

# Victoria's Treaty Bill and the evolution of lawmaking in a Westminster democracy

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## Abstract

Victoria's Statewide Treaty Bill (2025) is the first statewide treaty with Indigenous peoples in Australia. This article examines the institutional architecture to be brought about by the Bill, its key implications for lawmaking and public policy, and its significance as a model of good government. It argues that the Statewide Treaty framework enhances democratic legitimacy in Victoria, rectifying the absence of Indigenous contribution to laws and policy that affect First Peoples.

## Keywords

Indigenous rights, treaty, public law, human rights

The introduction of Victoria's Statewide Treaty Bill (2025) ('Treaty Bill') marks a watershed in Australian history. As the first jurisdiction in the nation to legislate for a statewide treaty with Indigenous peoples within its borders, Victoria has undertaken law reform that is both constitutionally respectful and institutionally and culturally innovative. The Bill does not disrupt the foundational principles of the Westminster system, and parliamentary sovereignty and responsible government remain intact. Rather, it introduces a framework for ascertaining and accommodating the needs of Aboriginal and Torres Strait Islander people that is independent but structurally embedded within existing democratic institutions.

The developments to be established by the Bill are quietly revolutionary not because they overturn the architecture of government, but because they reimagine the processes of lawmaking and public administration to accommodate Indigenous voices in a way that is procedurally robust, constitutionally congruent, and culturally appropriate. The creation of Gellung Warl,<sup>1</sup> a permanent, independent representative body for First Peoples, exemplifies this dual commitment: it is designed to advise, inform, and engage with Parliament and government, but not to supplant it. In doing so, the Bill affirms the primacy of Parliament while acknowledging the historical and ongoing

exclusion of Aboriginal and Torres Strait Islander people and communities from the machinery of state.

Of note, the Bill represents the first step in ongoing treaty-making. It provides the foundation for a statewide treaty that anticipates ongoing and iterative agreement-making both statewide and between the State and individual Traditional Owner groups. In this respect, the Bill recognises the relational nature of treaties.

This article examines the institutional architecture to be brought about by the Bill, its key implications for lawmaking and public policy, and its significance as a model of good government. Focusing on the Statewide aspects of the framework, it argues that Treaty enhances democratic legitimacy in Victoria, rectifying the absence of Indigenous contribution to laws and policy that affect First Peoples.<sup>2</sup>

## Historical and political context

The introduction of Victoria's Treaty Bill<sup>3</sup> is situated within the broader trajectory of Indigenous legal recognition in Australia – a history marked by both exclusion and incremental, often indirect, reform. The emergence of the states, and then the Australian nation in 1901, had an inauspicious start that afforded Aboriginal and Torres Strait Islander people an ambiguous status at law. Indigenous

<sup>1</sup>Statewide Treaty Bill 2025 (Vic) s 10.

<sup>2</sup>See, eg. Productivity Commission, *Review of the National Agreement on Closing the Gap: Study Report Volume 1* (2024) ch 3.

<sup>3</sup>The Bill was introduced to the Legislative Assembly by the Victorian Premier, Jacinta Allan, on 9 September 2025, followed by its second reading.

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peoples have been, since colonisation, claimed as subjects of the coloniser but were until the second half of the 20<sup>th</sup> century excluded from the franchise and from the development of Westminster government. It was not until the 1967 referendum that First Peoples were impliedly recognised in the Commonwealth *Constitution*, through a shift to the Commonwealth of the 'ultimate constitutional power over Indigenous people'.<sup>4</sup> The High Court's landmark decision in *Mabo v Queensland (No 2)*<sup>5</sup> signalled the capacity of the Australian legal system to grapple with the challenge of reconciling settler sovereignty with Indigenous rights. Since the *Mabo* decision, native title has matured to provide one avenue for expression of broader claims by and rights of First Peoples – albeit a flawed one.<sup>6</sup>

Although Lino, for example, describes a suite of 'small constitutional' innovations towards recognition of Indigenous peoples,<sup>7</sup> the Australian constitutional framework has remained resistant to substantive structural reform. More recently, the failure of the 2023 Voice to Parliament referendum, which sought to enshrine an Indigenous advisory body in the Commonwealth *Constitution*, underscored the limits of national consensus on Indigenous recognition. The rejection of the Voice has had tangible political consequences elsewhere in Australia, including the withdrawal of support by the Victorian opposition for the state's treaty process and the abandonment by both Queensland and the Northern Territory of their own treaty processes.<sup>8</sup>

Alone among Australian states, South Australia has established its own Voice to Parliament.<sup>9</sup> A statutory body elected by regional representative bodies, the institution is empowered to address Parliament and the Executive on matters affecting First Peoples, and to receive notice of and report on the introduction of Bills and their effect on Indigenous people. Independent of the Crown, its purpose and operation is not to usurp the power of Parliament but rather to inform Parliament and the Executive of the needs of First Peoples.<sup>10</sup> The *Voice Act* amends the South Australian *Constitution* to the extent that it now recognises 'the importance of listening to the voices of First Nations people' and that through the Voice, that voice will be heard.<sup>11</sup>

Against this backdrop, Victoria's Treaty Bill represents a significant departure from the impasse both federally and

across Australia, including an advancement on the institutional innovation in South Australia. It builds on a long period of groundwork, including the establishment of the First Peoples' Assembly of Victoria<sup>12</sup> and the Yoorrook Justice Commission,<sup>13</sup> Australia's first formal truth-telling inquiry. The Commission's findings, documenting systemic injustices in health, education, housing, and justice, have provided the moral and evidentiary foundation for treaty-making at the state level.<sup>14</sup>

Treaty-making at the state level offers a mechanism for recognising Indigenous sovereignty and self-determination within the constraints of existing constitutional arrangements,<sup>15</sup> with inbuilt mechanisms to provide for Traditional Owner treaties and evolving statewide treaty negotiations.<sup>16</sup> Williams and Hobbs observe that subnational treaties, such as those pursued by Victoria, can serve as laboratories for democratic innovation, allowing for the development of new institutions and processes that reflect Indigenous values and priorities without disrupting the constitutional order.<sup>17</sup>

Victoria's Treaty Bill exemplifies this approach.

## A new governance architecture

The institutional design to be implemented by Victoria's Treaty Bill creates a mechanism of Indigenous participation in public governance while preserving the integrity of parliamentary supremacy. At the heart of the institutional change is the creation of a new statutory entity, Gellung Warl, as a permanent, independent representative body for First Peoples.<sup>18</sup> The architecture of Gellung Warl is both innovative and constitutionally respectful, offering a model for how Indigenous institutions can be embedded within a Westminster framework without disrupting its foundational principles.

Gellung Warl is conceived as a tripartite institution comprising a representative body, an advisory and monitoring body, and a truth-telling body. Its purpose is *generative*, signalling its ongoing role in agreement-making in Victoria, beyond the initial statewide Treaty.<sup>19</sup> The First Peoples' Assembly of Victoria ('Assembly') will continue the work of the current Assembly as an elected body representing First Peoples across the state. The Assembly is

<sup>4</sup>Dylan Lino, *Constitutional Recognition: First Peoples and the Australian Settler State* (Federation Press, 2018) 138, 140–1.

<sup>5</sup>(1992) 175 CLR 1 ('*Mabo*').

<sup>6</sup>George Williams and Harry Hobbs, *Treaty* (Federation Press, 2<sup>nd</sup> ed, 2020) 236–8.

<sup>7</sup>Lino (n 4) 3.

<sup>8</sup>Dechlan Brennan, 'Victorian Liberals Vow to Oppose Treaty', *National Indigenous Times* (online, 28 August 2025) <https://nit.com.au/28-08-2025/19923/vic-liberals-vow-to-oppose-treaty>; Matt Garrick, 'NT CLP Government "Dismantles" Treaty Plans, Ending Seven-year Process', *ABC News* (online, 11 February 2025) <https://www.abc.net.au/news/2025-02-11/nt-clp-government-scraps-treaty-process/104918700>. The *Path To Treaty Act 2023* (Qld) was repealed by s 100 of the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984* (Qld) that was itself inserted by s 26 of the *Brisbane Olympic and Paralympic Games Arrangements and Other Legislation Amendment Act 2024* (Qld).

<sup>9</sup>*First Nations Voice Act 2023* (SA) s 23 ('*Voice Act*').

<sup>10</sup>*Ibid* s 28.

<sup>11</sup>Insertion of s 3 into the *Constitution Act 1934* (SA), by Schedule 2, Part 2, of the *Voice Act*.

<sup>12</sup>Established under the *Advancing the Treaty Process with Aboriginal Victorians Act 2018* (Vic).

<sup>13</sup>Established by Letters Patent dated 12 May 2021.

<sup>14</sup>Report of the Yoorrook Justice Commission, *Yoorrook Truth be Told* (tabled in the Victorian Parliament, 1 July 2025).

<sup>15</sup>See, eg, Williams and Hobbs (n 6).

<sup>16</sup>See, eg, Treaty Bill, s 30(c).

<sup>17</sup>Williams and Hobbs (n 6) 281.

<sup>18</sup>Treaty Bill, s 10.

<sup>19</sup>Treaty Bill, s 30.

tasked with articulating community priorities, engaging in treaty negotiations, and advising government on matters affecting First Peoples.<sup>20</sup>

Nginma Ngainga Wara will undertake accountability and performance monitoring,<sup>21</sup> to ensure that government commitments to Indigenous communities are subject to transparent evaluation and public reporting.

The third arm of Gellung Warl is Nyerna Yoorrook Telkuna, a permanent truth-telling institution designed to support education, healing, and reconciliation. It builds upon the work of the Yoorrook Justice Commission and will, through education, promote historical awareness of the lives and experiences of Aboriginal people.<sup>22</sup>

Together, these bodies form a cohesive institutional framework to enable sustained engagement between Indigenous communities and the state. Importantly, neither Gellung Warl nor its constituent institutions is a legislative body. Its role is advisory, consultative, and educative, consistent with the principles of responsible government and parliamentary sovereignty.<sup>23</sup> Given that the Bill explicitly upholds parliamentary paramountcy,<sup>24</sup> the implementation of this system outside the *Constitution's* establishment of a Parliament,<sup>25</sup> and that Gellung Warl has no role to play in the passage of legislation per se, it goes without saying that it is not a 'third chamber of parliament'.<sup>26</sup> To be clear, and in contrast to the 2023 Voice Referendum proposal, the establishment of Gellung Warl does not involve a constitutional change.

### Making representations and consulting

In support of the institutions it establishes, the Bill will enact procedural innovations including formal consultation protocols between the Victorian Parliament and Government, and the First Peoples' Assembly.<sup>27</sup> In response to longstanding exclusion of First Peoples from decision-making on matters that affect them,<sup>28</sup> the protocols represent a substantive shift in the way laws and

policies are developed, evaluated, and implemented in relation to First Peoples. Centering Indigenous decision-making has been described as a form of deliberative democracy in which lawmaking is not merely a function of majority rule, but a process of reasoned engagement including those who are affected by political decisions or public policies.<sup>29</sup>

Embedding structured consultation into the State's legislative and administrative process, the Bill operationalises a form of deliberative inclusion that enhances both democratic legitimacy and policy efficacy that might be seen as a continuation of a longer-term development of Australian constitutional innovation.<sup>30</sup>

First, the Assembly will make an annual address to a joint sitting of Parliament, about 'any matters that the First Peoples' assembly considers affect First Peoples'.<sup>31</sup>

Secondly, the Parliament is required to notify the Assembly of the introduction of Bills, and all Bills must, when introduced, be accompanied by a statement of Treaty compatibility.<sup>32</sup> The statement of compatibility is a device familiar to Parliaments through human rights legislation, which similarly tend to require a statement of compatibility.<sup>33</sup> Such statements do not hold up a government's legislative program. Instead, they provide accountability for the adherence of legislation to the relevant standards and generate literacy in human rights within the Parliament.<sup>34</sup> The Assembly may request information about the Bill, and the Assembly may be invited to make a submission to Parliament addressing identified issues.<sup>35</sup> Additionally, at any time, the Assembly may report to the Parliament on any matter affecting First Peoples.<sup>36</sup>

Thirdly, the Assembly is to inform government on matters affecting First Peoples. Part 8 of the Bill is designed to address the 'significant disadvantage' of First Peoples, and to support better outcomes. The processes include representation meetings – at least two each year – between the Assembly and the Cabinet,<sup>37</sup> and engagement hearings (one per year) with Ministers and departmental secretaries, and the Commissioner of Police.<sup>38</sup>

<sup>20</sup>Treaty Bill, ss 17, 18.

<sup>21</sup>Treaty Bill, ss 92–4.

<sup>22</sup>Treaty Bill, ss 118–9.

<sup>23</sup>See, eg, Harry Hobbs, 'First Nations, Settler Parliaments, and the Question of Consultation: Reconciling Parliamentary Supremacy and Indigenous Peoples' Right to Self-Determination' (2021) 58(2) *Osgoode Hall Law Journal* 337.

<sup>24</sup>Section 75, Statewide Treaty Bill 2025. See also s 68.

<sup>25</sup>The Victorian Parliament is established under the *Constitution Act 1975* (Vic), Part II.

<sup>26</sup>This was a persistent but unfounded criticism of the Voice to Parliament proposal in the 2023 Voice Referendum. See, eg, Anne Twomey, 'Why an Indigenous Voice Would not be a "Third Chamber" of Parliament', *University of Sydney News* (online, 28 May 2019) <https://www.sydney.edu.au/news-opinion/news/2019/05/28/why-an-indigenous-voice-would-not-be-a-third-chamber-of-parliament.html>.

<sup>27</sup>Treaty Bill, Part 7.

<sup>28</sup>Canvassed in, eg, Megan Davis, 'Voice of Reason: On Recognition and Renewal' (2023) *QE90 Quarterly Essay*.

<sup>29</sup>Justin McCaul, 'Caring for Country as Deliberative Policymaking' in Nikki Moodie and Sarah Maddison (eds), *Public Policy and Indigenous Futures* (Springer, 2023) 51, 52.

<sup>30</sup>William Partlett, 'Remembering Australian Constitutional Democracy' (2024) 52(3) *Federal Law Review* 264, 291.

<sup>31</sup>Section 64.

<sup>32</sup>Sections 65, 66.

<sup>33</sup>In Victoria, see *Charter of Human Rights and Responsibilities Act 2006* (Vic) s 28.

<sup>34</sup>See discussion in, eg, Shawn Rajanayagam, 'Does Parliament do Enough? Evaluating Statements of Compatibility under the *Human Rights (Parliamentary Scrutiny) Act*' (2015) 38(3) *UNSW Law Journal* 1046.

<sup>35</sup>Sections 69–73.

<sup>36</sup>Section 74.

<sup>37</sup>Sections 77–78.

<sup>38</sup>Part 8, Division 3.

These meetings are to address priorities and expenditure including how they affect the health, welfare, or education of First peoples.

Finally, the Assembly has the power to implement guidelines, standards, rules, and policies in support of its operations and the ongoing Statewide Treaty-making process.<sup>39</sup>

These requirements go beyond the discretionary or ad hoc consultation practices that have historically characterised State engagement with Indigenous people in Australia.<sup>40</sup> They create a statutory obligation for meaningful participation, backed by procedural safeguards and transparency mechanisms.

Embedding the means of communicating the needs of Aboriginal and Torres Strait Islander people directly to those in power, this model aligns with international best practices in Indigenous governance.<sup>41</sup> Of note, it embodies the principles articulated in the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP), particularly Article 19, which calls for states to consult and cooperate in good faith with Indigenous peoples before adopting measures that may affect them. While Australia has not fully incorporated UNDRIP into domestic law, Victoria's Treaty Bill explicitly charges the Assembly with realising self-determination in accordance with UNDRIP.<sup>42</sup>

From a constitutional perspective, the consultation protocols exemplify how Westminster institutions can evolve to accommodate pluralistic governance.<sup>43</sup> Preserving the supremacy of Parliament while expanding the participatory base of lawmaking, they reflect a commitment to good government that is defined not only by efficiency and legality, but by inclusiveness, responsiveness, and respect for cultural diversity.<sup>44</sup>

### *Institutional support*

Beyond consultation, the Treaty Bill provides for appropriate funding for Gellung Warl.<sup>45</sup> Given that Treaty is necessarily an agreement between First Peoples and the State, the funding commitment is expressed as *agreed* principles, with the goal of protecting the 'financial integrity' of Gellung Warl.<sup>46</sup> Principles include self-determination and autonomy – assuring the independence of Gellung Warl – supported by sufficiency, to allow it to discharge its obligations.<sup>47</sup> In response to an enduring concern for

state-established Indigenous representative bodies,<sup>48</sup> stability, flexibility, and simplicity are also recognised as funding principles.<sup>49</sup> Finally, as a public body for the purposes of the *Financial Management Act 1994* (Vic),<sup>50</sup> the remaining principles speak to accountability, sustainability, and transparency. The State's initial (three year) financial commitment to Gellung Warl is contained in s 144 of the Bill, with provision for additional funding from consolidated revenue.

Under Westminster governance, legislation is typically initiated by the executive, debated in Parliament, and enacted through majority vote. While this process is procedurally sound, it has largely failed to incorporate Indigenous perspectives in a systematic or meaningful way. The Treaty Bill addresses this deficit by institutionalising consultation protocols and creating space for Indigenous voices within the policy-legislation pipeline where they have formerly been absent. Without altering the formal power of Parliament or the constitutional order, the Bill enhances the deliberative quality of lawmaking.

### **Beyond lawmaking**

While there are parallels between the role of the First Peoples' Assembly and the South Australian Voice to Parliament, the Treaty Bill offers additional institutional innovation that speaks to its broader application as an instrument of settlement between the State and Aboriginal people statewide.<sup>51</sup> This part explores the role of the other two arms of Gellung Warl, Nginma Ngainga Wara and Nyerna Yoorrook Telkuna, and the introduction of new principles of accountability and information management, as features of Victoria's institutional landscape.

### *Nginma Ngainga Wara*

While the Assembly plays a role in representation and engagement with Parliament and the Executive, Nginma Ngainga Wara provides accountability for State action, addresses Indigenous disadvantage, and supports the 'enduring transformation of state government' through recommendations to eliminate racism, discrimination, and unconscious bias, and to embed cultural safety.<sup>52</sup> It will make recommendations of 'practical and feasible measures' to the Assembly that improve outcomes for First Peoples.<sup>53</sup>

<sup>39</sup>Part 5, and in particular, s 49(b).

<sup>40</sup>Dani Larkin and Kate Galloway, 'Constitutionally Entrenched Voice to Parliament: Representation and Good Governance' (2021) 46(3) *Alternative Law Journal* 193.

<sup>41</sup>For case studies of best practice in the Canadian context, see, *UNDRIP Implementation: More Reflections on the Braiding of International Domestic and Indigenous Laws: Special Report* (Centre for International Governance Innovation and Wiyasiwewin Mikiwahp Native Law Centre, 2018).

<sup>42</sup>Section 18(2).

<sup>43</sup>Partlett (n 30).

<sup>44</sup>Section 142.

<sup>45</sup>Part 12, Statewide Treaty Bill 2025.

<sup>46</sup>Section 142(c).

<sup>47</sup>Section 143(1)(a)-(b).

<sup>48</sup>See discussion in Williams and Hobbs (n 6) 88–91.

<sup>49</sup>Section 143(1)(c), (d), (h).

<sup>50</sup>Section 147.

<sup>51</sup>Williams and Hobbs (n 6) 7.

<sup>52</sup>Section 91.

<sup>53</sup>Section 93(c).

Nginma Ngainga Wara will generate recommendations for the Assembly<sup>54</sup> through monitoring government activity – including implementation of the Yoorrook Commission recommendations – as well as inquiries and research into targeted, structural<sup>55</sup> issues. While an arm of Gellung Warl, it is independent of the Assembly in performing its functions,<sup>56</sup> except that the Assembly may require it to inquire into identified structural matters.<sup>57</sup>

The suite of provisions in Part 9 of the Bill provides comprehensively for an accountability mechanism that supports the representation and engagement work of the Assembly. As with the Assembly itself, this mechanism is congruent with well-recognised statutory reporting processes designed to hold government to account.<sup>58</sup> Importantly, considering the context of Treaty, the institution and its overarching control mechanism is agreed to, run by, and in the interests of, Aboriginal people in Victoria.

### *Nyerna Yoorrook Telkuna*

The Yoorrook Justice Commission was integral to the treaty process in Victoria. Importantly, unlike national royal commissions and inquiries that preceded it, the Treaty Bill provides for an ongoing truth-telling institution as the third arm of Gellung Warl. This is Nyerna Yoorrook Telkuna.<sup>59</sup> It will comprise three members appointed by the Assembly and will hold and manage the records of the Yoorrook Justice Commission.<sup>60</sup>

Indigenous-led, self-determining, non-judicial, and trauma informed, Nyerna Yoorrook Telkuna will also promote ongoing healing and reconciliation, promote ongoing understanding of local history and place, and provide information to both the Assembly and Nginma Ngainga Wara to support their operations.<sup>61</sup> As with Nginma Ngainga Wara, it is also independent of the Assembly.<sup>62</sup>

### *Data sovereignty*

While the organisations established in the Bill are highly visible, there are two additional less visible but equally important institutional features of the statewide Treaty that speak to self-determination. The first is the protection of culturally sensitive or secret information.

Part 11 of the Bill provides for information sharing and confidentiality. While recognising the importance of transparency and accountability, the Bill also seeks to support Indigenous data sovereignty over culturally sensitive or secret information held by Gellung Warl.<sup>63</sup> Restricted information provided to any one of the arms of Gellung Warl is not to be shared with any of the others, or to outside entities.<sup>64</sup> Where such information is provided according to lawful exception, it must be done together with guidelines for handling of that information.<sup>65</sup>

Indigenous data sovereignty describes the 'inherent and inalienable rights and interests of indigenous peoples relating to the collection, ownership and application of data about their people, lifeways and territories'.<sup>66</sup> A contemporary global movement, data sovereignty reflects the duality of data as both a vital tool of 'Indigenous nation-building, wellbeing, and development'<sup>67</sup> but also that it has been deployed by the State to disempower and dispossess First Peoples.

The authority vested in Gellung Warl to manage the information held by all its constituent arms recalibrates the power of the State as the principal sovereign record-keeper in matters concerning First Peoples. Returning this power to Gellung Warl through Treaty is a signifier of the newly created status of First Peoples in their relationship with the State. As with the functions of the operational arms, these provisions do not interfere with standard democratic principles of accountability, transparency, and the operation of law.<sup>68</sup>

To function properly according to culturally appropriate protocols, affording and protecting Indigenous data sovereignty promotes engagement by community with Gellung Warl, especially with truth-telling processes. Data sovereignty is therefore a vital mechanism to promote the success of the institutional framework delivered in the Bill.

### *Community answerability*

While the Bill assures accountability in the operation of Gellung Warl through mainstream governance strategies,<sup>69</sup> it also contains an expressly cultural accountability mechanism in Part 14 – that of *larbargirrar gnuurtak tulkuuk*, or community answerability. That *Djab Wurrung* language is

<sup>54</sup>Section 94.

<sup>55</sup>Section 103.

<sup>56</sup>Section 99.

<sup>57</sup>Section 104.

<sup>58</sup>See, eg. Tabled Documents Database, Parliament of Victoria <https://www.parliament.vic.gov.au/taled-documents-database?page=1&pageSize=10&sortType=15>.

<sup>59</sup>Established in s 118.

<sup>60</sup>Section 121(1)(i).

<sup>61</sup>Section 121.

<sup>62</sup>Section 124.

<sup>63</sup>Section 130(c).

<sup>64</sup>Sections 131–3; 136.

<sup>65</sup>Section 137.

<sup>66</sup>Tahu Kukutai and John Taylor, 'Data Sovereignty for Indigenous Peoples: Current Practice and Future Needs' in Tahu Kukutai and John Taylor (eds), *Indigenous Data Sovereignty: Toward an Agenda* (ANU Press, 2016) 1, 2.

<sup>67</sup>Tahu Kukutai, 'Indigenous Data Sovereignty: A New Take on an Old theme' (2023) 382(6674) *Science* 4664.

<sup>68</sup>Sections 136(2)–(3), 139.

<sup>69</sup>For example, financial provisions in ss 146, 149, 150, standards of conduct in Part 13, and complaints in Part 15.

used to describe the principle<sup>70</sup> signals the cultural standing of the underlying principle and the input of First Peoples as a party to the Treaty. In addition, unlike a government instrumentality, the principles of community answerability in this part bring the broader Indigenous community into the fabric of Gellung Warl and its operations.

The principles speak to access to informed community participation, reflection of diversity of First Peoples affected in any engagement and explain how engagement will inform the work of Gellung Warl.<sup>71</sup> Answerability principles are to be represented in a community engagement charter and will inform a community vision – Ngarrakeetoong Martongakeeyt.

The Bill thus embeds, through agreement with the State, a structure of cultural accountability in an Aboriginal institutional framework that is afforded self-determining and independent standing at law.

## Conclusion

Victoria's Treaty Bill stands as an example of democratic innovation within a Westminster framework. It demonstrates how established constitutional principles can coexist with institutional reforms that enhance inclusion, deliberation, and cultural accommodation. The Treaty Bill is not revolutionary in its legal form, but it is transformative in its democratic function. It redefines who participates in governance, how decisions are made, and what values inform public policy.

A striking feature of the Treaty Bill is its emphasis on process over power. Gellung Warl does not wield legislative authority; it shapes broader governance through consultation, advice, and cultural engagement. This reflects a shift to a more deliberative governance, prioritising dialogue, mutual respect, and inclusive decision-making.

Once the Bill is passed, Victorians will witness the formalisation of a new relationship between the State and First Peoples – one grounded in respect, shared governance, and cultural integrity. The Treaty Bill does not merely create institutions; it reconfigures the democratic landscape to include Indigenous perspectives as a matter of course, not exception. It affirms that good governance is not only about efficiency or legality, but about justice, inclusion, and accountability.

In embedding Indigenous representation, truth-telling, and accountability into the machinery of government, the Bill offers a blueprint for reconciling English-derived institutions with Indigenous sovereignty. It demonstrates that constitutional orthodoxy need not be a barrier to innovation, and that meaningful reform can occur within existing legal frameworks. As such, Victoria's Treaty Bill is not only a landmark in Australian legal history – it is a model for democratic renewal in pluralistic societies.

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<sup>70</sup>See note to Part 14.

<sup>71</sup>Section 161.