

1. **Lack of Original Treaties**: The British colonization of Australia occurred without any treaties or negotiations regarding land-sharing or governance, setting a precedent that differs from countries like New Zealand, Canada, and the United States where such treaties were made.
2. **Calls for Modern Treaty Recognition**: Over the past two centuries, Aboriginal and Torres Strait Islander peoples have consistently called for a treaty to acknowledge their status and establish mutually agreed terms for governance. Recent discussions have gained momentum with Australian governments starting to engage in treaty negotiations in the last decade.
3. **Complexity of Modern Treaties**: Modern treaties entail intricate legal frameworks and negotiations that reflect the intertwined relationships between Aboriginal and Torres Strait Islander peoples and non-Indigenous Australians, contrasting sharply with colonial-era treaties.
4. **Political and Institutional Challenges**: The political climate post the failed 2022 referendum on Aboriginal constitutional recognition has made governments hesitant to pursue treaty reforms. Additionally, the federal structure of Australia complicates treaty negotiations as different jurisdictions must be considered, and there's a need to empower Aboriginal leadership outside governmental timelines and control.
5. **Emerging Frameworks for Negotiation**: Victoria has established a precedent with the formation of the First Peoples' Assembly and a treaty negotiation framework, including financial allocations and a Truth Telling Commission. This process aims to empower Aboriginal people while addressing their concerns over self-determination and governance, setting the stage for modern treaties that recognize their sovereignty and rights.