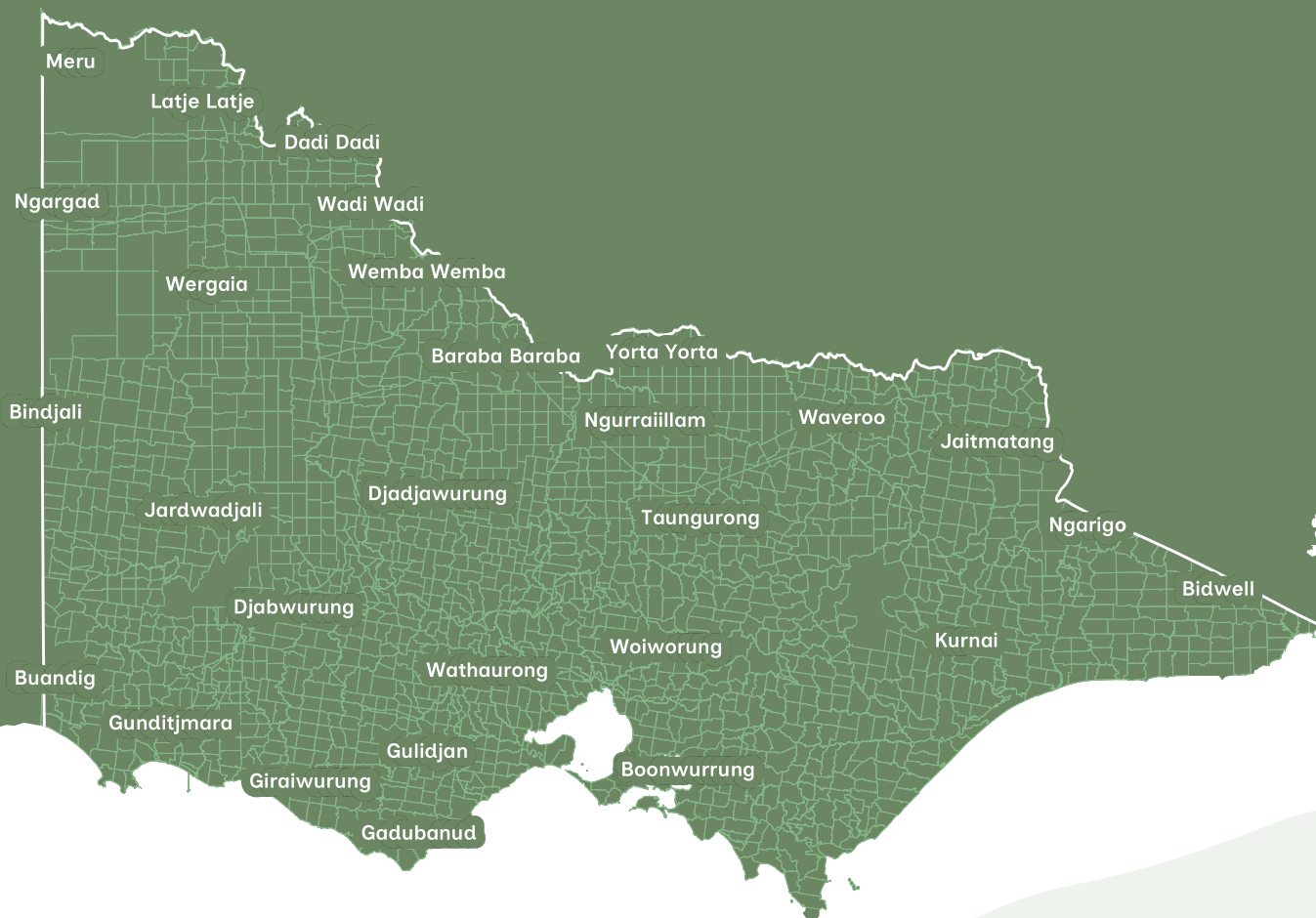




LAND MAPPED AND TAKEN BY THE CROWN

- Victoria
- Land taken by the Crown from 1920 onwards

Australian Institute of
Aboriginal and Torres
Strait Islander Studies
Language names

Vicmap, Esri, TomTom, Garmin, FAO, NOAA, USGS, Esri, USGS

It was First Peoples who decided that there needed to be a truth and justice commission—a space where the stories long buried beneath law, policy and silence could be spoken, heard and recorded. A space not just for recounting harm, but for naming injustice and demanding change. This wasn't something granted from above. It was insisted upon; carried forward by the voices of Elders, leaders, and communities who knew that without truth, there could be no real justice.

When it was agreed to establish such a body, they named it Yoorrook—a Wamba Wamba word for *truth*. But the name spoke to more than just the commission itself. It signalled a turning—a shift in the tide of history, which had once swept away land rights, and disrupted language, culture, and kinship, leaving dispossession in its wake. Yoorrook stood against that tide, an anchor for stories that refused to be submerged.

The Yoorrook Justice Commission became the first truth-telling process of its kind in this country's history. It transpired because First Peoples demanded that the nation meet its reflection in the mirror.

After all that had come before—the massacres and removals, the silencing and denial—this was something different. The state, for the first time, had agreed to listen. And not just listen, but to be held accountable. To have its history placed before it—not sanitised, not softened, but in full.

We do not arrive at this moment by chance or goodwill. We are here because of those who walked before us. Because of the aunties who held culture together in dormitories. Because of the uncles who marched when the streets were hostile. Because of the leaders who spoke when no one was listening. Because of the strength of those who never made it into the history books but passed on knowledge at bedsides, in whispers, in ceremony.

We are here because of their resistance. Their love. Their refusal.

And now, here we stand—on the edge of something new and ancient.

Yoorrook is not just a commission. It is a threshold. It is where the truth walks into the room and does not sit in the corner. It is where history is not rewritten but revealed.

The stories told in these pages are not just history. They are the reason we are here. Every testimony, every memory carried through the generations, every act of resistance, every breath of survival has brought us to this threshold. The strength inherent in these stories is what steadies us now.

But this moment is fragile. History teaches us that progress can be undone with the shifting winds of politics. First Peoples have been here before—on the cusp of recognition—only to be met with retreat. Promises have been made and broken; doors opened only to be slammed shut. The work of change is delicate, and the weight it carries is immense. It will take courage to hold the course. It will take vigilance to ensure that truth is not buried beneath bureaucracy, that Treaty does not become another gesture without substance. The path ahead is not laid out. It must be shaped along the songlines of old—deliberately, respectfully and by every step we take together.

This is where the story turns. This is where we honour the old truths by forging the new: a place where we all start to write the *next* chapter.

‘DENIAL OF TRUTH WILL EAT AWAY AT THE SOUL OF THE AUSTRALIAN PEOPLE AND PREVENT ANY CHANCE OF SHARED PRIDE IN OUR NATIONHOOD. THE NATION CANNOT BE RECONCILED WITHOUT FIRST NATIONS PEOPLE BEING AT THE CORE OF THE AUSTRALIAN IDENTITY.

MY FERVENT HOPE IS THAT TRUTH-TELLING CAN BUILD A PLATFORM FOR GROWTH, SO WE CAN REPOSITION THE RIGHTS OF FIRST NATIONS PEOPLE IN THE MINDS OF EVERYDAY AUSTRALIANS.’

UNCLE PAUL BRIGGS

PART II: THE SILENCE AND THE TELLING

THE SILENCE AND THE TELLING: YOORROOK'S JOURNEY THROUGH HISTORY

Truth is often said to be a light, which, when given an opportunity to shine, can reveal what has otherwise been hidden. But here, in this place, truth moves more like fire beneath the ground—slow, relentless, yet patient. It does not flare without cause. It waits, deep in the earth, until its energy becomes irrepressible.

Long before the words *royal commission* were spoken on these lands, the truth was already burning—not in statutes or speeches, but in the cherry ballart and the manna gum leaves of ritual smoking ceremonies. For hundreds of years, they kindled the quiet persistence of memory.

In May 2021, a fire broke through the ground's surface. It took the form of a commission, but it bore a name older than the parliament that created it. *Yoorrook*—a Wamba Wamba word, meaning *truth*, but carrying a much deeper knowing. It figures truth not merely as fact, but as responsibility; as redress; as return.

The Yoorrook Justice Commission was not established to find the truth: the truth was never lost. It was established so the state might finally learn to hear what had long been spoken among First Peoples. It was established to gather the stories that had been scattered by centuries of violence and denial and to give them shape, force, direction—and, crucially, an equal place in the historical record.

Led by First Peoples. Independent of government. Afforded the full investigative powers of a royal commission, but rooted in something deeper than law: the right of a people to tell their story on their own terms.

Why now? Because a river dammed will eventually break its banks. Because the foundations of this state have long rested on silence, and silence does not hold forever.

Yoorrook emerged from the knowledge that truth-telling is not a symbolic gesture. It is an act both legal and spiritual. It is the refusal to perpetuate a history that has been half-told for too long.

‘EVERYONE SHOULD HAVE THE FREEDOM AND POWER TO MAKE THE DECISIONS THAT AFFECT THEIR LIVES. BUT THE ABILITY OF OUR PEOPLE TO DETERMINE OUR OWN DESTINY WAS SHATTERED BY INVASION, AND THE RACISM AND DISADVANTAGE THAT CAME WITH IT HAS HELD US BACK EVER SINCE. THIS IS WHAT WE NEED TO REPAIR. NOT JUST TO RIGHT THE WRONGS OF THE PAST, BUT TO ENSURE THAT WE CAN BUILD A BETTER FUTURE TOGETHER BASED ON UNDERSTANDING, RESPECT AND A SHARED LOVE FOR THIS PLACE WE CALL HOME.’

**MARCUS STEWART (TAUNGURUNG), CO-CHAIR,
FIRST PEOPLES’ ASSEMBLY OF VICTORIA, 29 APRIL 2022**

INSIDE AUSTRALIA'S FIRST TRUTH-TELLING COMMISSION

Australia has stood virtually alone among settler nations. Of all the Commonwealth countries, it remains one of the few that has not signed a treaty or formal agreement with its First Peoples. And yet even in that emptiness, something began to shift. In Victoria—a state, like the rest of the Federation, built upon the dispossession and denial of Aboriginal sovereignty—the foundations started to move.

In 2016, the Victorian Government initiated a formal dialogue with First Peoples about treaties. That same year, the Aboriginal Treaty Working Group was established, tasked with consulting First Peoples about the creation of a statewide Aboriginal representative body and providing guidance to both community and government on the next steps in the Treaty-making process.

This was not a gift. It was recognition, and long overdue.

In 2017, over 250 First Peoples from across the continent endorsed the Uluru Statement from the Heart—a powerful call to the Australian people for reform and relationship alike. It spoke of Voice, Treaty and Truth. Victoria became the first jurisdiction in the country to commit to all three.

The following year, Parliament passed the *Advancing the Treaty Process with Aboriginal Victorians Act 2018* (Vic)—the first law of its kind in Australian history.

The Hon Natalie Hutchins MP, then-Minister for Aboriginal Affairs, called it ‘the start of a new relationship between Aboriginal Victorians and government, one defined by partnership and self-determination’. As required under the Act, the Victorian Treaty Advancement Commissioner Aunty Jill Gallagher (Gunditjmara) led the design of the Aboriginal Representative Body. Following extensive consultation, that body was named the First Peoples’ Assembly of Victoria.

The Assembly was established in 2019—an independent, democratically elected institution by and for First Peoples. It was tasked with representing community interests, and guiding the foundations of a new political order grounded in the sovereignty of First Peoples. The First Peoples’ Assembly of Victoria has given a voice to Aboriginal Victorians now for over five years. Far from dividing the state, it has been working on bringing Victorians closer together.



Victoria became the first jurisdiction in Australia to pursue Treaty with its government’s commitment to negotiating both overarching statewide treaties and local treaties with individual Traditional Owner groups. But if Treaty were to amount to anything beyond symbolism, it could not begin with negotiation. It had to begin with truth. And truth-telling had to begin with deep, unflinching, intergenerational listening.

In June 2020, the Assembly appealed for a formal truth-telling process that would lay bare the history behind the present. The story that explains our *now*. The Victorian Government accepted that call the following month. Together, the Assembly and government co-designed the terms of reference for a new body—one that would hold the full legal powers of a royal commission, but which would carry the spirit and priorities of community.

In 2021, Yoorrook was formally established.



YOORROOK WAS GIVEN A BROAD MANDATE: TO UNCOVER NOT ONLY THE HISTORICAL INJUSTICES OF COLONISATION, BUT ALSO THE MANY WAYS THOSE INJUSTICES HAD ENDURED—IN LAW, POLICY AND DAILY LIFE.

The Assembly spoke to the magnitude of this moment in its *Tyerri Yoorrook: Seed of Truth* report. ‘We believe that the establishment of the Yoorrook Justice Commission is an historic opportunity for both Aboriginal and non-Aboriginal people in Victoria finally to begin to listen to each other and create a new heritage together.’

Truth-telling, in this sense, was not just about setting the record straight. It was about redistributing the weight of history so that those who had lived its hardest chapters would no longer be expected to bear them in isolation.

As the Assembly stated in *Tyerri Yoorrook*: ‘Our peoples will no longer have to carry the pain of these stories alone—this history and these truths become everyone’s history and truths. With this understanding, real change is urgent

and inevitable. The burden is lessened, and the healing can begin.’

In her evidence to Yoorrook in 2022 Minister for Treaty and First Peoples the Hon Gabrielle Williams MP made clear that Yoorrook’s power would lie not in government statements, but in the voices that had long been silenced.

‘It is not the words of the Victorian Government or State institutions that matter in creating an official public record of the impacts of colonisation,’ she said.

‘It is the words of First Peoples who have been trying to be heard for so long. Those who have never spoken before. Those who have been silenced. Those who have been creative, angry, forceful and persistent—who have spoken in community, in language, in art, in protest and in story. Those who died before the establishment of this Commission, and whose stories live on.’

These were the truths Yoorrook was called to gather: those never granted the dignity of official recognition. Now, at last, the truth itself was shaping the moral and political terrain from which a new future might grow.

A SOLID FOUNDATION

For 1,510 days—from 12 May 2021 to 30 June 2025—the Yoorrook Justice Commission carried forwards the work of those who had come before: the truth-tellers, the resisters, those who drew a line and refused to step back. The Commission stood with them, amplifying their calls for truth to be not only heard, but used as a catalyst for change, justice, and the shared enrichment of all who call Victoria home.

Yoorrook was born into turbulence. It carried on through a once-in-a-century pandemic that kept people apart when they most needed to gather. It persevered even as many in the community—weary, wary and rightly sceptical—questioned whether this would be just another commission that asked for their pain only to bury it in another report. It persisted through the bruising days of a national referendum that turned hope into a battleground, as misinformation swirled and old prejudices found new platforms.

The obstacles were not just viral—they were structural, too. The seemingly straightforward task of securing office space became a repeated lesson in navigating unconscious bias. Commissioners and staff operated from temporary accommodation for over a year before finally securing a permanent home in June 2022: a social impact building on Wurundjeri Country in Collingwood. It was, fittingly, a place steeped in the legacy of activism, survival and resistance.

Against the odds, Yoorrook pressed forwards—listening, documenting, witnessing. The Commission knew it could not wait for the perfect conditions if it were to honour the urgency of the moment.

Through all of it—sickness, fear, cynicism, fatigue and fury—the truth started to emerge. It refused to be smothered. It rose above the chaos, carried by those who had held it for

generations, and by those brave enough to speak it into a silence that had reigned for far too long.

The Yoorrook Justice Commission was to be led by an extraordinary group of Commissioners whose strength, integrity and cultural authority shaped every step of the historic process. At its commencement in 2021, Yoorrook was guided by five founding Commissioners: Professor Eleanor Bourke AM (Chair), a respected Wergaia and Wamba Wamba Elder, who brought wisdom, clarity and a lifelong commitment to justice; Adjunct Professor Sue-Anne Hunter, a proud Wurundjeri and Ngurai illum Wurrung woman, and child and family welfare advocate; the Hon Kevin Bell AM KC, former Justice of the Supreme Court of Victoria and expert in human rights law; Distinguished Professor Maggie Walter, a Palawa woman and leading researcher in Indigenous Data Sovereignty; and Uncle Dr Wayne Atkinson, a Yorta Yorta and Dja Dja Wurrung Elder and academic with deep knowledge of land rights, lore and resistance.

In March 2023, Yoorrook's circle widened. Travis Lovett, a Kerrupmara Gunditjmara and Boandik man and respected policy leader, was appointed as Commissioner replacing Uncle Dr Wayne Atkinson. Soon after, the Chair entrusted both Commissioner Sue-Anne Hunter and Commissioner Travis Lovett with the roles of Deputy Chairs—a decision that honoured the community's faith in a process steered by Victorian Traditional Owners, firmly rooted in culture and guided by those who carry its stories. In January 2024, the Hon Anthony North KC, former Judge of the Federal Court with deep expertise in native title law, took the fifth place at the Commission following the departure of the Hon Kevin Bell AM KC. These Commissioners brought diverse knowledge systems and a shared commitment to truth-

telling, accountability and transformation. Their leadership ensured that Yoorrook remained grounded in Country, guided by Elders, and resolute in its pursuit of justice.



Yoorrook was not like other royal commissions. It was the first truth-telling body in Australia and endowed with royal commission powers. But unlike its predecessors, it was led by First Peoples from its very beginnings. It combined the full authority of law and the unassailable legitimacy of cultural knowledge.

Royal commissions had existed in Victoria since the mid-nineteenth century. They were colonial institutions modelled on British systems of inquiry, designed to examine matters of public concern and recommend reforms. Traditionally, these commissions had operated from a position of authority over the people. Yoorrook positioned itself firmly beside the people.

The Commission may have inherited the legal framework of a colonial tool, but it did not inherit its logic. Instead, it undertook a slow and deliberate process of transformation, asking, at every stage: What would it mean to tell the truth in a way that honoured First Peoples' ways of knowing, being and doing?

It met that challenge head-on. Yoorrook was not only independent of government; it was guided by First Peoples' cultural values and operational sovereignty. Every element of its structure, from the design of its processes to the shape and feel of its spaces, bore the mark of that commitment.

Yoorrook's hearing room stood in the heart of Collingwood, on Wurundjeri Country. It was in the inner-city suburbs of Collingwood and neighbouring Fitzroy that movements for land rights and self-determination had taken root.

And it was here that truth was to be spoken into the public record.

The space itself reflected the world it was built to honour. An Acknowledgment of Country in Wurundjeri language greeted all who entered. The walls displayed photographs of scar trees taken on Wotjobaluk Country by Gunditjmara Elder Uncle Jim Berg. Possum skins and other culturally significant items adorned the hearing room. Rugs designed by Uncle Mick Harding of the Taungurung people grounded the space in cultural symbolism and story.

**THIS WAS NOT A
COMMISSION IMPOSED
UPON COMMUNITY—IT WAS
COMMUNITY MADE VISIBLE.
IT WAS LAW RESHAPED BY
THOSE VERY PEOPLE IT HAD
ONCE BEEN USED AGAINST.**



From the outset, Yoorrook was mandated to do more than gather evidence. Its task was to foster understanding and lay the groundwork for transformation.

This work was guided by a clear and unwavering principle: that First Peoples' voices, experiences, cultural and human rights, and their inherent right to self-determination must sit at the centre of the process. Yoorrook created space for stories of harm, survival, resistance and renewal that had, for too long, been carried in silence or in sorrow.

The Commission's purpose was not simply to look backwards. It sought to understand what had happened, how historical events that impacted First Peoples came to be, who was responsible, and the forces that had facilitated the best and worst in people. It set out to build a lasting public record—one that acknowledged the ongoing impacts of colonisation; connecting the past to the present, and the present to the future.

To do this, Yoorrook drew on a wide range of legal, historical, testimonial, archival and cultural sources. It took a holistic approach, recognising the diversity of First Peoples' nations and communities, while also tracing the common threads of injustice, resistance and continuity that bound them together.

To guide its work, Yoorrook developed a set of overarching values: culture and connection. Deep listening. Honesty and respect. Justice and rights. Strong spirit. Inclusivity.

Far from empty words, they were tenets embedded in process, practice and protocol.

Throughout its inquiry, the Commission heard from First Peoples across Victoria who shared stories of dispossession, survival, resistance and hope. These were not abstract histories—they were lived experiences of injustice, passed down through generations and carried in bodies, memories, and Country. From remote communities to city streets, from Elders to young people, the Commission heard the truth of how colonisation continues to shape the lives of First Peoples today.

In doing so, Yoorrook bore witness to the enduring strength of Aboriginal cultures, languages and knowledge systems as living, evolving expressions of identity and sovereignty. The Commission supported witnesses in ways that upheld cultural safety, allowing stories to be shared with dignity and care. It honoured First

Peoples' right to control how their truths were recorded and preserved at the Commission, applying Indigenous Data Sovereignty protocols to protect their information. And in every decision—from the interpretation of its Letters Patent to the shape of its inquiries and recommendations—Yoorrook centred the perspectives of Victorian First Peoples, proposing changes not only to laws and policies, but also to the systems and assumptions that have long denied justice.

This was truth-telling with integrity. With intention. And above all, with the knowledge that only when the truth is carried forwards by all Victorians can the state turn a new page.



The truths Yoorrook would eventually hear had long laid dormant in the halls of power, but remained stubbornly alive in the hearts of First Peoples. But completing the historical record was never going to be easy. To appear before a royal commission, let alone one tasked with naming centuries of violence and dispossession, was a daunting prospect. For many, the act of speaking was itself a risk. The stories being told were not distant. They were personal, raw, and had often been buried deep within—both for safekeeping and for the self-protection of those who carried them.

The Yoorrook Justice Commission understood this. It knew that truth could not be compelled; it had to be invited and honoured. And so, from the beginning, Yoorrook went to great lengths to create a process that was both rigorous and safe. A process that would support First Peoples to share their truths with dignity—and without fear of being re-traumatised.

Yoorrook adopted a social and emotional wellbeing model founded on cultural safety and collective strength. It recognised that truth—

YOORROOK TRUTH BE TOLD

telling was not just about revealing harm, but also about drawing on the deep reserves of resilience, resistance and connection that have always defined First Peoples' communities.

This was truth-telling as ceremony. As care.

To support this work, Yoorrook introduced a new and vital role: that of Truth Receivers. These were not bureaucrats, lawyers or distant administrators; they were people embedded in community, many with lived experience. They met with those who wished to share their stories—sometimes over the phone, sometimes at a kitchen table, sometimes by a river.

Truth Receiver Aunty Colleen Harney often took people to a quiet spot beside the Mitchell River on Gunaikurnai Country. 'I find being by the water calm, safe and healing,' she said.

Truth Receiver Tara Fry would often start the truth-telling process with a member of her community over a cup of tea in the safety of their own home. Submission-makers were comforted by sitting with someone they could trust as they slowly unpacked their trauma.

This was the nature of Yoorrook's truth-telling. Not a cold transfer of evidence in a formal hearing room, but a gentle drawing-out based on mutual respect and trust. Some submissions took as many as ten meetings between the Truth Receiver and the individual before they were finalised. It was a process of relationship, not extraction.

Truth Receivers supported community members to prepare submissions, record video or audio testimonies, and access emotional and legal support. They also played a key role in organising yarning circles and roundtables, ensuring that truth-telling occurred not just in hearings, but in communal spaces where stories could be shared and held with care. Commissioners also travelled across Victoria to meet with Elders on Country. These visits

took Yoorrook to Dja Dja Wurrung, Eastern Maar (Kirrae Whurrung, Djab Wurrung), Gunaikurnai, Gunditjmara, Latji Latji, Tati Tati, Taungurung, Wadawurrung, Wemba Wemba/Wamba Wamba, Wiradjuri, Wurundjeri and Yorta Yorta nations.

The Commission sat in yarning circles, shared one-on-one conversations, and walked with Elders across sites of cultural and historical significance—former missions at Lake Condah and Lake Tyers, the cemetery at Coranderk, Cummeragunja, massacre sites, and places where resistance had bloomed.

Elders offered stories of dispossession and survival, of land and legacy, of sorrow passed down and strength reclaimed. They helped guide the Commission's early priorities and ensure the lived truth of Country and community underpinned its every decision.

When First Peoples couldn't come to Yoorrook, Yoorrook went to them. From older people in nursing homes to students in school and those locked up in the cold recesses of the prison system, Commissioners travelled and listened deeply to ensure a full spectrum of experience was captured in the truth-telling process. Conversations took place over stainless steel tables bolted to the floor; beside creeks and rivers; in intimate domestic spaces. Whether it was holding the hands of aunts and uncles as they recounted their lives or weeping alongside families who shared their grief for lost loved ones, Yoorrook found truths from all across Victoria and brought them home.



In line with its mandate, Yoorrook became the first inquiry or royal commission in Australian history to embed Indigenous Data Sovereignty principles into the very fabric of its work—how evidence was gathered, how it was stored, and

crucially, who retained control over it. This was not a procedural footnote. It was a profound assertion of First Peoples' ongoing sovereignty over their stories, knowledge and futures.

Distinguished Professor Maggie Walter played a pivotal role in shaping this approach. From the outset, Yoorrook's processes centred First Peoples' rights to determine how their data would be shared, accessed and protected for generations to come. Those who gave evidence were able to decide whether their records would be published, whether their identities would be shared, and how their stories could be used—a safeguard against the long history of First Peoples' knowledge being used without consent. Yoorrook set out to ensure that sovereignty was not understood only as a concept related to land rights, but that it was also understood to include data, identity and the right to hold and protect one's own narrative.

This commitment extended beyond data management into the Commission's infrastructure itself. Yoorrook commissioned a First Peoples-owned digital agency to build its website, rejecting the use of government systems and opting instead for a non-government domain name. The choice of a *dot org* domain instead of *dot gov* was not cosmetic—it was a structural claim to autonomy; a signal that this process belonged to community, not the state.

Yet even with these safeguards in place, a deeper concern remained. What would happen to these records once Yoorrook's work concluded? Commissioners feared that First Peoples' testimonies—so courageously shared—could return to government control, stripping communities of their right to determine how their own truths were held. In its second interim report, published in August 2023, the Commission recommended that protections be

put in place to ensure that First Peoples' records that were given confidentially would remain protected once the Commission's records were returned to government.

In February 2025, the Victorian Government responded and passed landmark legislation with the passage of the *Inquiries Amendment (Yoorrook Justice Commission Records and Other Matters) Act 2025* (Vic) through Parliament. For the first time in history, Indigenous Data Sovereignty concepts were enshrined in Victorian law. The Act granted Yoorrook the power to restrict access to confidential evidence, shielding it from Freedom of Information requests and exempting it from disclosure under the *Public Records Act 1973* (Vic) long after the Commission's conclusion.

This was not about hiding the truth—it was about ensuring that the stories entrusted to Yoorrook would remain under the care of the people who told them, protected for future generations, as they should always have been.

The Hon Sheena Watt MP (Yorta Yorta) captured the importance of this moment in her address to Parliament: 'For many who have already shared their stories, so much has already been taken. It is crucial that your own story, your own truth and your own family remain yours—the story of how you came to be there on the witness stand.'

Sovereignty is not just about land or governance. It is about self-determination. It is about our identity. It is about control over our own stories [...] This bill affirms that sovereignty. It acknowledges that Aboriginal people have the right to control their own information and how it is shared. It is a fundamental step in the process of truth-telling and Treaty.'

THE ARCHITECTURE OF TRUTH-TELLING

Yoorrook's Letters Patent asked the Commission to inquire and report on seventeen different areas of inquiry, spanning both historical and ongoing injustices experienced by First Peoples in Victoria since colonisation. In just over four years, the Commission would map the legacy of 191 years of colonial history to identify the injustices experienced across various areas including eviction, displacement and dispossession, health and health care and economic, social and political life, to name but a few.

Specifically, the Letters Patent asked Yoorrook to 'determine the causes and consequences of Systemic Injustice including the role of State policies and laws and which State Entities or Non-State Entities bear responsibility for the harm suffered by First Peoples since the start of Colonisation'. Given the large number of areas requiring its focus, the Commission set about establishing workstreams that would allow it to efficiently and effectively explore the themes of injustice that threaded through First Peoples' lived experience.

Guided by feedback from Elders and community, Yoorrook focused its inquiries on the following key areas:

- The child protection and criminal justice systems
- Land, sky and waters
- Social injustice in health, housing, education, economic prosperity and political life
- Access to records.

Yoorrook did not limit its inquiry to First Peoples' communities and organisations. It summoned government ministers and senior public servants to answer for the decisions and structures that had shaped—and often harmed—First Peoples' lives. These hearings marked a turning point: for the first time, an Aboriginal-led royal commission publicly held to account

the institutions that had exercised power over First Peoples for generations.

At Yoorrook's formal hearings, the space itself was reshaped to reflect a different kind of power. Commissioners, Counsel, witnesses and support people sat at the same height in a roundtable formation, a quiet but deliberate departure from the adversarial structure of traditional legal forums. This simple gesture carried profound meaning. It honoured First Peoples' protocols, ensuring that Elders could engage with Commissioners as equals, in a way that reinforced relational safety, not institutional hierarchy.

The Commission looked not only to cultural authority, but to lived experience, selecting Elders whose stories resonated widely, whose community roles carried weight, and who could speak, in their own way, to the breadth of injustice and the strength of survival. Many had told their stories before—in public, in protest, in community. Others were stepping into a formal setting for the first time. All were treated with reverence. And they told their stories on their own terms.

Uncle Johnny Lovett (Gunditjmara, Boandik) sang. Not as performance, but as evidence—two songs drawn from memory and Country, offered to the Commission as a form of truth-telling that stretched beyond words. Aunty Fay Carter (Yorta Yorta, Dja Dja Wurrung) recited lines from a song she had written, her voice lifting stories that had once been suppressed. Uncle Larry Walsh (Taungurung) gave his evidence beside his daughter Isobel—a reminder that stories are inherited, and that truth moves across generations. When Commissioners visited Cummeragunja, it was Uncle Colin Walker (Yorta Yorta) who guided them through the

landscape to places that held memory in soil and silence, and later wove those sites into his formal testimony.

These hearings were a blueprint for how truth might be held. The Elders did not simply recount trauma; they gave shape to history. They named the policies that had tried to erase them, and traced the scars of those decisions into the present. Nearly 200 Elders spoke with the Commission during its early consultations, and one truth echoed through all of these conversations: the injustices of the past had never *really* ended. The policies that tore children from their mothers, that surveilled families, that punished culture—their legacies lived on in the lives of their children and the fear carried by their grandchildren.

THE INITIAL WORK OF TRUTH-TELLING REQUIRED MORE THAN COURAGE—IT REQUIRED DIRECTION.

At the beginning of its journey, Yoorrook sought counsel from Elders and community leaders across Victoria who spoke not only of pain, but of priority. What mattered most, they said, was to examine the systems that had chiselled away at the lives of First Peoples across generations—the cold apparatus that removed children, imprisoned youth, and fractured families.

And so the Elders made their call clear: truth-telling could not be symbolic. It had to prevent harm from being repeated. And if the Commission was to mean anything at

all, it had to begin by examining the systems that continued to break families apart—child protection and criminal justice. These, Elders said, must be the focus, and fast. Because if change was truly to be delivered in Victoria—if this whole process was going to be mean something—then everyone had to start by understanding that if we keep doing the same things, we'll keep getting the same results.



In June 2022, Yoorrook reported back to the First Peoples' Assembly and the Government in its first interim report, *Yoorrook with Purpose*, setting out its unique methodology to undertake truth-telling and the guiding principles of its work.

In September 2022, Yoorrook turned its attention to child protection and criminal justice—two government systems that proved to be ever-present forces in the lives of many who came before the Commission. What emerged was a devastating pattern—children who were criminalised before they were born and were incarcerated before they lost all their baby teeth. Families that were caught in a cycle of removal and incarceration, and the unrelenting trauma of being surveilled, judged and punished by the state. As Aunty Geraldine Atkinson (Bangerang, Wiradjuri), inaugural Co-Chair of the First Peoples' Assembly of Victoria said, 'these are not just statistics – they affect our children, our sisters, brothers, nieces and nephews. Every single Aboriginal person and their family has been impacted by those systems.'

Amid this pain, Yoorrook also heard stories of survival. Of families finding one another after decades apart. Of language spoken again. Of culture held close, even when everything else had been taken. The findings and

recommendations of this chapter of Yoorrook's work were delivered in *Yoorrook for Justice* in August 2023.

From there, the inquiry moved to the places where the story of invasion had first begun—the lands, skies and waters of First Peoples' Country. Beginning in October 2023, Yoorrook sought to understand the enduring impacts of dispossession, and the deep spiritual and legal connections that First Peoples maintained with their homelands. In public hearings held from March to May 2024, Traditional Owners shared stories of desecrated sites, denied access and extinguished rights—but also of continued care for Country, the revival of ceremony, and unbroken responsibility.

Ngarra Murray (Wamba Wamba, Yorta Yorta, Dhudhuroa and Dja Dja Wurrung), Co-Chair of the First Peoples' Assembly of Victoria, spoke about the importance of Country. She said, 'Country is the essence of who we are, Country is in our blood, and our blood is in this Country. Our Countries right across this state have the markings of our history. [...] Our people's relationship with this country has been formed over thousands of generations. This unique connection has built up a profound intelligence and specialised knowledge about caring for it. Our old people instilled in all of us a culture of caring for the environment. Their old people told them the same and we will tell our kids the same.'

Ministers, academics and churches were called to account, and the evidence presented was unlike anything ever previously gathered in Victoria. It painted a clear picture: that the relationship between First Peoples and their lands had been systematically undermined, and that truth-telling was the first step toward healing.

Speaking about the ongoing impacts of this dispossession, Gunditjmara man Reuben Berg, Co-Chair of the First Peoples' Assembly of Victoria, said 'I [...] liken it to a game of monopoly where the board was set up and we as First Peoples were living on these lands and sharing our lands and thriving on our lands, and then colonisation has occurred and we have been removed from being able to play on this Monopoly board, and other people have come and taken it over and put on their hotels and their houses, and we have been left to then pick up the pieces afterwards and keep rolling the dice that has [us] landing on other people's hotels and having to pay. And, unfortunately, the reality is there's more Go to Jail spaces for our people, as well, and all of these things compound to leave us in this position today.'

In the months that followed, Yoorrook focused on the everyday systems influencing life chances and choices: health, housing, education and the economy. From May to June 2024, the Commission heard testimony from individuals and institutions alike, laying bare the persistence of structural racism in spaces where safety and opportunity should have lived. First Peoples described being failed by services not designed for them; of discrimination in classrooms, clinics and workplaces. They spoke of doors closed, voices silenced, and futures narrowed.

But they also spoke of determination. Of building strength through community, and holding onto identity in the face of systemic neglect. Yoorrook demonstrated that injustice was not a historical relic but a living structure, and its dismantling required more than words. It demanded action.

Woven through every theme—from systems to Country, from past to present—was a thread both intimate and vital: the right to access records. For many, the path to healing ran through dusty archives, where fragments of lost childhoods and stolen family connections still lie hidden.

Far from mere black-and-white evidence, the Commission heard, records could prompt memories; a sense of belonging and identity. But the process involved in accessing them was complex, inconsistent and deeply painful. Files were redacted, destroyed or lost. Bureaucracy was a barrier. And too often, the people whose lives had been documented by the state or missions were denied the dignity of knowing their own stories. Yoorrook called this what it was: a breach of data sovereignty. Without control over their information, First Peoples were denied full ownership of their histories—and without history, there could be no justice.

Across each of these inquiries, Yoorrook gathered a chorus of painful truths. They revealed that the harm done to First Peoples in Victoria was not accidental. It was structural. And unless the structures changed, the stories would be repeated.

SIGNIFICANT MOMENTS

The life of a truth-telling commission is not only measured in reports tabled or hearings held. It is also marked by moments—those instances when the abstract becomes real; when the weight of history is felt not just in words, but in presence.

For Yoorrook, these defining moments revealed the difficulty and the dignity of the task. They showed how the path to truth was built by trust as well as testimony.

What follows are some of the defining moments—the milestones that tested the Commission's strength, shaped its direction, and signalled a shift in the relationship between First Peoples and the State of Victoria.

These were the turning points that cleared the way for healing and a new path forwards.

THE CEREMONIAL COMMENCEMENT

On 24 March 2022, Yoorrook opened its first ceremonial hearing. This date represented more than just the start of public proceedings: it marked the arrival of something long imagined and long denied.

The ceremony began at the Stolen Generations Marker on Wurundjeri Country in Fitzroy. Wurundjeri Elder Uncle Colin Hunter welcomed all to Country and conducted a smoking ceremony that enveloped the moment in care and intention. The Djirri Djirri dancers moved like memory through the space—a reminder that culture had survived everything thrown at it by the state. Eucalyptus smoke rose around those assembled as both protection and offering.

Yoorrook Commissioners, members of the First Peoples' Assembly of Victoria, Traditional Owners, and the then-Minister for Treaty and First Peoples, the Hon Gabrielle Williams MP, gathered

at Charcoal Lane in Fitzroy, a site with its own legacy of Aboriginal activism and community. The hearing commenced with a minute's silence—not just to honour the stories that would be told, but to acknowledge the generations of advocacy, heartbreak and strength that had made this day possible. Yoorrook had begun—grounded in truth, shaped by community, and carried by all those who had refused to be silenced.

ELDERS' VOICES

When Yoorrook held its first public hearings in April and May 2022, it was the Elders who took the stand first. Their presence was ceremonial, political and deeply personal. They bore witness on behalf of many. For some, it was the first time the State had ever truly listened.

Among them were:

- Uncle Jack Charles (Boonwurrung, Dja Dja Wurrung, Taungurung, Wurundjeri, Yorta Yorta, Wiradjuri and Palawa Elder), whose life embodied both the violence of removal and the radical grace of return
- Uncle Johnny Lovett, whose storytelling braided humour with heartbreak, resistance with wisdom
- Auntie Fay Carter, who traced the long arc of injustice through the lives of her children and grandchildren
- Auntie Alma Thorpe (Gunditjmara), who carried the fire of activism across decades and still refused to look away
- Uncle Larry Walsh, who reminded the Commission that culture endures not in policy, but in practice
- Uncle Colin Walker, who returned again and again to the need for truth to be not merely told, but heard

- Uncle Kevin Coombs (Wotjobaluk, Wemba Wemba and Wiradjuri), who spoke with quiet power about what had been taken—and what had never been surrendered.

Their testimonies laid the foundation for both the work that followed and the spirit in which it would be carried out. These early hearings were the beginning of a long-overdue reckoning. With each story told, the silences of the past were fractured. The long-buried truth had begun to emerge.

For some Elders, it would be their last public act before passing into the Dreamtime. A gesture of love: the planting of something they will never see grow, but whose shade will shelter generations to come. Ultimately, by telling their stories, they bettered the lives of all to follow—many of whom they will never know.

DIRECTIONS HEARINGS

In the early months of 2023, as the Yoorrook Justice Commission dived deeper into the endemic injustices within Victoria's child protection and criminal justice systems, it encountered an unexpected impediment: delays in receiving crucial documents from the Victorian Government. This threatened to hinder the Commission's ability to properly question State witnesses called to give evidence.

Recognising the situation's gravity, Yoorrook convened directions hearings in March and April 2023 to address these concerns. During these hearings, government representatives acknowledged the delays and issued formal apologies, reaffirming their support for the Commission's work and undertaking to improve compliance moving forward. The Government also granted a two-month extension for Yoorrook to deliver its report into systemic injustice in the child protection and criminal justice systems.

This episode highlighted the challenges inherent in a truth-telling process and the necessity of steadfast commitment from all parties involved. It underscored the importance of timely cooperation and set a precedent for future engagements, marking a pivotal moment in the relationship between the Commission and the Government. In the aftermath, the Victorian Government demonstrated a willingness to adapt in order to support the Commission's objectives. This collaborative approach has been instrumental in advancing Yoorrook's mission to uncover historical wrongs and recommend systemic reforms for the progress of all Victorians.

RECKONING

Throughout Yoorrook's public hearings, the State was asked to do something it had long resisted: to listen and accept the full weight of responsibility. Ministers, departmental secretaries, and senior officials appeared before the Commission to respond to testimony given by First Peoples—often raw and harrowing; always courageous.

What followed was unprecedented.

One by one, representatives of the State stood and issued formal apologies. Not privately. Not behind closed doors. But publicly, in full view of the Commission, the community, and the broader Victorian public. They acknowledged the deep harm caused by colonisation and the enduring legacy of discriminatory government policies. They named the systems that had removed children, criminalised culture, displaced families and denied dignity. And they admitted that the impact of these decisions was not relegated to the past.

These apologies did not, *could* not, undo what had been done. But they signalled a shift. For the first time, the same institutions that had been instruments of harm were compelled to reckon with their role. And they did so not in lofty policy language, but in human terms; not from a position of defence, but of recognition.

For many who watched, listened, or stood in the room, the apologies were met with complex emotions—sorrow, relief, anger, hope. They were necessary, but not everything. They were meaningful, but not conclusive.

Because truth, once spoken, demands something more.

As Yoorrook Chair Professor Eleanor Bourke AM reminded one of those who apologised, ‘Words alone are not enough’. The path forwards will require more than words. It will require action in order to effect real, lasting structural change. And it will require governments to not simply make hollow promises, but to ensure the same mistakes are not repeated at the expense of justice for First Peoples.

APOLOGIES

For many, the idea that those in power would ever speak words of sorrow—publicly, plainly and with accountability—was once unimaginable. But as Yoorrook’s hearings unfolded, the words of Elders, survivors and community members could no longer be ignored. In rooms shaped by story, not hierarchy, a shift began to take place.

Government ministers, departmental secretaries and senior public officials appeared before the Commission. These were the professional descendants of the clerks who drafted the laws designed to end a race of people. In testifying before Yoorrook, they were lifting the cloak.

What follows are some of the most significant public acknowledgements of harm in Victoria’s history. These were not political speeches or legal necessities. They were unreserved, often emotional apologies. They responded directly to the truths of child removal, deaths in custody, institutional racism, dispossession, and denial that had been laid bare before the Commission.

The apologies were not repair, nor closure. Rather, they were an opening.

Read them not as an end, but as the moment a threshold was crossed—from denial to recognition, and from silence to reckoning.

This is where we go from here. Not back. Forwards—together, and full of resolve.

THE HON JACLYN SYMES MLC, ATTORNEY-GENERAL

I want to particularly acknowledge and express deep sorrow for the Aboriginal people who have died in custody and, on behalf of the Victorian Government, unreservedly apologise for the ongoing pain and sadness that this has caused to their families and community.

Source: Witness Statement of Attorney-General the Hon Jaclyn Symes MLC, 31 March 2023.

I apologise for the harm and injustice that should have been avoided, could have been avoided. [...] I'm in admiration of the strength and resilience of the Aboriginal community and their continued fight for justice. I want to tell them that I'm a partner in that fight, and I want to walk besides [sic] them and do better through my position as Attorney-General and the limited scope I've got to influence the criminal justice system in particular, and to say to them that my door is always open and I value their input.

Source: Transcript of Attorney-General the Hon Jaclyn Symes MLC, 5 May 2023.

CHIEF COMMISSIONER SHANE PATTON APM

As Chief Commissioner, and on behalf of Victoria Police, I formally and unreservedly apologise for police actions that have caused or contributed to the trauma experienced by so many Aboriginal families in our jurisdiction. [...]

As a result of systemic racism, racist attitudes and discriminatory actions of police have gone undetected, unchecked, unpunished, or without appropriate sanctions and have caused significant harm across generations of Aboriginal families. For all this, I genuinely and formally apologise as Chief Commissioner and on behalf of Victoria Police. I am sincerely sorry that this has occurred to Aboriginal people. It should not have happened. I cannot undo past actions and decisions of Victoria Police.

What I can, and will do, is ensure that we proactively review our policies and processes with community to address systemic racism, unconscious bias or unequal use of discretionary power in outcomes.

Source: Transcript of Chief Commissioner Shane Patton APM, 8 May 2023.

THE HON LIZZIE BLANDTHORN MP, MINISTER FOR CHILD PROTECTION AND FAMILY SERVICES

I take this opportunity as Minister to apologise formally and unreservedly for the harm caused by historic removal of First Peoples children from their families, their communities and their Country. For the harm caused by historic practices that infringed on the rights of families and children to live free from violence, abuse, racism, deprivation and discrimination. And for the harm caused by historic practices that infringed on the rights of families and children to practise their culture safely and happily. On behalf of the State of Victoria, I say sorry.

Source: Transcript of the Hon Lizzie Blandthorn MP, 12 May 2023.

THE HON ENVER ERDOGAN MP, MINISTER FOR CORRECTIONS, YOUTH JUSTICE AND VICTIM SUPPORT

I acknowledge that the State is responsible for Aboriginal deaths in custody and many of these deaths were a direct result of critical and unacceptable failings within our institutions. Personally, and on behalf of the State, I apologise for them and for the profound grief and trauma those deaths have caused. I send my deepest sympathies to the families, friends and the wider Aboriginal community for the loss and trauma this has caused. [...]

Source: Transcript of the Hon Enver Erdogan MP, 15 May 2023.

I just want to reiterate [...] a sincere apology for the harm caused and continue to be caused [sic] in our Corrections and Youth Justice settings. I think there must be an end to the Aboriginal overrepresentation in our system.

What's clear is that the impacts of colonisation are ongoing and there needs to be a whole-of-government response to correct that injustice. And I just want to express that [in] my view, I know that reform and change has been too slow for too long.

I'm committed to doing better and I've learnt a lot through this process and that's why I look forward to your Commission's work and I want to thank each and every one of you. I've seen what a challenge it is—and, I could imagine, some of that is probably re-traumatising for many of you, but I will look forward to receiving your findings, your recommendations on how I can make the Corrections and the Youth Justice systems better. Thank you.

Source: Transcript of the Hon Enver Erdogan MP, 15 May 2023.

KATE HOUGHTON, SECRETARY, DEPARTMENT OF JUSTICE AND COMMUNITY SAFETY

I am acutely aware that these people died while in the custody of the State, isolated from their families, their community and their country. For their passings, I express my deep regret and sorrow for the failures of my department to prevent these passings where they could have. I am deeply sorry.

I know the Criminal Justice system needs not only to improve to address injustices felt by Aboriginal peoples but, through Treaty, negotiate a transformed system. I also acknowledge my personal and professional commitment to this purpose and note that, under my leadership, the department seeks to play a critical role to support this.

Source: Transcript of Kate Houghton, 2 May 2023.

RYAN PHILLIPS, ACTING ASSOCIATE SECRETARY, DEPARTMENT OF JUSTICE AND COMMUNITY SAFETY

The truth of Aboriginal people's experience is a source of great shame and regret in terms of experience with our system, and I apologise for the ongoing impact and suffering of people in custody, as well as their families and communities.

Source: Transcript of Ryan Phillips, 3 May 2023.

ADAM REILLY, EXECUTIVE DIRECTOR WIMMERA SOUTH REGION, DEPARTMENT OF FAMILIES, FAIRNESS AND HOUSING

For the actions of the department in our long history and to this day, I extend my deepest and genuine heartfelt apology to my Aboriginal brothers and sisters and your families across the various Koorie nations that may be listening today. I am deeply sorry for the harm, for the pain and trauma the department in all its iterations and throughout all of its history has caused for you, your families and your ancestors.

Source: Transcript of Adam Reilly, 15 May 2023.

CRAIG SANDY, SURVEYOR-GENERAL OF VICTORIA

The evidence of my work to prepare to be a witness to this Commission has reinforced my understanding of the dispossession and removal of First Peoples from their land and the seriously adverse impacts this has had and continues to have on the physical, spiritual and economic wellbeing of First Peoples in this state.

With all this in mind, as the current Surveyor-General of Victoria, I take this opportunity to formally and sincerely apologise for the role that Surveyor-Generals past and present and surveyors working under our direction have had in the process of dispossession of land from First Peoples of the area now known as Victoria.

In making this apology, I accept the actions performed by Surveyors-General did not understand the First Peoples' complex land systems that were, in fact, already in place. I also understand that Surveyors-General and surveyors employed by them were possibly the first Europeans seen by First Peoples. The work of these early surveyors began a cycle resulting in the removal of First Peoples from their lands.

The impacts of that dispossession are still being felt by the First Peoples today in many profound ways, as I have acknowledged in my opening statement. The work of surveyors has been a part of a broader systemic process that enabled land injustice to occur and continue to occur. As the current Surveyor-General of Victoria, that is why I have taken the step I have today to publicly and genuinely apologise for the role of surveyors in the process of land dispossession of First People in Victoria.

Source: Transcript of Craig Sandy, 15 April 2024.

THE HON BEN CARROLL MP, DEPUTY PREMIER AND MINISTER FOR EDUCATION

In preparing for this hearing, I have learnt some of the history of First Peoples' education since colonisation and I've been briefed on the submissions and evidence received by this Commission. As a parent, as a Minister and a Victorian, this journey has been eye-opening and a stark reminder of the immense structural privilege experienced by many, including myself. It is also a reminder of my responsibility to do better in the position that I occupy today. I acknowledge the historical failings of the State's education system. I apologise unreservedly for these failings as well as for the continuing and pervasive impacts that continue to be felt by First Peoples students.

Source: Transcript of Deputy Premier Ben Carroll, 14 June 2024.

JENNY ATTA, SECRETARY, DEPARTMENT OF EDUCATION

I acknowledge and I unreservedly apologise for the historical failings of the Victorian Government Education system. I acknowledge and apologise that still today we have not been more effective in eliminating racism in all its forms from our schools, ensuring that a culturally safe learning environment exists across all parts of our system, and ensuring that young people are supported to reach their full potential.

Source: Transcript of Jenny Atta, 6 June 2024.

PETA MCCAMMON, SECRETARY, DEPARTMENT OF FAMILIES, FAIRNESS AND HOUSING

First Peoples' contemporary experience of significant rates of homelessness is connected to, and stems from, past practices that have deprived First Peoples of their home and land. The impacts continue to be profound. This Commission has heard, and First People have said many times, that they are negatively impacted by not only the impacts of dispossession and colonisation, but also current systems of housing. For its role in perpetuating systemic intergenerational injustice, on behalf of my Department, I apologise.

Source: Transcript of Peta McCammon, 7 June 2024.

THE HON MARY-ANNE THOMAS MP, MINISTER FOR HEALTH

In Victoria, health services played a role in the devastating process of removing First Peoples' children from their families, and were often the location from which that process commenced. As Minister for Health, I formally and unreservedly apologise for the impact this has had and continues to have on those individuals, their families, community, and their descendants.

Source: Witness Statement of the Hon Mary-Anne Thomas MP, 14 June 2024.

THE HON HARRIET SHING MP, MINISTER FOR WATER

I also take this opportunity to apologise to First Nations people and communities for the hurt and loss of dispossession and of lack of recognition, for the lack of respect and visibility that you deserved and did not get, for the grief of seeing Country damaged or dying, for being [denied] the right to be on and to care for Country, for the enduring disadvantage that was never of your doing. I am so sorry for the many generations of longing for Country and the heaviest of burdens of grief and anger in advocacy and determination and pride that you have carried almost always on your own for something to change for the better. I am sorry.

Source: Transcript of the Hon Harriet Shing MP, 24 April 2024.

THE HON HARRIET SHING MP, MINISTER FOR HOUSING

My commitment in appearing before the Commission today is that I will not turn away from the reasons and the history that have brought us to this point. Over the past two centuries the brutal dispossession of Traditional Owners from Country and from home in every sense of the concept has had a profound and enduring impact on health, wellbeing, safety, dignity and opportunity.

We imposed our rules of family and of home on First Peoples. We took land. We took children. We destroyed families and generations and communities, with our assumptions, disrespect and laws rooted in wilful ignorance. We created Aboriginal homelessness and then we turned away from it. And for too long we refused to even acknowledge that its existence and impact was our doing. And for this I am sorry.

The First Nations communities, families and people who ache for homes they have lost or have had taken, who long for homes they have never had or who live in substandard homes when they are available. I apologise. I apologise for the hurt and loss of dispossession and of lack of recognition. For being denied the right to be on and to connect to and care for Country, to have the homes that you deserve. For the enduring disadvantage that you bear that was never of your doing.

We have so much work to do across all levels of government, to address the centuries of systematic dispossession and to provide the right housing that is needed now and into the future.

Source: Transcript of the Hon Harriet Shing MP, 24 June 2024.

THE HON NATALIE HUTCHINS MP, MINISTER FOR TREATY AND FIRST PEOPLES

My witness statement to the Commission seeks to contribute to the historical record by outlining the State Government's role in dispossession of First Peoples and their subsequent exclusion from social and economic opportunities. [...] I apologise for the acts of my predecessors in causing or contributing to the dispossession and exclusion of First Peoples and for the ongoing impact that this has had.

Source: Transcript of the Hon Natalie Hutchins MP, 18 April 2024.

THE HON VICKI WARD MP, MINISTER FOR PREVENTION OF FAMILY VIOLENCE

I recognise the social, economic and political injustice colonisation caused and the intergenerational hurt of colonisation that we see today. I also acknowledge that historically the systems that have been designed to keep women safe from family violence have been marked by discrimination and systemic racism. They have failed to listen to First Peoples women and have failed to keep First Peoples women and children safe. They have also too often led to the removal of children and perpetuated the intergenerational trauma that child removal can create.

I apologise to First Peoples victims, survivors, families and community and those directly affected by family violence. [...] Family violence has such a wide reach. It is in every community. There are so many scars. Some are deep and some run just below the surface, and I acknowledge the high number of First Peoples women who have violence used against them. And it also needs to be understood that much of this violence is at the hands of men who are not First Nations people.

Source: Transcript of the Hon Vicki Ward MP, 20 June 2024.

THE HON INGRID STITT MP, MINISTER FOR MENTAL HEALTH

I acknowledge that there are ongoing injustices within the mainstream mental health and aged care systems including racism, a lack of cultural safety, insufficient funding and Western models of care, which do not reflect a holistic approach to social and emotional wellbeing, which goes beyond good mental health and extends to connection to land or Country, culture, spirituality, ancestry, family and community.

In my relatively short time in the mental health and ageing portfolios I have reflected on how these injustices are continuing to reinforce barriers to the First Peoples community receiving the care and support they need and deserve. I've seen how ongoing and compounding traumas are triggering to First Peoples, including a spike in emergency department presentations following the outcome of the referendum in 2023.

I wholeheartedly and unreservedly apologise for the ongoing injustices in mental health and aged care systems that have caused or contributed to the trauma experienced by First Peoples. Self-determination for First Peoples' social and emotional wellbeing has not been prioritised enough.

Source: Transcript of the Hon Ingrid Stitt MP, 17 June 2024.

VICTORIA POLICE ISSUES A STATEMENT OF COMMITMENT TO FIRST PEOPLES

In May 2023, the relationship between Victoria Police and First Peoples reached a watershed moment.

Appearing before the Yoorrook Justice Commission, then-Chief Commissioner Shane Patton delivered a formal and unreserved apology on behalf of the force for its role in carrying out harmful policies against Aboriginal communities.

For generations, Victoria Police had been more than an enforcer of law—it had been an instrument of state-sanctioned harm, removing children, surveilling communities and criminalising culture. The apology marked a rare and deeply significant moment of institutional reckoning.

Upon Chief Commissioner Patton's appearance before the Commission, Yoorrook presented him with a shield. It was not a gift; rather, a powerful symbolic gesture of the protection First Peoples deserved instead of the persecution to which they had been subjected since colonisation.

Accepting the shield, Chief Commissioner Patton APM acknowledged that it would 'serve as a reminder' of the work yet to be done—a tangible commitment to doing better.

The shield was crafted by Uncle Mick Harding. As a master carver, Uncle Mick imbued the object with deep cultural meaning. 'Shields represent the protection of our people,' he wrote in a statement accompanying the work. The carvings depicted Bunjil the creator spirit, ancestral

totems, and footprints—symbols of Aboriginal lore, connection and responsibility.

Uncle Mick explained that the shield was shared with the expectation that Victoria Police would not only acknowledge the past, but also commit to protecting First Peoples going forward. 'The shield is a visual reminder,' he wrote, 'that Aboriginal people's lives are as equally important as everyone in our community.'

Uncle Mick's artist statement concluded with a powerful invocation in language: *Gilbruk Baan Biik Woora Woora Nugal-Nganjin, Gilbruk Buk Nugal-Nganjin*—respect our water, our Country, our sky. Respect our people.

On 8 May 2024, a year to the day after Chief Commissioner Patton gave evidence before Yoorrook, the shield was unveiled at the Victoria Police Headquarters in Docklands.

On the occasion of the shield's unveiling, Chief Commissioner Patton announced seventy-nine reforms intended for completion by the end of 2025, including reducing 'the over-representation of Aboriginal young people and adults in the criminal justice system', improving 'police handling of complaints made by Aboriginal people', and implementation of all police recommendations from the Royal Commission into Aboriginal Deaths in Custody, undertaken some thirty years ago.

In that moment, past and future converged. For the institution, the shield was a reminder. For community, it was a measure of accountability.

The first of the promised reforms was delivered swiftly: later that same month, Chief Commissioner Patton delivered a formal apology to the Stolen Generations for Victoria Police's role in forcibly removing Aboriginal children from their families. Among those present at this event was Aunty Eva Jo Edwards (Boon Wurrung, Mutti Mutti and Yorta Yorta), a member of the Stolen

Generations who had given evidence before Yoorrook in December 2022.

Speaking again to Chief Commissioner Patton, Yoorrook Chair Professor Eleanor Bourke reiterated the gravity of the moment: ‘Your apology must bring real change, Chief Commissioner. And it must be lasting [...] I hope future generations will look back on that day as a moment which changed the relationship between the First Peoples of these lands and Victoria Police.’

THE VOICE REFERENDUM

Even as moments of truth and reckoning unfolded within Yoorrook’s hearings, the nation was in the throes of another reckoning—one that plainly demonstrated just how far we had yet to go.

On 14 October 2023, Australians were asked to decide whether to amend the Constitution to recognise an Indigenous Voice to Parliament—an advisory body that would have allowed First Peoples to speak to the laws and policies that affected their lives. Sixty per cent of the country voted *no*. And Victoria was no exception to the broader trend.

The result was more than political. For many First Peoples, it was deeply personal. The referendum campaign did not just fail to unite the nation—it re-opened wounds that had never truly healed. In homes, on screens, across airwaves and social media feeds, old prejudices were given new permission to speak. First Peoples’ personhood was debated as though theoretical. Their worth, their legitimacy, their very place in the nation were publicly and relentlessly called into question.

Racism surged in the months leading up to the vote and in the weeks that followed. Online abuse increased. First Peoples reported being verbally assaulted in public. Children were taunted in

schoolyards. Cultural safety, already fragile in many institutions, evaporated altogether. A report from the Jumbunna Institute and the National Justice Project documented over 450 verified incidents of racism in the referendum period—but those figures could never capture the full toll. The weight of that time was present not just in the statistics, but in the exhaustion it left behind.

First Peoples had stood up and asked for a voice—not a veto—and had been refused.

The pain of the referendum went deeper than the vote itself. It was in the silence of neighbours, the indifference of colleagues, the gleeful celebration of those who had never wanted to hear the truth. For many, it confirmed what had long been suspected: that beneath the surface of national pride and reconciliation rhetoric lay a discomfort with truth—and a resistance to justice when it required anything beyond symbolism.

Yet Yoorrook continued in the face of that bitterness. At a time when many First Peoples felt utterly disenfranchised, the Commission held space for voices to be heard and respected. In a moment when history was denied at the ballot box, Yoorrook ensured it was documented in the official public record. The truth could not be voted away. And while the referendum may have marked the nation’s failure to listen, Yoorrook stood as a counterpoint, proving that First Peoples’ voices are not merely valid, but vital.

Had a national truth-telling process been in place—one that asked the country to examine the violence, dispossession and denial at its foundation—the result of the referendum may have been different. If the nation had been willing to listen before being asked to decide, perhaps that vote could have heralded a seismic cultural shift. We’ll never know.

What remains clear is that truth must come before reconciliation, and reckoning before repair.

TERRA NULLIUS

In March 2024, Yoorrook opened a new chapter of truth-telling beneath the ancient world-worn formation of Budj Bim on Gunditjmara Country in the state's south-west, where the land itself speaks history.

Long before borders and barbed wire, Budj Bim erupted, sending lava down towards the sea. That eruption—the Tyrendarra flow—shaped more than the earth: it shaped a way of life. Across the rocky terrain left in its wake, the Gunditjmara people engineered a vast aquaculture system to trap and farm *kooyang*, or short-finned eel—a system now recognised as the oldest of its kind in the world. The land and waters that hold this legacy are now home to the Tae Rak Aquaculture Centre, a site inscribed on the UNESCO World Heritage list. But for Gunditjmara people, its significance was never a matter of recognition. It had always been known.

The opening day of Yoorrook's public hearings into Land, Sky and Waters was marked with ceremony and story at Tae Rak. Under grey skies and the wingspan of *kneeanger*—wedge-tailed eagles—a smoking ceremony was led by Aunty Eileen Alberts, followed by traditional dances that stirred the ground as much as the gathered crowd.

On a number of occasions, before evidence was heard, the Commissioners were taken to places seldom found in official records. Gunditjmara Elders walked with them across the Kurtonitj Indigenous Protected Area, showing eel traps still nestled in the volcanic stone and a smoking tree once used to preserve *kooyang*. From there, the journey continued to the site of the Convincing Ground massacre just outside Portland—the first documented massacre of First

Peoples in Victoria. The stillness of that place captured what the history books had refused to.

It was here, at the end of the lava flow in Portland, that the Henty brothers claimed the land and established the first permanent European settlement in what would become Victoria. The violence that followed became the blueprint for colonisation across the state.

Commissioner Travis Lovett, Yoorrook's Deputy Chair and a proud Gunditjmara man, stood on his ancestral Country and reflected on this profound moment. 'Justice in this country has traditionally been delivered in courtrooms in the cities,' he said, 'in a language that was once foreign to my people, and by judges who came here long after us and ignored our lore.'

Yoorrook's hearings into Land, Sky and Waters constituted, as Commissioner Lovett described, 'a turning point for justice'. For the first time, evidence was gathered on Country, in the presence of Elders, in proceedings guided by First Peoples' lore and language. Truth-telling returned to the earliest sites of harm—and there, the work of restoration began.



During the first week of Yoorrook's hearings into Land, Sky and Waters, the Commission heard from some of the country's most respected historians and scholars. Their evidence was not theoretical or fanciful. It was drawn from decades of research, grounded in fact, sharpened by witnesses, and carried forward by the lived memory of First Peoples and descendants of colonisers alike.

Together, these figures set the historical record straight.

Emeritus Professor Richard Broome described the colonisation of Victoria as the 'swiftest

expansion within the British Empire of any occupation of land'. With startling speed, settlers moved across Country, killing those who resisted and using a combination of direct violence, law, and policy to dispossess First Peoples of their lands, waters and resources. The wealth that built the colony was taken from the bodies, blood and grief of Aboriginal families.

Professor Henry Reynolds told the Commission about 'the squatting rush' across Victoria from the 1830s—an expansion so rapid it defied comparison in the history of global colonisation. By the 1840s, over 700 stations had been established, and millions of sheep roamed the lands once carefully managed by Traditional Owners.

It was, in Reynolds' words, 'one of the most tragic periods for First Nations people', defined by two things: the speed of the occupation and the scale of the killing.

Yoorrook heard that the legal doctrine of *terra nullius*—used by the British Empire to justify their settlement of lands belonging to Indigenous peoples around the world—was misapplied in Victoria, consistent with the High Court's ruling in the 1992 *Mabo* decision.

While early colonisers in Victoria knew of First Peoples' systems of law, areas of occupation, organised resistance and other forms of governance, they nonetheless proceeded as if the 'land belonged to no one' in order to justify settlement without conquest or cession.

Yoorrook heard substantial, repeated evidence that the theft of land and water was enforced through violence—calculated, widespread and devastating. First Peoples were shot, raped, maimed. Families were torn apart. Entire clan groups were erased from Country. Historians estimated that before invasion, Victoria was home to around 60,000 Aboriginal people. By the early 1850s, fewer than 2,000 remained.

Dr Bill Pascoe from the University of Newcastle provided expert evidence on the pattern and impact of frontier massacres in Victoria. As a lead researcher on the Colonial Frontier Massacres in Australia project—a vast digital archive and interactive map of massacres—Dr Pascoe had studied some of the darkest episodes in the nation's past. He told Yoorrook plainly: 'Some of the things I've encountered in this research are the worst things I have ever heard of anyone ever doing to anyone in human history.'

The map, built from historical records, eyewitness testimony, and First Peoples' knowledge, documents over 438 massacres across Australia—each defined as the killing of six or more people in a single event. At least fifty of those took place in Victoria between 1831 and 1854, accounting for 978 known Aboriginal deaths. Dr Pascoe made clear that this number is conservative. Where historians estimate that twenty or thirty people were killed, the project recorded twenty. Better to understate than overclaim. But even the moderate estimates are startling.

The 1840s saw the most intense period of massacres. Much of this violence took place in Victoria, particularly near Portland, which Dr Pascoe identified as one of the densest clusters of massacres in the entire continent. The pattern was chillingly consistent: where early pastoral holdings emerged, massacres followed. The map of settler expansion mirrored the map of death.

Sixteen per cent of the recorded massacres in Victoria involved *agents of the state*—native police, government officials, public servants. The State was not a passive observer. It was often a participant.

Distinguished Professor Marcia Langton (Yiman and Bidjara), from the University of Melbourne, reminded the Commission that the recorded

massacres were ‘just the tip of the iceberg’. Most of the killing, she said, was never documented. Settler silence was not incidental—it was systemic, a deliberate act of historical erasure that shrouded generations of violence in denial.

But Langton’s testimony to Yoorrook went further, connecting this hidden violence to the ways Aboriginal people’s bodies and cultures were dehumanised and objectified long after death. She spoke of the Murray Black Collection—hundreds of Aboriginal ancestral remains excavated, often without consent, and stored at the University of Melbourne. These were not respectfully preserved relics; they were the spoils of scientific racism, amassed during a period when Aboriginal people were treated as specimens for study, not as sovereign human beings.

Langton, alongside other scholars, exposed the University’s role in legitimising these practices, its complicity in promoting eugenics—a pseudo-science that sought to classify, rank and devalue human lives based on race, including via *anthropometry*, which involved the measurement of skulls. For decades, the University lent its authority to theories that underpinned these acts of collection, stripping First Peoples of their humanity under the guise of scientific inquiry.

As Langton wrote elsewhere, this was not ancient history. The University’s teaching and promotion of eugenics, and its support for racial hierarchies cloaked in scientific credibility, influenced generations of students and public thought alike. In her closing reflections in *Dhoombak Goobgoowana*, Langton stressed that these legacies—whether in the form of unreturned remains or discredited racial theories—left stains on the institution that progress alone could not expunge.

At Yoorrook, her evidence formed part of a broader call for restitution—not just of remains,

but of memory, dignity, and the right to tell these stories on First Peoples’ terms. In connecting the silences of massacre sites with the silences of museum storerooms, Langton illuminated a through-line of colonial violence: one that began in bloodshed and extended into the intellectual and cultural dispossession that followed.

Professor Reynolds confirmed as much: settlers knew what was happening. But what followed was, in his words, ‘a very, very powerful code of silence’—one that seeped into the historical record, the public consciousness, and the denial that still clouds national memory.

He called it ‘the original sin of Australian colonisation’—not only the violence, but the abject refusal to recognise that First Peoples had rights to land in the first place. ‘That it was their land. They were in occupation.’

What Yoorrook uncovered in these hearings was not new to community. But it was new to many who had never been taught this history. It was confronting. It was harrowing. And it was necessary.

Truth-telling, here, was not about debate. It was about finally naming what had, for too long, been hidden in plain sight.

AQUA NULLIUS

Water is not separate from Country. It *is* Country—flowing through law, memory, ceremony and kinship. It nourishes the land and the spirit alike.

In April 2024, Yoorrook travelled to Margooya Lagoon on Tati Tati Country, bringing the Commission to Country. The Minister for Water, the Hon Harriet Shing MP, representatives of the State of Victoria and Commission staff gathered by the banks of the Murray River near Robinvale, in the state’s north-west to hear evidence from Uncle Brendan Kennedy (Tati Tati).

There, in a place once known for its clarity and vitality, Yoorrook opened its hearings into the theft and degradation of water; to hear evidence about how water—once shared through complex systems of care and governance—had been stolen, controlled and commodified by the colonial state. The setting was no accident. Long a pristine ancestral site of spiritual significance, the Margooya Lagoon now stood thick with pollution and algae, an indictment of what had happened since the river was redirected. In the afternoon hearing in Robinvale, Commissioner Lovett held up a jar of green water taken from the lagoon just prior to the hearing, and told those gathered: ‘Our people [have] got [...] very limited say in the management of water. Our people wouldn’t allow this.’

The Commission heard that the theft of water began with a lie: the legal fiction of *aqua nullius*. Just as the doctrine of *terra nullius* claimed the land was unoccupied and available for the taking, *aqua nullius* asserted that water, too, belonged to no one before colonisation.

During its hearings, Yoorrook heard extensive evidence about the governance of water in Victoria and the enduring impacts of colonisation on First Peoples’ relationships with rivers, wetlands and springs. This evidence—delivered on Country and grounded in lived experience—revealed a complex history of dispossession, management systems and environmental change.

In Robinvale and in Collingwood, many spoke to Yoorrook about the declining health of Victoria’s waters since colonisation—wetlands drained, river systems fragmented by infrastructure, and ecosystems degraded. Elders shared memories of when the rivers ran clear and the wetlands teemed with life, contrasting with the present-day reality of pollution, salinity and reduced flows.

The Hon Harriet Shing MP acknowledged these histories during her appearance before Yoorrook. She recognised that water governance in Victoria has long prioritised economic expansion, including through the construction of dams and weirs and the commodification of water as a resource. These decisions changed both the physical landscapes and the lives of those who have always belonged to them.

The hearings at Margooya Lagoon reinforced the importance of these stories being shared on Country. Being present at the location helped the Commission better understand the physical and cultural impacts of water policy as they are experienced in place, not just in theory. These insights contributed to a broader understanding of how the management of rivers and wetlands intersects with justice for land and culture, and of the interdependence between land and water.

The process highlighted the need for ongoing dialogue about how water governance might evolve to reflect the rights, knowledge and responsibilities of Traditional Owners, ensuring that their voices remain central to decisions about the future of Victoria’s waters.

CHURCHES

On 1 May 2024, something shifted.

Senior representatives from the Anglican, Catholic and Uniting churches appeared before the Commission—not in prayer or sermon, but in accountability. Church leaders were publicly confronted with the legacy of their institutions’ entwinement with colonisation. They grappled with their pasts and were challenged with what had long been known to those dispossessed: that their churches had, quite literally, been built on stolen ground.

Yoorrook heard that the colonial government granted land or funds for little or no

consideration, contributing to the construction of more than 500 churches across Victoria. These grants were made as First Peoples were being pushed from their Country and confined to missions and reserves—many of which were operated by, or in partnership with, churches and other benevolent institutions, including predecessors to the Anglican and Uniting churches.

These grants formed part of a wider structure of legislative and administrative dispossession that reshaped Victoria in the wake of colonisation. The cost to First Peoples was immense: the severing of language, the silencing of culture, and the disruption of connection to Country and kin.

Right Reverend Dr Richard Treloar took this truth back to his congregation. In June 2024, he addressed St Paul's Cathedral. 'There are some very hard truths we have needed to face into, and speak plainly, as Anglicans,' he said. He named the mission stations across Victoria, including Lake Tyers in East Gippsland, where 'state policies of segregation and assimilation—both of which erase difference rather than reconcile it—were implemented by the Church of England over a number of decades from the 1850s onwards.'

He acknowledged the continuing legacy of those practices, stating that 'cultural genocide, separation from Country and kin with associated generational trauma, and the beginnings of what we would now call Aboriginal deaths in custody, are among the consequences of this so-called "protectionist" practice.' Right Reverend Dr Treloar also acknowledged the presence of Commissioner Lovett in the cathedral that day and reminded his congregation that 'there are some things we need to keep calling out, and be called out on'.

This is truth-telling in practice—not just the hearing of difficult truths, but the willingness to carry them home and let them shape what comes next.

CORANDERRK

In April 2024, a quiet moment in a grove of towering manna gums on Wurundjeri Country heralded something new in the relationship between First Peoples and the Victorian State. Premier the Hon Jacinta Allan MP stood beside Wurundjeri Elders and Commissioners of the Yoorrook Justice Commission at Coranderrk—a site of profound resistance and survival.

There, she was presented with a letter penned in 1886 by Wurundjeri *ngurungaeta* (clan leader and law-holder) William Barak, and signed by fifteen other residents of Coranderrk. The letter, originally addressed to then-Premier Graham Berry, expressed gratitude for his resistance to efforts to close their community. Aunty Jacqui Wandin, a direct descendant of Barak, presented that same letter to Premier the Hon Jacinta Allan MP. In doing so, she bridged two moments in time—one Premier to another, one act of defiance to another gesture of truth.

Just days later, Premier Allan became the first head of government in Australian history to appear before a truth-telling commission led by Aboriginal Commissioners.

On the rooftop of Yoorrook's Collingwood precinct, the Premier was welcomed by Wurundjeri Elder Aunty Joy Wandin Murphy and a smoking ceremony led by the Djirri Djirri dancers. Commissioner Travis Lovett presented her with a message stick—a symbol, he said, carrying the voices and stories of those 'who have put their hearts, and souls and truths on the line to be a part of this process to establish

the true history of Victoria on the official public record forever’.

Inside the hearing room, the atmosphere was both solemn and charged. This was history in the making.

Premier Allan began by acknowledging the limits of her own education—not a personal failing, but the results of a deliberate act of collective national forgetting. She told the Commission: ‘Like many Victorians, my formal education of Aboriginal people’s histories and experiences was limited. To be clear, that limitation was not an accident, an oversight or absent-mindedness. It was part of a deliberate and systematic attempt to erase First Nations people from our State’s history, to somehow cross out tens of thousands of years of connection to Country, to blot away the bloody stains of colonisation.’

Her testimony, delivered over several hours of questioning by Senior Counsel Assisting Tony McAvoy SC, was personal and, at times, emotional. She described her ‘distress’ on learning of violence and massacres that had occurred on Dja Dja Wurrung Country, where she lives. It was crucial, she told the Commission, that the public knowledge of Victorian history was not merely ‘academic’, but a widely understood chapter: ‘It is about understanding why rates of child protection removals are higher. It is understanding where that disadvantage started from.’

She also spoke of survival. Of the strength and determination of First Peoples who refused erasure. Of her own children’s education—their exposure to language, lore, and land through Bush Kinder and primary school—and the way their learning had become her own. ‘I want every Victorian to learn this story,’ she said. ‘And I believe there is a genuine desire [...] to know

the truth of our state’s story—and be part of writing its next chapter.’

In her opening remarks to the Premier’s evidence, Chair Professor Eleanor Bourke had recalled the words of anthropologist WEH Stanner, who, in a 1968 Boyer Lecture, coined the phrases ‘the great Australian silence’ and the ‘cult of forgetfulness’ in reference to Aboriginal perspectives on history. Both expressions continue to resonate over half a century later.

Premier the Hon Jacinta Allan MP picked up this thread, nodding to that silence—not as an abstract concept, but as something woven through her own education and understanding. This was no passive oversight, she said. It had been a deliberate act of national forgetting, a systematic erasure of tens of thousands of years of connection to Country, and of the violence that accompanied colonisation.

Her testimony did not end with acknowledgment. It became an assertion and an entreaty. ‘The process of truth-telling is a refusal to submit to that silence,’ the Premier said. ‘The record this Commission will hand down will mean at long last the truth of our State’s history is told [...] This cannot be a flash in the pan or just a moment in time. We must continue to listen and learn from First Peoples.’

Her words echoed the Chair’s invocation of Stanner. Silence, at least in this moment, had been broken at last. This was not simply a political statement, but a recognition of something deeper: the other side of history, long obscured, was now beginning to surface, carried by those who had borne it all along.

That day, Yoorrook did more than bear witness. It shifted the centre of gravity in the relationship between Aboriginal people and the State of Victoria. The hearing was an act of shared accountability—and a call to walk forwards with truth as the guide.

BROKEN PROMISES

The breaking of promises, whether through backflips or thunderous silences, reminds us that truth alone does not guarantee change. It must be met with courage, consistency and action. But even in the face of reversals and betrayals, First Peoples have never stopped speaking. And Yoorrook never stopped listening. The Commission's work continued, carving space for honesty where once there was avoidance, and for candour where once there was denial.

Across its inquiries, Yoorrook heard moving testimony about how governments have failed to act on the evidence placed before them—and, in many cases, walked away from their own commitments. First Peoples told Yoorrook that any change is often too slow, too narrow, or too easily reversed.

Their words were proven within Yoorrook's lifetime. In a matter of years, two key justice reforms promised by the Victorian Government were delivered, then promptly rolled back: each one a blow to trust, and a reminder of the need for ongoing accountability.



Up until 2024, Victoria was one of several jurisdictions in Australia where children as young as ten could be arrested, charged and imprisoned. The minimum age of criminal responsibility in Australia—the age at which a child can be held legally accountable for an offence—has been condemned by international human rights bodies, medical experts and child welfare advocates as dangerously low and out of step with what is known about childhood development. In Victoria, this law has disproportionately harmed First Peoples' children, who are far more likely to be targeted

by police, pulled into the criminal legal system, and imprisoned at a younger age than their non-Indigenous peers.

Commissioner Adjunct Professor Sue-Anne Hunter, a nationally recognised expert in child and family wellbeing, brought deep knowledge and cultural authority to Yoorrook's inquiry into this issue. Throughout her work with the Commission—and across decades of advocacy—Commissioner Hunter has spoken powerfully about the trauma inflicted on Aboriginal children when they are criminalised instead of cared for, and punished instead of protected. She reminded the Commission and the broader public that the overrepresentation of Aboriginal children in the justice system is not a reflection of their behaviour, but of the systems that have failed them—systems built on racism, neglect and control. Raising the age of criminal responsibility, she argued, is not just a legal reform; it is an urgent act of justice, cultural respect, and protection.

The overrepresentation of First Peoples' children in these systems is not about criminality, but systemic bias, including institutional racism and discriminatory policing. Yoorrook heard evidence that First Peoples' children are less likely to be cautioned by police and more likely to be arrested and detained than their non-Indigenous peers.

In 2022, during its inquiry into the Criminal Justice System, Yoorrook joined a growing chorus of voices calling for urgent reform. It recommended that the minimum age of criminal responsibility be raised to at least fourteen—a critical shift away from punitive responses and towards community-based, trauma-informed care.

In April 2023, the Victorian Government agreed. The Premier and the Attorney-General announced a staged plan to raise the age—first

to twelve in 2024, and then to fourteen in 2027—accompanied by public statements that spoke to compassion and responsibility. ‘Very young children engaging in harmful behaviour,’ said Attorney-General the Hon Jaclyn Symes MLC, ‘is a sign that something has gone terribly wrong in their life’.

Premier the Hon Jacinta Allan MP added that helping children through rehabilitative support ‘is not only good for them, it makes the community safer in the long term’.

But in August 2024, just over a year later, the Government abandoned the second stage of its commitment. The minimum age would rise to just twelve, and not fourteen, after all.

Chair Professor Eleanor Bourke described the reversal as deeply damaging.

‘The Government’s promise to raise the age to fourteen was seen as a critical step towards rectifying historical injustices faced by First Peoples [...] Today, that promise has been broken. This decision is so contrary to the evidence it is difficult to comprehend.’



The Commission also heard devastating accounts of how Victoria’s bail laws had harmed First Peoples, particularly women. Bail—the legal mechanism that allows someone charged with an offence to remain in the community until their case is heard—is a core principle of justice. Yet changes made to Victoria’s bail laws in 2013, and again in 2018, dramatically increased the number of people imprisoned on remand. This included First Peoples, many of whom had not been convicted of a crime.

Yoorrook heard that the harshest impacts fell on Aboriginal women, often incarcerated for repeat low-level, non-violent offences. Once

remanded, women risked losing homes, jobs, children and even their lives. These laws—introduced and maintained despite clear warnings—stood in direct opposition to the notion that imprisonment should be a last resort.

The effects of these laws were tragically demonstrated by the case of Veronica Nelson, a proud Gunditjmara, Dja Dja Wurrung, Wiradjuri and Yorta Yorta woman who died in custody on 2 January 2020. She had been refused bail for minor offences and remanded to prison, where she died alone. In his findings, handed down during Yoorrook’s criminal justice inquiry, Victorian Coroner Simon McGregor described her death as ‘harrowing’ and ‘preventable’. He called Victoria’s bail laws a ‘complete and unmitigated disaster’, and found that the system was discriminatory, incompatible with human rights, and in urgent need of reform.

In March 2023, the Victorian Government finally announced changes and in March 2024—after years of advocacy from First Peoples, families and legal experts—the *Bail Amendment Act 2023* (Vic) finally came into effect. The change, however, was short-lived.

In March 2025, less than a year after the new laws were introduced and the number of Aboriginal women on remand began to fall, Premier the Hon Jacinta Allan MP announced a stark reversal to the reforms. ‘Our tough bail laws will jolt the system,’ she said, declaring that Victoria would introduce the ‘toughest bail laws ever’. The backlash was immediate. Former Magistrate Tony Parsons called the move ‘a grave mistake’. And for many, it was something worse: a betrayal.

Aunty Donna Nelson, Veronica’s mother, said: ‘They looked me in my eyes and promised to make bail conditions better, because of what Veronica and my family suffered [...] Where are those promises now?’

The government's reversal ignored not just the findings of the coronial inquest, but also the truth-telling presented to Yoorrook—testimony hewn from pain, survival and hard-won knowledge. It further eroded trust and reinforced what many had told the Commission from the outset: that promises alone cannot be relied upon. It was clear that continued truth-telling, anchored by transparency and accountability, would be essential to ensuring that First Peoples were not the first casualties of political expediency.



In April 2024, during her evidence to the Commission, the Hon Natalie Hutchins MP admitted to Yoorrook that First Peoples servicemen who had fought for Australia had been 'deliberately excluded from Soldier Settlement Schemes because of their Aboriginality'. After fighting for their country overseas, they returned home to a prejudicial system that shut them out of the opportunities given to other servicemen.

While the scheme did not explicitly prevent Aboriginal servicemen from applying, only two Aboriginal Victorians that served in World War I were ever granted a soldier settlement. One, Private George Winter McDonald, returned from war with one leg, and ultimately had to give up his land after struggling to work its rocky terrain. The other, Private Percy Pepper, was allocated swampland that regularly flooded, and was forced to return the unproductive land after he was unable to make repayments under the scheme.

The Minister acknowledged that this 'devastating injustice' remained unresolved. Commissioners asked the obvious question: why? Elders had told Yoorrook that they had

made their case for compensation to the Government for many years. Determined not to let these claims continue to languish, Commissioner Lovett requested a commitment from the Minister to meet with Uncle Johnny Lovett and discuss his claim that had been underway since 2017. She agreed.

Uncle Johnny Lovett and Auntie Evon (McDonald) Barker (Gunditjmara) met with the Minister on several occasions in 2024 to discuss resolution of their claims. The Assembly urged the State and Commonwealth ministers to work together to find a solution for these Elders before it was too late.

Despite these efforts, neither the State nor the Commonwealth have committed to any meaningful land justice compensation outcomes, nor any other tangible resolution.

KING CHARLES III

While Victoria wrestled with its own responsibilities, another silence settled like moss on old stone.

In October 2024, King Charles III visited Australia for the first time as Sovereign—the first reigning monarch to do so since 2011. In February of that year, Yoorrook wrote to His Majesty, inviting him to meet with the Commission during his tour. Commissioners described the potential engagement as an historic opportunity: a chance for the Crown to address its legacy of dispossession, violence and cultural theft; to acknowledge the suffering inflicted by imperial acts; and to support the repatriation of First Peoples' artefacts and remains from the United Kingdom.

The Commission drew on a long history of petitions to the Crown, including William Cooper's 1938 appeal to King George V, which called on the British monarchy to intervene in

the treatment of Aboriginal people in Australia. Cooper's petition was never passed on by the Australian Government.

History, it seemed, was being repeated.

The King did not take up the offer to meet with the Commission.

In the weeks following the King's visit to Australia, Commissioner Lovett was invited to Camp Sovereignty, a long-standing protest site at King's Domain in Melbourne.

There, under the steady flame of a ceremonial peace fire, Uncle Robbie Thorpe reflected on the importance of truth, place and unfinished justice. Once an Aboriginal reserve, the site stands as a reminder that sovereignty was never ceded. Uncle Robbie called for the renaming of the site and for the establishment of a First Peoples cultural interpretation centre—truth made permanent and immovable.

COLONIAL DESCENDANTS

What began in silence ends, at last, in truth.

In the final months, Yoorrook invited descendants of those who had benefited from colonisation to step forward—to reckon not with their own actions, but with legacies carried in their family lines. Families who once held the whip-hand of empire, the deed to stolen lands, the pen that inked dispossession into law.

Before the first witness spoke, Commissioner the Hon Anthony North KC offered words that framed the groundbreaking evidence that would be given by the three witnesses. 'Today's non-Indigenous witnesses have family links to the theft of land, the massacres or the Half-Caste Act. They have understood the brutality of our history. They come to share that understanding. They stand as examples of the way non-Indigenous people can face the truth of our

past and by sharing, build bridges between the oppressed and those of us who have inherited the past of the oppressors. Thank you to our three witnesses today for your courage in coming forward. May you inspire others to come to the commission to share their understanding of the injustice of our past.'

The testimonies of Elizabeth Balderstone, Dr Katrina Kell and Peter Sharp showed that truth-telling is not the sole responsibility of those harmed by injustice—it belongs to all who walk this land; all whose lives have been shaped by its bloody foundations.

Dr Katrina Kell stood before the Commission not only as a researcher and author, but as a descendant of Captain James Liddell—the man who brought Edward Henty to Gunditjmarra Country aboard *The Thistle*, marking the start of permanent European settlement in what would become Victoria. She spoke of the 'inherited shame' that came with uncovering her ancestor's involvement in the brutal enslavement of Kalloongoo, a Gunditjmarra woman stolen from her family and later abandoned on King Island. 'We were never told anything about this,' Dr Kell said.

'There has been this intergenerational denial, not passing down what has happened; what the truth is.' Her evidence called for a radical honesty in how this state teaches its past—a history that has too often been sanitised, softened or sealed away.

Peter Sharp, great-grandson of former Prime Minister Alfred Deakin, gave evidence about Deakin's central role in the passage of the *Aborigines Protection Act 1886* (Vic)—the so-called 'Half-Caste Act' that redefined Aboriginality and laid the groundwork for the removal of children. Sharp did not flinch from the horror of this legacy. 'It was the beginning of the Stolen Generations,' he said, offering a personal

apology to those whose lives were destroyed by the laws in which his family played such a significant role. It was not an easy truth. But it was a vital one.

Then came Elizabeth Balderstone, caretaker of land on Gunaikurnai Country where the Warrigal Creek massacre was carried out in 1843. She spoke not of ownership, but of responsibility. ‘I have, over the years, felt a growing awareness of the responsibility and gravity of caring for the massacre site in the gentlest and quietest way possible,’ she told the Commission. Her hope—for protection of the site, for restitution, for truth to be told—was not framed in grand declarations, but in steady commitment. ‘We would be very happy to hand back Traditional Ownership,’ she said. ‘We’ve all got a duty to do it, as Victorians and Australians.’

That duty is now etched into the record.

OUTCOMES

Yoorrook’s inquiries revealed not only how systems had failed—or been designed to fail—but also how First Peoples’ cultures and knowledges had endured despite every attempt to suppress them.

The evidence presented to Yoorrook consistently revealed how present-day systemic injustices faced by First Peoples are deeply rooted in the colonial foundations of the State of Victoria. Invasion, and the colonial laws and policies that followed it, were predicated on beliefs of racial superiority. The systemic racism that persists today has its origins in colonial systems and institutions.

By sharing these truths, Yoorrook helped the broader Victorian community see the connections between history and contemporary injustice. Understanding these links is essential

to building a new kind of relationship—one forged in honesty, accountability and justice.

Yoorrook’s recommendations were carefully designed to facilitate proposals for systemic change, including reforms to laws, institutions and public systems. Many of these were intended to be taken up through Treaty negotiations, while others pointed to immediate actions the State could take to begin redressing injustice. Each marked a step toward a different future—one in which truth is not hidden, and justice is not postponed. All reforms were underpinned by a call for self-determination.

Over its four years of operations, Yoorrook produced three reports spanning eight volumes addressing systemic reforms needed across its areas of inquiry.

Its first interim report, *Yoorrook with Purpose*, was delivered in June 2022, providing an overview of Yoorrook’s progress—including the initial challenges it faced during its establishment. It outlined Yoorrook’s methodology, centring First Peoples in Victoria in the Commission’s processes. It made just two recommendations, based on what was critical to complete the Commission’s work successfully. Firstly, it recommended that the Victorian Government provide a two-year extension of time for Yoorrook to deliver its final report, given the enormity of its mandate, the complexity involved in establishing and operating in a culturally safe and trauma-informed way, and in recognition of the time lost to COVID-19 lockdowns during its first year. Secondly, the Commission recommended that the Government urgently legislate to protect Indigenous Data Sovereignty. In 2023, the Government responded by granting a twelve-month extension of time to 30 June 2025 and committing to reforms to address protections of First Peoples’ evidence.

In September 2022, Yoorrook commenced its inquiry into Victoria's child protection and criminal justice systems. During its public hearings, the Commission heard accounts of the removal of Aboriginal children from their families and how the criminalisation of resistance to dispossession were state-sanctioned colonial practices in the lands now known as Victoria. It heard heart-wrenching accounts of families being torn apart, together with powerful stories of survival, cultural strength and revival.

First Peoples witnesses and organisations emphasised the critical need for self-determination in the child protection and criminal justice systems. These truths, together with forty-six recommendations for reform, were presented in Yoorrook's report *Yoorrook for Justice: Report into Victoria's Child Protection and Criminal Justice Systems*, tabled in the Victorian Parliament on 4 September 2023.

On 3 April 2024, the Victorian Government formally responded to Yoorrook's recommendations for reform. The Commission was disappointed that the government accepted just twenty-eight of the forty-six recommendations in full or in principle, and committed to considering fifteen more. Three recommendations were not supported.

In October 2024, the Victorian Government reported on its progress implementing these recommendations. Progress had been made on several recommendations, and it now supported a further three recommendations previously under consideration.

Starting in October 2023, Yoorrook focused its inquiry on injustice against First Peoples in relation to Land, Sky and Waters. Yoorrook gathered an unprecedented body of evidence about injustices, rights violations and other harms experienced by First Peoples in relation

to their lands and waters, together with recommendations for reforms.

From May to June 2024, Yoorrook also held hearings to gather evidence about Health, Housing, Education and Economic Injustices experienced by First Peoples. The Commission heard how racism and discrimination had infiltrated and embedded itself within these systems, which were not designed for or by Aboriginal people.

Yoorrook's recommendations relating to these inquiries into Land, Sky and Waters, Health, Housing, Education, Economic Injustice, and Access to Records are contained in its final interim report: *Yoorrook for Transformation*.

For a full list of recommendations made by Yoorrook across its three interim reports, please refer to Appendix 2.

TRUTH TOLD AND TRUTH HEARD

For nearly four years, the Yoorrook Justice Commission has carried the sacred responsibility of listening. In its hearings, in its visits to massacre sites, in testimony offered beside rivers and aquifers and smoking trees, it has borne witness to stories that have lived too long in the margins. It has created a space where oral testimony stands alongside written record; where the law listens to lore; where the rivers, and skies, and scarred landscapes of Victoria speak again through the voices of those who have always known them.

Yoorrook has met its mandate. What began as a ripple—an idea, a promise—has become a turning tide. Starting in May 2021, Yoorrook spoke with around 9,000 First Peoples and received evidence from more than 1,500 people through submissions, roundtables and hearings. Over sixty-five days, more than 200 witnesses from community, government, churches and organisations appeared before Yoorrook and told their truths.

The Commission has heard from the families of those who died in custody, from leaders who called out injustice from the beginning, from children who inherited the generational scars of removal, and from politicians now reckoning with the consequences of their laws.

Yoorrook's work has laid bare the systemic roots of injustice in this state, and the many ways they continue to grow. The record has been set.

The truth is no longer hidden in footnotes or confined to private sorrow. It is here, on these pages; in the words of Elders and mothers and grandsons and ministers and lawmakers and truth-tellers from every corner of Victoria. This is not a history that concludes with the final hearing. Rather, it is with these final hearings that the future can begin.

Because the work of truth-telling is never finished. Treaty must now carry it forward. It must be renewed again and again—in classrooms, in parliaments, in homes, and on Country. It must be protected not just by law, but by memory.

**AND IT MUST BE HELD
WITH THE REVERENCE
IT DESERVES.**



The Hon Gabrielle Williams MP, along with Acting Premier the Hon James Merlino MP, announce the establishment of the Yoorrook Justice Commission, May 2021



Inaugural Co-Chair of the First Peoples' Assembly of Victoria
Marcus Stewart at the establishment of the Yoorrook Justice
Commission, May 2021



Inaugural Co-Chair of the First Peoples' Assembly of Victoria
Aunty Geraldine Atkinson at the establishment of the Yoorrook
Justice Commission, May 2021



Chair Bourke and Co-Chair of the First Peoples' Assembly of Victoria Geraldine Atkinson embrace at the official launch of the Yoorrook Justice Commission, March 2022



Commissioners and Senior Counsel Assisting at the official launch of the Yoorrook Justice Commission, March 2022

YOORROOK TRUTH BE TOLD



Commissioners at the first ceremonial sitting of the Yoorrook Justice Commission, March 2022



Counsel Assisting at Yoorrook's first ceremonial sitting. (Left to right) Tony McAvoy SC, Fiona McLeod SC, Sarala Fitzgerald and Tim Goodwin

Commissioner Atkinson and
Commissioner Walter at
Framlingham, March 2022



Trent Nelson conducting
a smoking ceremony
during Yoorrook's visit to
Bendigo, March 2022



YOORROOK TRUTH BE TOLD



Sketch Group illustration of the yarning circle at Charcoal Lane, March 2022

Sketch Group illustration of the yarning circle in Bendigo, March 2022





Uncle Rob Lowe tours Commissioners through Tower Hill, Hopkins River and Middle Island in Warrnambool, April 2022



Commissioner Hunter with Braydon Saunders at Lake Condah, April 2022



Yoorrook on a tour through Lake Condah, April 2022