disclosure of information for permitted purpose

Despite section 138, a Gellung Warl official may disclose information to which that section applies if—

- (a) the disclosure is made to a court or tribunal in the course of legal proceedings or pursuant to an order of the court or a tribunal; or
 - (b) the disclosure is made to a law enforcement agency or an integrity agency; or
-

- (c) the disclosure is permitted, required or authorised by or under this Act or any other Act.

Note

Disclosure of information may be required under other Acts, for example, section 143 of the **Independent Broad-based Anti-corruption Commission Act 2011**.

Division 4—Protection of confidentiality and privileges

140 Protection of confidentiality and privileges

- (1) Nothing in this Act requires or authorises disclosure to Gellung Warl of information, including personal information and health information, that is—
 - (a) subject to—
 - (i) parliamentary privilege; or
 - (ii) public interest immunity; or
 - (iii) legal professional privilege; or
 - (b) prohibited from disclosure to Gellung Warl by an order of a court or tribunal; or
 - (c) not otherwise authorised or permitted to be disclosed to Gellung Warl by or under any other Act or law, or any Act or law of the Commonwealth or another State or a Territory; or
 - (d) the subject of Cabinet confidentiality.
 - (2) Without limiting subsection (1), nothing in this Act requires a natural person to give information or documents to Gellung Warl, or to attend or answer any question if the information, document, answer or attendance might tend to incriminate the person or make the person liable to a penalty in relation to—
-

- (a) any proceeding for an offence with which the person has been charged that has not finally been disposed of; or
- (b) any proceeding for the imposition or recovery of a penalty that has been commenced against the person but not finally disposed of.

Division 5—Application of Freedom of Information Act 1982

141 Exemption from Freedom of Information Act 1982

- (1) The **Freedom of Information Act 1982** does not apply to a document in the possession of Nginma Ngainga Wara, Nyerna Yoorrook Telkuna or the First Peoples' Assembly that is—
 - (a) restricted Nginma Ngainga Wara information; or
 - (b) a report of an inquiry under Division 4 of Part 9.
- (2) In this section—

document has the same meaning as in the **Freedom of Information Act 1982**.

Part 12—Financial and annual reporting

142 Objects of this Part

The objects of this Part are—

- (a) to establish principles to inform the ongoing funding arrangements that are agreed between the State and Gellung Warl; and
- (b) to secure the funding of Gellung Warl by means of defined and legislated appropriations of the Consolidated Fund; and
- (c) to specify legal requirements necessary to ensure the appropriate financial management of Gellung Warl and protect its financial integrity; and
- (d) to require the annual reporting of certain matters.

143 General funding arrangements

- (1) The State and Gellung Warl, by agreement, must establish and implement funding arrangements that operate according to the following principles—
 - (a) **self-determination and autonomy**—Gellung Warl has the autonomy to set its own priorities and allocate its resources;
 - (b) **sufficiency**—Gellung Warl should have access to sufficient resources to discharge its obligations;
 - (c) **stability**—funding arrangements should be reasonably stable and predictable over time, to support sensible planning and good financial management;
 - (d) **flexibility**—funding arrangements should be flexible so as to keep pace with Gellung Warl's obligations as they evolve;
-

- (e) **transparency**—funding arrangements should be transparent and open to public view;
 - (f) **sustainability and affordability**—funding arrangements should be sustainable and affordable for the State;
 - (g) **accountability**—Gellung Warl is accountable to First Peoples;
 - (h) **simplicity**—funding arrangements should be simple and straightforward to implement.
- (2) The funding arrangements must be reviewed in accordance with the principles set out in subsection (1) at least once every 4 years unless the State and Gellung Warl agree that a review is not needed.

144 Funding for Gellung Warl from Consolidated Fund

- (1) In the financial year 2025–2026 and each subsequent financial year there is to be paid out of the Consolidated Fund (which is appropriated to the necessary extent) an amount not exceeding the amount specified in Table 1 to be applied towards—
- (a) in 2025–2026—
 - (i) the costs and expenses incurred in establishing Gellung Warl; and
 - (ii) the costs and expenses incurred by Gellung Warl in the performance of its functions and exercise of its powers; and
 - (b) in subsequent financial years, the costs and expenses incurred by Gellung Warl in the performance of its functions and exercise of its powers.
-

Statewide Treaty Act 2025
No. of 2025

Part 12—Financial and annual reporting

Table 1

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Financial year</i>	<i>Maximum amount appropriated</i>
1	2025–2026	\$3 000 000
2	2026–2027	\$23 805 000
3	2027–2028	\$71 010 000
4	2028–2029	\$72 179 000
5	2029–2030 and each subsequent financial year	102.5% of the maximum amount appropriated for the previous financial year

- (2) In addition to subsection (1), in the financial years 2026–2027 to 2028–2029 there is to be paid out of the Consolidated Fund (which is appropriated to the necessary extent) an amount not exceeding the amount specified in Table 2 for use as capital expenditure by Gellung Warl.

Table 2

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Financial year</i>	<i>Maximum amount appropriated</i>
1	2026–2027	\$20 950 000
2	2027–2028	\$15 450 000
3	2028–2029	\$400 000

- (3) An amount appropriated under subsection (1) or (2) but not applied in a financial year may be applied in the following financial year.
- (4) Any surplus money appropriated under subsection (1) or unspent capital expenditure referred to in subsection (2) that is not required for the costs and expenses incurred in establishing

Gellung Warl or incurred by Gellung Warl in the performance of functions and exercise of powers may be paid into the Self-Determination Fund or used for investment purposes.

145 Minister and Treasurer may agree to additional funding out of the Consolidated Fund

- (1) The Minister and Treasurer may agree for amounts, in addition to those appropriated under section 144, to be paid in a financial year to Gellung Warl for specified purposes.
- (2) The Treasurer must publish notice of an agreement under subsection (1) in the Government Gazette.
- (3) A notice under subsection (2) must specify—
 - (a) the amount agreed by the Minister and Treasurer to be paid to Gellung Warl; and
 - (b) the purpose for the payment of the amount; and
 - (c) the financial year in which the amount is to be paid to Gellung Warl.
- (4) On publication of a notice under subsection (2), there is to be paid out of the Consolidated Fund (which is appropriated to the necessary extent), in the financial year specified in the notice, the amount specified for payment to Gellung Warl.

146 Dealing with money

- (1) Gellung Warl must establish and maintain one or more accounts with one or more ADIs.

Note

See section 38 of the **Interpretation of Legislation Act 1984** which provides that an ADI means authorised deposit-taking institution within the meaning of the Banking Act 1959 of the Commonwealth.

- (2) Subject to section 58(3), all money received by Gellung Warl must be paid into an account established under subsection (1) and is not required to be credited to the Consolidated Fund under section 9 of the **Financial Management Act 1994**.

Note

Section 58(3) provides for money received as a debt due to Gellung Warl for an election campaign donation which was accepted in contravention of the electoral rules to be paid into the Self-Determination Fund.

- (3) Gellung Warl may expend money standing to the credit of any account established under subsection (1) for any purpose connected with the performance of its functions or exercise of its powers.

147 Financial management

Gellung Warl is taken to be a public body for the purposes of section 8 and Part 7 of the **Financial Management Act 1994**.

Note

Gellung Warl is a public body under the **Audit Act 1994**.

148 Insurance

Gellung Warl is taken to be a statutory authority for the purposes of the **Victorian Managed Insurance Authority Act 1996**.

149 Procurement

Gellung Warl must establish and implement a procurement policy that specifies the principles, processes and procedures for the purchase of goods and services.

150 Annual reporting

Gellung Warl in its report of operations for a financial year under Part 7 of the **Financial Management Act 1994** must include—

- (a) a statement of progress on implementation of the Strategic Plan; and
- (b) a general description of the types and forms of community engagement undertaken by Gellung Warl; and
- (c) the number of requests made in the financial year under Division 4 of Part 8 and the number of requests in response to which information or advice was provided; and
- (d) a list of inquiries conducted by Nginma Ngainga Wara in the financial year; and
- (e) any other information that is required to be included in any other report under any other Act.

Note

See also section 7(4AB) of the **Freedom of Information Act 1982**.

Part 13—Standards of Conduct

151 Object of this Part

The object of this Part is to promote and uphold the integrity of members and staff of Gellung Warl by—

- (a) requiring the First Peoples' Assembly to establish standards of conduct which define and manage potential misconduct, including serious misconduct, in line with the expectations of First Peoples and the Victorian community; and
- (b) providing for the First Peoples' Assembly to develop processes to address matters of alleged misconduct and serious misconduct, including by requesting the Treaty Authority to provide support in relation to those allegations.

152 Member Standards of Conduct

- (1) The First Peoples' Assembly must develop and implement Member Standards of Conduct.
 - (2) The Member Standards of Conduct must set out the standards of conduct to be observed by members of the First Peoples' Assembly, Nyerna Yoorrook Telkuna members and Nginma Ngainga Wara members in carrying out their duties as members of the First Peoples' Assembly, Nyerna Yoorrook Telkuna members or Nginma Ngainga Wara members (as the case requires).
 - (3) The First Peoples' Assembly must develop and implement the first Member Standards of Conduct within 6 months after the commencement of this section.
-

153 Minimum content for Member Standards of Conduct

The Member Standards of Conduct must include the following as a minimum—

- (a) that a member of the First Peoples' Assembly, a Nyerna Yoorrook Telkuna member or a Nginma Ngainga Wara member must not victimise or harass any other Gellung Warl official;
 - (b) that a member of the First Peoples' Assembly, a Nyerna Yoorrook Telkuna member or a Nginma Ngainga Wara member must not engage in conduct that is sexual harassment of any other Gellung Warl official;
 - (c) that a member of the First Peoples' Assembly, a Nyerna Yoorrook Telkuna member or a Nginma Ngainga Wara member must not misuse the member's position—
 - (i) to gain or attempt to gain, directly or indirectly, an advantage for the member or for any other person; or
 - (ii) to cause, or attempt to cause, detriment to Gellung Warl or another person;
 - (d) that a member of the First Peoples' Assembly, a Nyerna Yoorrook Telkuna member or a Nginma Ngainga Wara member must not improperly direct, or seek to direct, the Chief Executive Officer or a Gellung Warl staff member in the carrying out of the Chief Executive Officer's or the staff member's duties or functions;
 - (e) that a member of the First Peoples' Assembly, a Nyerna Yoorrook Telkuna member or a Nginma Ngainga Wara member
-

must not disclose restricted information or culturally sensitive or culturally secret information in contravention of this Act or the internal rules;

- (f) procedures for handling and dealing with information in accordance with this Act, any other Act or the internal rules;
 - (g) procedures for avoiding and managing conflicts of interest;
 - (h) procedures for the disclosure of personal interests;
 - (i) procedures for lodging personal interest disclosure returns with the Chief Executive Officer at specified times or specified intervals;
 - (j) a member gift policy that contains—
 - (i) a requirement to disclose all gifts above a specified amount or of a specified type; and
- Example**
Cultural gifts.
- (ii) a requirement that anonymous gifts cannot be accepted; and
 - (iii) a requirement that disclosed gifts must be recorded in a gift register; and
 - (iv) procedures relating to the disclosure of gifts.

154 Staff Standards of Conduct

- (1) The First Peoples' Assembly must develop and implement Staff Standards of Conduct.
 - (2) The Staff Standards of Conduct must set out the standards of conduct to be observed by the Chief Executive Officer and any Gellung Warl staff
-

member in carrying out their duties as Chief Executive Officer or as a Gellung Warl staff member.

- (3) The First Peoples' Assembly must develop and implement the first Staff Standards of Conduct within 6 months after the commencement of this section.

155 Minimum content for Staff Standards of Conduct

The Staff Standards of Conduct must include the following, as a minimum—

- (a) that the Chief Executive Officer or a Gellung Warl staff member must not victimise or harass any other Gellung Warl official;
 - (b) that the Chief Executive Officer or a Gellung Warl staff member must not engage in conduct that is sexual harassment of any other Gellung Warl official;
 - (c) that the Chief Executive Officer or a Gellung Warl staff member must not misuse the Chief Executive Officer's or staff member's position—
 - (i) to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or
 - (ii) to cause, or attempt to cause, detriment to Gellung Warl or another person;
 - (d) that the Chief Executive Officer or a Gellung Warl staff member must not disclose restricted information or culturally sensitive or culturally secret information in contravention of this Act or the internal rules;
-

- (e) procedures for handling and dealing with information in accordance with this Act, any other Act or internal rules;
 - (f) procedures for avoiding and managing conflicts of interest;
 - (g) procedures for the disclosure of personal interests;
 - (h) a staff gift policy that contains—
 - (i) a requirement to disclose all gifts above a specified amount or specified type; and
- Example**
Cultural gifts.
- (ii) a requirement that anonymous gifts cannot be accepted; and
 - (iii) a requirement that disclosed gifts be recorded in a gift register; and
 - (iv) procedures relating to the disclosure of gifts.

156 Allegation of misconduct or serious misconduct

Subject to this Act, an allegation of misconduct or serious misconduct by a Gellung Warl official is to be dealt with in accordance with the internal rules.

157 Role of Treaty Authority in dealing with allegation of misconduct or serious misconduct

- (1) If requested in accordance with the internal rules, the Treaty Authority may do any of the following to facilitate the resolution of or otherwise assist in dealing with an allegation of misconduct or serious misconduct—
 - (a) give advice;
-

- (b) provide mediation or other dispute resolution;
 - (c) do any other thing to assist in dealing with the allegation.
- (2) Nothing in this Act or the internal rules requires the Treaty Authority to do anything requested under subsection (1).

158 Other rights of complaint not affected

To avoid doubt, nothing in this Part affects any right any person has under any other Act or law to make a complaint about alleged misconduct or alleged serious misconduct to any other person or body.

Part 14—Larbagirrar gnuurtak tulkuuk (community answerability)

Note

"Larbagirrar gnuurtak tulkuuk" is Djab Wurrung language. It is pronounced "lar-bar-gi/raar gnu-r-tak tul kook".

159 Objects of this Part

The objects of this Part are—

- (a) to provide for Gellung Warl to be democratically and publicly accountable and answerable to Community in the performance of its functions, powers and duties; and
- (b) to require Gellung Warl to develop a Community Governance and Answerability Framework to—
 - (i) ensure the operation of Gellung Warl will be guided by Aboriginal Lore, Law and Cultural Authority in its answerability to Community; and
 - (ii) promote the fulfilment of its cultural obligations and responsibilities as determined by Community.

160 Community Governance and Answerability Framework

- (1) The First Peoples' Assembly must develop and implement a Community Governance and Answerability Framework to provide for how Gellung Warl is accountable and answerable to Community in the performance of its functions and the exercise of its powers.

- (2) The Community Governance and Answerability Framework must—
 - (a) be developed in consultation with Community; and
 - (b) include the following—
 - (i) larbagirrar gnuurtak tulkuuk (community answerability) principles;
 - (ii) a self-determined Community Engagement Charter;
 - (iii) Ngarrakeetoong Martongakeeyt (Community Vision);
 - (iv) a Strategic Plan.
- (3) The First Peoples' Assembly must publish the Community Governance and Answerability Framework on the First Peoples' Assembly's Internet site.
- (4) The First Peoples' Assembly must develop, implement and publish the first Community Governance and Answerability Framework within 6 months after the commencement of this section.

161 Larbagirrar gnuurtak tulkuuk (community answerability) principles

The larbagirrar gnuurtak tulkuuk (community answerability) principles must incorporate the following features—

- (a) participants in community engagement must have the opportunity to access accurate, relevant and timely information to inform their participation;
 - (b) participants in community engagement must reflect the diversity of First Peoples affected by the matter that is the subject of the community engagement;
-

- (c) participants in community engagement must have the opportunity for informed participation and input;
- (d) participants in community engagement are informed of how their participation and input will inform the work of Gellung Warl;
- (e) subject to any restrictions relating to the disclosure of information under this Act, any other Act or the internal rules, Community should—
 - (i) have access to information that is used by the First Peoples' Assembly, Nyerna Yoorrook Telkuna or Nginma Ngainga Wara to make decisions; and
 - (ii) be aware of the processes by which the First Peoples' Assembly, Nyerna Yoorrook Telkuna and Nginma Ngainga Wara make decisions.

162 Community Engagement Charter

The Community Engagement Charter must—

- (a) give effect to the larbargirrar gnuurtak tulkuuk (community answerability) principles; and
- (b) describe the types and forms of community engagement that may be undertaken by the First Peoples' Assembly; and
- (c) include processes and practices for undertaking community engagement; and
- (d) specify a process for informing Community of the outcome of community engagement; and

- (e) considering the feature specified in section 161(e) to be incorporated into the larbagirrar gnuurtak tulkuuk (community answerability) principles—
 - (i) specify what information is to be published or made available by the First Peoples' Assembly, Nyerna Yoorrook Telkuna and Nginma Ngainga Wara, which must include all policies, plans and reports required under this Act, any other Act or the internal rules; and
 - (ii) describe the ways in which that information will be published or made available.

163 Ngarrakeetoong Martongakeeyt (Community Vision)

- (1) Ngarrakeetoong Martongakeeyt (Community Vision) must describe—
 - (a) the aspirations of Community in relation to Gellung Warl; and
 - (b) the goals and objectives of Gellung Warl in relation to those aspirations.

Note

"Ngarrakeetoong Martongakeeyt" is Keerray Woorroong language. It is pronounced "Ng-arra-key-toong Mart-onga Keech".

- (2) The scope of Ngarrakeetoong Martongakeeyt (Community Vision) is a period of at least 10 financial years.
- (3) Within 12 months after a general election, the First Peoples' Assembly must review the Ngarrakeetoong Martongakeeyt (Community Vision).

- (4) The First Peoples' Assembly, in developing or reviewing the Ngarrakeetoong Martongakeeyt (Community Vision), must have regard to—
 - (a) the larbargirrar gnuurtak tulkuuk (community answerability) principles; and
 - (b) the Community Engagement Charter.

164 Strategic Plan

- (1) A Strategic Plan must include the following—
 - (a) the strategic direction of Gellung Warl;
 - (b) strategic objectives for achieving the strategic direction of Gellung Warl;
 - (c) strategies for achieving the strategic objectives for a period of at least 4 financial years;
 - (d) indicators for monitoring the achievement of the strategic objectives.
- (2) The scope of a Strategic Plan is a period of at least 4 financial years.
- (3) The First Peoples' Assembly, in developing a Strategic Plan, must have regard to—
 - (a) the larbargirrar gnuurtak tulkuuk (community answerability) principles; and
 - (b) the Community Engagement Charter.

Part 15—Complaints

Division 1—Preliminary

165 Objects of this Part

The objects of this Part are—

- (a) to ensure First Peoples and First Peoples organisations may raise complaints about Gellung Warl's fulfilment of its obligations under this Act; and
- (b) to provide for the First Peoples' Assembly to develop processes to receive, manage and resolve complaints; and
- (c) to recognise the Treaty Authority's role in providing support where requested by Gellung Warl in relation to complaints.

Division 2—Complaints

166 Complaints

- (1) Subject to subsection (2), a complaint may be made about any matter specified in the internal rules.
- (2) A complaint must not be made about—
 - (a) the validity of an election; or
 - (b) any matter referred to in section 171.

Notes

- 1. Applications disputing validity of an election are to be made to VCAT—see section 60.
 - 2. Section 171 sets out the subject matter for electoral complaints.
 - (3) A complaint may be made by any First Peoples individual or any First Peoples organisation that has an interest in the subject matter of the complaint.
-

167 Making a complaint

A complaint is to be made in accordance with the internal rules.

168 How a complaint is to be dealt with

- (1) Subject to this Act and any other Act, the complaint must be dealt with in accordance with the internal rules.
- (2) Any review of the action, decision or service that is the subject of the complaint must be conducted by a person other than any Gellung Warl official who—
 - (a) made or took, or failed to make or take, any decision or action that is the subject of the complaint; or
 - (b) provided any service or refused to provide any service that is the subject of the complaint.

169 Treatment of certain complaints

- (1) A complaint may be declined if—
 - (a) the subject matter of that complaint is or could be the subject of a complaint to or investigation by any other body, including an integrity agency or a law enforcement agency; or
 - (b) the complaint is unreasonable, without merit or vexatious.
 - (2) If the complaint relates to alleged misconduct or alleged serious misconduct, it is to be dealt with as an allegation of misconduct or serious misconduct.
-

170 Role of Treaty Authority

- (1) If requested in accordance with the internal rules, the Treaty Authority may do any of the following to facilitate the resolution of or otherwise assist in dealing with the complaint—
 - (a) give advice;
 - (b) provide mediation or other dispute resolution;
 - (c) do any other thing to assist in facilitating the finalisation of the complaint.
- (2) Nothing in this Act or the internal rules requires the Treaty Authority to do anything requested under subsection (1).

Division 3—Electoral complaints

171 Electoral complaints

A complaint may be made to the Treaty Authority in accordance with the internal rules about any of the following—

- (a) a decision of the Electoral Officer relating to registration or eligibility for registration on the Gellung Warl electoral roll;
- (b) any matter relating to the conduct or the administration of an election other than a matter that relates to the validity of an election;
- (c) any other matter relating to an election specified in the electoral rules other than a matter that relates to the validity of an election.

Note

Applications disputing validity of an election are to be made to VCAT—see section 60.

172 Who can make an electoral complaint

An electoral complaint may be made in accordance with the internal rules by—

- (a) in the case of a complaint about registration or eligibility for registration on the Gellung Warl electoral roll, a person affected by the decision of the Electoral Officer; and
- (b) in any other case, an eligible elector.

173 Making an electoral complaint

An electoral complaint is to be made to the Treaty Authority in accordance with the internal rules.

174 How an electoral complaint is to be dealt with

- (1) Subject to this Act and any other Act, the Treaty Authority must deal with an electoral complaint in accordance with the internal rules.
- (2) In dealing with an electoral complaint, the Treaty Authority may do any of the following to facilitate the resolution of or otherwise assist in dealing with the complaint—
 - (a) request information from Gellung Warl, the complainant and any other person the Treaty Authority considers relevant;
 - (b) provide advice to Gellung Warl;
 - (c) do any other thing to assist in facilitating the finalisation of the electoral complaint.

Division 4—General

175 Other rights of complaint not affected

To avoid doubt, nothing in this Part affects any right any person has under any other Act or law to make a complaint about any matter specified in the internal rules or section 171 to any other person or body.

Part 16—Dissolution of First Peoples' Assembly and election and appointment

Division 1—Preliminary

176 Object of this Part

The object of this Part is to provide for dissolution of the First Peoples' Assembly in limited specified circumstances and new elections and appointments.

Division 2—Dissolution by the First Peoples' Assembly

177 Dissolution by resolution

The First Peoples' Assembly may dissolve itself by resolution in accordance with the internal rules.

Note

See section 183 for publication and notice requirements and section 184 for the effect of dissolution.

178 No-confidence community petition

- (1) The First Peoples' Assembly is dissolved if a member of the First Peoples' Assembly receives a petition signed by at least 65% of eligible electors that calls for all members of the First Peoples' Assembly to be removed due to lack of confidence in the capability of the First Peoples' Assembly to effectively perform its functions.
- (2) A petition must be accompanied by a statement of reasons for the dissolution.

Note

See section 183 for publication and notice requirements and section 184 for the effect of dissolution.

Division 3—Dissolution by Treaty Authority

179 When may Treaty Authority commence dissolution process?

- (1) If, after receiving—
 - (a) a copy of a report of the IBAC under section 162A(1A) of the **Independent Broad-based Anti-corruption Commission Act 2011** and the attached recommendations; or
 - (b) a copy of a report of the Ombudsman under section 25AAB(1A) of the **Ombudsman Act 1973**—

the Treaty Authority forms the view that serious or systemic corrupt conduct or serious and systemic maladministration has occurred, the Treaty Authority may give a notice of proposed dissolution to the First Peoples' Assembly.

- (2) In forming a view that serious or systemic corrupt conduct or serious and systemic maladministration has occurred, the Treaty Authority must not take into account any matter other than the report and recommendations of the IBAC or the report of the Ombudsman (as the case requires).

180 Content of notice of proposed dissolution

- (1) A notice of proposed dissolution must—
 - (a) state that the Treaty Authority has formed the view that serious or systemic corrupt conduct or serious and systemic maladministration has occurred based on the report and recommendations of the IBAC or the report of the Ombudsman (as the case requires); and

- (b) set out the matters in the report constituting the grounds on which the Treaty Authority proposes to dissolve the First Peoples' Assembly; and
 - (c) if appropriate, set out the steps required to be taken by the First Peoples' Assembly to address those matters constituting grounds for proposed dissolution; and
 - (d) specify the period within which the First Peoples' Assembly must resolve those matters constituting grounds for proposed dissolution.
- (2) In determining the period for the purposes of subsection (1)(d), the Treaty Authority must take into account the nature of the matters constituting grounds for proposed dissolution.

181 First Peoples' Assembly to have reasonable opportunity to resolve matters

The Treaty Authority must not dissolve the First Peoples' Assembly unless it has given the First Peoples' Assembly a reasonable opportunity to resolve the matters constituting the grounds for the proposed dissolution set out in the notice of proposed dissolution within the period specified in the notice.

182 Treaty Authority may dissolve First Peoples' Assembly

- (1) If, after the end of the period referred to in the notice of proposed dissolution, the Treaty Authority is of the opinion that the matters constituting grounds for dissolution have not been resolved, the Treaty Authority may dissolve the First Peoples' Assembly.
-

- (2) The Treaty Authority must inform the First Peoples' Assembly before announcing the dissolution.
- (3) The Treaty Authority may only dissolve the First Peoples' Assembly as an option of last resort.

Note

See section 183 for publication requirements and section 184 for the effect of dissolution.

Division 4—Announcement and effect of dissolution

183 Announcement of dissolution

- (1) If the Treaty Authority dissolves the First Peoples' Assembly under section 182, the Treaty Authority must publish a notice in the Government Gazette stating—
 - (a) that the First Peoples' Assembly is dissolved; and
 - (b) the date of the next general election for all general members.
 - (2) If the First Peoples' Assembly dissolves itself by resolution in accordance with the internal rules, the Chairperson of the First Peoples' Assembly must—
 - (a) notify the Minister of the resolution and include any statement of reasons; and
 - (b) publish on the website of the First Peoples' Assembly notice of the resolution and any statement of reasons.
 - (3) If a member of the First Peoples' Assembly receives a petition under section 178(1), the member must notify the Minister and give the Minister the statement of reasons accompanying the petition.
-

- (4) As soon as possible after being notified under subsection (2) or (3), the Minister must publish in the Government Gazette notice of the resolution or receipt of the petition and any statement of reasons.

184 Effect of dissolution

- (1) On publication of a notice under section 183(1) or (4)—
- (a) the First Peoples' Assembly is dissolved; and
 - (b) all members of the First Peoples' Assembly go out of office; and
 - (c) all seats become vacant.
- (2) If all seats become vacant—
- (a) a general election must be held for all general members; and
 - (b) reserved members must be appointed.

Part 17—Procedure for amending this Act

185 Object of this Part

The object of this Part is to provide the procedure for the amendment of this Act.

186 Application of this Part

- (1) This Part applies to a Bill that proposes to—
 - (a) abolish Gellung Warl; or
 - (b) repeal this Act in whole or in part; or
 - (c) amend a provision of this Act other than an amendment that makes editorial changes that do not derogate from the substantive operation of the provision including, but not limited to, any of the following changes—
 - (i) changes made to correct typographical, grammatical or clerical errors;
 - (ii) changes to numbering;
 - (iii) changes of references to a re-named entity or Act;
 - (iv) changes of a consequential nature that are required because of amendments or repeals of any Act, alterations in the arrangements relating to the machinery of government (however described), or for any other reason.
- (2) The procedure in this Part is in addition to the procedure set out in Division 3 of Part 7.

187 Consultation statement to be prepared

- (1) A member of Parliament who proposes to introduce a Bill to which this Part applies into a House of Parliament must cause a consultation statement to be prepared in respect of that Bill
-

setting out the matters referred to in subsection (3).

- (2) A member of Parliament who introduces a Bill to which this Part applies into a House of Parliament, or another member acting on the member's behalf, must cause the consultation statement prepared under subsection (1) to be laid before the House into which the Bill is introduced before the member's second reading speech on the Bill.

Note

The obligation in subsections (1) and (2) applies to Ministers introducing government Bills and members of Parliament introducing non-government Bills.

- (3) The consultation statement must state—
 - (a) whether the First Peoples' Assembly and the Treaty Authority were consulted on the proposed Bill in accordance with the following timeframes—
 - (i) in relation to a Bill which proposes to abolish Gellung Warl or to repeal this Act in whole or in part, at least 6 months before the introduction of the Bill into a House of Parliament; or
 - (ii) in relation to any other Bill to which this Part applies, at least 3 months before the introduction of the Bill into a House of Parliament; and
 - (b) whether the member has considered any response of the First Peoples' Assembly or the Treaty Authority in relation to the proposal in the Bill in good faith; and

- (c) whether the member has taken all reasonable steps to ensure the Bill gives effect to the principles in sections 22 to 26 of the **Advancing the Treaty Process with Aboriginal Victorians Act 2018** with any appropriate modification of those principles; and
 - (d) if the First Peoples' Assembly or the Treaty Authority has raised an issue in relation to the proposed Bill, the member's response to any issue raised.
- (4) The consultation statement must attach a copy of the response of the First Peoples' Assembly and a copy of the response of the Treaty Authority that was received by the member (if any).

188 Presiding Officer may invite First Peoples' Assembly or Treaty Authority to make submission

- (1) If a Bill to which this Part applies is introduced into a House of Parliament that proposes to repeal this Act in whole or in part or proposes to abolish Gellung Warl, the President or the Speaker, by written notice, may invite the First Peoples' Assembly and the Treaty Authority to make a submission to the Legislative Council or the Legislative Assembly (as the case requires) in relation to that proposed repeal or abolition.
- (2) Nothing in this section requires the First Peoples' Assembly or the Treaty Authority to make a submission.

189 No effect on Victorian law

A failure to comply with section 187 in relation to any Bill that becomes an Act does not affect the validity, operation or enforcement of that Act or any other Act or any subordinate instrument, or any provision of any Act or subordinate instrument.

Part 18—Transitional provisions— transitional elections

190 Definitions

In this Part—

Assembly Constitution means the Constitution for the First Peoples' Assembly of Victoria Ltd, adopted on 27 June 2024;

Assembly election rules means the Election Rules set out in Schedule 1 to the Assembly Constitution, as in force immediately before the Part 18 commencement day;

Assembly electoral roll means the electoral roll established under the Assembly election rules;

First Peoples' Assembly of Victoria Ltd means the First Peoples' Assembly of Victoria Limited ACN 636 189 412;

Part 18 commencement day means the day on which this Part comes into operation;

transitional election means an election referred to in section 193;

transitional Electoral Officer means the transitional Electoral Officer appointed under section 191.

191 Treaty Authority must appoint transitional Electoral Officer

- (1) Within 3 months after the Part 18 commencement day, the Treaty Authority must appoint a person employed by the Treaty Authority under section 14 of the **Treaty Authority and Other Treaty Elements Act 2022** as the transitional Electoral Officer.

- (2) Subject to this Act, for the purposes of the Assembly election rules the transitional Electoral Officer is—
- (a) the Returning Officer as if appointed under the Assembly election rules; and
 - (b) the Enrolment Registrar as if appointed under the Assembly election rules.

192 Assembly electoral roll

- (1) The First Peoples' Assembly of Victoria Ltd must transfer the Assembly electoral roll to the transitional Electoral Officer within 2 months after their appointment.
- (2) Subject to this Act, the Assembly election rules relating to access to and use of the Assembly electoral roll continue to apply with any necessary modification until 30 April 2026.

193 Election dates and times to be set

The transitional Electoral Officer, in consultation with the First Peoples' Assembly of Victoria Ltd, must set the dates and times for an election (the *transitional election*) in accordance with the requirements set out in the Assembly election rules as in force immediately before the Part 18 commencement day.

Note

The results of the transitional election must be announced on or before 30 April 2026—see section 197.

194 First Peoples' Assembly of Victoria Ltd to publish proposed remuneration

Before the date for opening of nominations set by the transitional Electoral Officer, the First Peoples' Assembly of Victoria Ltd must publish on its website the remuneration proposed to be paid to members of the First Peoples' Assembly after 1 May 2026.

195 Application of Assembly election rules to transitional election

- (1) Subject to this Act, the Assembly election rules apply with any necessary modification in relation to the transitional election as if it were an election of general members of the First Peoples' Assembly of Victoria Ltd.
 - (2) A power or function conferred by the Assembly election rules on the Council is to be exercised or performed by—
 - (a) if the power or function relates to election dates or determining voting methods for the transitional election, the transitional Electoral Officer; and
 - (b) in any other case, the Treaty Authority.
 - (3) The Assembly election rules do not apply to the transitional election to the extent that they relate to—
 - (a) the manner of announcing results of an election; or
 - (b) funding for production of campaign material.
 - (4) Subsection (1) does not prevent the amendment of the Assembly election rules, in accordance with those rules, after the Part 18 commencement day if necessary to give effect to this Part.
-

196 No application of Assembly Constitution to transitional election

- (1) Apart from Schedule 1, the Assembly Constitution does not apply to the transitional election.
- (2) The Assembly Constitution does not prevail over the Assembly election rules for the purposes of the transitional election.

197 Announcement of transitional election results and notification of electors

- (1) The transitional Electoral Officer must announce the results of the transitional election by publishing them on the website of the First Peoples' Assembly of Victoria Ltd—
 - (a) no later than 10 days after the election results are decided; and
 - (b) in any case, on or before 30 April 2026.
- (2) The transitional Electoral Officer must make good faith efforts to notify in writing each person registered in the Assembly electoral roll of the results of the transitional election—
 - (a) within 10 days after the election results are decided; and
 - (b) in any case, on or before 30 April 2026.

198 Repeal of this Part

This Part is **repealed** on 1 May 2027.

Note

The repeal of this Part does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).

Part 19—General transitional provisions

Division 1—Transitional regulations

199 Regulations dealing with transitional matters

- (1) The Governor in Council may make regulations containing provisions of a transitional nature, including matters of an application or savings nature, arising as a result of the enactment of this Act, including the repeals and amendments made by this Act.
 - (2) Regulations made under this section may—
 - (a) have a retrospective effect to a day on or from the day on which this Act received the Royal Assent; and
 - (b) be of limited or general application; and
 - (c) leave any matter or thing to be decided by a specified person or class of person; and
 - (d) provide for the exemption of persons or things or a class of persons or things from any of the regulations made under this section.
 - (3) Regulations made under this section have effect despite anything to the contrary—
 - (a) in any Act (other than this Act or the **Charter of Human Rights and Responsibilities Act 2006**); or
 - (b) in any subordinate instrument.
 - (4) The Minister must not recommend regulations under this section for making without the prior consent of—
 - (a) if the recommendation is made before 1 May 2026, the First Peoples' Assembly of Victoria Ltd ACN 636 189 412; or
-

- (b) if the recommendation is made on or after 1 May 2026, the First Peoples' Assembly.

200 Repeal of this Division

This Division is **repealed** on the second anniversary of its commencement.

Division 2—Other transitional provisions

201 Definitions

In this Division—

allocation statement means an allocation statement under section 210;

Assembly electoral roll means the electoral roll established under the Election Rules set out in Schedule 1 to the Constitution for the First Peoples' Assembly of Victoria Ltd, adopted on 27 June 2024;

First Peoples' Assembly of Victoria Ltd means the First Peoples' Assembly of Victoria Ltd ACN 636 189 412;

First Peoples' Assembly of Victoria Ltd instrument means an instrument or oral agreement—

- (a) to which the First Peoples' Assembly of Victoria Ltd is a party; or
- (b) that is given to or in favour of the First Peoples' Assembly of Victoria Ltd; or
- (c) under which—
 - (i) money is, or may become, payable to or by the First Peoples' Assembly of Victoria Ltd; or

- (ii) other property is to be, or may become liable to be, transferred to or by the First Peoples' Assembly of Victoria Ltd;

former First Peoples' Assembly of Victoria Ltd property means property, rights or liabilities of First Peoples' Assembly of Victoria Ltd that, under this Division, have vested in or become liabilities of Gellung Warl;

liabilities means all liabilities, duties and obligations, whether actual, contingent or prospective;

property means any legal or equitable estate or interest (whether present or future and whether vested or contingent) in real or personal property of any description;

relevant date means the date fixed by the Minister under section 209 as the relevant date for an allocation statement;

rights means all rights, powers, privileges and immunities, whether actual, contingent or prospective;

transitioned reserved member means a person who, immediately before 1 May 2026, held office as a reserved member of the First Peoples' Assembly of Victoria Ltd.

202 Establishment of Gellung Warl

- (1) Despite section 10(2), on and after 1 May 2026 Gellung Warl is taken to consist of the First Peoples' Assembly referred to in section 203 until the appointment of the Nginma Ngainga Wara members and the Nyerna Yoorrook Telkuna members.

- (2) If, on the appointment of the Nginma Ngainga Wara members, the Nyerna Yoorrook Telkuna members have not been appointed, despite section 10(2), Gellung Warl is taken to consist of the First Peoples' Assembly and Nginma Ngainga Wara until the Nyerna Yoorrook Telkuna members are appointed.
- (3) If, on the appointment of the Nyerna Yoorrook Telkuna members, the Nginma Ngainga Wara members have not been appointed, despite section 10(2), Gellung Warl is taken to consist of the First Peoples' Assembly and Nyerna Yoorrook Telkuna until the Nginma Ngainga Wara members are appointed.

203 The First Peoples' Assembly

- (1) Despite section 17, on 1 May 2026, the First Peoples' Assembly consists of—
 - (a) the members elected in the transitional election held in accordance with Part 18; and
 - (b) the transitioned reserved members.
 - (2) For the purposes of this Act—
 - (a) a person elected in the transitional election held in accordance with Part 18 is taken to be a general member of the First Peoples' Assembly as if the person were elected in accordance with the electoral rules; and
 - (b) a transitioned reserved member is taken to be a reserved member of the First Peoples' Assembly as if the person were appointed in accordance with procedures developed in accordance with the electoral rules.
-

204 Terms of office of members of the First Peoples' Assembly

- (1) Despite section 22(1), the term of office for a member of the First Peoples' Assembly referred to in section 203(2) is 4 years commencing on 1 May 2026.
- (2) Section 35 does not apply in relation to the making of the first electoral rule specifying the period of term of office for members of the First Peoples' Assembly.

205 Interim Chief Executive Officer

- (1) Within 10 business days after 1 May 2026, the First Peoples' Assembly must employ a person as an interim Chief Executive Officer.
- (2) The interim Chief Executive Officer holds office for a period not exceeding 6 months subject to the terms specified in the contract of employment.
- (3) For the purposes of this Act, the interim Chief Executive Officer is taken to be the Chief Executive Officer as if appointed under section 25.
- (4) Despite sections 25 and 26, the Executive Employment and Remuneration Policy does not apply to the employment of the interim Chief Executive Officer.

206 Gellung Warl electoral roll

- (1) On 1 May 2026—
 - (a) the Assembly electoral roll must be transferred to the Electoral Officer; and
 - (b) for the purposes of section 55(1), the Assembly electoral roll is established as the Gellung Warl electoral roll.
-

- (2) On and after 1 May 2026, any person registered on the Assembly electoral roll immediately before 1 May 2026 is an eligible elector.

207 Aboriginal Representative Body declarations revoked

On 1 May 2026, any declaration made under section 11 or 18 of the **Advancing the Treaty Process with Aboriginal Victorians Act 2018** as in force immediately before the repeal of those sections by this Act is revoked.

Note

See also section 222.

208 Reconstruction of references to Aboriginal Representative Body

Unless the context otherwise requires, on and after 1 May 2026, a reference to the "Aboriginal Representative Body" in any Act (other than this Act or the **Charter of Human Rights and Responsibilities Act 2006**), subordinate instrument, agreement or other document is to be construed as a reference to "Gellung Warl" as far as it relates to any period on or after 1 May 2026.

209 Minister may fix relevant date for allocation statement made on or before 30 June 2026

The Minister, by notice published in the Government Gazette, may fix the relevant date on or before 30 June 2026 for the purposes of an allocation statement.

210 First Peoples' Assembly of Victoria Ltd chief executive officer may prepare allocation statement or statements on or before 30 June 2026

- (1) On or before 30 June 2026, the chief executive officer of the First Peoples' Assembly of Victoria Ltd may give the Minister, within the period requested by the Minister, a statement or
-

statements relating to the property, rights and liabilities of the First Peoples' Assembly of Victoria Ltd as at the date of the statement.

- (2) A statement may allocate to Gellung Warl any or all of the property, rights and liabilities of the First Peoples' Assembly of Victoria Ltd.
 - (3) A statement must be signed by the chief executive officer of the First Peoples' Assembly of Victoria Ltd.
 - (4) If a statement is approved by the Minister—
 - (a) the Minister must sign the statement; and
 - (b) the statement is an allocation statement for the purposes of this Division.
 - (5) The Minister, at any time on or before 30 June 2026, may request the First Peoples' Assembly of Victoria Ltd to amend an allocation statement given to the Minister as specified in the request.
 - (6) An allocation statement may be amended by writing signed by the Minister at any time on or before 30 June 2026.
 - (7) An amendment under this section to an allocation statement made after the relevant date in relation to that statement may be made with effect from the relevant date if the Minister is satisfied that the amendment does not adversely affect any property, rights or liabilities of the First Peoples' Assembly of Victoria Ltd in relation to that statement.
 - (8) In this section, *statement* and *allocation statement* include a statement or allocation statement amended in accordance with this section.
-

211 Certificate as to property, rights and liabilities

- (1) Unless revoked under subsection (2), a certificate signed by the chief executive officer of the First Peoples' Assembly of Victoria Ltd certifying that property, rights and liabilities of the First Peoples' Assembly of Victoria Ltd specified in the certificate have been allocated under an allocation statement to Gellung Warl is conclusive evidence—
 - (a) that the property, rights or liabilities have been so allocated; and
 - (b) that the property, rights or liabilities have vested in, or have become, the property, rights or liabilities of, Gellung Warl on the relevant date for that allocation statement.
- (2) If the Minister requests the chief executive officer of the First Peoples' Assembly of Victoria Ltd to do so in writing, the chief executive officer must revoke a certificate given under subsection (1) by issuing another certificate.
- (3) The chief executive officer of the First Peoples' Assembly of Victoria Ltd—
 - (a) must keep a record of certificates issued under this section; and
 - (b) must make any record kept under paragraph (a) reasonably available for inspection by interested persons.

212 Property, rights and liabilities allocated in accordance with statement

On the relevant date for an allocation statement—

- (a) all property and rights of the First Peoples' Assembly of Victoria Ltd, wherever located, that are allocated under that allocation
-

statement vest in Gellung Warl in accordance with the statement; and

- (b) all liabilities of the First Peoples' Assembly of Victoria Ltd, wherever located, that are allocated under that allocation statement become liabilities of Gellung Warl in accordance with the statement.

213 Vesting of property, rights and liabilities on 1 July 2026

On 1 July 2026, unless previously vested or transferred under an allocation statement—

- (a) all property and rights that immediately before 1 July 2026 were vested in the First Peoples' Assembly of Victoria Ltd, wherever located, are vested in Gellung Warl; and
- (b) all liabilities of the First Peoples' Assembly of Victoria Ltd existing immediately before 1 July 2026, wherever located, become liabilities of Gellung Warl.

214 Vesting of property etc. subject to encumbrances

If, under an allocation statement or section 213, property and rights vest in Gellung Warl or liabilities become liabilities of Gellung Warl—

- (a) the property and rights so vested are subject to the encumbrances (if any) to which they were subject immediately before so vesting; and
 - (b) the rights to which the First Peoples' Assembly of Victoria Ltd was entitled in respect of those liabilities immediately before they ceased to be liabilities of the First Peoples' Assembly of Victoria Ltd vest in Gellung Warl.
-

215 Substitution of party to agreement

- (1) If, under an allocation statement, the rights and liabilities of the First Peoples' Assembly of Victoria Ltd under an agreement vest in Gellung Warl—
 - (a) Gellung Warl becomes, on the relevant date for that allocation statement, a party to the agreement in place of the First Peoples' Assembly of Victoria Ltd; and
 - (b) on and after the relevant date for that allocation statement, the agreement has effect as if Gellung Warl had always been a party to the agreement.
- (2) If, under section 213, the rights and liabilities of the First Peoples' Assembly of Victoria Ltd under an agreement vest in Gellung Warl—
 - (a) Gellung Warl becomes, on 1 July 2026, a party to the agreement in place of the First Peoples' Assembly of Victoria Ltd; and
 - (b) unless the context otherwise requires, on and after 1 July 2026, the agreement has effect as if Gellung Warl had always been a party to the agreement.

216 Former First Peoples' Assembly of Victoria Ltd instruments

- (1) Each First Peoples' Assembly of Victoria Ltd instrument relating to former First Peoples' Assembly of Victoria Ltd property allocated to Gellung Warl under an allocation statement continues to have effect according to its terms on and after the relevant date for that allocation statement as if a reference in the instrument to the First Peoples' Assembly of Victoria Ltd were a reference to Gellung Warl.
-

- (2) Each First Peoples' Assembly of Victoria Ltd instrument relating to former First Peoples' Assembly of Victoria Ltd property vested in Gellung Warl under section 213 continues to have effect according to its terms on and after 1 July 2026 as if a reference in the instrument to the First Peoples' Assembly of Victoria Ltd were a reference to Gellung Warl.

217 Proceedings relating to former First Peoples' Assembly of Victoria Ltd property

- (1) If, immediately before the relevant date for an allocation statement, a proceeding relating to former First Peoples' Assembly of Victoria Ltd property (including an arbitration proceeding) vested in Gellung Warl under the allocation statement, to which the First Peoples' Assembly of Victoria Ltd was a party was pending or existing in any court or tribunal, or being conducted by an arbitrator or arbitration panel, on and after that relevant date, Gellung Warl—
- (a) is substituted for the First Peoples' Assembly of Victoria Ltd as a party to the proceeding; and
 - (b) has the same rights in the proceeding as the First Peoples' Assembly of Victoria Ltd had.
- (2) If, immediately before 1 July 2026, a proceeding relating to former First Peoples' Assembly of Victoria Ltd property (including an arbitration proceeding) vested in Gellung Warl under section 213, to which the First Peoples' Assembly of Victoria Ltd was a party was pending or existing in any court or tribunal, or being conducted by an arbitrator or arbitration panel, on and after 1 July 2026, Gellung Warl—
-

- (a) is substituted for the First Peoples' Assembly of Victoria Ltd as a party to the proceeding; and
- (b) has the same rights in the proceeding as the First Peoples' Assembly of Victoria Ltd had.

218 Other proceedings to which First Peoples' Assembly of Victoria Ltd was a party

If, immediately before 1 July 2026, a proceeding to which the First Peoples' Assembly of Victoria Ltd was a party was pending or existing in any court or tribunal, or being conducted by an arbitrator or arbitration panel, then, on and after 1 July 2026, Gellung Warl—

- (a) is substituted for the First Peoples' Assembly of Victoria Ltd as a party to the proceeding; and
- (b) has the same rights in the proceeding as the First Peoples' Assembly of Victoria Ltd had.

219 Evidence

Documentary or other evidence that would have been admissible for or against the interests of the First Peoples' Assembly of Victoria Ltd in relation to former First Peoples' Assembly of Victoria Ltd property if this Division had not been enacted, is admissible for or against the interests of Gellung Warl, if the former First Peoples' Assembly of Victoria Ltd property is allocated to Gellung Warl under this Division.

220 Taxes

No duty or other tax is chargeable under any Act in respect of anything done under this Division or in respect of any act or transaction connected with or necessary to be done by reason of this Division, including a transaction entered into or an instrument or oral agreement made, executed,

lodged or given, for the purpose of, or connected with the transfer of, property, rights or liabilities of the First Peoples' Assembly of Victoria Ltd.

221 Validity of things done under this Division

Nothing effected by, or done or suffered under, this Division—

- (a) is to be regarded as placing any person in breach of contract or confidence or as otherwise making any person guilty of a civil wrong; or
 - (b) is to be regarded as placing any person in breach of, or as constituting a default under, any Act (other than the **Charter of Human Rights and Responsibilities Act 2006**) or other law or any provision in any agreement, arrangement or understanding including, but not limited to, any provision prohibiting, restricting or regulating the assignment or transfer of any property or the disclosure of any information; or
 - (c) is to be regarded as fulfilling any condition which allows a person to exercise a right or remedy in respect of, or to terminate, any agreement or obligation; or
 - (d) is to be regarded as giving rise to any remedy for a party to a contract, an instrument or an oral agreement or as causing or permitting the termination of any contract, instrument or oral agreement because of a change in the beneficial or legal ownership of any property, right or liability; or
 - (e) is to be regarded as causing any contract, instrument or oral agreement to be void or otherwise unenforceable; or
-

Statewide Treaty Act 2025
No. of 2025

Part 19—General transitional provisions

- (f) is to be regarded as frustrating any contract;
or
- (g) releases any surety or other obligor wholly or
in part from any obligation.

**Part 20—Consequential amendment of the
Advancing the Treaty Process with
Aboriginal Victorians Act 2018 and the
Treaty Authority and Other Treaty Elements
Act 2022**

**Division 1—Amendment of Advancing the Treaty
Process with Aboriginal Victorians Act 2018**

222 Definitions

In section 3 of the **Advancing the Treaty Process with Aboriginal Victorians Act 2018**—

- (a) for the definition of *Aboriginal Representative Body* substitute—

"Aboriginal Representative Body means
Gellung Warl;"

- (b) in the definition of *treaty negotiation framework*, for "Part 5;" substitute
"Part 5.";

- (c) the definitions of *Aboriginal Representative Body declaration*, *Aboriginal Treaty Working Group*, *misconduct*, *subsequent Aboriginal Representative Body declaration* and *Victorian Treaty Advancement Commissioner* are repealed.

223 Section 4 repealed

Section 4 of the **Advancing the Treaty Process with Aboriginal Victorians Act 2018** is repealed.

224 Functions of the Aboriginal Representative Body

Section 10(3) of the **Advancing the Treaty Process with Aboriginal Victorians Act 2018** is repealed.

225 Sections 11, 12, 13, 14, 15, 16, 17, 18 and 19 repealed

Sections 11, 12, 13, 14, 15, 16, 17, 18 and 19 of the **Advancing the Treaty Process with Aboriginal Victorians Act 2018** are repealed.

226 Minister's annual report

(1) After section 41(1)(d) of the **Advancing the Treaty Process with Aboriginal Victorians Act 2018** insert—

"(da) includes an update on the State's progress in implementing commitments under Statewide Treaty; and".

(2) After section 41(2) of the **Advancing the Treaty Process with Aboriginal Victorians Act 2018** insert—

"(3) In addition to the requirements under section 43, the Minister must table the annual report under this section in the First Peoples' Assembly and address the First Peoples' Assembly on the report.

(4) The Minister's address to the First Peoples' Assembly must occur on a day or days each year that is agreed to by the Chairperson of the First Peoples' Assembly and the Minister."

227 Aboriginal Representative Body's annual report

After section 42(1)(c) of the **Advancing the Treaty Process with Aboriginal Victorians Act 2018** insert—

"(ca) includes an update on the progress in implementing Gellung Warl commitments under Statewide Treaty; and".

Division 2—Amendment of Treaty Authority and Other Treaty Elements Act 2022

228 Definitions

In section 3 of the **Treaty Authority and Other Treaty Elements Act 2022** insert the following definitions—

"election has the same meaning as it has in the **Statewide Treaty Act 2025**;

electoral information has the meaning given by section 26;

Electoral Officer means a person appointed under section 20;

electoral rules has the same meaning as it has in the **Statewide Treaty Act 2025**;

electorate officer means an electorate officer employed under section 30 of the **Parliamentary Administration Act 2005**;

Gellung Warl Chief Executive Officer means the Chief Executive Officer of Gellung Warl appointed under section 25 of the **Statewide Treaty Act 2025**;

Gellung Warl electoral roll has the same meaning as it has in the **Statewide Treaty Act 2025**;

Gellung Warl electoral roll information has the meaning given by section 26;

Gellung Warl plebiscite means a Gellung Warl plebiscite conducted under the **Statewide Treaty Act 2025**;

Gellung Warl staff member has the same meaning as it has in the **Statewide Treaty Act 2025**;

Statewide Treaty Act 2025
No. of 2025

Part 20—Consequential amendment of the Advancing the Treaty Process with Aboriginal Victorians Act 2018 and the Treaty Authority and Other Treaty Elements Act 2022

member of the First Peoples' Assembly means—

- (a) a general member within the meaning of the **Statewide Treaty Act 2025**; or
- (b) a reserved member within the meaning of the **Statewide Treaty Act 2025**;

Ministerial officer means a Ministerial officer employed under Division 1 of Part 6 of the **Public Administration Act 2004**;

Nginma Ngainga Wara member has the same meaning as it has in the **Statewide Treaty Act 2025**;

Nyerna Yoorrook Telkuna member has the same meaning as it has in the **Statewide Treaty Act 2025**;

Parliamentary officer has the same meaning as it has in the **Parliamentary Administration Act 2005**;

personal information has the same meaning as it has in the **Privacy and Data Protection Act 2014**;

travel restriction condition has the same meaning as it has in the **Statewide Treaty Act 2025**;"

Statewide Treaty Act 2025
No. of 2025

Part 20—Consequential amendment of the Advancing the Treaty Process with Aboriginal Victorians Act 2018 and the Treaty Authority and Other Treaty Elements Act 2022

229 New section 8A inserted

After section 8 of the **Treaty Authority and Other Treaty Elements Act 2022** insert—

"8A Functions of the Treaty Authority under Statewide Treaty Act 2025 or other Acts

Without limiting section 8 or section 28 of the **Advancing the Treaty Process with Aboriginal Victorians Act 2018**, the Treaty Authority has any other functions conferred on it by or under the **Statewide Treaty Act 2025** or any other Act."

230 Funding of certain activities and expenditures out of the Consolidated Fund

In section 16(1) of the **Treaty Authority and Other Treaty Elements Act 2022**—

(a) in paragraph (c), for "paragraph (b)." substitute "paragraph (b); and";

(b) after paragraph (c) **insert**—

"(d) funding the Treaty Authority Panel established under clause 6 of the Treaty Authority Agreement for the purpose of performing its functions under the Agreement."

231 New Part 3 inserted

After Part 2 of the **Treaty Authority and Other
Treaty Elements Act 2022 insert—**

"Part 3—Electoral Officer

Division 1—The Electoral Officer

20 The Electoral Officer

- (1) The Treaty Authority must appoint a person employed by the Treaty Authority under section 14 to be the Electoral Officer.
 - (2) The Electoral Officer—
 - (a) holds office subject to any terms and conditions specified in the contract of employment between the Treaty Authority and the Electoral Officer, which must include—
 - (i) the period of appointment; and
 - (ii) requirements regarding compliance with organisational policies and procedures, without limiting the Electoral Officer's functions and powers under this Act or any other Act; and
 - (iii) what occurs if the Electoral Officer is removed; and
 - (b) may be reappointed.
 - (3) A person must not be appointed to be the Electoral Officer if the person—
 - (a) is a member of the Parliament of Victoria or of the Parliament of the Commonwealth or of another State or a Territory; or
-

Statewide Treaty Act 2025
No. of 2025

Part 20—Consequential amendment of the Advancing the Treaty Process with Aboriginal Victorians Act 2018 and the Treaty Authority and Other Treaty Elements Act 2022

- (b) is employed as a Ministerial officer, a Parliamentary officer or an electorate officer by a member of the Parliament of Victoria or in a corresponding position (however designated) by, or for, a member of the Parliament of the Commonwealth or of another State or a Territory; or
 - (c) is a Councillor of a Council constituted under the **Local Government Act 2020** or a member of a corresponding body (however designated) under an Act of another State or a Territory; or
 - (d) is a member of Council staff within the meaning of the **Local Government Act 2020** or in a corresponding position (however designated) under an Act of another State or a Territory; or
 - (e) is a member of the First Peoples' Assembly; or
 - (f) is the Gellung Warl Chief Executive Officer; or
 - (g) is a Nginma Ngainga Wara member, a Nyerna Yoorrook Telkuna member, a Gellung Warl staff member or holds a paid position with Gellung Warl; or
 - (h) has property that is subject to control under the law relating to bankruptcy; or
 - (i) is disqualified from managing corporations under Part 2D.6 of the Corporations Act; or
 - (j) is currently held in a prison; or
 - (k) is subject to an order under the **Crimes (Mental Impairment and Unfitness to be Tried) Act 1997**; or
-

Statewide Treaty Act 2025
No. of 2025

Part 20—Consequential amendment of the Advancing the Treaty Process with Aboriginal Victorians Act 2018 and the Treaty Authority and Other Treaty Elements Act 2022

- (l) has been sentenced to a term of imprisonment for an indictable offence and is subject to a parole order that includes a travel restriction condition.
- (4) The office of the Electoral Officer becomes vacant if the Electoral Officer—
- (a) resigns; or
 - (b) nominates for election or appointment as a member of the First Peoples' Assembly; or
 - (c) nominates for election for the Parliament of Victoria or of the Parliament of the Commonwealth or of another State or a Territory; or
 - (d) becomes employed as a Ministerial officer, a Parliamentary officer or an electorate officer by a member of the Parliament of Victoria or in a corresponding position (however designated) by, or for, a member of the Parliament of the Commonwealth or of another State or a Territory; or
 - (e) nominates for election as a Councillor of a Council constituted under the **Local Government Act 2020** or a member of a corresponding body (however designated) under an Act of another State or a Territory; or
 - (f) becomes employed as a member of Council staff within the meaning of the **Local Government Act 2020** or in a corresponding position (however designated) under an Act of another State or Territory; or
-

Statewide Treaty Act 2025
No. of 2025

Part 20—Consequential amendment of the Advancing the Treaty Process with Aboriginal Victorians Act 2018 and the Treaty Authority and Other Treaty Elements Act 2022

- (g) becomes the Gellung Warl Chief Executive Officer; or
 - (h) becomes a Nginma Ngainga Wara member, Nyerna Yoorrook Telkuna member or Gellung Warl staff member or a person who holds a paid position with Gellung Warl; or
 - (i) has property that becomes subject to control under the law relating to bankruptcy; or
 - (j) is disqualified from managing corporations under Part 2D.6 of the Corporations Act; or
 - (k) is held in a prison; or
 - (l) becomes subject to an order under the **Crimes (Mental Impairment and Unfitness to be Tried) Act 1997**; or
 - (m) is sentenced to a term of imprisonment for an indictable offence; or
 - (n) is removed by the First Peoples' Assembly under section 25; or
 - (o) is removed by the Treaty Authority on the Treaty Authority determining that the Electoral Officer—
 - (i) is unable to perform the duties of the office; or
 - (ii) has engaged in conduct specified in the electoral rules as conduct that justifies the removal of the Electoral Officer from office in accordance with those rules.
-

21 Functions and powers of the Electoral Officer

- (1) The Electoral Officer has the following functions—
 - (a) to administer the Gellung Warl electoral roll and the enrolment process for elections under the **Statewide Treaty Act 2025**; and
 - (b) to conduct elections and Gellung Warl plebiscites under the **Statewide Treaty Act 2025** and the electoral rules; and
 - (c) to perform any functions conferred on the Electoral Officer under this Act, any other Act or the electoral rules.
- (2) The Electoral Officer has the power to do all things that are necessary or convenient for or in connection with the performance of the Electoral Officer's functions subject to the electoral rules.

22 Electoral Officer not subject to direction or control

The Electoral Officer is not subject to the direction or control of the Treaty Authority in respect of the performance of the Electoral Officer's functions or the exercise of the Electoral Officer's powers under this Act or any other Act.

23 Staff for Electoral Officer

- (1) Any employees that are necessary for the purpose of the Electoral Officer's functions may be employed under section 14(a).
 - (2) Consultants may be engaged under section 14(b) to assist with the performance of the Electoral Officer's functions.
-

- (3) A person employed or engaged for the purposes of the Electoral Officer's functions must not nominate as a candidate for election or appointment as a member of the First Peoples' Assembly.

24 Delegation by Electoral Officer

The Electoral Officer, by instrument, may delegate a function or power of the Electoral Officer under this Act or any other Act or the electoral rules (other than this power of delegation) to a person employed, or a consultant engaged, by the Treaty Authority for the purposes of the Electoral Officer's functions.

25 First Peoples' Assembly may remove Electoral Officer

- (1) The First Peoples' Assembly, by resolution passed by at least 75% of the whole number of the members of the First Peoples' Assembly, may remove the Electoral Officer from office.
- (2) The internal rules made under the **Statewide Treaty Act 2025** may provide for processes and procedures in relation to removal under subsection (1).
- (3) If a resolution to remove the Electoral Officer is passed in accordance with subsection (1), as soon as practicable the First Peoples' Assembly must notify the Treaty Authority in writing that the Electoral Officer has been removed.

Division 2—Information sharing and confidentiality of electoral information

26 Meaning of *electoral information* and *Gellung Warl electoral roll information*

- (1) Electoral information is information obtained by the Electoral Officer in the course of performing the Electoral Officer's functions or exercising the Electoral Officer's powers under this Act, any other Act or the electoral rules.
- (2) Gellung Warl electoral roll information is electoral information that is—
 - (a) the Gellung Warl electoral roll; or
 - (b) personal information about a person who is registered on the Gellung Warl electoral roll.

27 Access to electoral information

The following persons are authorised to access electoral information—

- (a) the Electoral Officer;
- (b) a person employed or engaged by the Treaty Authority for the purpose of, or to assist with, the performance of the Electoral Officer's functions or the exercise of the Electoral Officer's powers.

28 Access to Gellung Warl electoral roll information

The following persons are authorised to access Gellung Warl electoral roll information—

- (a) the Electoral Officer;
-

- (b) a person employed or engaged by the Treaty Authority for the purpose of, or to assist with, the performance of the Electoral Officer's functions or the exercise of the Electoral Officer's powers;
- (c) the Gellung Warl Chief Executive Officer, to the extent that the Chief Executive Officer is carrying out the Chief Executive Officer's duties and functions and subject to any limitations specified in the electoral rules;
- (d) a Gellung Warl staff member, to the extent that the staff member is carrying out the staff member's duties and functions and subject to any limitations specified in the electoral rules.

29 Restrictions on disclosure of electoral information and Gellung Warl electoral roll information

- (1) The Electoral Officer must not disclose electoral information to a person unless—
 - (a) the person is authorised to access electoral information under section 27; or
 - (b) in the case of Gellung Warl electoral roll information, the person is authorised to access Gellung Warl electoral roll information under section 28.
 - (2) A person employed or engaged by the Treaty Authority for the purpose of, or to assist with, the performance of the Electoral Officer's functions or the exercise of the Electoral Officer's powers must not disclose electoral information to a person unless—
-

Statewide Treaty Act 2025
No. of 2025

Part 20—Consequential amendment of the Advancing the Treaty Process with Aboriginal Victorians Act 2018 and the Treaty Authority and Other Treaty Elements Act 2022

- (a) the person is authorised to access electoral information under section 27; or
 - (b) in the case of Gellung Warl electoral roll information, the person is authorised to access Gellung Warl electoral roll information under section 28.
- (3) The Gellung Warl Chief Executive Officer must not disclose Gellung Warl electoral roll information to a person unless the person is authorised to access Gellung Warl electoral roll under section 28.
- (4) A Gellung Warl staff member must not disclose Gellung Warl electoral roll information to a person unless the person is authorised to access Gellung Warl electoral roll information under section 28.
- (5) This section does not apply if the disclosure—
- (a) is made to a court or tribunal in the course of a legal proceeding or pursuant to an order of the court or a tribunal; or
 - (b) is made to the Treaty Authority in relation to an electoral complaint under Part 15 of the **Statewide Treaty Act 2025**; or
 - (c) is authorised or required by law or by or under any other Act.

Statewide Treaty Act 2025
No. of 2025

Part 20—Consequential amendment of the Advancing the Treaty Process with Aboriginal Victorians Act 2018 and the Treaty Authority and Other Treaty Elements Act 2022

30 Information sharing policies and procedures

The Treaty Authority must develop and implement policies and procedures regarding the handling of information in accordance with the requirements of sections 27, 28 and 29."

Part 21—Amendment of other Acts

Division 1—Amendment of Aboriginal Heritage Act 2006

232 Membership

- (1) In section 131(1) of the **Aboriginal Heritage Act 2006**, for "The Council" substitute "Subject to subsection (1A), the Council".
- (2) After section 131(1) of the **Aboriginal Heritage Act 2006** insert—
 - "(1A) On and after the establishment of the First Peoples' Assembly under the **Statewide Treaty Act 2025**, the First Peoples' Assembly—
 - (a) must appoint the members of the Council as each office of member becomes vacant or is required to be filled; and
 - (b) is responsible for the appointment of members."
- (3) In section 131(3)(c) of the **Aboriginal Heritage Act 2006**, for "the Minister" substitute "the First Peoples' Assembly".
- (4) In section 131(4) of the **Aboriginal Heritage Act 2006**, for "his or her" substitute "the member's".

233 Resignation and removal

- (1) In section 135(1) of the **Aboriginal Heritage Act 2006**, after "the Minister" insert ", or if the member is appointed by the First Peoples' Assembly, to the First Peoples' Assembly".
-

- (2) In section 135(2) of the **Aboriginal Heritage Act 2006**—
- (a) for "Minister" (where first occurring) **substitute** "First Peoples' Assembly";
 - (b) in paragraph (a), for "Minister" **substitute** "First Peoples' Assembly";
 - (c) in paragraph (a)(i) and (ii), for "his or her" **substitute** "the member's".

234 Acting members

- (1) In section 136(1) of the **Aboriginal Heritage Act 2006**, for "his or her office, the Minister" **substitute** "the member's office, the First Peoples' Assembly".
- (2) In section 136(2) of the **Aboriginal Heritage Act 2006**—
- (a) for "he or she" **substitute** "the person";
 - (b) for "the Minister" **substitute** "the First Peoples' Assembly".
- (3) In section 136(3) of the **Aboriginal Heritage Act 2006**, for "Minister" **substitute** "First Peoples' Assembly".
- (4) In section 136(4) of the **Aboriginal Heritage Act 2006**, for "he or she" **substitute** "the person".

235 Alternate members

In section 137(1) and (2) of the **Aboriginal Heritage Act 2006**, for "Minister" **substitute** "First Peoples' Assembly".

236 Terms and conditions for alternate members

In section 137A(2) and (3) of the **Aboriginal Heritage Act 2006**, for "Minister" **substitute** "First Peoples' Assembly".

237 New section 199 inserted

After section 198 of the **Aboriginal Heritage Act 2006** insert—

"199 Transitional provision—Statewide Treaty Act 2025

On and from the amendment of section 131 by the **Statewide Treaty Act 2025**—

- (a) the Council continues to be the same body after that amendment as before that amendment, despite the change to the appointment of members made by that Act, and that change does not affect any act, matter or thing; and
- (b) subject to this Act, a member of the Council appointed under section 131 as in force immediately before that amendment remains in office for the remainder of that member's term of office."

Division 2—Amendment of Aboriginal Lands Act 1970

238 Appointment of Administrator

(1) After section 23B(4) of the **Aboriginal Lands Act 1970** insert—

"(4A) The Minister, within the period specified in the notice, must—

- (a) inform the First Peoples' Assembly of the service of a notice under this section and the relevant grounds in the notice; and
 - (b) consult with the First Peoples' Assembly in respect of those grounds."
-

- (2) In section 23B(6) of the **Aboriginal Lands Act 1970**, after "reserve" **insert** "or the First Peoples' Assembly".

Division 3—Amendment of Audit Act 1994

239 Definitions

- (1) In section 3(1) of the **Audit Act 1994**, in the definition of *public body*, after paragraph (d) **insert**—

"(da) Gellung Warl;"

- (2) In section 3(1) of the **Audit Act 1994** **insert** the following definition—

"**Treaty Authority** has the same meaning as in the **Statewide Treaty Act 2025**;"

240 New section 9A inserted

After section 9 of the **Audit Act 1994** **insert**—

"9A Cultural safety guidelines and procedures

- (1) The Auditor-General, after consultation with the First Peoples' Assembly, must establish written guidelines and procedures to promote and safeguard cultural safety in the exercise of the Auditor-General's powers and performance of the Auditor-General's functions under this Act or any other Act in relation to Gellung Warl, any public officer of Gellung Warl and any Gellung Warl staff member.
- (2) The Auditor-General may request the Treaty Authority to provide advice for the purposes of establishing the guidelines.
- (3) Guidelines and procedures established under this section are not binding on the Auditor-General and a failure to comply with them does not, of itself—
-

- (a) create any legal right or give rise to any civil cause of action; or
 - (b) affect the validity of any act or decision, or otherwise make unlawful any exercise of power or performance of functions, of the Auditor-General under this Act or any other Act, or provide grounds for review of any act or decision.
- (4) Nothing in this section affects or takes away from the Auditor-General's independence."

241 Reports not to question policy objectives

- (1) In section 63(1) of the **Audit Act 1994**, after "the Government" **insert** "or Gellung Warl".
- (2) In section 63(2) of the **Audit Act 1994**, in the definition of *policy objectives*—
 - (a) in paragraph (d), for "a Minister." **substitute** "a Minister;"
 - (b) after paragraph (d) **insert**—

"(e) a document or statement evidencing a policy position, direction or decision of the following—

 - (i) the First Peoples' Assembly;
 - (ii) a Nginma Ngainga Wara member within the meaning of the **Statewide Treaty Act 2025**;
 - (iii) a Nyerna Yoorrook Telkuna member within the meaning of the **Statewide Treaty Act 2025**."

Division 4—Amendment of Freedom of Information Act 1982

242 Definitions

- (1) In section 5(1) of the **Freedom of Information Act 1982** insert the following definitions—

Chief Executive Officer, in relation to Gellung Warl, has the same meaning as it has in the **Statewide Treaty Act 2025**;

First Peoples' Assembly Chairperson means a Chairperson of the First Peoples' Assembly elected under the **Statewide Treaty Act 2025**;

Nginma Ngainga Wara member has the same meaning as it has in the **Statewide Treaty Act 2025**;

Nyerna Yoorrook Telkuna member has the same meaning as it has in the **Statewide Treaty Act 2025**;

representation meeting has the same meaning as it has in the **Statewide Treaty Act 2025**;

- (2) In section 5(1) of the **Freedom of Information Act 1982**, in the definition of *agency*, after "council" insert ", Gellung Warl".

- (3) In section 5(1) of the **Freedom of Information Act 1982**, in the definition of *officer*—

(a) in paragraph (a), after "council" insert "or Gellung Warl";

(b) after paragraph (b) insert—

"(c) in relation to Gellung Warl, includes a member of the First Peoples' Assembly, a Nyerna Yoorrook Telkuna member, a Nginma Ngainga Wara member, a member of the staff of Gellung Warl

and any person employed by or for
Gellung Warl;".

- (4) In section 5(1) of the **Freedom of Information Act 1982**, in the definition of *principal officer*, after paragraph (aa) **insert**—

"(ab) in relation to Gellung Warl, the Chief Executive Officer; and".

243 New section 6JA inserted

After section 6J of the **Freedom of Information Act 1982** **insert**—

"6JA Cultural safety guidelines and procedures

- (1) The Information Commissioner, after consultation with the First Peoples' Assembly, must establish written guidelines and procedures to promote and safeguard cultural safety in the exercise of powers and performance of functions in relation to Gellung Warl—
- (a) under this Act by the Information Commissioner and the Public Access Deputy Commissioner; and
 - (b) under the **Privacy and Data Protection Act 2014** by the Information Commissioner and the Privacy and Data Protection Deputy Commissioner.
- (2) The Information Commissioner may request the Treaty Authority provide advice for the purposes of establishing the guidelines and procedures.
- (3) Guidelines and procedures established under this section are not binding on the Information Commissioner, or the Public Access Deputy Commissioner or the Privacy
-

and Data Protection Deputy Commissioner and a failure to comply with them does not, of itself—

- (a) create any legal right or give rise to any civil cause of action; or
 - (b) affect the validity of any act or decision, or otherwise make unlawful any exercise of power or performance of functions, of the Information Commissioner, the Public Access Deputy Commissioner or the Privacy and Data Protection Deputy Commissioner under this Act, the **Privacy and Data Protection Act 2014** or any other Act, or provide grounds for review of any act or decision.
- (4) In this section—

Privacy and Data Protection Deputy Commissioner has the same meaning as in section 3 of the **Privacy and Data Protection Act 2014**;

Treaty Authority has the same meaning as in the **Statewide Treaty Act 2025**."

244 Publication of information concerning functions etc. of agencies

- (1) In section 7(1) of the **Freedom of Information Act 1982**, after "council" insert "or Gellung Warl".
 - (2) After section 7(1A) of the **Freedom of Information Act 1982** insert—
 - "(1B) Subsection (1) applies to an agency that is Gellung Warl as if the reference to the responsible Minister of an agency were a
-

reference to the First Peoples' Assembly Chairperson."

(3) After section 7(4AA) of the **Freedom of Information Act 1982** insert—

"(4AB) The information to be published in accordance with this section by an agency that is Gellung Warl must be included in Gellung Warl's report of operations for a financial year under Part 7 of the **Financial Management Act 1994**."

245 Statement of certain documents in possession of agencies to be published

In section 11(1) of the **Freedom of Information Act 1982**, after "council" insert "or Gellung Warl".

246 Notices to require specification of documents in statements

In section 12(1) of the **Freedom of Information Act 1982**, after "council" insert "or Gellung Warl".

247 Forms of access

For section 23(3)(c) of the **Freedom of Information Act 1982** substitute—

- "(c) would involve an infringement of copyright—
- (i) in the case of an application to a council, subsisting in a person other than the council; or
 - (ii) in the case of an application to Gellung Warl, subsisting in a person other than Gellung Warl; or
 - (iii) in any other case, subsisting in a person other than the State—".
-

248 Deferment of access

After section 24(1)(aa) of the **Freedom of Information Act 1982** insert—

"(ab) for presentation to the First Peoples' Assembly for publication;"

249 Cabinet documents

After section 28(3) of the **Freedom of Information Act 1982** insert—

- "(4) In addition, a document is an exempt document if it is—
- (a) a document that is the official record of any representation meeting;
 - (b) a document that has been prepared—
 - (i) by a Minister or on the Minister's behalf or by an agency for the purposes of a representation meeting; or
 - (ii) by the First Peoples' Assembly or on the First Peoples' Assembly's behalf for the purposes of a representation meeting;
 - (c) a document prepared for the purpose of briefing a Minister or the First Peoples' Assembly in relation to issues to be considered at a representation meeting;
 - (d) a document given to a Minister or the Cabinet by the First Peoples' Assembly for the purposes of a representation meeting;
 - (e) a document given to the First Peoples' Assembly by a Minister or the Cabinet for the purposes of a representation meeting;
-

- (f) a document that is a copy or draft of, or contains extracts from, a document referred to in paragraph (a), (b), (c), (d) or (e);
 - (g) a document the disclosure of which would involve disclosure of the content or subject of any representation meeting, other than a document by which a decision of the Cabinet was officially published.
- (5) Subsection (4) ceases to apply to a document brought into existence after 1 May 2026 when a period of 10 years has elapsed since the last day of the year in which the document came into existence.
- (6) Subsection (4) does not apply to a document referred to in a paragraph of that subsection to the extent that the document contains purely statistical, technical or scientific material unless the disclosure of the document would involve the disclosure of any deliberation or decision of the Cabinet or the content or subject of any representation meeting."

250 New sections 32A, 32B and 32C inserted

After section 32 of the **Freedom of Information Act 1982** insert—

"32A Documents containing Treaty negotiations information

- (1) A document is an exempt document if its disclosure under this Act would disclose confidential information prepared or communicated for the purpose of Treaty negotiations.
-

- (2) In this section—

Treaty negotiations means negotiations under the Treaty Negotiation Framework within the meaning of the **Advancing the Treaty Process with Aboriginal Victorians Act 2018**.

32B Documents containing culturally sensitive information or culturally secret information

- (1) A document is an exempt document if it is a document of Gellung Warl that if disclosed would disclose culturally sensitive or culturally secret information.

- (2) In this section—

culturally sensitive or culturally secret information has the same meaning as it has in the **Statewide Treaty Act 2025**.

32C Documents containing First Peoples' Assembly consensus meeting information

- (1) A document is an exempt document if it is—
- (a) an official record of a consensus meeting of the First Peoples' Assembly; or
 - (b) a document prepared by a member of the First Peoples' Assembly for the purposes of a consensus meeting of the First Peoples' Assembly; or
 - (c) a document prepared for or given to a member of the First Peoples' Assembly for the purposes of a consensus meeting of the First Peoples' Assembly.
- (2) Subsection (1) ceases to apply to a document brought into existence after 1 May 2026 when a period of 10 years has elapsed since
-

the last day of the year in which the document came into existence.

- (3) Subsection (1) does not apply to a document referred to in a paragraph of that subsection to the extent that the document contains purely statistical, technical or scientific material unless the disclosure of the document would involve the disclosure of any deliberation or decision of a consensus meeting.
- (4) In this section—

consensus meeting means a consensus meeting of the First Peoples' Assembly conducted in accordance with the internal rules made under the **Statewide Treaty Act 2025**."

251 Disciplinary action

After section 61(1)(aa) of the **Freedom of Information Act 1982** insert—

- "(ab) if the person is the principal officer of Gellung Warl—to the First Peoples' Assembly Chairperson;".

Division 5—Amendment of Health Records Act 2001

252 Application to public sector

After section 10(1)(e) of the **Health Records Act 2001** insert—

- "(ea) Gellung Warl;".
-

Division 6—Amendment of Heritage Act 2017

253 Definitions

In section 3(1) of the **Heritage Act 2017** insert the following definition—

"First Peoples' Assembly Heritage Council member means the person referred to in section 10(2)(c) appointed to the Heritage Council by the First Peoples' Assembly;"

254 Members of the Heritage Council

(1) For section 10(1) of the **Heritage Act 2017** substitute—

"(1) The Heritage Council consists of 10 members—

(a) 9 of whom, being the persons referred to in subsection (2)(a), (b) and (d), are appointed by the Governor in Council on the recommendation of the Minister; and

(b) one of whom, being the person referred to in subsection (2)(c), is appointed by the First Peoples' Assembly."

(2) After section 10(3) of the **Heritage Act 2017** insert—

"(4) The First Peoples' Assembly must give the Minister reasonable notice in writing of when it intends to commence the process of appointing the First Peoples' Assembly Heritage Council member."

255 Terms of appointment of members of the Heritage Council

(1) In clause 2(1) of Schedule 1 to the **Heritage Act 2017**, for "A member" substitute "Subject to subclause (1A), a member".

(2) After clause 2(1) of Schedule 1 to the **Heritage Act 2017** insert—

"(1A) The First Peoples' Assembly Heritage Council member—

- (a) holds office for the term specified in the members instrument of appointment made by the First Peoples' Assembly, which must not exceed 3 years; and
- (b) otherwise holds office subject to the terms and conditions applying to any other member of the Heritage Council."

256 Resignation and removal of members of the Heritage Council

(1) In clause 3(1) of Schedule 1 to the **Heritage Act 2017**, after "Governor in Council" insert ", or in the case of the First Peoples' Assembly Heritage Council member, to the First Peoples' Assembly".

(2) In clause 3(2) of Schedule 1 to the **Heritage Act 2017**, for "The Governor" substitute "Subject to subclause (3), the Governor".

(3) After clause 3(2) of Schedule 1 to the **Heritage Act 2017** insert—

- "(3) In relation to the First Peoples' Assembly Heritage Council member, the First Peoples' Assembly, at any time, may remove that member from office and appoint another person in their place.
 - (4) The First Peoples' Assembly must give the Minister reasonable notice before removing the First Peoples' Assembly Heritage Council member under subclause (3).
-

- (5) Without limiting subclause (3)—
- (a) the Minister may give to the First Peoples' Assembly any information, or otherwise advise the First Peoples' Assembly, of any misconduct, neglect or inability of the First Peoples' Assembly Heritage Council member in relation to their performance as a member of the Heritage Council; and
 - (b) the First Peoples' Assembly may decide to remove the member under this clause or suspend the member under clause 3A as the First Peoples' Assembly considers appropriate."

257 New clause 3A of Schedule 1 inserted

After clause 3 of Schedule 1 to the **Heritage Act 2017** insert—

"3A Temporary suspension of First Peoples' Assembly Heritage Council member

- (1) Without limiting any other power under this Schedule, the Governor in Council, on the recommendation of the Minister, may suspend the First Peoples' Assembly Heritage Council member for a period not exceeding 6 months if all the other members of the Heritage Council are being removed or have resigned.
 - (2) If the First Peoples' Assembly Heritage Council member is suspended under subclause (1), the Minister must consult with the First Peoples' Assembly and make any recommendations as to whether the member should be removed from office by the First Peoples' Assembly or reinstated.
-

- (3) The First Peoples' Assembly is not required to act on a recommendation of the Minister made under subclause (2) but must not reinstate the First Peoples' Assembly Heritage Council member before the end of the suspension period fixed under subclause (1) unless the Governor in Council otherwise agrees.
- (4) Without limiting subclause (1), the First Peoples' Assembly may suspend the First Peoples' Assembly Heritage Council member if it considers that it is appropriate to do so for the purposes of clause 3(5)(b) or for any other purpose."

258 Alternate members of the Heritage Council

- (1) In clause 4(1) of Schedule 1 to the **Heritage Act 2017**, for "The Governor" substitute "Subject to clause (1A), the Governor".
 - (2) After clause 4(1) of Schedule 1 to the **Heritage Act 2017** insert—
 - "(1A) In relation to the First Peoples' Assembly Heritage Council member, the First Peoples' Assembly must appoint a person who is an alternate member for that member of the Heritage Council.
 - (1B) Without limiting subclause (3), the alternate member for the First Peoples' Assembly Heritage Council member may act in the place of that member if that member is removed under clause 3 or suspended under clause 3A until a new First Peoples' Assembly Heritage Council member is appointed."
-

259 Terms of appointment for alternate members of the Heritage Council

- (1) In clause 5(3) of Schedule 1 to the **Heritage Act 2017**, after "Governor in Council" **insert** ", or in the case of an alternate member appointed by the First Peoples' Assembly, to the First Peoples' Assembly".
- (2) In clause 5(4) of Schedule 1 to the **Heritage Act 2017**, for "The Governor" **substitute** "Subject to subclause (5), the Governor".
- (3) After clause 5(4) of Schedule 1 to the **Heritage Act 2017 insert**—
 - "(5) In relation to an alternate member for the First Peoples' Assembly Heritage Council member, the First Peoples' Assembly, at any time, may remove that alternate member from office and appoint another person in their place.
 - (6) The First Peoples' Assembly must give the Minister reasonable notice before removing the alternate member under subclause (5).".

260 New Division 4 of Part 14 inserted

After Division 3 of Part 14 of the **Heritage Act 2017 insert**—

**"Division 4—Transitional provision—
Statewide Treaty Act 2025**

307 Transitional provision—Statewide Treaty Act 2025

On and from the amendment of section 10 by the **Statewide Treaty Act 2025**—

- (a) the Heritage Council continues to be the same body after that amendment as before that amendment, despite the
-

change to the appointment of members made by that Act, and that change does not affect any act, matter or thing; and

- (b) subject to this Act, a member of the Heritage Council appointed under section 10(2)(c) as in force immediately before that amendment remains in office for the remainder of that member's term of office."

Division 7—Amendment of Independent Broad-based Anti-corruption Commission Act 2011

261 Definitions

In section 3(1) of the **Independent Broad-based Anti-corruption Commission Act 2011**—

- (a) **insert** the following definitions—

Chief Executive Officer, in relation to Gellung Warl, has the same meaning as it has in the **Statewide Treaty Act 2025**;

First Peoples' Assembly Chairperson means a Chairperson of the First Peoples' Assembly elected under the **Statewide Treaty Act 2025**;

Nginma Ngainga Wara member has the same meaning as it has in the **Statewide Treaty Act 2025**;

Nyerna Yoorrook Telkuna member has the same meaning as it has in the **Statewide Treaty Act 2025**;

Treaty Authority has the same meaning as in the **Statewide Treaty Act 2025**;"

(b) in the definition of *relevant principal officer*, after paragraph (d) **insert**—

"(e) the Chief Executive Officer, in relation to Gellung Warl and the public officers of Gellung Warl;"

262 Definitions of *public body*, *public officer* and *public sector*

In section 6(1) of the **Independent Broad-based Anti-corruption Commission Act 2011**—

(a) in the definition of *public body*, after paragraph (d) **insert**—

"(da) Gellung Warl;"

(b) in the definition of *public officer*, after paragraph (m) **insert**—

"(ma) in relation to Gellung Warl—

(i) a member of the First Peoples' Assembly;

(ii) a Nyerna Yoorrook Telkuna member;

(iii) a Nginma Ngainga Wara member;

(iv) the Chief Executive Officer;

(v) members of staff employed or engaged by Gellung Warl;"

263 New section 15A inserted

After section 15 of the **Independent Broad-based Anti-corruption Commission Act 2011** **insert**—

"15A Cultural safety guidelines and procedures

(1) The IBAC, after consultation with the First Peoples' Assembly, must establish written guidelines and procedures to promote and safeguard cultural safety in the exercise of

the IBAC's powers and performance of the IBAC's functions under this Act or any other Act in relation to Gellung Warl and any public officer of Gellung Warl.

- (2) The IBAC may request the Treaty Authority provide advice for the purposes of establishing the guidelines and procedures.
- (3) Guidelines and procedures established under this section are not binding on the IBAC and a failure to comply with them does not, of itself—
 - (a) create any legal right or give rise to any civil cause of action; or
 - (b) affect the validity of any act or decision, or otherwise make unlawful any exercise of power or performance of functions, of the IBAC under this Act or any other Act, or provide grounds for review of any act or decision.
- (4) Nothing in this section affects or takes away from the IBAC's independence."

264 Disclosure or provision of information by the IBAC

After section 41(1)(f) of the **Independent Broad-based Anti-corruption Commission Act 2011** insert—

"(fa) the Treaty Authority;"

265 Recommendations

(1) After section 159(1)(a) of the **Independent Broad-based Anti-corruption Commission Act 2011** insert—

"(ab) in the case of Gellung Warl, the First Peoples' Assembly Chairperson;"

(2) After section 159(1) of the **Independent Broad-based Anti-corruption Commission Act 2011** insert—

"(1A) Subsection (1)(b) and (c) do not apply in relation to any action that the IBAC considers should be taken in relation to Gellung Warl or a public officer of Gellung Warl."

266 Advance copy of report to the Parliament

After section 162A(1) of the **Independent Broad-based Anti-corruption Commission Act 2011** insert—

"(1A) If the IBAC proposes to transmit a report to the Parliament under section 162 that relates to Gellung Warl, the IBAC must give to the Treaty Authority—

- (a) an advance copy of the report; and
- (b) a copy of the recommendations made to the relevant principal officer or First Peoples' Assembly Chairperson under section 159(1)."

267 Advice to a complainant and other persons

(1) In section 163(3) of the **Independent Broad-based Anti-corruption Commission Act 2011**—

(a) after "subsections" insert "(3A),";

(b) after paragraph (a) insert—

"(ab) in the case of an investigation in relation to Gellung Warl or a public officer of Gellung Warl, the First Peoples' Assembly Chairperson;".

(2) After section 163(3) of the **Independent Broad-based Anti-corruption Commission Act 2011** insert—

"(3A) Subsection (3)(b) and (c) do not apply in relation to the commencement, conduct or results of an investigation in relation to Gellung Warl or a public officer of Gellung Warl."

268 Persons who receive reports or information prior to publication

After section 166(2) of the **Independent Broad-based Anti-corruption Commission Act 2011** insert—

"(2A) Subsection (2)(ca) does not apply in relation to a report, a proposed report, an advance copy of a report under section 162A, or a draft or part of a proposed report or information contained in such a report, concerning Gellung Warl or a public officer of Gellung Warl."

Division 8—Amendment of Integrity Oversight Victoria Act 2011

269 New section 12A inserted

After section 12 of the **Integrity Oversight Victoria Act 2011** insert—

"12A Cultural safety guidelines and procedures

- (1) Integrity Oversight Victoria, after consultation with the First Peoples' Assembly, must establish written guidelines and procedures to promote and safeguard cultural safety in the exercise of its powers and performance of its functions under this Act or any other Act in respect of a review, complaint or investigation of a matter
-

relating to Gellung Warl, any public officer of Gellung Warl and any Gellung Warl staff member.

- (2) Integrity Oversight Victoria may request the Treaty Authority to provide advice for the purposes of establishing the guidelines and procedures.
- (3) Guidelines and procedures established under this section are not binding on Integrity Oversight Victoria and a failure to comply with them does not, of itself—
 - (a) create any legal right or give rise to any civil cause of action; or
 - (b) affect the validity of any act or decision, or otherwise make unlawful any exercise of power or performance of functions, of Integrity Oversight Victoria under this Act or any other Act, or provide grounds for review of any act or decision.
- (4) Nothing in this section affects or takes away from Integrity Oversight Victoria's independence."

Division 9—Amendment of Interpretation of Legislation Act 1984

270 Definitions

In section 38 of the **Interpretation of Legislation Act 1984** insert the following definitions—

"First Peoples' Assembly means the First Peoples' Assembly of Victoria established by section 17 of the **Statewide Treaty Act 2025**;

Gellung Warl means Gellung Warl established by section 10 of the **Statewide Treaty Act 2025**;

Nginma Ngainga Wara means Nginma Ngainga Wara established by the **Statewide Treaty Act 2025**;

Nyerna Yoorrook Telkuna means Nyerna Yoorrook Telkuna established by the **Statewide Treaty Act 2025**;"

Division 10—Amendment of Land Tax Act 2005

271 New section 81A inserted

After section 81 of the **Land Tax Act 2005**
insert—

"81A Gellung Warl

- (1) Land is exempt land if it is—
 - (a) owned by, or held in trust for—
 - (i) Gellung Warl; or
 - (ii) a wholly-owned subsidiary of Gellung Warl; or
 - (iii) a person or body in which Gellung Warl has a controlling interest;
and
 - (b) used by Gellung Warl, the subsidiary or the entity for the purposes of or in connection with Gellung Warl's functions.
 - (2) Despite subsection (1), land or a part of land referred to in that subsection is not exempt land if the land or part is leased or occupied for any business purposes by a person or body other than a person or body referred to in subsection (1)(a).
-

- (3) For the purposes of this section, Gellung Warl has a controlling interest in an entity if Gellung Warl—
- (a) can control the composition of the board of the entity; or
 - (b) is in a position to cast or control the casting of more than 50% of the maximum number of votes that might be cast at a general meeting of the entity; or
 - (c) holds more than 50% of the issued share capital of the entity.
- (4) In this section—
- wholly-owned subsidiary* has the meaning given by section 9 of the Corporations Act."

Division 11—Amendment of Ombudsman Act 1973

272 Definitions

In section 2(1) of the **Ombudsman Act 1973** insert the following definitions—

"Chief Executive Officer, in relation to Gellung Warl, has the same meaning as it has in the **Statewide Treaty Act 2025**;

First Peoples' Assembly Chairperson means a Chairperson of the First Peoples' Assembly elected under the **Statewide Treaty Act 2025**;

Gellung Warl official has the same meaning as it has in the **Statewide Treaty Act 2025**;

Treaty Authority has the same meaning as in the **Statewide Treaty Act 2025**;"

273 New section 13AD inserted

After section 13AC of the **Ombudsman Act 1973**
insert—

"13AD Cultural safety guidelines and procedures

- (1) The Ombudsman, after consultation with the First Peoples' Assembly, must establish written guidelines and procedures to promote and safeguard cultural safety in the exercise of the Ombudsman's powers and performance of the Ombudsman's functions under this Act or any other Act in relation to Gellung Warl or any Gellung Warl official.
 - (2) The Ombudsman may request the Treaty Authority provide advice for the purposes of establishing the guidelines and procedures.
 - (3) Guidelines and procedures established under this section are not binding on the Ombudsman and a failure to comply with them does not, of itself—
 - (a) create any legal right or give rise to any civil cause of action; or
 - (b) affect the validity of any act or decision, or otherwise make unlawful any exercise of power or performance of functions, of the Ombudsman under this Act or any other Act, or provide grounds for review of any act or decision.
 - (4) Nothing in this section affects or takes away from the Ombudsman's independence."
-

274 Making a complaint

After section 14(1)(b) of the **Ombudsman Act 1973 insert—**

"(ba) a member of the First Peoples' Assembly acting on behalf of an aggrieved person; or".

275 Notice of referral

(1) In section 16J of the **Ombudsman Act 1973—**

(a) in paragraph (b)(iii), for "the Council."
substitute "the Council; and";

(b) after paragraph (b)(iii) **insert—**

"(iv) if the authority to which the complaint relates is Gellung Warl, the First Peoples' Assembly Chairperson.".

(2) At the end of section 16J of the **Ombudsman Act 1973 insert—**

"(2) Subsection (1)(b)(ii) does not apply in relation to a complaint which relates to Gellung Warl.".

276 Procedure relating to investigations

(1) In section 17(1) of the **Ombudsman Act 1973—**

(a) in paragraph (d), for "the Council."
substitute "the Council; and";

(b) after paragraph (d) **insert—**

"(e) if the investigation relates to Gellung Warl, the First Peoples' Assembly Chairperson.".

(2) After section 17(1) of the **Ombudsman Act 1973 insert—**

"(1A) Subsection (1)(c) does not apply in relation to an investigation relating to Gellung Warl.".

(3) After section 17(4A) of the **Ombudsman Act 1973** insert—

"(4B) If at any time during the course of an investigation on a relevant public interest complaint about a member of the First Peoples' Assembly it appears to the Ombudsman that there may be grounds for making a report adverse to the member, the Ombudsman must, before making the report, give the First Peoples' Assembly Chairperson the opportunity to comment on the subject-matter of the investigation."

(4) For section 17(6)(b) of the **Ombudsman Act 1973** substitute—

"(b) unless the authority is Gellung Warl, send a copy of the report to the responsible Minister and, if the authority or public interest disclosure entity is a member of staff of a Council or a Councillor, to the Mayor of the Council; and

(c) if the authority is Gellung Warl, send a copy of the report to the First Peoples' Assembly Chairperson."

(5) In section 17(6A) of the **Ombudsman Act 1973**, after "(4A)," insert "(4B),".

277 Procedure on completion of investigation

(1) In section 23(2A) of the **Ombudsman Act 1973**—

(a) in paragraph (a)(iii), for "Council; and" substitute "Council; or";

(b) after paragraph (a)(iii) **insert**—

"(iv) if the public interest complaint is about a member of the First Peoples' Assembly, the First Peoples' Assembly Chairperson; and".

(2) In section 23(3)(a) of the **Ombudsman Act 1973**—

(a) in subparagraph (i), after "unless" **insert** "the authority is Gellung Warl or";

(b) after subparagraph (ii) **insert**—

"(iii) if the authority is Gellung Warl, to the First Peoples' Assembly Chairperson; and".

(3) In section 23(4) of the **Ombudsman Act 1973**—

(a) after "Council," **insert** "or the First Peoples' Assembly Chairperson,";

(b) for "principal officer or responsible Minister or Mayor" **substitute** "principal officer, responsible Minister, Mayor or First Peoples' Assembly Chairperson".

(4) In section 23(5) of the **Ombudsman Act 1973**—

(a) after "Mayor" (where first occurring) **insert** "or First Peoples' Assembly Chairperson";

(b) in paragraph (c), for "the Council—" **substitute** "the Council; and";

(c) after paragraph (c) **insert**—

"(d) where the report relates to Gellung Warl or a Gellung Warl official, to the First Peoples' Assembly Chairperson—".

**Division 13—Amendment of Privacy and Data
Protection Act 2014**

**282 Public sector organisations to which this Part
applies**

After section 13(1)(i) of the **Privacy and Data
Protection Act 2014** insert—

"(ia) Gellung Warl;".

283 Application of Part

After section 84(2)(c) of the **Privacy and Data
Protection Act 2014** insert—

"(ca) Gellung Warl;".

**Division 14—Amendment of Public Administration
Act 2004**

284 Part 2 heading amended

In the heading to Part 2 of the **Public
Administration Act 2004**, for "and employment
principles" substitute ", employment principles
and Treaty principles".

285 New section 8A inserted

After section 8 of the **Public Administration
Act 2004** insert—

"8A Treaty principles

Public service body Heads and special body
Heads must establish processes that—

- (a) support the development of a culturally
capable workforce; and
 - (b) recognise the role of public service
bodies and special bodies in any
Statewide Treaty or Traditional Owner
Treaty made in accordance with the
Treaty Negotiation Framework,
-

including as given effect to in the **Statewide Treaty Act 2025** or any other Acts and in ongoing truth-telling; and

- (c) provide ongoing education and training to develop and maintain an understanding of Treaty and ongoing truth-telling."

Division 15—Amendment of Public Interest Disclosures Act 2012

286 Definitions

In section 3 of the **Public Interest Disclosures Act 2012** insert the following definitions—

"Chief Executive Officer, in relation to Gellung Warl, has the same meaning as it has in the **Statewide Treaty Act 2025**;

First Peoples' Assembly Chairperson means a Chairperson of the First Peoples' Assembly elected under the **Statewide Treaty Act 2025**;

Gellung Warl staff member has the same meaning as it has in the **Statewide Treaty Act 2025**;

Nginma Ngainga Wara member has the same meaning as it has in the **Statewide Treaty Act 2025**;

Nyerna Yoorrook Telkuna member has the same meaning as it has in the **Statewide Treaty Act 2025**;"

287 Persons or bodies to which certain public interest disclosures must be made

After section 14(ea) of the **Public Interest Disclosures Act 2012** insert—

"(eb) to the IBAC or the Ombudsman, if the disclosure relates to a member of the First Peoples' Assembly;"

288 New section 16A inserted

After section 16 of the **Public Interest Disclosures Act 2012** insert—

"16A Public interest disclosures relating to Gellung Warl

- (1) A public interest disclosure that relates to the conduct of Gellung Warl, a Nyerna Yoorrook Telkuna member, a Nginma Ngainga Wara member, or a Gellung Warl staff member may be made to Gellung Warl.
 - (2) A public interest disclosure that relates to the conduct of the Chief Executive Officer of Gellung Warl may be made to—
 - (a) the Chairpersons of the First Peoples' Assembly; or
 - (b) a person identified as a person who may receive disclosures in the procedures established under section 58 for Gellung Warl by the First Peoples' Assembly.
 - (3) A public interest disclosure may be made to Gellung Warl by a person who is a member of the First Peoples' Assembly, a Nyerna Yoorrook Telkuna member, a Nginma Ngainga Wara member, the Chief Executive Officer or a Gellung Warl staff member unless—
-

- (a) the disclosure is required to be made to another entity under section 14 or 17(3); or
- (b) the disclosure relates to a member of Parliament."

289 Schedule 2 amended

In Schedule 2 to the **Public Interest Disclosures Act 2012**, in the Table, after Item 8 insert—

- "9 Gellung Warl The Chief Executive Officer; or
a person identified as a person who may receive disclosures in the procedures established by the First Peoples' Assembly under section 58; or
in the case of a disclosure made by a person who is a member, officer or a Gellung Warl staff member—a direct or indirect manager or supervisor of that person".

Division 16—Amendment of Public Records Act 1973

290 Definitions and limit of application of the Act

- (1) In section 2(1) of the **Public Records Act 1973** insert the following definitions—

"First Peoples' Assembly Chairperson means a Chairperson of the First Peoples' Assembly elected under the **Statewide Treaty Act 2025**;

officer in charge, in relation to the public office that is Gellung Warl, means the Chief Executive Officer of Gellung Warl;

Treaty Authority has the same meaning as it has in the **Statewide Treaty Act 2025**."

- (2) In section 2(1) of the **Public Records Act 1973**, after paragraph (f) of the definition of *public office* insert—

"(g) Gellung Warl;"

- (3) In section 2(1) of the **Public Records Act 1973**, after paragraph (e) of the definition of *public record* insert—

"(f) a record held by the public office that is Gellung Warl that is culturally sensitive information or culturally secret information;"

- (4) In section 2(1) of the **Public Records Act 1973**, in the definition of *record*, for "2008." substitute "2008;"

291 New section 7A inserted

After section 7 of the **Public Records Act 1973** insert—

"7A Cultural safety guidelines and procedures

- (1) The Keeper of Public Records, after consultation with the First Peoples' Assembly, must establish written guidelines and procedures to promote and safeguard cultural safety in the exercise of the Keeper's powers and performance of the Keeper's functions under this Act or any other Act in relation to—
- (a) the public office that is Gellung Warl;
and
 - (b) public records transferred or required to be transferred from Gellung Warl to the Public Record Office.
-

- (2) The Keeper of Public Records may request the Treaty Authority provide advice for the purposes of establishing the guidelines and procedures.
- (3) Guidelines and procedures established under this section are not binding on the Keeper of Public Records and a failure to comply with them does not, of itself—
 - (a) create any legal right or give rise to any civil cause of action; or
 - (b) affect the validity of any act or decision, or otherwise make unlawful any exercise of power or performance of functions, of the Keeper under this Act or any other Act, or provide grounds for review of any act or decision."

292 Personal or private records may be withheld

After section 9(2) of the **Public Records Act 1973** insert—

- "(3) This section does not apply to any records required to be transferred to the Public Record Office from the public office that is Gellung Warl."

293 New section 9A inserted

After section 9 of the **Public Records Act 1973** insert—

"9A Personal or private records transferred from Gellung Warl

- (1) Where the First Peoples' Assembly Chairperson is of the opinion that any records required by this Act to be transferred from Gellung Warl to the Public Record Office contain matters of such a private or
-

personal nature that they should not be open for public inspection, the Chairperson may declare those records to be private or personal records and not available for public inspection for a period specified in the declaration.

- (2) The First Peoples' Assembly Chairperson may vary any declaration under subsection (1), including to permit, on any conditions or restrictions specified, all or any of those records to be open for inspection by any specified person or class of persons.
- (3) Before making or varying a declaration under this section, the First Peoples' Assembly Chairperson must consult in accordance with the internal rules made under the **Statewide Treaty Act 2025**.
- (4) The First Peoples' Assembly Chairperson must give to the Keeper of Public Records a copy of any declaration made or varied under this section."

294 Records may be withheld for 30 years

- (1) In section 10(1) of the **Public Records Act 1973**, for "subsection (2)" substitute "subsections (2) and (4)".
- (2) After section 10(3) of the **Public Records Act 1973** insert—
 - "(4) This section does not apply to any records transferred or required to be transferred from the public office that is Gellung Warl to the Public Record Office."

295 New section 10AAA inserted

After section 10 of the **Public Records Act 1973**
insert—

**"10AAA Records transferred from Gellung Warl
may be withheld for 30 years**

- (1) The First Peoples' Assembly Chairperson may declare that any specified records required by this Act to be transferred from Gellung Warl to the Public Record Office shall not be available for public inspection for a period specified in the declaration, being a period of not more than 30 years, after the date of their transfer to the Public Record Office.
- (2) Before making a declaration under this section, the First Peoples' Assembly Chairperson must consult in accordance with the internal rules made under the **Statewide Treaty Act 2025**.
- (3) The First Peoples' Assembly Chairperson must give to the Keeper of Public Records a copy of any declaration made under subsection (1).
- (4) A declaration under subsection (1) may not be varied or revoked."

296 Standards for management of public records

At the end of section 12 of the **Public Records Act 1973** **insert—**

- "(2) In establishing any new standards for the purposes of subsection (1), the Keeper of Public Records must consult the First Peoples' Assembly to ensure that the standards are culturally safe and culturally competent."
-

297 New section 22A inserted

After section 22 of the **Public Records Act 1973**
insert—

**"22A Transitional provision—Statewide Treaty
Act 2025**

(1) In this section—

current standards means the standards under
section 12 in effect immediately before
the commencement of this section.

(2) The Keeper of Public Records must review
the current standards in consultation with the
First Peoples' Assembly to ensure that the
standards are culturally safe and culturally
competent.

(3) The review must include all current
standards unless otherwise agreed by the
Keeper of Public Records and the First
Peoples' Assembly.

(4) The review must be conducted within—
(a) 3 years after the commencement of this
section; or
(b) any longer period agreed by the Keeper
of Public Records and the First Peoples'
Assembly."

**Division 17—Amendment of Subordinate
Legislation Act 1994**

298 Definitions

(1) In section 3(1) of the **Subordinate Legislation
Act 1994—**

(a) in the definition of *legislative instrument*, in
paragraph (h), for "of instrument;"
substitute "of instrument; or";

(b) in the definition of *legislative instrument*, after paragraph (h) **insert**—

"(i) an internal rule within the meaning of the **Statewide Treaty Act 2025** or a substantive rule within the meaning of that Act;"

(c) in the definition of *statutory rule*, after "is exempted under section 4(1)(b)" **insert** "or referred to in subsection (1A)".

(2) After section 3(1) of the **Subordinate Legislation Act 1994** **insert**—

"(1A) An internal rule within the meaning of the **Statewide Treaty Act 2025** or a substantive rule within the meaning of that Act is not a statutory rule."

Division 18—Repeal of this Part and Part 20

299 Repeal of this Part and Part 20

This Part and Part 20 are **repealed** on 1 May 2027.

Note

The repeal of this Part and Part 20 does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).

Schedule 1—Content and subject matter of internal rules other than electoral rules

Section 33

1 Decision-making processes of Gellung Warl or any of its constituent elements

- 1.1 Subject to item 1.2, in relation to any act, matter or thing which the First Peoples' Assembly is empowered to do, whether and how decisions are to be made by the First Peoples' Assembly or a delegated person or a committee or subcommittee of the First Peoples' Assembly.
 - 1.2 That decisions made by the First Peoples' Assembly are to be made by at least a majority of the First Peoples' Assembly, however decisions of a delegated person or a committee or subcommittee of the First Peoples' Assembly need not be made by at least a majority unless the internal rules so require.
 - 1.3 Decisions made must be considered fairly and on their merits.
 - 1.4 Conduct and procedure of meetings of the First Peoples' Assembly, any committees or subcommittees, Nginma Ngainga Wara and Nyerna Yoorrook Telkuna, including the form and availability of minutes and other meeting records.
 - 1.5 Policies and procedures in relation to disclosure of conflicts of interest.
 - 1.6 The election, term, role, functions and powers of Chairpersons of the First Peoples' Assembly, including providing—
 - (a) that any Chairperson of the First Peoples' Assembly must be a member of the First Peoples' Assembly; and
 - (b) for acting Chairpersons.
-

- 1.7 The election, term, role, functions and powers of any First Peoples' Assembly leadership positions other than the Chairpersons, including any chairpersons of any committee or subcommittee.
 - 1.8 The establishment of an independent remuneration mechanism to fix and review entitlements of members of the First Peoples' Assembly, Chairpersons and, if applicable, members of committees or subcommittees.
 - 1.9 Matters that prohibit a person from being a member of the First Peoples' Assembly, a Chairperson or holding another leadership position, including as a member or a leader of a committee or, if applicable, a subcommittee.
 - 1.10 The establishment, processes and procedures for committees and, if applicable, subcommittees of the First Peoples' Assembly.
 - 1.11 Foreign influence rules.
 - 1.12 Use and custody of the common seal.
 - 1.13 Arrangements necessary for the administration and ongoing day-to-day operations of Gellung Warl during any period in which the First Peoples' Assembly is dissolved.
- 2 Chief Executive Officer and staff of Gellung Warl**
- 2.1 Subject to the requirements of this Act, the role, functions and powers of the Chief Executive Officer.
 - 2.2 Subject to Part 3—
 - (a) the terms of appointment of the Chief Executive Officer;
 - (b) the period of any appointment and process for managing any vacancy in the role of Chief Executive Officer, including the appointment of, and the fixing of a
-

maximum term for, any acting Chief Executive Officer including where an acting appointment power is delegated to the Chief Executive Officer;

- (c) processes for removing a Chief Executive Officer or terminating the Chief Executive Officer's appointment.

2.3 A staff recruitment policy requiring—

- (a) that recruitment decisions be based on merit having regard to inclusiveness measures; and
- (b) transparency in the recruitment process.

3 Additional powers in relation to the First Peoples' Assembly

3.1 Qualifications required to be a member of the First Peoples' Assembly, including as a minimum, that—

- (a) the person is 18 years of age or over; and
- (b) the person is registered on the Gellung Warl electoral roll; and
- (c) the person is a Traditional Owner; and
- (d) in the case of a reserved member, the person meets the residency requirements set by the relevant Traditional Owner group; and
- (e) in the case of a general member, the person's principal place of residence—
 - (i) is in Victoria; or
 - (ii) is within 60 kilometres of the Victorian border; and
- (f) the person is not a person referred to in section 21(2).

3.2 Terms of office of members of the First Peoples' Assembly which—

- (a) must not exceed 4 years; and
- (b) may specify different terms for general members and reserved members and may provide for staggered terms for reserved members.

3.3 Suspension of members of the First Peoples' Assembly, including—

- (a) grounds and procedures for suspension;
- (b) procedures for suspension where an allegation of misconduct or serious misconduct is made;
- (c) additional circumstances in which a member may be suspended.

3.4 Removal from the office of a member of the First Peoples' Assembly, including as a minimum—

- (a) grounds for removal, which must include—
 - (i) being absent for a period of 4 consecutive months without leave obtained from the First Peoples' Assembly; or
 - (ii) ceasing to be qualified to be a member of the First Peoples' Assembly; or
 - (iii) being unable to perform the duties of the office; or
 - (iv) having been found to have engaged in serious misconduct; and
 - (b) whether a person removed from office may stand for re-election to the First Peoples' Assembly or be reappointed by a Traditional Owner group.
-

3.5 Dissolution of the First Peoples' Assembly by resolution, including as a minimum—

- (a) the motion for a dissolution resolution must set out the grounds for dissolution, which may be—
 - (i) serious or systemic corrupt conduct or serious and systemic maladministration has occurred; or
 - (ii) lack of confidence in the capability of the First Peoples' Assembly to effectively perform its functions; or
 - (iii) any additional grounds specified in the rules for dissolution of the First Peoples' Assembly; and
- (b) a dissolution resolution is valid only if passed by a minimum of 75% of the whole number of the members of the First Peoples' Assembly.

4 Additional powers in relation to Nginma Ngainga Wara

- 4.1 Subject to Part 9, matters relating to the internal operation of Nginma Ngainga Wara and oversight of Nginma Ngainga Wara by the First Peoples' Assembly.
- 4.2 The terms and conditions of appointment, including remuneration, of Nginma Ngainga Wara members.
- 4.3 Circumstances for appointment of acting Nginma Ngainga Wara members and terms, conditions and periods of appointment for acting Nginma Ngainga Wara members.

- 4.4 Terms of office of Nginma Ngainga Wara members which—
- (a) must be at least 4 years and not more than 6 years; and
 - (b) must not end during an election period.
- 4.5 Suspension of Nginma Ngainga Wara members including—
- (a) grounds and procedures for suspension;
 - (b) procedures for suspension where an allegation of misconduct or serious misconduct is made;
 - (c) additional circumstances in which a Nginma Ngainga Wara member may be suspended.
- 4.6 Removal from office of Nginma Ngainga Wara members including, as a minimum, grounds for removal which must include the following—
- (a) being found to have engaged in serious misconduct;
 - (b) absence from Nginma Ngainga Wara meetings for a period of more than 4 months without leave of the First Peoples' Assembly;
 - (c) inability to perform the duties of the office;
 - (d) becoming a member of the Parliament of Victoria or the Parliament of the Commonwealth or the Parliament of another State or a Territory;
 - (e) being employed as a Ministerial officer, a Parliamentary officer or an electorate officer by a member of the Parliament of Victoria or in a corresponding position (however designated) by, or for, a member of the Parliament of the Commonwealth or the Parliament of another State or a Territory;
-

- (f) becoming a Councillor of a Council constituted under the **Local Government Act 2020** or a member of a corresponding body (however designated) under an Act of another State or a Territory;
 - (g) being employed as a member of Council staff within the meaning of the **Local Government Act 2020** or in a corresponding position (however designated) under an Act of another State or a Territory;
 - (h) becoming a member of the Treaty Authority or holds a paid position with the Treaty Authority;
 - (i) being elected as a member of the First Peoples' Assembly or holding a paid position with Gellung Warl other than as a Nginma Ngainga Wara member;
 - (j) becoming a public sector employee within the meaning of the **Public Administration Act 2004** or in a corresponding position (however designated) under an Act of the Commonwealth or of another State or a Territory;
 - (k) having property that is subject to control under the law relating to bankruptcy;
 - (l) being disqualified from managing corporations under Part 2D.6 of the Corporations Act;
 - (m) being currently held in a prison; or
 - (n) becoming subject to an order under the **Crimes (Mental Impairment and Unfitness to be Tried) Act 1997**;
 - (o) being sentenced to a term of imprisonment for an indictable offence.
-

- 4.7 Decision-making processes and procedures of Nginma Ngainga Wara.
- 4.8 Subject to Part 9, matters relating to conduct of inquiries including, as a minimum, requirements for keeping records of information considered in conducting an inquiry.
- 4.9 Engagement of staff of Nginma Ngainga Wara.
- 4.10 Financial management of Nginma Ngainga Wara operations.
- 4.11 Processes for the preparation, publication and approval of Nginma Ngainga Wara's annual forward plan.
- 4.12 Subject to this Act, publication of information received, held or created by Nginma Ngainga Wara.

5 Additional powers in relation to Nyerna Yoorrook Telkuna

- 5.1 Subject to Part 10, matters relating to the internal operation of Nyerna Yoorrook Telkuna and oversight of Nyerna Yoorrook Telkuna by the First Peoples' Assembly.
 - 5.2 The terms and conditions of appointment, including remuneration, of Nyerna Yoorrook Telkuna members.
 - 5.3 Circumstances for appointment of acting Nyerna Yoorrook Telkuna members and terms, conditions and period of appointment for acting Nyerna Yoorrook Telkuna members.
 - 5.4 Suspension of Nyerna Yoorrook Telkuna members including—
 - (a) grounds and procedures for suspension;
 - (b) procedures for suspension where an allegation of misconduct or serious misconduct is made;
-

- (c) additional circumstances in which a Nyerna Yoorrook Telkuna member may be suspended.

5.5 Removal from office of Nyerna Yoorrook Telkuna members including, as a minimum, grounds for removal which must include the following—

- (a) being found to have engaged in serious misconduct;
 - (b) absence from Nyerna Yoorrook Telkuna meetings for a period of more than 4 months without leave of the First Peoples' Assembly;
 - (c) inability to perform the duties of the office;
 - (d) becoming a member of the Parliament of Victoria or the Parliament of the Commonwealth or the Parliament of another State or a Territory;
 - (e) being employed as a Ministerial officer, a Parliamentary officer or an electorate officer by a member of the Parliament of Victoria or in a corresponding position (however designated) by, or for, a member of the Parliament of the Commonwealth or the Parliament of another State or a Territory;
 - (f) becoming a Councillor of a Council constituted under the **Local Government Act 2020** or a member of a corresponding body (however designated) under an Act of another State or a Territory;
 - (g) being employed as a member of Council staff within the meaning of the **Local Government Act 2020** or in a corresponding position (however designated) under an Act of another State or a Territory;
-

- (h) becoming a member of the Treaty Authority or holds a paid position with the Treaty Authority;
 - (i) being elected as a member of the First Peoples' Assembly or holding a paid position with Gellung Warl other than as a Nyerna Yoorrook Telkuna member;
 - (j) becoming a public sector employee within the meaning of the **Public Administration Act 2004** or in a corresponding position (however designated) under an Act of the Commonwealth or of another State or a Territory;
 - (k) having property that is subject to control under the law relating to bankruptcy;
 - (l) being disqualified from managing corporations under Part 2D.6 of the Corporations Act;
 - (m) being currently held in a prison;
 - (n) becoming subject to an order under the **Crimes (Mental Impairment and Unfitness to be Tried) Act 1997**;
 - (o) being sentenced to a term of imprisonment for an indictable offence.
- 5.6 Collection and holding of information received or created by Nyerna Yoorrook Telkuna.
- 5.7 Subject to the Act, publication of information received, held or created by Nyerna Yoorrook Telkuna.
- 5.8 Decision-making processes and procedures of Nyerna Yoorrook Telkuna.
- 5.9 Engagement of staff of Nyerna Yoorrook Telkuna.
- 5.10 Financial management of Nyerna Yoorrook Telkuna operations.
-

6 Misconduct

- 6.1 Subject to Part 13, procedures for dealing with alleged misconduct and serious misconduct including internal review.
- 6.2 Subject to Part 13, the manner and process for requesting support, advice, including facilitation, mediation or other dispute resolution from the Treaty Authority in relation to allegations of misconduct or serious misconduct.
- 6.3 Without limiting item 1.9, providing that a member of the First Peoples' Assembly who has been found to have engaged in misconduct or serious misconduct is ineligible to hold the office of Chairperson of the First Peoples' Assembly for the remainder of that member's term.

7 Complaints

- 7.1 Subject to Part 15, procedures for making and dealing with—
 - (a) complaints; and
 - (b) electoral complaints.
 - 7.2 Subject to Part 15, subject matter for complaints, including as a minimum—
 - (a) a failure to comply with the requirements of this Act or the internal rules relating to the governance of the First Peoples' Assembly, Nginma Ngainga Wara or Nyerna Yoorrook Telkuna; and
 - (b) a failure to comply with the requirements of this Act or the internal rules applicable to any action, decision or provision of any service by a Gellung Warl official; and
 - (c) a failure to comply with the Community Governance and Answerability Framework.
-

7.3 Subject to Part 15, the manner and process for requesting support, advice, including facilitation, mediation or other dispute resolution from the Treaty Authority in relation to complaints under section 170.

7.4 Processes for making and dealing with complaints about appointment or qualification of reserved members.

8 Record management and information

8.1 Subject to the requirements of this Act, record management, including practices and procedures, collection, management access and use and oversight and retention of records and governance of culturally sensitive or culturally secret information.

Note

See Part 11.

- 8.2 Additional requirements in relation to the management of culturally sensitive or culturally secret information including as a minimum—
- (a) processes for classification of culturally sensitive or culturally secret information and attribution of the information to appropriate sources; and
 - (b) processes to facilitate consent to disclosure or publication of culturally sensitive or culturally secret information; and
 - (c) consent to disclosure or publication of restricted information that is culturally sensitive or culturally secret information; and
 - (d) a process for independent review into—
 - (i) whether information has been correctly classified; and
-

(ii) other processes in rules made under this item.

8.3 Subject to the requirements of this Act, additional requirements in relation to the management of restricted information, including as a minimum, if staff members are working across the First Peoples' Assembly, Nginma Ngainga Wara and Nyerna Yoorrook Telkuna, or any combination of them, processes for managing restricted information of each of them.

8.4 Information to be specified for the purposes of section 138(1)(b), including as a minimum—

(a) information that—

(i) is personal information; or

(ii) is health information; or

(iii) is the subject of legal professional privilege or client legal privilege; or

(b) information provided to or prepared for the purposes of a consensus meeting or that is a record of a consensus meeting; or

(c) information that—

(i) would prejudice Gellung Warl's position in commercial negotiations; or

(ii) would be likely to endanger the security of Gellung Warl property or pose a risk to the safety of any person; or

(iii) would be reasonably likely to prejudice an investigation by any law enforcement agency or any proceeding; or

(d) information that was given to Gellung Warl by a business or a commercial or financial undertaking and—

- (i) relates to trade secrets; or
- (ii) the disclosure of the information would unreasonably expose the business or commercial or financial undertaking to disadvantage; or
- (e) information that relates to an internal review or a complaint; or
- (f) information relating to Treaty negotiations or a dispute incidental to or in connection with Treaty negotiations.

9 Consensus meetings

9.1 Matters relating to consensus meetings including as a minimum—

- (a) a requirement for the meeting to be attended by all members of the First Peoples' Assembly; and
 - (b) a requirement for the meeting to be held in private; and
 - (c) a requirement for a member of the First Peoples' Assembly to publicly support the agreed outcomes of the meeting, regardless of the views expressed by that member at the meeting; and
 - (d) any consequences for a member of the First Peoples' Assembly who fails to publicly support agreed outcomes of the meeting or who discloses matters discussed at the meeting; and
 - (e) requirements and processes for protecting the security of documents and information provided to or prepared for the purposes of a consensus meeting.
-

10 Consultation processes for the purposes of declarations under the Public Records Act 1973

10.1 Consultation processes for the purposes of the First Peoples' Assembly making or varying a declaration under section 9A of the **Public Records Act 1973**.

10.2 Consultation processes for the purposes of the First Peoples' Assembly making a declaration under section 10AAA of the **Public Records Act 1973**.

11 Rule making processes and procedures

11.1 Consistent with and in addition to the powers in Part 4, this Schedule and Schedule 2, processes and procedures in relation to the making of internal rules and substantive rules, which may include the following—

- (a) processes for the preparation and making of internal rules and substantive rules;
- (b) processes for the scrutiny of internal rules and substantive rules;
- (c) processes for consultation and engagement with eligible persons in relation to any proposed or existing internal rules or substantive rules.

Schedule 2—Content and subject matter of electoral rules

Section 33

1 Conduct of elections

- 1.1 The conduct of elections, including as a minimum—
- (a) requiring publication of public notice of an election prior to that election specifying the election period;
 - (b) requirements for timing and publication of a public notice of an election;
 - (c) the role of the Electoral Officer in relation to elections, including engaging third parties to assist in performing the role;
 - (d) the processes and requirements for a person to nominate as a candidate for election as a general member including the making of a declaration by the person nominating as a candidate that the person is qualified to be a member of the First Peoples' Assembly and the manner or form of a declaration;
 - (e) providing for when nominations as a candidate for election as a general member are void;
 - (f) voting centre conduct and processes to ensure elections are free, fair and transparent;
 - (g) processes for calling an election or conducting a countback to fill a vacancy.
- 1.2 Providing for a fixed schedule of general elections to be held at least every 4 years after the first general election held under this Act and within 6 months after the end of each term of the general members unless the election period is changed by
-

the Electoral Officer in accordance with electoral rules in specific circumstances which could adversely affect the conduct of an election.

Example

Natural disaster, cultural matters or sorry business.

- 1.3 Providing for general elections to be held in accordance with the fixed schedule of general elections and for other elections to be held as required.
- 1.4 Processes for the following—
 - (a) if the number of candidates is equal to or less than the number of vacancies to be filled at an election in an electoral division, providing for the Electoral Officer to make a declaration of the candidate or candidates to be elected and the giving of notice of that declaration;
 - (b) if there are no candidates for an election in an electoral division, the failure of that election and the giving of notice by the Electoral Officer that the election has failed.
- 1.5 Preparation and publication of electoral conduct reports by the Electoral Officer in relation to the administration of the election, including—
 - (a) the timing for the report; and
 - (b) that the report includes any changes to the boundaries of any electoral division for the seats of general members since the last election.

2 Structure of the First Peoples' Assembly

- 2.1 The structure of the First Peoples' Assembly, including as a minimum—
 - (a) the minimum number of general members which must be at least 10;
-

- (b) the minimum number of reserved members to be appointed to represent each Traditional Owner group which must be less than or equal to the total number of general members; and
- (c) that each Traditional Owner group may appoint at least one reserved member, but is not required to do so;
- (d) that the number of members of the First Peoples' Assembly which must not exceed 80 in total;
- (e) the development of gender quotas for vacancies of general members.

2.2 Providing for any alteration of the structure of the First Peoples' Assembly to occur in accordance with the *larbargirrar gnuurtak tulkuuk* (community answerability) principles and the Community Engagement Charter.

3 Electoral boundaries and divisions

- 3.1 Processes for setting electoral boundaries of each electoral division, including as a minimum—
 - (a) ensuring electoral divisions for general members represent all areas of Victoria;
 - (b) ensuring all electoral divisions for general members are of approximately equal population of persons eligible to be registered on the Gellung Warl electoral roll.
 - 3.2 Publication of any map of the boundaries of each electoral division, including when set or amended.
 - 3.3 Processes for reviewing and amending the electoral boundaries and electoral divisions, including as a minimum—
-

- (a) ensuring electoral divisions for general members remain of approximately equal population of persons eligible to be registered on the Gellung Warl electoral roll;
- (b) providing for proposed amendments to be available to eligible electors and for processes for eligible electors to make submissions or objections within a period of at least 30 days after the proposed amendment is made available.

3.4 Providing for any other matter that may be taken into account to facilitate alignment of electoral boundaries with cultural practices and landscapes, including Traditional Owner group boundaries.

4 Appointing reserved members

4.1 For the purposes of paragraph (d) of the definition of *Traditional Owner group*—

- (a) a process for entities to be recognised as a Traditional Owner group to appoint a reserved member;
- (b) specifying entities to be a Traditional Owner group.

4.2 Providing for a review to be conducted of the eligibility of entities specified under item 4.1 or other Traditional Owners to appoint reserved members, within 3 years of the commencement of this Schedule, and for the review to consider, as a minimum—

- (a) any changes to the Traditional Owner Treaty landscape; and
 - (b) the ways Traditional Owner groups are organised or arranged.
-

- 4.3 Requiring each Traditional Owner group to develop and publish processes and procedures by which a reserved member is to be appointed to the First Peoples' Assembly.
- 4.4 Processes for a person to nominate as a candidate for appointment as a reserved member, including—
 - (a) the making of a declaration by the person nominating as a candidate that the person is qualified to be a member of the First Peoples' Assembly and the manner or form of a declaration; and
 - (b) providing for when nominations are void.

5 Gellung Warl electoral roll

- 5.1 Eligibility for registration on the Gellung Warl electoral roll, including as a minimum—
 - (a) that a person is 16 years of age or above; and
 - (b) that a person is either—
 - (i) a Traditional Owner; or
 - (ii) an Aboriginal or Torres Strait Islander person residing in Victoria who has been residing in Victoria for at least 3 of the 5 years before the person applies to be registered on the Gellung Warl electoral roll.
 - 5.2 Process for applying for registration on the Gellung Warl electoral roll, including any documentation or evidence required, and as a minimum, providing evidence of a person's full name, age and residential address and eligibility under rules made under item 5.1.
-

5.3 Administrative processes for or in relation to the Gellung Warl electoral roll, including—

- (a) registration of all persons who are eligible to vote in an election;
- (b) the functions and powers of the Electoral Officer in relation to the roll.

6 Voting

- 6.1 The voting method or methods to be used in an election, which must be free, fair and transparent, including voting methods for eligible interstate or overseas electors to vote.
 - 6.2 How a person may cast a valid vote in an election and entitlement to a vote in an election, including that each eligible elector is entitled to one vote.
 - 6.3 The procedure to be followed at the close of voting, including how votes are to be counted and how a quota is to be determined, including as a minimum—
 - (a) that votes are to be counted using preferential or proportional voting methods; and
 - (b) the procedure to be followed at the close of voting;
 - (c) providing for the scrutiny of votes.
 - 6.4 How any ballot or other material used in respect of an election is to be collected, handled and stored during and after the election, including as a minimum—
 - (a) securing all such material and its secure storage;
 - (b) who is responsible for securing the material.
 - 6.5 How an election is to be determined, including the process to be followed if an election fails.
-

6.6 Processes for the public declaration of the result of an election by the Electoral Officer, including that the declaration includes—

- (a) the announcement of the name of each candidate elected; and
- (b) the total number of persons on the Gellung Warl electoral roll at the time of the election.

7 Expenditure and donations for general members and reserved members

7.1 Electoral expenditure matters including electoral donation disclosure processes and exemptions for gifts and related matters, including as a minimum—

- (a) all election campaign donations are capped at or below the dollar amount specified by the general cap within the meaning of the **Electoral Act 2002** as indexed under section 217Q of that Act;
- (b) requiring all candidates for election as a general member or appointment as a reserved member to provide an election campaign disclosure return to the Chief Executive Officer within 40 days after the end of the election period setting out—

- (i) the particulars of each election campaign donation received by the candidate during the donation period unless an exception applies; and

Note

See definitions of *election campaign donation* and *donation period*.

- (ii) if the candidate did not receive any election campaign donations during the donation period, a statement to that effect; and
-

- (iii) the name of the donor; and
 - (iv) the date on which the gift was received;
and
 - (v) the amount of the gift; and
 - (c) requiring publication of a summary of each election campaign disclosure return on the Internet site of Gellung Warl within a reasonable time and including, if provided in the election campaign disclosure return, the name of any person that provided the gift and its value; and
 - (d) restricting or prohibiting accepting of election campaign donations from a donor, unless the donor—
 - (i) is an Australian citizen or an Australian resident; or
 - (ii) in the case of a donor who is not a natural person, has an Australian Business Number issued under the A New Tax System (Australian Business Number) Act 1999 of the Commonwealth; and
 - (e) prohibiting anonymous election campaign donations;
 - (f) requiring a person who makes election campaign donations to give that person's name and address and providing for processes to ensure those details are not false;
 - (g) processes for the disclosure of electoral campaign expenditure;
 - (h) a cap on electoral campaign expenditure.
-

8 Gellung Warl plebiscites

8.1 The conduct of Gellung Warl plebiscites for changes to electoral rules which change the period of First Peoples' Assembly member terms, including as a minimum—

- (a) how a Gellung Warl plebiscite is to be conducted by the Electoral Officer;
 - (b) requirements for validity of a Gellung Warl plebiscite;
 - (c) that at least 30% of eligible electors or such higher percentage as provided for by the rules is required to vote at a Gellung Warl plebiscite for it to be valid;
 - (d) certifications by the Electoral Officer in relation to Gellung Warl plebiscites, including as to whether—
 - (i) the question to be asked at the Gellung Warl plebiscite about the changes to the period of First Peoples' Assembly members terms is clear and unambiguous; and
 - (ii) sufficient information has been made available to eligible electors in relation to the nature and effect of the question being asked about the changes to the period of First Peoples' Assembly members terms for eligible electors voting at the Gellung Warl plebiscite and sufficient time has been allowed to consider that information; and
 - (iii) any proposed internal rule complies with the requirements of this Act if a Gellung Warl plebiscite is passed.
-

9 General

- 9.1 For the purposes of Division 1 of Part 3 of the **Treaty Authority and Other Treaty Elements Act 2022**, specifying conduct that justifies the removal of the Electoral Officer from office and processes and procedures in relation to such removal.
- 9.2 Any other matters that are necessary or required in relation to the conduct of elections under this Act.

Schedule 3—Content and subject matter for First Peoples' Assembly guidelines and standards

Section 50

- 1 Promoting and upholding First Peoples' cultural safety—
 - (a) either generally or in the context of specific activities, industries or sectors; and
 - (b) which must be capable of working with existing legal and regulatory regimes and being implemented by Victorian entities.
 - 2 Sharing and trading of water entitlements held by First Peoples or First Peoples organisations between First People including—
 - (a) best practice guidance on the sharing and trading of water entitlements held by First Peoples or First Peoples organisations; and
 - (b) measures to create a fair operating environment for the sharing and trading of water entitlements held by First Peoples or First Peoples organisations, including consultation standards and educational resources; and
 - (c) measures to create a culturally-strong operating environment, including to facilitate the transfer of water entitlements held by First Peoples or First Peoples organisations in the manner determined by First Peoples, with or without monetary compensation; and
 - (d) dispute resolution processes in relation to the sharing and trading of water entitlements held by First Peoples or First Peoples organisations.
-

Schedule 4—Persons or bodies to whom Nginma Ngainga Wara may refer matters

Section 113

- 1 The Auditor-General
 - 2 The Chief Commissioner of Police
 - 3 The Commission for Children and Young People
 - 4 The Information Commissioner, in the
Information Commissioner's capacity under the
Privacy and Data Protection Act 2014
 - 5 The Director of Public Prosecutions
 - 6 The Inspector-General for Emergency
Management
 - 7 The Environment Protection Authority
 - 8 The Health Complaints Commissioner
 - 9 The IBAC
 - 10 The Mental Health and Wellbeing Commission
 - 11 The Victorian Equal Opportunity and Human
Rights Commission
 - 12 Integrity Oversight Victoria
 - 13 The Victorian WorkCover Authority
 - 14 A coroner
 - 15 A Royal Commission, whether established under
the **Inquiries Act 2014** or under the prerogative
of the Crown
 - 16 A Board of Inquiry established under the
Inquiries Act 2014
 - 17 A Formal Review established under the **Inquiries
Act 2014**
 - 18 The Chief Municipal Inspector appointed under
section 182 of the **Local Government Act 2020**
-

Statewide Treaty Act 2025
No. of 2025

Schedule 4—Persons or bodies to whom Nginma Ngainga Wara may refer matters

- 19 The Victorian Disability Worker Commission
 - 20 The Ombudsman
 - 21 The Commissioner for Environmental Sustainability appointed under the **Commissioner for Environmental Sustainability Act 2003**
 - 22 The Judicial Commission referred to in Part IIIAA of the **Constitution Act 1975**
 - 23 The Parliamentary Workplace Standards and Integrity Commission established by section 42 of the **Parliamentary Workplace Standards and Integrity Act 2024**
-
-

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:

Legislative Council:

The long title for the Bill for this Act was "A Bill for an Act to establish a First Peoples' representative and deliberative body named Gellung Warl, to amend the **Advancing the Treaty Process with Aboriginal Victorians Act 2018** and the **Treaty Authority and Other Treaty Elements Act 2022**, to consequentially amend other Acts and for other purposes."