

STANDARDS OF CONDUCT

Under the Treaty Authority Agreement, Members of the Treaty Authority are required to meet Standards of Conduct developed by the Panel. The purpose of the Standards of Conduct (*Standards*) is to ensure that Members, at all times, perform their functions and duties and exercise their powers in good faith in the best interests of the Treaty Authority. This document has been developed by the Panel and sets out the Standards of Conduct for the purposes of the Treaty Authority Agreement.

The Standards are a living document, reviewed annually by the Panel.

<p>1. Conduct in their role as Member</p> <p>Treaty Authority Members must act as good future ancestors. Treaty, and any relationship with a First Nation or First Peoples, is built on Aboriginal Lore and Law. This Lore and Law must be observed and upheld.</p>	<p>In performing the Treaty Authority's functions and duties and in exercising its powers, Treaty Authority Members must —</p> <p>1.1. Act in accordance with the <i>Treaty Authority and Other Treaty Elements Act 2022</i>, the <i>Advancing the Treaty Process with Aboriginal Victorians Act 2018</i>, the Treaty Authority Agreement (including by meeting the duties under clauses 19 and 20.1) and the Treaty Negotiation Framework.</p> <p>1.2. Act as worthy ancestors to future generations who will live with these Treaties.</p> <p>1.3. Commit themselves to a standard of excellence and accountability.</p> <p>1.4. Act with respect and in a spirit of collaboration with other Treaty Authority Members.</p> <p>1.5. Act honestly and consistently.</p> <p>1.6. Respect the sovereignty of First Nations and their inherent right to self-determination.</p> <p>1.7. Act in a way consistent with the importance and centrality of Country.</p> <p>1.8. Respect Elders, as is custom in Aboriginal Lore and Law, as the keepers of culture, sacred knowledge and wisdom.</p> <p>1.9. Understand and make genuine efforts to continue to learn about (with the level of knowledge appropriate for the Treaty</p>
--	--

	<p>Authority Member) the Lore and Law of specific First Peoples' Negotiating Parties.</p> <p>1.10. Observe and uphold Aboriginal Lore and Law and Cultural Authority. This includes —</p> <p>1.10.1 Observing and upholding Lore and Law as present, living and enduring, and as a legal authority existing alongside the law of the State of Victoria and the Commonwealth.</p> <p>1.10.2 Observing and upholding the plurality and diversity of Lore and Law between Traditional Owner groups and First Peoples.</p> <p>1.10.3 Observing and upholding the expressions of Aboriginal Lore, Law and Cultural Authority outlined in 2.7(e) of the Treaty Negotiation Framework.</p> <p>1.11. Act with cultural integrity, humility and courage, and reflect often on what that means for their role in the Treaty Authority.</p>
<p>2. Impartiality</p> <p>The Treaty Authority must be impartial in its work.</p>	<p>2.1. Members must act impartially.</p> <p>2.2. Members must not unduly favour or disadvantage any Negotiating Party.¹</p>
<p>3. Independence</p> <p>The Treaty Authority, and its Members, must act, and be seen to act, independently.</p>	<p>3.1. To maintain the independence of Members and the Treaty Authority, Members must not be actively involved in Treaty negotiations other than in their role as Treaty Authority Members. To avoid doubt, a Member may be involved in family or group meetings and decisions of a Traditional Owner group to which they belong in their capacity as an individual member of that Traditional Owner group, including in relation to that Traditional Owner group's Treaty business, subject to the conflict of interest standards at clause 13.</p> <p>Members must —</p> <p>3.2. Perform their functions free of interference, favour or improper influence from the Parties, the Negotiating Parties and other groups.</p> <p>3.3. Report any attempt to improperly influence them to the Chairperson and other Treaty Authority Members to be</p>

¹ Acknowledging that differential, *not preferable*, treatment may be necessary to address the power imbalance between First Peoples' Negotiating Parties and the State of Victoria.

	<p>investigated and/or dealt with in accordance with any policies or procedures developed by the Treaty Authority and in accordance with any applicable laws.</p> <p>Members <i>must not</i> —</p> <p>3.4. Subject to 3.1, receive, disclose or seek out information or resources relating to negotiations independently from their work at the Treaty Authority.</p> <p>3.5. Influence, intimidate or otherwise inappropriately impact the work of the Panel.</p>
<p>4. Integrity</p> <p>The Treaty Authority must act truthfully and honourably.</p>	<p>4.1. Members must act consistently with the central tenets in the Treaty Authority Agreement and the guiding principles in the Treaty Negotiation Framework, and the negotiation of fair and just treaties.</p> <p>4.2. Members must act honestly and transparently in the best interests of the Treaty Authority and the people it serves.</p> <p>4.3. Members are culturally accountable to First Peoples and will respectfully observe and uphold Aboriginal Lore, Law and Cultural Authority.</p> <p>4.4. Members are accountable to the Panel, the Parties, the Negotiating Parties, First Peoples and to all other people of the State who place their confidence and trust in the Treaty Authority to administer the Treaty Process with integrity.</p>
<p>5. Respect</p> <p>The Treaty Authority’s work must be guided by respect for each other and others.</p>	<p>Members <i>must</i> —</p> <p>5.1. Engage with Elders with respect and care.</p> <p>5.2. Use respectful language and behavior when referring to Negotiating Parties, both publicly and privately.</p> <p>5.3. Act with regard to the dignity, diversity and rights of others.</p> <p>5.4. Act in a way that is actively anti-racist and anti-colonial.</p> <p>Members <i>must not</i> —</p> <p>5.5. By words or conduct, manifest bias or prejudice towards any person or group.</p> <p>5.6. Discriminate or act disparagingly towards members or perceived members of marginalised communities, including —</p>

	<p>5.6.1. Aboriginal and/or Torres Strait Islander peoples; 5.6.2. Elders; 5.6.3. women and gender minorities; 5.6.4. transgender people; 5.6.5. lesbian, gay, bisexual and asexual people; 5.6.6. disabled, ill and neurodivergent people; 5.6.7. D/deaf people; 5.6.8. culturally, linguistically and ethnically diverse people; 5.6.9. recent migrants, asylum seekers and refugees; 5.6.10. formerly or currently incarcerated or criminalised people; 5.6.11. former or current users of drugs of dependence; 5.6.12. people with blood borne viruses (e.g., HIV, Hep B); and 5.6.13. young people and children.</p> <p>5.7. Engage in bullying and harassment within or outside of the Treaty Authority, including sexual harassment.</p> <p>5.8. Engage in violence, including Lateral Violence, physical violence, or family or sexual violence, within or outside the Treaty Authority.</p>
<p>6. Relationships</p> <p>Relationships are at the core of the work of the Treaty Authority, and any Treaty is a relationship. They must be treated seriously.</p>	<p>6.1. Members must work to preserve, restore and build ongoing, just and respectful relationships with other Treaty Authority Members, allowing for a range of views and disagreement. This includes —</p> <p>6.1.1. acting in a spirit of collaboration; 6.1.2. acting with respect to other Members; and 6.1.3. communicating and listening regularly and honestly with other Members.</p> <p>6.2. Members must work to maintain professional and functioning relationships with others involved in the Treaty negotiation process, allowing for a range of views and disagreement. This includes —</p> <p>6.2.1. not engaging in public communication that is disrespectful or disparaging of other Members, the work of the Treaty Authority, or those engaged in or likely to be engaged in Treaty negotiations; 6.2.2 maintaining good professional and cultural standing in the community at large; 6.2.3. acting in a spirit of collaboration; and 6.2.4. not engaging in pressure tactics in bad faith.</p>
<p>7. Fairness</p>	<p>7.1. Members must work in a way that is balanced, transparent and impartial.</p>

<p>Fairness should be a focus of the <i>outcome</i> of the Treaty Authority’s work, but it is especially important that every <i>process</i> involved in reaching that outcome is fair.</p>	<p>7.2. Members must offer equitable resources and time to Negotiating Parties in accordance with their needs.</p> <p>7.3. In all of their work, Members must employ fair processes.</p> <p>7.4. Members must give all parties fair notice and fair opportunity to respond, either to the Treaty Authority or other Negotiating Parties.</p> <p>7.5. In considering whether a Negotiating Party has been treated fairly or equitably by a Member, consideration should be given to the necessity of addressing power imbalances between First Peoples’ Negotiating Parties and the State.</p>
<p>8. Cultural competence</p> <p>Negotiating Parties have a right to assume that Treaty Authority Members are culturally competent.</p>	<p>8.1. Members must have and maintain a good understanding of the differences in practices, knowledges, norms and expectations between and within First Nations groups. This understanding becomes competence when it is put into action with appropriate conduct and humility.</p> <p>8.3. In a First Peoples-led space like the Treaty Authority, cultural competence should be at the core of operations, directed by community expectations, and not solely focused on improving non-First Peoples understanding of First Peoples.</p>
<p>9. Cultural safety</p> <p>All people engaging with the Treaty Authority have a right to be culturally safe.</p>	<p>9.1. Members must act in a way that is attentive to the power imbalance between First Peoples and the State.</p> <p>9.2. Members must act in a way that is culturally safe at all times and seek to ensure that cultural safety is created and maintained for Treaty Authority business.</p> <p>9.3. Cultural safety is a critical and reflective practice that takes into account differences in power between First Nations and other groups — and works to mitigate it through anti-racism and anti-colonial work.</p> <p>9.4. In a First Peoples-led space like the Treaty Authority, cultural safety should be at the core of operations, directed by community expectations, and not solely focused on improving non-First Peoples treatment of First Peoples.</p>
<p>10. Care and diligence</p>	<p>10.1. Members must seek to ensure that they have the skills necessary to fulfil their role as a Member.</p> <p>10.2. Members must seek resources and support as required to enable them to fulfil their functions.</p>

<p>The work of the Treaty Authority must be done with the skill, care and commitment it deserves.</p>	<p>10.3. Members must act with diligence, commitment and dedication in fulfilling their functions.</p> <p>10.4. Members must dedicate the required time to their functions.</p> <p>10.5. Members must follow established procedure in fulfilling their functions, where procedure exists.</p> <p>10.6. If Members are unable to fulfil their functions for any period of time, they must disclose this to their fellow Members to enable the Members to manage the absence in accordance with any policies and procedures of the Treaty Authority and ensure the continuation of the Treaty Authority’s work.</p> <p>10.8 Members should ensure that the affairs of the Treaty Authority are managed responsibly.</p> <p>10.9 Members should not allow the Treaty Authority to operate whilst it is insolvent.</p>
<p>11. Timeliness</p> <p>The work of the Treaty Authority should proceed efficiently and at an appropriate pace.</p>	<p>11.1. Members must fulfil their functions, duties and responsibilities in a timely and efficient way.</p> <p>11.2. Timeliness includes:</p> <ul style="list-style-type: none"> 11.2.1. acting promptly within the scope of their role; 11.2.2. not rushing or imposing undue time pressure on negotiations; and 11.2.3. responding promptly to requests from Negotiating Parties and other Treaty Authority Members. <p>11.3. Timeframes should be communicated clearly to all parties, and failures to meet them should be explained.</p>
<p>12. Transparency</p> <p>The Treaty Authority must operate in a transparent way.</p>	<p>12.1. Members must act transparently, in accordance with the Treaty Authority Agreement and the Treaty Negotiation Framework.</p> <p>12.2. Members must not:</p> <ul style="list-style-type: none"> 12.2.1. deliberately withhold information relevant to the Treaty Authority's business from other Members; or 12.2.2. perform their role or their duties as a Member secretly without informing other Members, <p>subject to the requirements of Aboriginal Lore and Law and cultural business or other confidentiality requirements that may arise as part of specific negotiations.</p>

	<p>12.3. Members must disclose relationships they have with Negotiating Parties or relationships with other persons participating in the negotiation process, including —</p> <ul style="list-style-type: none"> 12.3.1. familial and kin; 12.3.2. Nation membership; 12.3.3. commercial; 12.3.4. proprietary; 12.3.5. financial; 12.3.6. employment and or volunteer; and 12.3.7. personal <p>on the conflict of interest register referred to at 13.4 to be managed in accordance with any conflict of interest protocol prepared by the Treaty Authority.</p> <p>12.4. While familial, kin and Nation relationships must be disclosed, the Panel acknowledges that they are a source of strength and relationality that also assist in and inform the Treaty Authority’s work. The disclosure is for transparency and may be useful for the community to know the Treaty Authority in a relational way. This will be reflected in any conflict of interest protocol prepared by the Treaty Authority.</p>
<p style="text-align: center;">13. Conflict of interest</p> <p>Conflicts of interest must be disclosed and managed appropriately by the Treaty Authority. A Member may in some circumstances not be able to be involved in a matter where they have a conflict of interest.</p>	<p>13.1. The Treaty Authority will prepare a conflict of interest protocol defining what constitutes a conflict of interest and how conflicts of interest are to be identified, disclosed and managed, including the use and management of the conflict of interest register described at clause 13.3. Any such protocol must reflect the principles and requirements in this clause 13 and deal with the matters referred to in clause 3.4 and clauses 12.3 and 12.4.</p> <p>13.2. The conflict of interest protocol developed by the Treaty Authority will manage how a Member performs their role as a Member in circumstances where the Member:</p> <ul style="list-style-type: none"> • is a Traditional Owner in respect of Country the subject of negotiations; • is a Traditional Owner in respect of Country that neighbours Country the subject of negotiations; or • otherwise has cultural responsibilities over Country the subject of negotiations. <p>13.3. A Member must report any conflict, actual, potential or perceived, to the Treaty Authority immediately after it becomes known to the Member. Treaty Authority Members must also report the actual, potential or perceived conflicts of interest of other Members, if it appears that Member has not already done so.</p>

	<p>13.4. The Treaty Authority must keep a register of Treaty Authority Members' property, paid and unpaid work, participation in Nation-based projects, board or committee appointments, relationships referred to at 12.3 and any other matters that may give rise to a conflict of interest of a kind the Treaty Authority determines should be recorded in the register.</p> <p>13.5. In determining how to manage a disclosed conflict of interest in any Treaty Authority activity, a quorum of Treaty Authority Members, including the conflicted Member, must meet to either:</p> <ul style="list-style-type: none"> • approve that the Treaty Authority Member may continue with their work, with conditions for managing the conflict of interest; or • require the Treaty Authority Member to recuse themselves from the conflicted part of the Treaty Authority's work, and set conditions for how the Treaty Authority will then manage that work and information flow.
<p style="text-align: center;">14. Proper use of position</p> <p>Treaty Authority Members must use their position only to advance the work of the Treaty Authority, and only as authorised.</p>	<p>14.1. Members must not improperly use their position to gain an advantage for themselves or someone else including for persons with whom they have any kind of personal, proprietary, financial, commercial, familial, or Nation-based relationship.</p> <p>14.2. The Member must not engage in corrupt behaviour or misuse their position for corrupt purposes.</p>
<p style="text-align: center;">15. Proper use of information</p> <p>Treaty Authority Members must observe Indigenous Data Sovereignty and deal with information received appropriately.</p>	<p>15.1 Members may receive confidential information by virtue of their position as a Member. Members must:</p> <p style="padding-left: 40px;">15.1.1 keep confidential information confidential and preserve and protect the confidential nature of the confidential information;</p> <p style="padding-left: 40px;">15.1.2 only use confidential information to perform their functions and duties as a Member of the Treaty Authority;</p> <p style="padding-left: 40px;">15.1.3 only disclose confidential information to:</p> <p style="padding-left: 80px;">15.1.3.1 any person to perform their functions and duties as a Member of the Treaty Authority; or</p> <p style="padding-left: 80px;">15.1.3.2 the Panel, to the extent necessary for the Panel's performance of its functions and duties; and</p>

	<p>15.1.4 unless otherwise instructed by the Chairperson of the Treaty Authority, at the end of the Member's term of appointment, destroy or return all confidential information to the Treaty Authority as directed by the Chairperson.</p> <p>15.2. A Member who obtains information because they are, or have been, a Member must not improperly use that information to gain an advantage for themselves or someone else including for persons with whom they have any kind of personal, proprietary, financial, commercial or familial, or Nation-based relationship.</p> <p>15.3. Members must not use personal or otherwise irrelevant information about Negotiating Parties or other participants in Treaty Authority processes in their role in the Treaty Authority.</p> <p>15.4. Members must act in ways consistent with Indigenous Data Sovereignty under clause 15 of the Treaty Authority Agreement.</p>
<p>16. Activities in their personal or other professional capacity</p> <p>Treaty Authority Members must be transparent about their other work.</p>	<p>16.1. Members must disclose their paid and unpaid work to be registered on the Treaty Authority's conflict of interest register in accordance with clause 13.4 of these Standards.</p> <p>16.2. Work that constitutes a conflict of interest must be treated according to the standards on Conflicts of Interest outlined above.</p>
<p>17. Professional development</p> <p>Treaty Authority Members must be resourced and skilled for their work.</p>	<p>Members are encouraged to request resources or undertake any professional development they or the Treaty Authority see as necessary to fulfil their role in line with the above Standards and to maintain or enhance their knowledge, skills and personal qualities.</p>
<p>18. Member wellbeing</p> <p>Treaty Authority Members must be supported to meet</p>	<p>18.1. Members are encouraged to seek cultural, emotional, spiritual and psychological supports to address the difficulties of their work.</p>

<p>needs arising from the cultural, intellectual and emotional complexity and difficulty of their work.</p>	<p>18.2. Members are discouraged from acting in a deliberate way that negatively impacts on other Treaty Authority Members' wellbeing, accepting that respectful disagreement will occur and will produce discomfort.</p> <p>18.3 Members will ensure that Sorry Business is respected in Treaty Authority business.</p>
---	--

Miscellaneous —

To avoid doubt, changes to the standards of Conduct will have prospective operation.

The Standards of Conduct is a living document. In the Panel's annual meeting, the Senior Panelist must lead a discussion about:

- whether the Standards of Conduct are fit for purpose for the Treaty Authority's work;
- whether they are relevant to the dynamic political and legal setting of the Treaty Authority; and
- whether they are in line with dynamic community expectations.

The Standards of Conduct can be changed only by consensus among Panelists, or as a last resort, by a majority of Panelists (noting that the Senior Panelist does not have a casting vote).

Definitions —

Other than as set out below, capitalised terms have the meaning given in the Treaty Authority Agreement and the Treaty Negotiation Framework.

Conflict of interest refers to an actual, potential or perceived conflict of interest as defined by the conflicts of interest protocol developed by the Treaty Authority.

Nation refers to a First Nation or language group whose Country is within the borders of the State of Victoria.

Lateral Violence refers to bullying, disenfranchisement or other adverse conduct towards members of a marginalised community from members of that same community.

Country refers to the land, waters and sky of a First Nation or language group — and that land's people, plants, and animals.

Cultural Safety refers to an environment that is safe for people: where there is no assault, challenge or denial of their identity, of who they are and what they need. It is about shared respect, shared meaning, shared knowledge and experience of learning, living and working together with dignity and truly listening. (Robyn Williams, 'Cultural safety; what does it mean for our work practice?' (1999) 23(2) *Australian and New Zealand Journal of Public Health*.)