



Yoorrook Commissioners at the Millewa-Mallee Aboriginal Corporation Belar Nursery and Biocultural Resource Centre, April 2022

Yoorrook hear from Aunty Donna Wright at the former mission site at Lake Condah, April 2022



Yoorrook at the Henty monument in Portland, April 2022



YOORROOK TRUTH BE TOLD



Joshua Atkinson and Uncle Paul Briggs speak with Commissioners at the Shepparton roundtable, April 2022

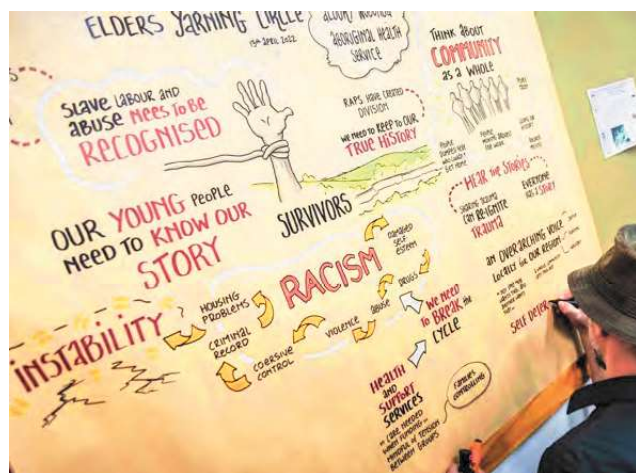


Yoorrook's visit to Shepparton, April 2022



Yoorrook hears from Uncle Colin Walker at Cummeragunja, April 2022

VOORROOK TRUTH BE TOLD



Yoorrook's visit to Cummeragunja, April 2022

Sketch Group illustration of the yarning circle at Wodonga, April 2022

Commissioners on a visit
to Albury, April 2022



The Chair speaks
with Wayne Thorpe
at GLaWAC in Lakes
Entrance, April 2022





Yoorrook's visit to Lake Tyers, April 2022



Yoorrook on a site visit at Lake Tyers, April 2022

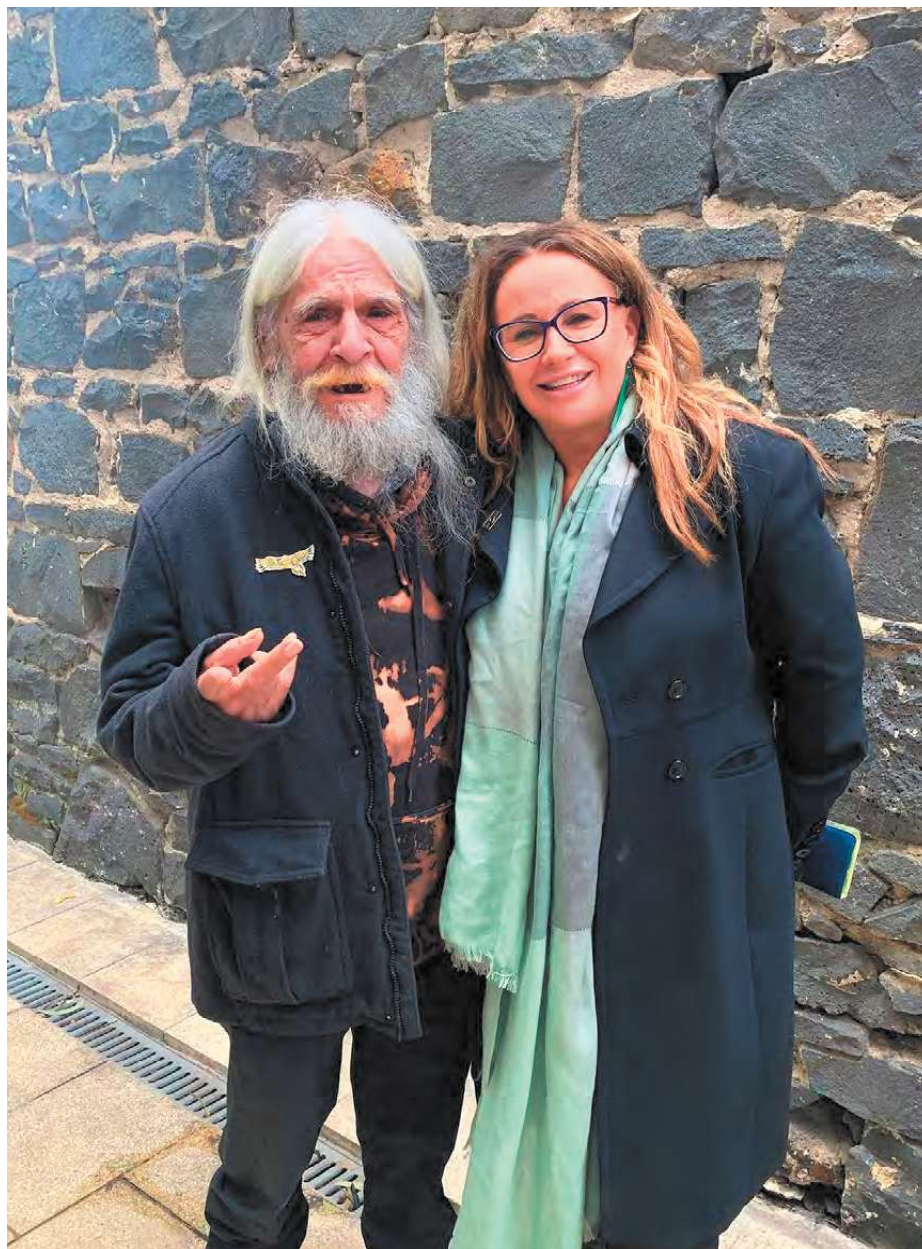
YOORROOK TRUTH BE TOLD



Yoorrook's visit to Bairnsdale,
April 2022



Roundtable at Bairnsdale,
April 2022



Uncle Larry Walsh and Commissioner Hunter at the Elders' hearings at Charcoal Lane, May 2022



Uncle Johnny Lovett at
Charcoal Lane for the
Elders' hearings, May 2022



Uncle Jack Charles at Charcoal Lane
for the Elders' hearings, May 2022

Uncle Kevin Coombs giving evidence during the Elders' hearings at Charcoal Lane, May 2022



Commissioners with Uncle Gary Murray at the Aborigines Advancement League, June 2022





Yoorrook's original team of Truth Receivers. (Left to right) Joesph Saunders (Gunditjmara and Monero/Gunnai), Tara Fry (Ngemba and Ngiyampaa), Shayne Morrall (Wotjobaluk), Lisa Thorpe (Gunnai/Gunditjmara/Wemba Wemba/Boonwurrung/Dja Dja Wurrung)

Yoorrook's hearing room in Collingwood, Melbourne for the commencement of hearings, December 2022



Yoorrook Justice Commission's custom-made shield





Commissioners assemble for the formal commencement of Yoorrook's Child Protection and Criminal Justice hearings, December 2022



Deputy Chair Commissioner Hunter sits with Aunty Eva Jo Edwards as she gives evidence during Yoorrook's Child Protection hearings, December 2022



Antoinette Braybrook gives evidence on behalf of Djirra during Yoorrook's Child Protection hearings, December 2022



Aunty Muriel Bamblett giving evidence on behalf of the Victorian Aboriginal Child and Community Agency (VACCA) during Yoorrook's Child Protection hearings, December 2022



Magistrate Kay MacPherson and Ashley Morris give evidence about Marram Ngala-Ganbu (Koori Family Hearing Day) during Yoorrook's Child Protection hearings, December 2022



Dr Mick Creati and Professor Stuart Kinner giving evidence during Yoorrook's Criminal Justice hearings, December 2022



Commissioner Walter at Yoorrook's Child Protection hearings, December 2022

YOORROOK TRUTH BE TOLD



Yoorrook site visit to the Bangerang Cultural Centre, December 2022



Yoorrook on a site visit with Dardi Munwurro, February 2023

Yoorrook Commissioners and Counsel taking evidence from the Wright sisters at Lake Condah, February 2023. (Left to right) Aunty Donna Wright, Aunty Tina Wright and Aunty Joanne Farrant



Former mission site at Lake Condah, February 2023





Sissy Austin gives evidence during Yoorrook's Child Protection hearings, March 2023



Bonnie Dukakis and Chris Harrison give evidence on behalf of the Aboriginal Justice Caucus during Yoorrook's Criminal Justice hearings, March 2023



Aunty Stephanie Charles giving evidence with the support of Truth Receiver Lisa Thorpe during Yoorrook's Child Protection hearings, March 2023



Commissioner for Aboriginal Children and Young People in Victoria Meena Singh gives evidence during Yoorrook's Child Protection hearings, May 2023



Chief Commissioner of Victoria Police Shane Patton is presented with a shield during Yoorrook's Criminal Justice hearings, May 2023



The Chair at the second directions hearing, April 2023



The Hon Enver Erdogan MP gives evidence at Yoorrook during the Criminal Justice hearings, May 2023



Attorney-General Jaclyn Symes MLC gives evidence during Yoorrook's Criminal Justice hearings, May 2023



Commissioners hand over the *Yoorrook for Justice* report to the Governor and First Peoples' Assembly of Victoria at Kings Domain, August 2023

Yoorrook Commissioners sign a letter to King Charles III, February 2024



Deputy Chair Commissioner Lovett visits Uncle Robbie Thorpe at Camp Sovereignty, March 2024





Commissioner North at the smoking ceremony at the ceremonial opening of the Land Injustice hearings, Portland, March 2024



Yoorrook Commissioners with Tina Frankland, Johnny Lovett and Laura Bell at the ceremonial opening of the Land Injustice hearings in Portland, March 2024



Traditional dancers of Koondoom Yarkeen Karweeyn open the ceremonial hearing for Land Injustice, Portland, March 2024



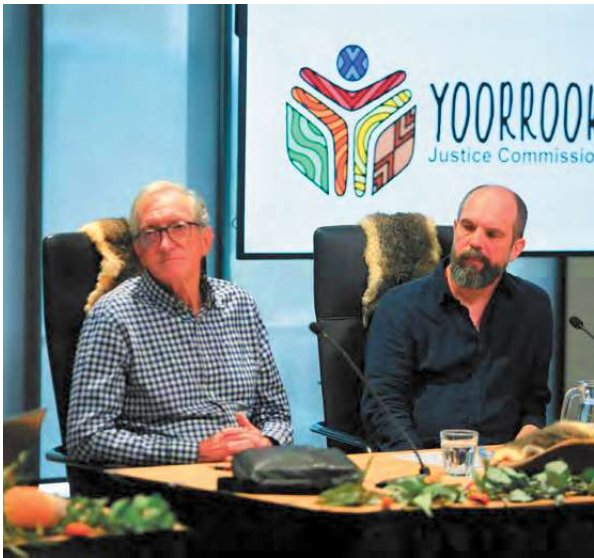
Deputy Chair Commissioner Lovett opening the Land Injustice hearings in Portland, March 2024

Aunty Eileen Alberts takes Commissioners on a site visit at Kurtonij, Portland, March 2024



Yoorrook gathers at the Convincing Ground massacre site to hear from Elders, Portland, March 2024





Professor Richard Broome gives evidence during the Land Injustice hearings, March 2024



Dr Bill Pascoe giving evidence during Yoorrook's Land Injustice hearings, March 2024



Associate Professor Katherine Ellinghaus and Professor Julie Andrews giving evidence during Yoorrook's Land Injustice hearings, March 2024



Distinguished Professor Marcia Langton gives evidence during Yoorrook's Land Injustice hearings, March 2024



Aunty Marjorie Thorpe gives evidence during Yoorrook's Land Injustice hearings, April 2024



Craig Sandy, Surveyor-General of Victoria, gives evidence during Yoorrook's Land Injustice hearings, April 2024



Minister for Treaty & First Peoples, the Hon Natalie Hutchins MP, gives evidence during the Land Injustice hearings, April 2024

Dr Katie O'Bryan and Dr Erin O'Donnell give evidence during Yoorrook's Water hearings, April 2024





Premier Jacinta Allan and Chair Bourke during a site visit to Coranderrk, April 2024

Premier Jacinta Allan and Deputy Chair Commissioner Hunter observe a women's ceremony at Coranderrk, April 2024



Wurundjeri Elder Aunty Jacqui Wandin, presents the Premier with a signed petition to Graham Berry during her site visit to Coranderrk, April 2024





Commissioners at Robinvale for a hearing on Country by the banks of the Margooya Lagoon, April 2024



Chair Bourke, Deputy Chair Commissioner Lovett and Commissioner North hearing evidence at Margooya Lagoon, April 2024



Barrister Tim Goodwin, Uncle Brendan Kennedy and Tony McAvoy SC at Margooya Lagoon, April 2024



Smoking ceremony at Yoorrook's Collingwood precinct before the Premier's evidence, April 2024

Premier Jacinta Allan is presented with a message stick by Deputy Chair Commissioner Lovett ahead of her evidence, April 2024

Representatives from the Catholic, Uniting and Anglican churches give evidence to Yoorrook, May 2024



Unveiling of the Yoorrook Shield at Victoria Police headquarters in Melbourne, May 2024





First Peoples' Assembly of Victoria co-chairs Rueben Berg and Ngarra Murray give evidence during Yoorrook's Social Injustice hearings, May 2024



Darren Lovett and Gavin Brown give evidence on behalf of VAHS during Yoorrook's Social Injustice hearings, May 2024



Uncle Lionel Bamblett and Auntie Geraldine Atkinson give evidence on behalf of VAEAI during Yoorrook's Social Injustice hearings, May 2024



Stephen Fraser (Deputy Secretary School Education Programs and Support) and Jenny Atta (Secretary, Department of Education) giving evidence to Yoorrook during its Education hearings, June 2024



Minister for Mental Health, The Hon Ingrid Stitt MP (right) gives evidence during Yoorrook's Social Injustice hearings, June 2024



Deputy Chair Commissioner Hunter presents the Minister for Family Violence, the Hon Vicki Ward MP, with a coolamon during the Social Injustice hearings, June 2024



Alan Brown and Mick Graham of Victorian Aboriginal Health Service (VAHS) give evidence to Yoorrook during Social Injustice hearings, June 2024



Darren Smith gives evidence on behalf of Aboriginal Housing Victoria (AHV) during Yoorrook's Social Injustice hearings, June 2024



(Left to right) Tony Craig and Simon Flagg from the Goolum Goolum Aboriginal Co-Operative giving evidence during the Health hearings, June 2024



Treasurer the Hon Tim Pallas MP gives evidence to the Yoorrook Justice Commission, June 2024



Commissioners hear evidence from colonial descendants, September 2024



Peter Sharp, Elizabeth Balderstone and Dr Katrina Kell following their evidence to Yoorrook, September 2024

PART III: SELECTED TESTIMONIES

VOORROOK TRUTH BE TOLD

Yoorrook created an unprecedented space for truth-telling in Victoria.

Over four years and thousands of hours, Yoorrook received evidence that broke new ground—changing the relationship between First Peoples and the State of Victoria, and clearing the way for healing and renewal.

Every testimony contributed meaningfully to the Commission's inquiry and all of the evidence informed its findings and recommendations.

A summary of twenty-two testimonies are included here to provide a snapshot of the broad range of subject matter covered by Yoorrook and to share insights into the depth of truths shared. The full range of testimonies and additional materials are available on Yoorrook's website.

Permission to feature First Peoples' evidence in this way was explicitly sought and was granted by each witness (or their family, where the individual had passed away before the time of publication). Yoorrook would like to thank each of you for agreeing to feature in Yoorrook's final report.

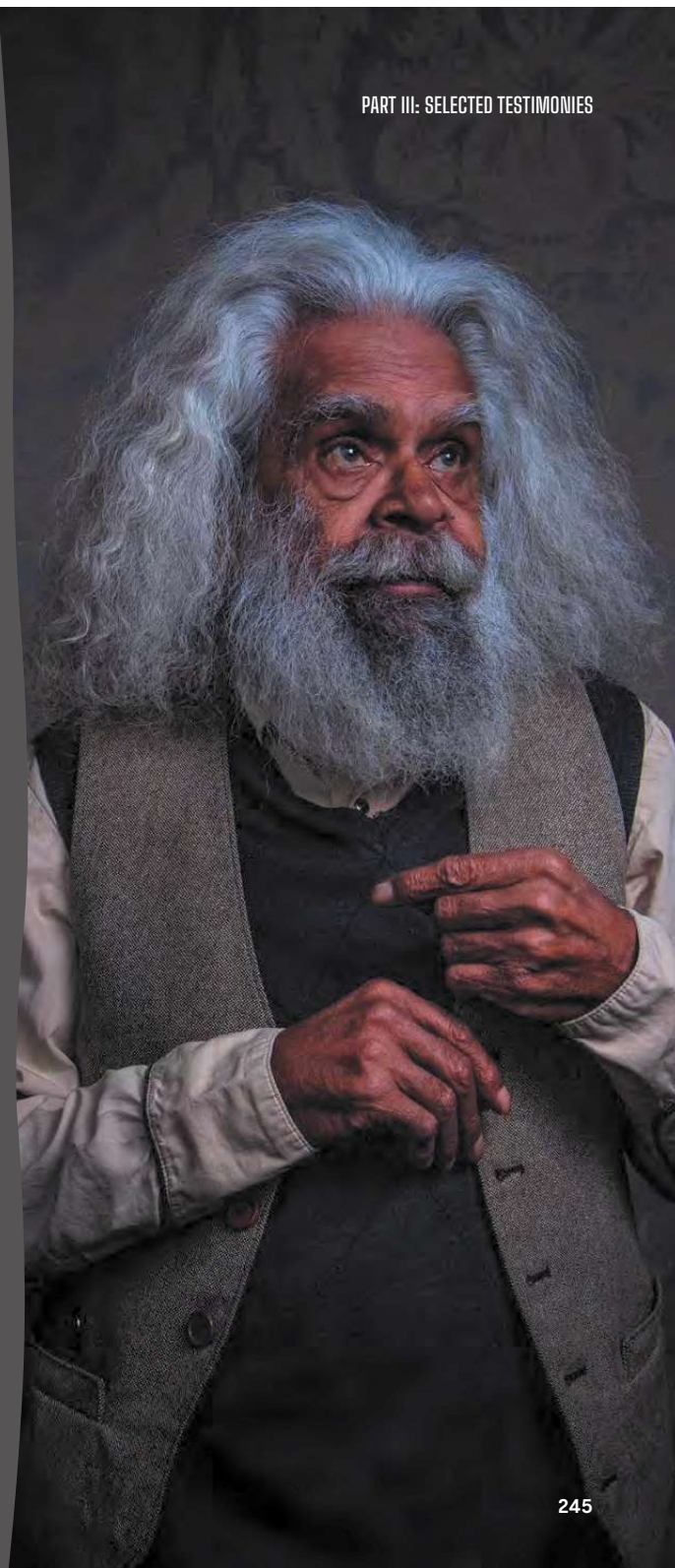
IT'S TOUGH BEING DENIED
THE RIGHTFUL INHERITANCE
OF WHO I REALLY AM—MY
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ALMOST AT THE END OF THE
JOURNEY AND I'M STILL
DISCOVERING MY STORY.

UNCLE JACK CHARLES

Uncle Jack Charles, a Taungurung, Boon Wurrung, Dja Dja Wurrung, Woiwurrung and Yorta Yorta Elder, was the first person to share his story with the Yoorrook Justice Commission. He recounted his experiences of being forcibly removed from his family as an infant, and the ongoing impacts of this on his life's trajectory.

Uncle Jack was supported by his sister Zenip Charles and his brother Grady Walsh. His testimony highlighted the critical importance of truth-telling to hear directly from First Peoples about the ongoing impacts of colonisation on their lives.

Uncle Jack Charles passed away at the age of seventy-nine, just five months after sharing his story with Yoorrook. His evidence is published here with the permission of his family.



Hearing details

Date: 26 April 2022

Focus area: Elders' Voices

Location: Charcoal Lane,
Wurundjeri Country, Fitzroy

Uncle Jack Charles was a highly respected actor, musician, potter, and gifted performer. In 1971, he co-founded Australia's first Indigenous theatre group, Nindethana, meaning *place of corroboree, or ours*, at Melbourne's Pram Factory. His plays and performances went on to win many awards, and were toured across Australia and internationally. In 2016, he was awarded Senior Victorian of the Year. Uncle Jack passed away in September 2022. A State Funeral Service to honour and celebrate his life was held on 18 October 2022 at Hamer Hall.

'I wasn't even told I was Aboriginal,' Uncle Jack told the Commission. 'I had to discover that for myself.' He gave evidence as part of a ceremonial wurrek tyerrang, or public hearing—the very first of many held by Yoorrook, marking a significant chapter in the Commission's history.

A Stolen Generations survivor, Uncle Jack was the eldest of eleven children taken from his mother. 'To this day, I don't know what happened to six of my siblings,' he said, recounting his childhood.

'I was taken from my Mum and placed in a series of homes to be raised as a white person. Nobody ever taught me love. I was never raised in a loving situation, never held. [...]

I was not told anything about Aboriginal people, our languages or our culture. I knew I looked different, but didn't understand the differences in culture at all.'

At the Salvation Army Box Hill Boys' Home, Uncle Jack 'suffered neglect, physical and sexual abuse from both the staff and other boys, who were repeating what was being done to them'. He described the impact of this trauma on his later life.

'For decades after I left the home, I carried my silence and shame of those years, conveniently blocking out names and incidents. My defence mechanism was to pretend it never happened. [...]

From my experiences, I was immune to being sensitive, and had difficulties connecting intimately with others, including in romantic relationships. It wasn't just the abuse that traumatised me—the Box Hill Boys' Home stripped me of my Aboriginality. It's hard to convey the damage that place did to me.'

At the age of fourteen, Uncle Jack was fostered by a white family and began an apprenticeship at a glass factory. He was paid wages, he told Yoorrook, but he never knew how much: he wasn't allowed to open his pay packet, which he had to hand over to his foster mother.

He was encouraged to look for his family by his coworkers.

'They knew I wasn't really happy with the Murphy family [...] and they had suggested that there are a lot of Blackfellas over in Collingwood, Fitzroy, and their words exactly said, "You know, you should go and see them. I bet you got family amongst them." [...]

Just shy of my seventeenth birthday and only six months off completing my apprenticeship, I jumped on a tram to Fitzroy.

I didn't think I had to gain anybody's permission to come into Collingwood [or] Fitzroy on a Thursday night, you know, with a pay packet, still unopened. And as soon as I jumped off the corner of the tram on the Gertrude and Napier Street, an old Blackfella yells at me, "Charles. You Blanchie Charles' boy?"

So he grabs me and he hugs me and he ushers me up the road to the Royal Hotel. And every face in the place seemed to be black. He yells out, "I got Blanchie Charles' boy here." And they are all rushing up to introduce themselves to me as an uncle and aunty, you know, and a cousin and that. And then I'm so overwhelmed, I remember, with the beery hugs and kisses, I remember diving into my pay and I ripped it open. It's a criminal act. I'd never done that before. I ripped open my pay packet and I shouted a few beers and I had a lemon squash myself.

And then one old lady, she croaks, "Your mum, she's living up in Swan Hill, young fella. You should go and see her." "So I will," I tell her, "First chance I get."

Uncle Jack had previously been told by his foster mother, Mrs Murphy, that he was an orphan.

'So it was with great joy that I arrived home at Mrs Murphy's. I saw the lights on as I approached the house and was happy that Mrs Murphy was still up. I bounced through the door and my first words were: "Mum. I've just found Mum!"

Her reaction was not what I expected. She stood cold and distant. She dismissed me and reiterated what she'd always told me: that I was an orphan. My confusion turned to rage. We were soon embroiled in a furious argument. When she said, "Those people will tell you anything," I saw red. "Well, I believe them!" I shot back and raised my arms in emphasis. "Get to bed!" she hissed.

I headed to my room. I took off my work clothes and had just finished putting on my pyjamas when "Mum" called my name. I came out and saw her standing at the front door. She motioned to me, telling me I had to go outside. Puzzled, I went out the door. It was the police. Mrs Murphy didn't say a word. Two policemen escorted me to the divvy wagon. They told me to jump in. I didn't understand why they'd been called, or what I had done wrong, but I was in too much shock to speak.'

'I WAS NOT TOLD ANYTHING ABOUT ABORIGINAL PEOPLE, OUR LANGUAGES OR OUR CULTURE. I KNEW I LOOKED DIFFERENT, BUT DIDN'T UNDERSTAND THE DIFFERENCES IN CULTURE AT ALL.'

'FOR DECADES AFTER I LEFT THE HOME, I CARRIED MY SILENCE AND SHAME OF THOSE YEARS, CONVENIENTLY BLOCKING OUT NAMES AND INCIDENTS. MY DEFENCE MECHANISM WAS TO PRETEND IT NEVER HAPPENED.'

The police took Uncle Jack to Turana, a youth detention centre in Parkville. 'It was the place that marked the beginning of my criminalisation,' he said. 'I was locked alone in my cell and cried myself to sleep that night.'

His boss later bailed him out and arranged accommodation in a boarding house. Uncle Jack stayed there until he completed his apprenticeship, then went to Swan Hill to find his mother.

'I stayed with Mum for three weeks,' he said.

'We didn't exactly bond. I believe this is because all of her eleven children were removed. All of us were taken, and I think, what a hard life my mum must have had. [...]

I was a gay, black, young man in the outback, out of place in Swan Hill; trying to impress and be part of this community. But the community was soaked in alcohol, and I wasn't happy with it. That's why I went.'

Uncle Jack's unresolved trauma led to substance use and addiction.

'That silencing of my pain and anguish led to a heroin addiction, which took over much of my adult life. It numbed the deep pain. But in the end, it couldn't numb all the pain, and in truth, on more than one occasion I attempted suicide, but failed each time.'

He 'lived in a state of homelessness throughout the majority' of his life until the Victorian Aboriginal Health Service helped him to find a flat. 'I was so lucky to get this unit. It was the first winter I'd spent under cover,' he said. 'I was about sixty years old at this time.'

He spoke about overcoming his drug addiction and supporting other First Peoples.

'After my last stint in prison I managed to end my addiction to heroin and then methadone, after which I undertook the role of my community's missing feather-foot—Kadiaitcha man, lore man—and this helped me find my purpose.'

Uncle Jack didn't learn his real father's identity until much later in life, after he appeared on the television show *Who Do You Think You Are*. It was an experience marked by both grief and triumph.

'It was a big moment for me. [...] It's been a long journey, you know. Most of it has been hidden, denied from me. Stolen from me. [...]

It's tough being denied the rightful inheritance of who I really am—my identity. At times it's traumatic, because I'm almost at the end of the journey and I'm still discovering my story. [...]

I found it so amazing to learn how far back my people did go. My story was lost, but slowly it has been found again, and I was proud to learn I came from so many resilient people.'

In the face of significant adversity, Uncle Jack enjoyed a successful acting career spanning theatre, film and television. 'In a way it saved me. I think I owe my life to having found the theatre,' he told the Commission. 'It was through theatre that I began to understand and connect with my Aboriginality.' The medium, he said, 'gave us a platform to reclaim ownership over our hidden and stolen stories.'

For all his achievements in the arts, Uncle Jack expressed great pride when describing himself as a 'well-known Collingwood-Fitzroy bloke' and a 'feather-foot of the Smith Street strip'. He spoke of the important work he undertook as an Elder and the local 'Kadiatcha man' or 'lore man', using his lived experience to support others trying to turn their own lives around—his greatest role of all.

**'I FOUND IT SO AMAZING
TO LEARN HOW FAR BACK
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LOOK AROUND YOU,
CAN'T YOU SEE

ABORIGINAL PEOPLE
JUST LIKE ME.

OUR COLOUR HAS FADED, OUR
FEATURES HAVE CHANGED,

BUT IN OUR HEARTS, OUR
CULTURE REMAINS.

AUNTY FAY CARTER OAM

Aunty Fay Carter was fiercely devoted to improving the lives of Victoria's First Peoples. A highly respected advocate and leader, Aunty Fay spoke to the Commission about her life experiences and family stories. She was supported by her children, Wendy Berick and Rodney Carter, during the hearing. She also carried a garni (digging stick) made by her granddaughter Natasha and wore a possum-skin cloak made by Rodney.

Aunty Fay's evidence demonstrated the urgency of truth-telling and first-hand accounts of the historical impacts of colonisation on Victoria's First Peoples. She passed away in 2024, aged eighty-nine. Her evidence is published here with the permission of her family.



Hearing details

Date: 2 May 2022

Focus area: Elders' Voices

Location: Charcoal Lane,
Wurundjeri Country, Fitzroy

Aunty Fay 'Guka' Carter

grew up on a floodplain by the banks of the Goulburn River near Mooroopna—close to Country, *wala* (water), and Ancestors. Her caring nature led to a Diploma of Social Work, and she spent her life helping her people in Commonwealth Social Services and the Victorian Aborigines Advancement League. Later, she worked with the Aboriginal Community Elders Services Inc to provide culturally safe services for Elders.

Community and culture were intrinsic parts of Guka's nature. The 2013 Dja Dja Wurrung Recognition and Settlement Agreement brought her much joy. She prided herself on reinvigorating cultural practices, including making Barrumul (emu) skirts and sharing her knowledge with younger generations.

Through every hardship, Guka walked with pride. She was honoured to receive an Order of Australia Medal, and accepted the award not for individual recognition, but as an offering to her Elders, and to the Ancestors who were denied recognition and respect. This bio was lovingly supplied by Aunty Fay's family.

Aunty Fay was born in 1935 on Yorta Yorta Country on the veranda of the Echuca Hospital. As she explained, 'In those days they didn't take the Aboriginal mothers into the wards with the non-Aboriginal mothers.' Aunty Fay told the Commission that it was common for First Peoples to be excluded from hospital wards 'until at least the 1970s'. She spoke about her experience contracting appendicitis at the age of twelve: 'I was taken to the Mooroopna Hospital to have my appendix removed. And I can remember my grandmother whispering to me, "Fifi, don't tell them you're Aboriginal, otherwise you will end up out on the veranda."'

Aunty Fay lived on Cummeragunja Reserve until the age of four, when her family left in a protest that would become known as the Cummeragunja walk-off.

'The walk-off, of course, occurred because of the harsh treatment to our people and that they weren't allowed to speak their language, weren't allowed to practice anything cultural. And so a lot of the families, and our family was one of them, walked off in protest against that treatment that was received on the mission.'

After leaving Cummeragunja, Aunty Fay's family lived at a place called *The Flats* on the Goulburn River, just outside of Mooroopna. She described the resilience of her community with great pride.

'I was raised there and I'm so privileged. Even though it was hard times, I'm privileged to have had that experience of being raised in that situation and learning and understanding just what racism does to a people. And learning how we survived. And we survived because, you know, they say Aboriginal people are a sharing, caring people. Let me tell you, they were the true days of sharing and caring. That's how we survived, because we shared and we cared for one another.'

**‘THAT’S HOW WE
SURVIVED, BECAUSE WE
SHARED AND WE CARED
FOR ONE ANOTHER.’**

The community’s sense of peace and stability was often threatened by the appearance of the government workers, known as the ‘welfare’, at *The Flats*. It was understood, said Aunty Fay, that welfare workers had the authority to remove children from their families.

‘They would just walk in with no notice. [...] [They would] walk through, checking everything out, and checking to see if there was enough food, checking who was sleeping where [...] They really were heavy, heavy people. My grandmother used to save—you know how you get lots of food in different cans, like fruit or baked beans or powdered milk or whatever? My grandmother used to save those cans and she would fill them up with dirt, put the lids back on, put them high up in the cupboards so that when the welfare came, they could look up there and say, “Oh, she’s pretty well stocked with food. She’s really looking after these kids, yeah.” So she was very clever.’

She recalled witnessing and experiencing racism in wider society from a very young age.

‘I also remember going shopping with my grandmother and some of the old Aunties. Our people would be made to stand along the wall and were only called forward to be served when there were no non-Aboriginal people left in the shop. If they were serving one of our people and a non-Aboriginal person walked in, they would stop serving the Aboriginal person and start serving the non-Aboriginal person.

This would also happen in hospitals, at the doctors’ office, at the dentists’ office and so on. Aboriginal people were always treated as second-class.’

**‘FOR HER ENTIRE LIFE,
AUNTY RUBY BELIEVED
THAT SHE WAS SENT
TO CUMMERAGUNJA
BECAUSE HER MOTHER
HAD GIVEN HER AWAY.’**

Aunty Fay shared the story of Aunty Ruby Muir with Yoorrook. When Aunty Ruby was six or seven years old, she was brought to Cummeragunja Reserve with her two brothers, Uncle Charlie and Uncle Billie. Aunty Fay’s grandmother Priscilla adopted her into their family. It was not until many decades later that her family learned why she was taken to Cummeragunja.

‘Aunty Ruby did not know the full story about why she was adopted into our family until she was dying in her nineties, when she was living in a nursing home in Mooroopna. For her entire life, Aunty Ruby believed that she was sent to Cummeragunja because her mother had given her away. On her deathbed, she was asking, “Why did my mother give me away?” [...]

Aunty Ruby’s great-niece, Kerry Muir, who was Uncle Charlie’s granddaughter, researched why the three children were sent from Barkindji Country to Cummeragunja. Kerry found out that there had been a massacre of Aunty Ruby’s family in Barkindji Country, near Mildura. Aunty Ruby, Uncle Charlie and Uncle Billy were found in a water tank. The whole family had been massacred. The children were hidden in the empty water tank to protect them. The welfare or whoever at the time gathered up the children and put them onto a paddle-steamer, and the children were brought down to Cummeragunja. [...]

When Aunty Ruby was close to death, my cousin Lillian Tamiru and I visited her to tell her the story that Kerry had researched. She was lying there, very frail, with the bedclothes right up. When we finished telling Aunty Ruby this story, she pushed her bedclothes down and put her hand out to me and Lily, and grabbed our hands. She was thanking us for telling her story to her. [...] She was such a beautiful, beautiful person—so kind and gentle. She went all through her life thinking that her mother had given her and her brothers away.

She passed the next morning.’

Aunty Fay also told the Commission about Aunty Margaret, explaining that like 'many of the young girls at Cummeragunja [...] [she] was taken from her family to a training home for Aboriginal girls in Cootamundra in New South Wales'.

'Aunty Margaret would have been in her teens or early twenties when the training home got in touch with Granny Mag and Grandfather Henry, who were still living on Cummeragunja, and told them that Aunty Margaret was coming home for a holiday. They went to go and meet Aunty Margaret at the train station at Echuca. The train pulled in and they waited, but she didn't get off the train. They noticed her bag being put on the station platform. It turned out Aunty Margaret had died. They'd buried her at Cootamundra and they never even let her family know. Granny Mag and Grandfather Henry never found out what happened to their daughter. [...] And it disturbs me even today, and I'm sure it disturbs many other people in our family that we still don't know what she died of and where she's buried. [...]

How cruel. How cruel can people be? And doesn't it highlight how racist people can be that they don't think it's important for Aboriginal people to know these things, that they can just do these things and get away with it.'

**'HOW CRUEL CAN PEOPLE
BE? AND [...] HOW RACIST
PEOPLE CAN BE [...] THAT
THEY CAN JUST DO THESE
THINGS AND GET AWAY
WITH IT.'**

**WHEN WE HAVE POWER
OVER OUR OWN DESTINY,
OUR CHILDREN EXCEL.**

UNCLE KEVIN COOMBS OAM

The late Uncle Kevin Coombs is perhaps best remembered for his athletic prowess, having represented Australia in wheelchair basketball at five Paralympic Games and many other international competitions. His indefatigable work and advocacy in the health and disability sectors, however, is arguably an even greater achievement.

His testimony before Yoorrook underscored the need for First Peoples-led health and welfare organisations, and the perennial importance of culturally safe approaches to health and criminal justice. He passed away in October 2023 at the age of eighty-two. His evidence is published here with the permission of his family.



Hearing details

Date: 26 May 2022

Focus area: Elders' Voices

Location: Yoorrook's
Hearing Room, Wurundjeri
Country, Collingwood

Uncle Kevin Coombs was a popular Wotjobaluk Elder, who was a champion wheelchair basketball player and Australia's first Indigenous Paralympian. Equally significant has been his work in Aboriginal health, which has benefited communities around Victoria. Uncle Kevin was awarded a Medal of the Order of Australia on 13 June 1983 in recognition of his 'service to sport for the disabled' and Aboriginal welfare. Among other achievements, he also received an Australian Sports Medal (2000), was inducted into the Basketball Australia Hall of Fame (2007), the Victorian Indigenous Honour Roll (2012), the Australian Paralympic Hall of Fame (2016) and was given a Deadly Lifetime Achievement and NAIDOC award.

Uncle Kevin was accompanied by several family members—his daughters Rose Falla and Janine Coombs, and his grandson Jordan Coombs. Following a Welcome from Commissioner Hunter, the Chair noted the significance of the hearing's date, which fell on Sorry Day. Uncle Kevin was subsequently sworn in and asked to introduce himself. 'I'm Kevin Richard Coombs, a Wotjobaluk man,' he said. 'I was born in Wemba Wemba Country in Swan Hill so many years ago now, as I'm approaching my eighty-first year in life.'

At age twelve, he was injured in a shooting accident by the river while out rabbiting with his cousins. Prompted to recall the incident by Senior Counsel Assisting Fiona McLeod SC, Uncle Kevin described being driven to Robinvale in the back of a friend's car, kept awake by his Auntie Sylvie as he drifted in and out of consciousness, having 'lost a lot of blood'. He was stabilised in the bush nursing hospital at Balranald before being transferred to Swan Hill, where he underwent surgery to remove the remaining bullet fragments. It was there he learned that he had lost all movement and sensation from the waist down as the result of a spinal injury.

At the time, said Uncle Kevin, 'They didn't know anything about how to look after paraplegic people [...] I was laying in me own mess.' As a result, he developed severe bed sores, which became badly infected. He was transferred to the Royal Children's Hospital, where he stayed for over a year. 'I [...] had to lay on my stomach for 12 months after, and had a lot of operations—skin grafts and God knows what.' He was then moved to the Austin Hospital 'known as the Home for the Incurables then'— for rehabilitation.

Given the extent and gravity of his injuries, Uncle Kevin was lucky to have survived. But the two years he spent in various hospitals proved not just physically challenging, but profoundly lonely, too. 'I didn't see another Black face for two years. And that, for a kid twelve years old, thirteen years old, is a big impression.' The sister in charge was sympathetic to young Kevin's isolation. She 'knew everyone', said Uncle Kevin, 'and she got in touch with Sir Doug Nicholls.' Sir Doug happened to be the father-in-law of Stewart Murray, the very same man who had driven Uncle Kevin to the hospital the day he was shot.

**‘I DIDN’T SEE ANOTHER
BLACK FACE FOR TWO
YEARS. AND THAT, FOR A
KID TWELVE YEARS OLD,
THIRTEEN YEARS OLD, IS
A BIG IMPRESSION.’**

‘So they come to visit me, and I was pretty crook. And I had [...] peritonitis [...] [which] made me sicker than when I got shot. I said, “God how much more have I got to go through”, you know? So I give up on life then. But those guys, Stewart and Sir Doug, come out to see me and said, “Time to stop laying around, boy. You got to start moving.” And they got me going. And that’s what happened [...] I’m forever grateful for Sir Doug and Stewart.’

All in all, Uncle Kevin spent an entire decade in hospital following the accident. He would never recover the use of his lower body. During this period, however, he began playing basketball with fellow patients at the Austin Hospital, where spinal injury rehabilitation involved a strict and extensive fitness regimen. Uncle Kevin’s natural talent as a basketballer would translate into a career—and, later, advocacy.

Aged twenty-two, he moved into supported accommodation in St Kilda, a hostel ‘run by the Crippled Children’s of Victoria’, as it was then known. Living in the hostel helped Uncle Kevin to gain both confidence and independence. ‘That’s where I started to grow up and eventually got a job and moved out of there and got me own flat.’

In 1960, he represented Australia in his first Paralympic Games in Rome, making him the nation’s first Aboriginal Paralympian—but getting there was not without challenges. Aboriginal people would not be recognised as citizens until the 1967 Referendum. Ms McLeod SC underscored the irony of Uncle Kevin’s predicament: ‘You were going to represent your country at the highest level of competitive sport and you couldn’t get a passport.’ He was ultimately required to travel on a British passport.

Over the course of his career, Uncle Kevin would go on to compete in five Paralympics, including the inaugural Rome Games. He captained the men’s wheelchair basketball team in 1972 and 1984. A decade after this first Paralympic appearance, he captained the entire Australian Paralympic Team in 1980 in Arnhem, Netherlands. It was, as Ms McLeod SC noted, ‘an extraordinary career’.

Beyond his sporting achievements, Uncle Kevin came to be known for his work in the community. After completing a twelve-month traineeship in the printing business, he was approached by the National Committee for the Year of Disabled Persons. It was Charles Perkins, Uncle Kevin explained, who recommended that he be appointed to the Committee. Uncle Kevin used his appointment to this role to advocate for First Peoples with disabilities in order to help improve access to health, housing and social security. Later, he would establish and manage Victoria's Koori Health Unit.

He was passionate about supporting Aboriginal people experiencing addiction and substance use issues, many of whom were—and continue to be—disproportionately targeted by the criminal justice system. Following the establishment of the Royal Commission into Aboriginal Deaths in Custody in 1987, he worked with Terry Garwood, former Director of Aboriginal Affairs in the Victorian Government, to establish seven 'sobering-up centres' across the state. The purpose of these centres was to manage the risks associated with alcohol and drug use as identified by the Royal Commission:

'Because of the recommendations of Deaths in Custody [...] we wanted to stop a lot of the stuff that was happening. If a person was down the street off his face with drugs or alcohol, rather than send him home where there could be some domestic violence, people could get hurt, so what we did was had some people [...] that would take them to the sobering-up centre and let them sleep it off. Maybe if they wanted to have a shower the next morning, breakfast, and then take them home so that a lot of that stuff didn't happen overnight.'

Family violence was not the only concern vis-à-vis alcohol use. Ms McLeod SC noted that as a young man, Uncle Kevin himself knew of four Aboriginal people who died in police custody. This, too, played a part in his work and role within the broader Victorian community, beyond the creation of the sobering-up centres. For thirteen years, he sat on the Koori Court—a program that one of his daughters, Rose, helped to establish—alongside fellow Elders and a judge.

**'AND WE ARE NOT REALLY
INTERESTED IN TALKING TO
A LAWYER; WE WANT TO
TALK TO YOU.'**

‘ONE JUDGE SAID TO ME [...] IF YOU OPEN A SCHOOL, YOU SHOULD CLOSE A JAIL. AND I THINK THAT’S PRETTY SOUND.’

Uncle Kevin described the function and importance of the Koori Court for Aboriginal offenders:

‘They had to plead guilty to appear before us and [...] most of them did. And then we would explain [that] in an ordinary court, as you probably know, [the defendants] don’t have to say anything; they can stand behind the lawyer and the lawyer does all the talking. And we are not really interested in talking to a lawyer; we want to talk to you, brother. “What’s your problem? What—why are you messing up? Why are you committing crimes? Why are you taking drugs? Why aren’t you looking after your family? There are so many programs out there that can support you, but we want to know—we don’t want to talk to the lawyer. We want to talk to you.” And it gives them the opportunity to speak. But in normal court, as you probably know, they don’t have to do that.’

Education, he believed, was vital in preventing both recidivism and the initial offences that too often led to jail time:

‘One judge said to me, he said to me—and I think I agree with him—if you open a school, you should close a jail. And I think that’s pretty sound, what he said there [...] so when I was in the Koori Court system, I used to say to a lot of young people that would come before us, “While you’re in there for [...] whatever term you’ve got, see if you can get yourself a bit of an education, and so that you can go for a better job when you get out of here.”’

**I WANT TO ENSURE THAT
OUR CHILDREN TODAY IN
OUT-OF-HOME CARE DON'T
HAVE TO GO THROUGH THE
SAME TRAUMAS THAT WE DID.**

AUNTY EVA JO EDWARDS

Aunty Eva Jo, a member of the Stolen Generations, was among the first to give evidence in the Commission's Child Protection hearings. Her testimony was a searing indictment on the systemic and ongoing failures of the child protection system in Victoria, where the rate of First Peoples' children in out-of-home care is the worst in the country.



Hearing details

Date: 5 December 2022

Focus area: Child Protection

Location: Yoorrook's

Hearing Room, Wurundjeri

Country, Collingwood

Aunty Eva Jo Edwards

is a Boon Wurrung, Mutti Mutti and Yorta Yorta woman. Born in 1963, she is a Stolen Generations survivor whose work and advocacy has been shaped by her own experiences. She has had roles within the Victorian Aboriginal Child and Community Agency, the Victorian Aboriginal Health Service, the Koori Courts, and the Victorian Government's Stolen Generations Reparations Steering Committee. Aunty Eva Jo is a respected storyteller, public speaker and educator. In 2022, she was inducted into the Victorian Aboriginal Honour Roll.

In his opening remarks, Counsel Assisting Tony McAvoy SC provided a brief historical overview of Victoria's child protection system and the ways in which it had failed the state's First Peoples. It was, he said, a system that viewed 'First Nations people [...] through a punitive and judgemental lens, not as brothers and sisters who need a hand when things get hard'. In a series of roundtables during the Commission's early days, he noted, child protection and criminal justice consistently emerged as two areas in particular need of urgent reform. These remarks provided the scaffolding for Aunty Eva Jo's moving evidence.

'My earliest memory is a torch being shone in our faces whilst we were sleeping,' Aunty Eva Jo told the Commission, as she recalled being removed from her mother's care, aged five, along with her siblings. '[The authorities] came back the next day and we were removed.'

She continued:

'I was born on 8 August 1963 in Hillston, New South Wales, but I have lived in Victoria since I was five years old. I am one of six children. At the age of five, my five siblings and I were removed from our family and mother in Swan Hill. We were initially taken to Allambie Reception Centre, we were then split up. My two older brothers, eleven and eight, were taken to Burwood Boys' Home; myself and my sister, ten and three, and our baby brother, who was eight months old [...] were taken to the Lutheran Children's Home in Kew. I knew I was different because of the colour of my skin but that was all I knew. Being institutionalised was nothing but a roof over our head.

Life in the institutions was highly regimented: get up, make your beds, do your chores. I was never told that I was loved, hugged, kissed, needed, or ever recalling that I was encouraged to think about what it is that I might achieve in life. Overall, I was institutionalised for thirteen years, including in family group homes.

I spent a large part of my childhood with my sisters closest in age in the institutions [...] We were occasionally separated as we were moved between facilities based on our age. I was very protective of my baby brother. He, for a short time, was adopted to a non-Aboriginal family and his adopted mother was the matron of the institution in which we lived. She really loved him and I remember how she would ensure that we were part of his birthday every year and invited us. Sadly, she had passed away at the age of twenty-five [...] so my brother was returned to the institution.'

Removal from her home and family also constituted a removal from culture and Country, explained Aunty Eva Jo. She described a profound grief about the missed opportunities for cultural and language-based connection.

‘I know now that my mother wrote letters to the authorities trying to get permission for us to go and live with or near her, including [in] Coober Pedy. This permission was denied and my sister and I have spoken about these missed opportunities for not having [been] [...] able to live with her and learn our culture and language.’

Even as a young person, Aunty Eva Jo was conscious of the intent behind assimilationist policies:

‘[In the institutions there were] no cultural activities to empower us. I honestly believed that, you know, they wanted to clear us [First Peoples] out. Eventually there would be none of us left. I’d marry a white man and my kids would marry white people and eventually there would be none of us left.’

Aunty Eva Jo and her siblings were frequently separated from one another growing up. Their experiences in out-of-home care, and the lasting effects of childhoods shuttled between institutions, are common to many members of the Stolen Generations. ‘All of us siblings have had our challenges and it is hard to get past the abandonment, rejection and abuse experienced whilst institutionalised.’

She became visibly emotional as she spoke about the way this impacted her relationship with her own children and the cyclical nature of intergenerational trauma.

‘I WAS NEVER TOLD THAT I WAS LOVED, HUGGED, KISSED, NEEDED, OR EVER RECALLING THAT I WAS ENCOURAGED TO THINK ABOUT WHAT IT IS THAT I MIGHT ACHIEVE IN LIFE.’

‘THE EXPERIENCE OF RAISING MY CHILDREN HAS MADE ME REALISE THE EFFECTS OF MY REMOVAL.’

‘It triggers me because when I became a grandmother for the first time, I was so overwhelmed, and I believe I denied my mother that feeling [...] My children didn’t have grandparents around them. [...] When they started leaving home [...] I reverted back to [...] abandonment and rejection, even though, you know, it’s part of life [...] The experience of raising my children has made me realise the effects of my removal.’

At this point, the hearing was briefly adjourned to allow Aunty Eva Jo a break. Commissioner Sue-Anne Hunter moved to sit beside the witness, and would stay there for the remainder of the hearing, holding her hand.

Aunty Eva Jo resumed her statement, describing how trauma has been perpetuated through successive generations of her own family:

‘I realise now that, unbeknownst for a time, I repeated with my children what I experienced in the institutions, tough rules and lack of affection. You don’t set out to do that. It is intergenerational. Several of my children have been impacted by my trauma and are on their own journey of healing.

My baby brother suffered a sense of abandonment and rejection. He fell into addictions from the trauma of his early life, ultimately, and very sadly took his own life at the age of twenty-five [...] That still impacts on me and my family and it is still very hard to this day. Our early experiences have affected my relationships, my intimate relationships, not having trust [...] As a child, never being told you are loved or wanted or needed or hugs, and what that, you know, does to you in relationships [...] as an adult. [...]

My daughter one day asked me [...] why didn’t I ever hug her or kiss them goodnight or read them bedtime stories, things like that, when they were little [...] I said, “Look, you know, they are the things that were never given to me. So how could I give that to you if I didn’t have it?”

Aunty Eva Jo believes her mother ‘may have been removed as a child or had some contact with that [system]’. Asked whether she felt she had ‘broken that cycle’, having raised six children of her own, she was emphatic:

‘Absolutely. And I think that every day. It’s an achievement in itself to, you know, raise your kids on your own and try to set good morals and values. [...] I’m not saying it was perfect [...] but they didn’t see a system that I did. [...]

I have made a conscious effort to grow as a person and to create a very loving environment for my family, and we do say “I love you” whenever we speak and say goodbye. I raised my kids to be strong in who they are, with dance and culture, and a sense of belonging and knowing who they are. They have all these things that I had to find along the way.’

Aunty Eva Jo believes the Treaty process must encompass a ‘welcome home’ for the Stolen Generations divested of their connection to Country, family, language and culture. She also emphasised the importance of lived experience in the context of community welfare organisations and child protection services, while noting it’s difficult work for survivors to undertake: ‘It is important to try to have, you know, survivors, Aboriginal people, working in these spaces, but [...] not all of us are ready to do that.’

Later that afternoon, just a few suburbs away, Premier the Hon Daniel Andrews MP delivered an address at Government House to mark the beginning of his third term. He accepted that the child protection system is ‘not designed properly’, and undertook to work much more closely with Aboriginal community organisations to ‘devise a new system’ ensuring far greater self-determination for Victorian First Peoples and future generations.

‘I RAISED MY KIDS TO BE STRONG IN WHO THEY ARE, WITH DANCE AND CULTURE, AND A SENSE OF BELONGING AND KNOWING WHO THEY ARE.’

**MEETING THE NEEDS OF OUR
PEOPLE WITH DISABILITY...
HAS TO BE ONE OF THE MOST
URGENT SOCIAL JUSTICE
ISSUES IN AUSTRALIA TODAY.**

DAMIAN GRIFFIS

Damian Griffis, the CEO of the First Peoples Disability Network Australia (FPDN), provided evidence to Yoorrook about the experience of First Peoples with disability navigating the child protection and criminal legal systems. His evidence demonstrated how the system fails to recognise the cumulative impacts of racism, ableism and economic injustice for First Peoples.



Hearing details

Date: 9 March 2023

Focus area: Child Protection and Criminal Justice

Location: Yoorrook Hearing Room, Wurundjeri Country, Collingwood

Damian Griffis is a descendant of the Worimi people and leading advocate for Aboriginal and Torres Strait Islander people with disability and their families. He is the CEO of the First Peoples Disability Network Australia (FPDN), a peak national human rights organisation representing First Peoples with disability, their families, and communities. In 2014, he received the Tony Fitzgerald Memorial Award at the Australian Human Rights Awards for his work on disability issues.

Damian outlined to the Commission the prevalence of disability among First Peoples in Australia and the intersection between disability and discrimination. The ‘data says forty-five per cent of our people have some form of disability or long-term health condition—twice that than the rest of the Australian population,’ he said.

‘It’s difficult to think of any more disadvantaged Australians than First Nations people with disability. Often because of the discrimination they face based upon Indigeneity and ableism, or disability, and we all have family members with disability [...] What we often see is that within the community itself, our people with disability are well-supported, valued members of their own communities, but when they engage with external systems—education, health services—that’s when discrimination really begins.’

There is no reliable data about the number of Aboriginal children and young people with disability in out-of-home care. Despite this, Damian gave evidence that anecdotally, the ‘number will be very high. It will be disproportionately higher than the rest of the Australian population.’

He also noted the prevalence of mental ill-health among First Peoples.

‘It’s pretty exceptional, as a First Nations person, if you haven’t experienced psychosocial disability or mental [ill-health] of some kind. So anxiety, depression, PTSD [are] almost normalised in some of our communities [...] I think we could all say pretty confidently that it’s pretty hard to get through life as a First Nations person without experiencing psychosocial disability.’

Looking back on the history of First Peoples with a disability, Damian spoke about the ‘forgotten generation’ of First Peoples who were historically placed in ‘notorious’ institutions in Victoria designed to ‘keep them separate from the rest of society’. The number of Aboriginal people who were placed in those institutions is unknown because ‘there is a lack of data, a lack of research—probably even a lack of acknowledgement by these institutions that these practices happened,’ he said.

‘Coerced removal of children with disabilities was very common up until twenty years ago. It was common for the system—usually health professionals—to say to parents that there was no hope for children with disabilities, and the best option for them were to be placed in institutions. Victoria had several notorious institutions in places like Colac, Bendigo and Oakleigh in Melbourne, to name a few. These institutions were often “out of mind, out of sight”, often hidden behind sandstone walls. Many young people with disability who were removed lived relatively long lives, but their experiences were horrendous. [...]

The institutions were bizarre places where children lived in dormitories and were incredibly vulnerable to abuse from other children and from staff. They were denied their liberty and lived a highly regimented undignified life. For Aboriginal people with disability in these institutions, they were completely denied access to their culture. These are the sorts of stories that don’t often get told.’

Damian also spoke about the present-day link between disability and interaction with the criminal legal system. He delineated the life trajectory for young Aboriginal people with undiagnosed disability:

‘For young people with disability that goes undiagnosed, we see a clear trajectory into the criminal justice system. Young, valued Aboriginal members of our community with disability start to experience problems when they begin interacting with external systems. Often, they encounter a school system that doesn’t support them. This is where they begin to experience the intersection between racism and ableism. [...]

This is a common experience for young people with hearing impairments, as they are often viewed as “difficult” or “non-compliant”. These behavioural labels are very common, and they can lead to a young person being suspended or expelled. Then they start hanging around town, then they get into trouble and end up in juvenile detention.’

**‘ABORIGINAL PEOPLE
WITH DISABILITY IN
THESE INSTITUTIONS
[...] WERE COMPLETELY
DENIED ACCESS TO
THEIR CULTURE.’**

Damian explained that prison often compounds disability. 'There's little support available to support your disability,' he told Yoorrook.

'Once you're in prison, getting support for your disability doesn't really happen, particularly if you have a psychosocial disability. People with psychosocial disability usually receive heavy sedation, chemical restraints and different versions of solitary confinement. A lot of people in prisons have cognitive impairments or acquired brain injuries, but there's no support which focuses on your needs.'

First Peoples parents with disabilities, Damian testified, are frequently engaged in the child protection system. 'They're often judged by the system as bad parents. And that's ableism,' he said.

'There are layers to these situations—it's not uncommon in those circumstances for one or both Aboriginal parents to have a disability. These parents are often targeted by an unwritten policy in the medical profession: to flag kids who have parents with disability. The system will assume you're a bad parent if you have a disability, and this means you're at a higher risk of surveillance.'

Children are also more likely to be removed from their parents if they have a disability themselves, as Damian explained:

'Parents are judged as being bad parents just because they can't afford the resources they need to support their child with disability. [...]

The child protection system and case workers are quick to assume that a child is being neglected, when in reality the issue is one of poverty. Having a disability is inherently expensive, and that's not well understood. It's not the fault of parents or family—it's the system's fault for not providing adequate support and resources.'

**'THE SYSTEM WILL
ASSUME YOU'RE A BAD
PARENT IF YOU HAVE
A DISABILITY, AND
THIS MEANS YOU'RE
AT A HIGHER RISK OF
SURVEILLANCE.'**

**‘RESEARCH SHOWS THAT
OUR OWN COMMUNITY
MEMBERS WITH
DISABILITY FEEL THAT
THEY ARE VALUED AND
SUPPORTED MEMBERS IN
THEIR OWN COMMUNITIES.’**

Damian believes that First Peoples are ‘the thought leaders on inclusion’. He added:

‘There is really strong evidence to show that we have always understood disability to be part of the human experience [...] In traditional language, evidence shows that we don’t have a word for *disability*, and that’s a wonderful thing. Labelling people is a Western approach. [...] Usually, we use impairment or functionality-based language to talk about disability, but not in a pejorative way. For instance, we’d say, “Cousin can’t hear too well”; [or] “Brother moves a bit slower”.’

Because of this, Damian explained that First Peoples ‘have a lot to share with the wider disability rights movement about appropriate ways of talking about disability’. The ‘research shows that our own community members with disability feel that they are valued and supported members in their own communities,’ he said. ‘It’s the problem when you go beyond your community and start engaging with external systems, discrimination comes into it.’

In his view, Victoria could learn from First Peoples’ practices of inclusion.

‘We want to see more of that; more respect shown of our traditional knowledges around disability. We had a way of supporting our community members with disability, and still do, that is basically based on a common humanity. Unfortunately [...] when the colonisers—the invaders—came, they brought with them their approach to disability, and their approach to disability was institutionalisation. So we’re still seeing those realities play out today.’

**OUR POLICING OF
ABORIGINAL PERSONS IS
INFLUENCED BY SYSTEMIC
OR STRUCTURAL RACISM.**

CHIEF COMMISSIONER SHANE PATTON APM

Chief Commissioner of Victoria Police, Shane Patton, gave evidence including an acknowledgement of historic and ongoing racism in the Victorian criminal justice system and a broad-ranging apology on behalf of Victoria Police. He accepted that Victoria has failed to meet the recommendations delivered by the 1991 Royal Commission into Aboriginal Deaths in Custody. Such statements represented unprecedented concessions from Victoria Police.

During several hours of questioning, Chief Commissioner Patton accepted responsibility and apologised for the role of police in contributing to the number of Aboriginal deaths in custody; for racism, discrimination and unconscious bias within Victoria Police; and for racial profiling by the force. 'We exist in a system that produces systemic racist outcomes,' he said. 'I acknowledge that.'



Hearing details

Date: 8 May 2023

Focus area: Criminal
Justice

Location: Yoorrook Hearing
Room, Wurundjeri Country,
Collingwood

Shane Patton served as the twenty-third Chief Commissioner of Victoria Police from 2020 to 2025. He joined Victoria Police in 1978 and became Deputy Commissioner in 2015. He was awarded the Australian Police Medal in the 2015 Australia Day Honours.

In the first moments of his opening address, Chief Commissioner Patton noted the historic nature of his appearance. 'I see this as a watershed moment for Victoria Police and, I hope, for the Aboriginal people of Victoria.'

He began by reading from his submission.

'I appear before you today in full uniform as a mark of respect for the Commission. I also wear this uniform with pride; pride in being part of the profession that is dedicated today to keeping the community safe, supporting people in their time of need and holding offenders to account; pride in the skills and dedication that police bring to a range of duties, and pride in the colleagues who have served Victoria Police over the past 170 years.

However, I know this uniform means something very different to many people in the Aboriginal community. Through my reading and my conversations with Aboriginal staff and other members of the Aboriginal community, I understand that this uniform can be a symbol of fear. I'm aware of lived-experience evidence given at this commission that illustrates that fear of police.

When recently speaking with an Aboriginal employee with lived experience of the impact of police actions, they expressed it powerfully to me. "You wear your uniform with pride, yet to us, we are scared of it because of what has happened in the past and because of what might happen in the future." As Chief Commissioner of Victoria Police, I am deeply and truly sorry for this impact. [...]

I know Victoria Police has caused harm in the past and, unfortunately, continues to do so in the present. As an organisation, we continue to make necessary changes and improvement. [...]

I recognise that there is [sic] still real and significant obstacles to this occurring. I consider it is necessary and appropriate to face up and accept responsibility for the times when Victoria Police has failed and done wrong. 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.'

**‘I UNDERSTAND THAT
THIS UNIFORM CAN BE A
SYMBOL OF FEAR.’**

Chief Commissioner Patton acknowledged the role of Victoria Police in enforcing so-called welfare policies that tore apart families and yielded devastating consequences for generations of First Peoples.

‘The responsibility for determining when a child was neglected or unprotected was shared across several agencies, including Victoria Police. I cannot begin to imagine the profound distress that the forceable separation of children from their families would have caused and that continues to be felt. [...]

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. [...]

The role of police extended beyond the criminal justice system to include acting as the enforcers of legislation and regulations, policing behaviour, controlling access to rations and conducting population surveys. Frequent intrusive and detrimental contact between police and Aboriginal communities, families and individuals has been a pattern for 170 years, the effects of which continue to be felt today.

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.’

**'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 know this must happen expeditiously. I will also harness the dedication, duty and sense of community service of Victoria Police to make sure that we continue to work in partnership with Aboriginal people and communities to support self-determination and improve outcomes: concrete outcomes, not just promises and good intentions.'

Chair Professor Eleanor Bourke thanked Chief Commissioner Patton for his willingness to appear before the Commission. 'It is important that your words are now on the public record,' she said in acknowledging his apology. But she also reiterated the need for urgent and practical reform in the criminal justice system.

'Yoorrook has heard that our people continue to be targeted, attacked, harassed and racially profiled by police. Since then, our children have been born into overpoliced communities. Your presence today is important, very important, because if actions do not follow your apology, then what hope will we have? Your apology must bring real change. The Yoorrook Justice Commission asks for an undertaking today that Victoria Police protect Aboriginal communities and families and that Victoria Police respect our culture and human rights.'

Commissioners presented Chief Commissioner Patton with a shield. The Chair noted that it was not a gift, but 'a symbol of the change we are seeking'; an emblem of expectation. Attendees then stood to observe a minute's silence; in memory, said Commissioner Hunter, of 'those who died at the hands of the State'.

Among those present was Aunt Donna Nelson, whose daughter Veronica, a Gunditjmarra, Dja Dja Wurrung, Wiradjuri and Yorta Yorta woman, died in police custody in 2020 after being refused bail on shoplifting charges.

At the day's conclusion, Chief Commissioner Patton reaffirmed his commitment to extensive reform within Victoria Police:

'We need to undertake transformational change. That change needs to be urgent. That needs to be effective, and it needs to be done with purpose. [...]

I just commit here that I will do everything within my power and authority to make sure that we represent and ensure the safety of the Aboriginal community, and understanding that it can't be piecemeal, it has to be a joined-up approach with other government agencies and it has to be transformational because otherwise we are not going to achieve what we need to do.'

During the hearing, Chief Commissioner Patton had answered questions in relation to casualties and deaths of First Peoples in police custody.

The following month, in June, Chief Commissioner Patton sent a letter to Aunt Donna Nelson, acknowledging the role of police in the death of her daughter.

'As Chief Commissioner and on behalf of Victoria Police, I am truly sorry for the terrible circumstances in which Veronica died, and for the role that police played leading up to her death,' he wrote. He committed to adopting all of the recommendations enumerated in the coronial inquest and promised that 'Victoria Police will actively contribute to the development of the bail reforms that have been announced by Government.'

**'WE NEED TO UNDERTAKE
TRANSFORMATIONAL
CHANGE. THAT CHANGE
NEEDS TO BE URGENT. THAT
NEEDS TO BE EFFECTIVE,
AND IT NEEDS TO BE DONE
WITH PURPOSE.'**

MY MUM TOLD ME WHAT HER
MUM HAD TOLD [HER]. ALWAYS
KEEP THAT FAMILY [TOGETHER].

AUNTY CAROLYN BRIGGS AM

Aunty Carolyn Briggs is a respected Boonwurrung Elder. She is recognised as a keeper of the history and genealogies of her people. Aunty Carolyn's evidence to Yoorrook reinforced the importance of improving access to records and knowledge of family genealogies to First Peoples' sense of identity and heritage.



Hearing details

Date: 31 January 2024

Focus area: General
Submission

Aunty Carolyn Briggs

has worked for the Equal Opportunity Commission, the Royal Commission into Aboriginal Deaths in Custody, and the Attorney General's Department and in many other roles in the community, helping First Peoples connect to their heritage. Aunty Carolyn's contribution to the community was recognised in 2005 with her induction into Victoria's Honour Roll of Women and in 2011 she was NAIDOC's National Female Elder of the Year. In 2019 she was recognised in the Queen's Birthday Honours List by being awarded a Member of the Order of Australia. Aunty Carolyn has four children and seven grandchildren, as well as numerous foster children.

Aunty Carolyn told Yoorrook about her great-grandmother, Louisa Briggs. Louisa was born in the 1830s and died at Cummeragunja in 1926, and is celebrated as a trailblazing leader among First Peoples. She ensured that her family's connection to Country survived despite the disruption of colonisation. This included navigating the lawlessness of sealers operating around Port Phillip and the Bass Strait, and later, the Government's oppressive assimilation policies.

'It was something that you realise after following her footsteps,' Aunty Carolyn said, speaking about Louisa's legacy.

'That when she was taken by the sealers too; she was born not far from here. She was taken to Preservation Island. She'd witnessed a—what you would [call] a holocaust on those islands. Flinders, Cape Barren. Of a decimation of a people and culture and language.

So you end up following this pattern of this movement of a woman. Then you go, wow. She's real. She was an activist. She was a resister. And it wasn't til after John [her husband] had died that she had to go to the mission with her children. She kept all her family together. She travelled all around this. [...] If you can imagine, there's a Black woman moving around with her Black husband, getting work wherever they could. Keeping the family together.'

Later, while living at Coranderrk Aboriginal Reserve, Louisa protested against the poor treatment of First Peoples, including low wages and lack of rations. She gave evidence at an inquiry into the running of the station before being forced to leave. Aunty Carolyn explained:

'And then she started to put reports in. She had to give evidence to the [inquiry], like a royal commission about what was happening. So they punished her and sent her down to Ebenezer [mission]. And they said, watch these Briggs. They're too political. That was the harshness of that. But then she tried to go back to Coranderrk, and they wouldn't let her. So she ended up at Maloga and then Cummeragunja.'

Aunty Carolyn also told Yoorrook about the impact of government policies of assimilation, welfare and surveillance during her own life. During her time working with Monash University's Aboriginal Studies Unit, she said, she came across personal government records that she had not known existed.

'I didn't know [that] all those welfare people that used to come to our home were recording us. I found those records. They're hidden away. [...] And I pulled one down and I found my name in it. And I cried because I remembered those people coming to our house. [...]

There was a lot of that stuff. In those records, the old social workers [...] used to go around and check us to see if we were assimilating. So I lived under two acts. And it was an awakening. I suppose it's understanding how people observed us, how they can make decisions on us. That was the awakening to [...] my mother living under the fear of whether she loses us or not.'

Aunty Carolyn described her fury upon discovering these records, and a new layer of understanding for her mother's behaviour at the time. 'She used to cook for these people. She used to [make sure] the house was always spotless. Fear of losing us was in her mind.'

She also spoke about the shock she felt when she discovered the level of control and state surveillance she and other First Peoples were subjected to.

'I've got those records. Where I lived in 1973—not '67, right up to 1973. Where I lived. How many children I had. What's the street. I didn't realise I was being monitored. [...] When you hear these activists or these resisters of the colonial process, you don't realise. [...] Then when you see it in documents, it's a bit of a culture shock. It was a genocide of denying me my existence, of a lot of people's existence, which still lives strong today.

A lot of things we haven't even seen there are hidden in those documents. I know there's a lot of pain in them documents.'

**'[MY MOTHER] USED TO
[MAKE SURE] THE HOUSE
WAS ALWAYS SPOTLESS.
FEAR OF LOSING US WAS
IN HER MIND.'**

Aunty Carolyn helped develop and manage La Trobe University's Aboriginal Tertiary Support Unit in Bendigo. In her submission, she explained:

'I had this unit. I had these young students, and I wanted to make sure that they got the right supports; they got the right equipment [...] to get through that system safely and walk out the front door with the qualifications.

So I was like the family making sure they ate well, made sure they had beds, made sure they had proper clothes to go out, made sure they had the best equipment [and] computer system. So that could be not seen as a deficit. [...]

I teach my students—I say, *disrupt*. You're allowed to disrupt. Not everything is right or wrong, you know? Give it a nudge. Don't accept everything with you. Challenge it. Keep challenging it. Grow, investigate, research, be rigorous.'

It was her community and its strength, Aunty Carolyn said, that shaped who she is today.

'It was a Blackfella that brought me into this world. It was Blackfellas that invested in me. And there were different groups of Blackfellas. They've all played a role in my existence. And I honour them. [I'm] so proud that I can be a part of their process, that what they gave me probably strengthened me. But I fall down every now and again. I get angry and then I get up again.'

**'IT WAS A BLACKFELLA
THAT BROUGHT ME INTO
THIS WORLD. IT WAS
BLACKFELLAS THAT
INVESTED IN ME. [...]
THEY'VE ALL PLAYED A
ROLE IN MY EXISTENCE.
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**‘I TEACH MY STUDENTS—
I SAY, DISRUPT. YOU’RE
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WRONG, YOU KNOW? GIVE
IT A NUDGE. DON’T ACCEPT
EVERYTHING WITH YOU.
CHALLENGE IT.’**

**WE HAVE THE OLDEST LIVING
CULTURE, THE OLDEST
LANGUAGES ... YET WE HAVE
ONE OF THE FASTEST ATTRITION
RATES. EVERY ABORIGINAL
LANGUAGE IS CLASSIFIED AS
CRITICALLY ENDANGERED.**

AUNTY VICKI COUZENS

A distinguished Elder and Keerray Wooroong Gunditjmara woman, Aunty Vicki Couzens has worked tirelessly to restore language, strengthen community, and rebuild culture and identity in Victoria. Almost all First Peoples' languages were impacted as a result of removal from Country and the prohibition on languages in the missions and reserves on which they were forced to live.

Aunty Vicki's evidence illustrated the devastating effects of linguicide in severing the transmission of cultural knowledge and history, and the critical importance of language revival.



YOORROOK TRUTH BE TOLD

Hearing details

Date: 28 March 2024

Focus area: Land, Sky
and Waters

Location: Yoorrook Hearing
Room, Wurundjeri Country,
Collingwood

Aunty Vicki Couzens

is a Keerray Wooroong Gunditjmara woman. She is an acclaimed multimedia artist, the Chairperson of the Victorian Aboriginal Corporation for Languages, and a Research Fellow in the School of Media & Communication at RMIT University.

In her outline of evidence, provided to Yoorrook before the hearing, Aunty Vicki Couzens delineated the relationship between colonisation and language:

‘Language is the repository of who you are, your relationship and kinship and Belonging. Everyone has a Belonging and a place, and no one is left behind. Language embodies all of that, it is Country and it is people. Language is everything and it goes across every part and aspect of your life. Language is the voice of the land.

One of the key strategies of genocide is to perpetrate linguicide; that is to stop people speaking so that the transmission of knowledge and culture and cultural practice is interrupted/severed. To perpetrate linguicide is to perpetrate genocide. This is a primary reason for language and language revitalisation to be considered and understood in a human rights [and] social justice context.

We have the oldest living culture, the oldest languages and on the oldest continent on the planet, yet we have one of the fastest attrition rates. Every Aboriginal language is classified as critically endangered.’

Aunty Vicki introduced herself first in Keerray Wooroong language, then in English. Junior Counsel Tim Goodwin SC then invited her to read from her outline of evidence, which opened with a statement in language—an extract from the Eastern Maar Native Title Recognition Statement. She delivered the statement in its original language to powerful effect. A line-by-line translation from the Keerray Wooroong was provided in the outline of evidence and has been reprinted with permission at the end of the summary of Aunty Vicki’s statement.

At the time of her testimony, Aunty Vicki was the current Chairperson of the Victorian Aboriginal Corporation for Languages, or VACL, with whom she has worked for many years. VACL operates as the peak representative for Aboriginal Languages in Victoria. In her outline of evidence, Aunty Vicki summarised the organisation’s purpose:

‘Our two key focuses are “language in community” and advocacy and representation for Languages. VACL positions Languages in a context of inherent Aboriginal inheritance birthrights, human rights and frames languages reclamation and revitalisation in restitution context and restorative justice actions.

VACL’s work involves supporting language clans and communities in the journey of language reclamation and revitalisation and training and practice of these activities.’

The community-led, community-controlled organisation was established by a ‘group of really passionate people’, Aunty Vicki told the Commission. However, she described language as a ‘little brother [or] littler sister’, often overlooked in favour of other urgent issues, such as ‘housing, employment, education—all of those necessary things—and health’. For this reason, she explained, language research and revitalisation has been undertaken with ‘very little resourcing’. This remains largely unchanged at both a state and federal level, despite decades of exhortations and several attempts to engage with relevant government bodies.

Aunty Vicki was born in Warrnambool but moved to Geelong as a teenager with her family. There, her father Ivan Couzens formed the Aboriginal Co-Operative (later the Wathaurong Aboriginal Co-Operative). It was around this time that Aunty Vicki recalled becoming ‘more involved politically’. At the time, she wrote, ‘it was difficult in Geelong because there was no Aboriginal-identifying community you could be absorbed into, and no organisations’. Driven by this personal experience, Aunty Vicki would continue to focus on sustained connection to culture in her professional life.

In her outline of evidence, she credited her father with having exposed her to language. ‘Our Dad started our language journey in the early ’90s. He ended up getting funding to set up a language program and published our Keerray Wooroong and Related Dialects Dictionary,’ she wrote, describing it as ‘one of his life’s greatest achievements’.

She elaborated on this for Yoorrook during her testimony.

‘He was, I think, up in Dampier in Western Australia attending an ADC [Aboriginal Development Commission] meeting. He was the only Aboriginal person in the room who couldn’t introduce himself in his language. And that was a real catalyst moment [...]

So, he came back [...] and he secured some funding and an honours degree student linguist to support the research, and then [published] The Keerray Wooroong and Related Dialects [Dictionary]—so all the Maar-speaking dialects. It is a Maar language family, which includes Gunditjmara, or the dialects in Gunditjmara lands, as well. So that got published in 1996 [...]

**‘LANGUAGE IS THE
REPOSITORY OF WHO YOU
ARE, YOUR RELATIONSHIP
AND KINSHIP AND
BELONGING.’**

‘And that gives all of us, all Gunditjmara Maar-speaking people, access to our language, which we didn’t really have. Hence my kids’ names, except the last one, were all in someone else’s language [...] [For the] first time, we were able to access our language, in a way—I mean, besides a few words in community, or expressions [...] in Aboriginal English to express ourselves, that was the first time we had proper access.’

Asked what drove her own passion for language and language revitalisation, Aunty Vicki explained that she had always had a ‘penchant’ for languages, but it wasn’t until she returned to Warrnambool in 1999 that she decided to formalise this interest and share it with the community. ‘We had our own little language committee in Warrnambool,’ she said, but they soon learned there was appetite for language-learning in the broader community, so they established a regional committee incorporating Portland, Hayward, Hamilton, Warrnambool and Framlingham.

The committee’s work was entirely unpaid. ‘We didn’t have any money because there is no money in language,’ Aunty Vicki told the Commission. She described the ‘small steps’ with which the committee aimed to revive language incrementally: ‘You can do a health program and [...] integrate language into it. Or we would do an arts program [...] bringing that language in, and bringing greetings so all the staff will answer the phone [in language].’

In closing, Mr Goodwin asked Aunty Vicki about her ‘aspirations for the future of language protection and revitalisation of Aboriginal Victorians’.

Her response was swift: ‘For us to have our language back, and to live with it, and, you know, transmit that,’ she said. ‘[To] speak to our children and grandchildren in language. That’s the ideal aspiration.’

**‘[TO] SPEAK TO
OUR CHILDREN AND
GRANDCHILDREN IN
LANGUAGE. THAT’S THE
IDEAL ASPIRATION.’**

Excerpt from the Eastern Maar Native Title Recognition Statement in language, as read by Aunty Vicki

wanggatoong waleeyt-ee, Maar-wanoong kooya weerrakanan
 Meerreengngeeye
 kooya-n weerrakanan ngamateeyt ba Maar watnanda deen Meerreeng-
 ee
 prang-a-wan part-pak-yoo-a-po
 moongay-wata laka-n-ngeeye watnanda
 moongay-wata ngooty malayeetoo-ngeeye, ngooty makatepa-ngeeye
 malangeepa-ee
 moongay-wata wanga-kee-wan watnanda
 Yoonggama
 pang ngootee weeng-wanoong
 Yoonggamoongoo-ngeen ngathoonganeen, Ngalam Meen,
 Wooroowooroomet Koorrookee ba Ngapoo-ngeeye
 mayapangooty, nhakawanga ba ngooty
 makatepa, manapa-wanoong yaan-ngoothoongat

(For a) long, long time our people, we, have been speaking all about our
 Country
 Speaking all about White people and Aboriginal people together here in
 this Country
 Let's not fight
 Let's talk together for the future
 Let's cleanse our past, cleanse our present
 Let's listen together
 Promise
 Remember—we
 Your promise (to) us and our Ancestors, our old People, Grandmothers
 and Grandfathers
 To make restoration, to recognise, to heal
 Today, we take/accept manapa your words

TO [...] DENY THE
RIGHTFUL OWNERSHIP AND
SELF-DETERMINATION OF
THE LAND THAT WAS STOLEN
IS TO DENY FIRST NATIONS
PEOPLE THE RIGHT TO LIFE.

SUZANNAH HENTY

Suzannah Henty is a sixth-generation patrilineal descendant of James Henty (1800–1882), one of the Henty brothers and early coloniser of Portland on Gunditjmara Country in south-west Victoria. Her family has been celebrated and remembered as establishing the first settlement in Victoria.

Ms Henty's testimony to Yoorrook provided a new perspective on the Henty family history previously unheard by Victorians. She acknowledged her forebears' role in the dispossession and displacement of First Peoples, and discussed ongoing land injustice and colonial memorialisation.



Hearing details

Date: 28 March 2024

Focus area: Land, Sky
and Waters

Location: Yoorrook Hearing
Room, Wurundjeri Country,
Collingwood

Dr Suzannah Henty is an art historian specialising in decolonial aesthetics, with a particular focus on Indigenous contemporary art and Australian art history. She teaches in the Art History and Curatorship Program at the University of Melbourne.

Yoorrook's hearings on Land, Sky and Waters commenced with a ceremonial hearing on Gunditjmara Country near what is today known as Portland—the shore upon which settler Edward Henty and his brother Stephen landed in 1834, and the starting-place of the colonisation of Victoria.

In the years following their illegal arrival on Gunditjmara land, the Hentys would be celebrated as pioneers of Victoria. Edward and Stephen were eventually joined by their five brothers. The Henty name would come to be associated with wool trade, pastoralism, whaling and the emergence of a 'squattocracy'. Various monuments in and around Portland Bay pay tribute to the family, including a bronze tablet marking the site of the Hentys' landing, which, its inscription declares, established 'the first settlement in the state of Victoria'.

Four days after the ceremonial hearing, Suzannah Henty appeared before the Commission in Collingwood. She said her decision to give evidence was motivated by a desire to situate her family 'in the right historical context' on the public record.

In her Welcome to Country, Commissioner Hunter said, 'I want to reiterate that this is a safe space to all to come and tell their truths. Particularly the first witness—I would like to thank her.' She noted the complicated nature of Ms Henty's decision to give evidence before the Commission, adding, 'It has been quite difficult [for her] to come before us today.'

Ms Henty, in return, expressed her gratitude:

'I want to acknowledge the invasion of my forefathers and the war that ensued—that was a crime that continues to inflict harm and that the return of the land and the removal of monuments and street names is just the first step in a longer process of decolonising settler Australia. I recognise your unfaltering resistance to protect your homelands, life and more. You have my utmost respect.'

She then proceeded to read from her statement.

'My name is Suzannah Henty, and I am a sixth-generation patrilineal descendant of James Henty, one of the Henty brothers and early colonisers of Gunditjmara Country in south-west Victoria. My family has been celebrated and remembered as establishing the first settlement in Victoria. [...]

Inheriting the Henty legacy has been a process of coming to terms with an ongoing project of colonisation. Growing up, I did not understand the crimes my family committed. The Henty legacy was rarely discussed, but [...] strangers would recognise my name, and I understood that my family was a part of the State's founding history.

Only when I went to university I began to challenge and question my family's legacy. As an undergraduate student, a Gunditjmara man gave a lecture in which he explained his family lived peacefully until my family came along. This experience prompted me to research my family's involvement in massacres that took place during the early years of colonisation. [...]

I was never told when I was growing up that the Henty family were involved in an organised ethnic cleansing. Yet, if I needed, I was told and I was encouraged to distance myself from the Henty legacy. This cognitive dissonance in ignoring historical fact while exercising the privilege and power to deny any involvement in genocide struck me as particular articulation of settler colonial repression that I would later see reflected in colonial memorialisation.'

**'I WAS NEVER TOLD
WHEN I WAS GROWING
UP THAT THE HENTY
FAMILY WERE INVOLVED
IN AN ORGANISED ETHNIC
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THE HENTY LEGACY.'**

**‘DESCENDANTS OF
COLONIAL FAMILIES NEED
TO ENGAGE IN GOOD FAITH
WITH LOCAL INDIGENOUS
COMMUNITIES TO
DISCUSS REPARATION.’**

In reckoning with her family’s legacy, Ms Henty said, she came to better understand the enduring pain of the colonial project.

‘Without permission from British authorities, the [Henty] family illegally squatted on the Gunditjmara homelands, where they stole and damaged hundreds of thousands of acres of land and waterways. For both the British and for First Nations people this was a crime.

Edward Henty was the first to arrive and, in his words, he “stuck a plough into the ground, struck a she-oak root, and broke the point; cleaned my gun, shot a kangaroo, mended the bellows, blew the forge fire, straightened the plough, and turned the first sod in Victoria”.

He was performing a colonial ritual like James Cook did to enact an invasion based on claims of terra nullius. This marks the beginning of the harm that continues to be inflicted on Gunditjmara peoples and their Country at the hands of Henty family and the State of Victoria and settler colony of Australia. This harm is especially articulated in the ongoing dispossession of Gunditjmara people from their land and the memorialisation of colonial figures including my family.’

Decisions about the fate of colonial monuments that commemorate her family, Ms Henty believes, should be made by First Peoples. ‘My personal belief is that the Henty monuments should be removed from their intended site and relocated, for example, to a museum or park of fallen monuments or ceremoniously destroyed.’

‘Descendants of colonial families need to engage in good faith with local Indigenous communities to discuss reparation. I would encourage not only descendants of colonial families but all settlers living on stolen land to challenge the recent rhetoric of gratitude to Indigenous people for “letting us live on their land” because we stole it, and we usurped their sovereignty. To [...] deny the rightful ownership and self-determination of the land that was stolen is to deny First Nations people the right to life.’

It is her view, too, that the burden of education and truth-telling should not rest with First Peoples; and that questioning the long-accepted history of Victoria is ‘a responsibility to all settlers’. Ms Henty urged settlers to continue to question ‘the power that they have’, and to approach the state’s historical narrative with greater honesty.

‘[In] my education, genocide was not mentioned, ethnic cleansing was not mentioned, war was not mentioned [...] These words need to be used. If it makes people feel uncomfortable, that’s the sins of colonialism returning to haunt us. [...] People should not be afraid to use these words.’

Commissioner Lovett—himself a Kerrupmara Gunditjmara man—asked Ms Henty whether she would be open to meeting with Gunditjmara Traditional Owners, and whether she might be prepared to engage in advocacy in the future. ‘Absolutely,’ Ms Henty affirmed. ‘Me being here today is [...] one part of a longer process and I’m going to be around for that wherever I’m needed, if I’m needed at any point [...] I want to know how I can be of use.’

Asked about her view on what might constitute justice in terms of the present hearing, Ms Henty answered, ‘I think truth-telling. [...] Reparations; return of land; Treaty’. She expressed deference, however, to First Peoples’ opinions on the matter. ‘[My family] name still has power, and I think that reversing that power—I would like to not have that power. [...] But I think that the return of the land that was stolen is the first step.’

‘IF IT MAKES PEOPLE FEEL UNCOMFORTABLE, THAT’S THE SINS OF COLONIALISM RETURNING TO HAUNT US. [...] PEOPLE SHOULD NOT BE AFRAID TO USE THESE WORDS.’

**WE'RE A LIVING CULTURE.
WE HAVEN'T DIED OUT.**

AUNTY DI KERR OAM

Professor Aunty Di Kerr, a respected Wurundjeri Elder, is known for her cross-disciplinary work across health sciences, native title, education, and environmental work.

Aunty Di Kerr's submissions to Yoorrook Justice Commission comprised a written statement; a booklet titled *Ngangu Biik: Hear and Understand Country*, produced in 2015; and an extract from the 2022 short documentary *Wurundjeri Baggarook* which follows a group of Wurundjeri women including Aunty Di. In her submission, she testified to the vital importance of maintaining culture, tradition and connection to Country, particularly for young people.



Hearing details

Date: 28 March 2024

Focus area: General
Submission

Location: Yoorrook Hearing
Room, Wurundjeri Country,
Collingwood

Professor Aunty Di Kerr is a Wurundjeri Elder.

She works passionately on the social and emotional wellbeing of First Nations communities through her engagement with community and government in a range of fields: health, childcare, education, native title, Stolen Generations support, environment and waterway protection, and other community work. She is an Indigenous Knowledge Fellow at the University of Melbourne, where she works in collaboration with colleagues in the Faculty of Medicine, Dentistry and Health Sciences and her extensive networks across the Victorian medical establishment and health sector. She is a mother, stepmother, aunty and grandmother, and has spent much of her life in service of her community as a mentor and foster carer.

Aunty Di is among a group of Wurundjeri women who revived a women's coming-of-age ceremony. 'Coranderrk stopped all our passage of life ceremonies,' she told Yoorrook. 'The coming-of-age ceremony is very important to me. We didn't have [...] When we did a coming-of-age ceremony two years ago, it was the first one in 185 years.'

The idea was born of a desire to engage and support young Aboriginal women who were experiencing mental illness or instability, and to provide a culturally safe means of community engagement outside of the prevailing medical model.

'The mainstream doesn't help our people. So we just sat down one day [...] and said, what's missing? What can we do for these girls [culturally]? And we realised that our passage of life has been taken from us. Because [traditionally] you had ceremony at different times of the year, and then ceremonies for different years [...] [For instance,] "this one is about becoming a woman." [...] Women's business. [...]

I'm glad that we've started again, and we'll continue to do it because we need our own history and living history. We're a living culture. We haven't died out. ... We need up-to-date references for modern Wurundjeri. It's important that we keep our ceremonies. It helps us heal. It helps us connect to our Country. [...]

Normally, when you did women's ceremony, you did it as women's business, and then you were introduced to the men of the tribe. Because we don't live like that anymore, the girls' carers or parents or uncles or aunties, you know, male and female, could come—but only on the second day. The first day was just the girls. And the parents or guardians have to commit to looking after the girls for the rest of their life [...]

The whole weekend was about them being women and how to behave as an Aboriginal woman [...] We asked them if they wanted a guest speaker [...] and they said yes, they wanted to talk to someone with drug and alcohol experience [...] It was amazing that they wanted that. That really pleased me. And then we spoke to them about their genealogy.'

Since then, Aunty Di, her sister Aunty Irene Morris, and Wurundjeri artist Mandy Nicholson have worked to revive other traditions, such as baby-naming ceremonies, which have been resumed over the past six years.

'Our passage of life was taken from us; our grandmother was born on Coranderrk Mission and they weren't allowed to do their business. I don't know how mum got her name, but mum was the only one in that line to get a name. [...] We wanted to start up that ceremony again [...]

Some of the girls went through [coming-of-age] ceremony and then started having their own babies. We picked their tribal names. We knew their habits, so we picked things related to them, because normally the namings were the first thing you saw. It was the first thing we could see with their personalities [...] They get their first possum skin, the babies. The idea is that they get another one each year and that it ends up like a cloak when they are older [...] I did the water, Irene did the charcoal, and Mandy did the ochre. They're painted, and then we give them the possum skin, and then we say their names for the first time. And we ask the parents to obey the lore of the Country. Two main lores: don't harm the land or the waters, and don't harm any of Bunjil's—our creator's—children. So they have to commit again to look after that child. And I actually think, with Wurundjeri [...] it actually stops some of that family violence.

We did one with a lot of older women. We camped with them and all slept on the floor in the hut. I probably couldn't do that now. And the girls were all talking. And we found that they had all gone through family violence, all of them. And none of them knew. But they felt safe enough to talk about that. So that ceremony was really special. Really special. Lots of tears. One woman who had lost her mum brought her daughter for the naming, and we committed to helping look after her daughter. She just burst into tears.'

**'IT'S IMPORTANT THAT WE
KEEP OUR CEREMONIES.
IT HELPS US HEAL. IT
HELPS US CONNECT TO
OUR COUNTRY.'**

**OUR WATER IS LIKE THE
BLOOD IN OUR BODIES.**

UNCLE BRENDAN KENNEDY

On a bright, crisp morning, attendees gathered near Robinvale on the bank of Margooya Lagoon, which holds both historical cultural significance for First Peoples, and contemporary significance as the site of Australia's first cultural flows management plan.

Uncle Brendan described his people's powerful connection to the waterways. He testified to the ongoing exploitation of land and water alike, particularly sites of spiritual and cultural significance, and called for the waterways to be returned to First Peoples for management and decision-making. He also highlighted the inequality in resource allocation and profit share, with First Peoples remaining 'dirt poor'.



Hearing details

Date: 24 April 2024

Focus area: Land, Sky
and Waters

Location: Margooya
Lagoon, Tati Tati Country,
Robinvale

Uncle Brendan Kennedy

is a Tati Tati and Wadi Wadi Traditional Owner, and a descendant of the Tati Tati, Wadi Wadi, Mutti Mutti and Latji Latji people of the Milloo (Murray River). He is a long-standing advocate for Indigenous water sovereignty in the Murray Darling Basin. He is also the chairperson of the Victorian Aboriginal Corporation for Languages, which aims to revitalise Aboriginal language learning, research and archiving in the State of Victoria.

In his outline of evidence provided to Yoorrook, Uncle Brendan Kennedy had eloquently described a powerful connection to the river, the lagoon, and the surrounding land:

‘For me personally, the river is like a magnet behind me. And it only allows me to go so far and I can feel it. Then I’ll come back to the river. So really I’ve only lived four or five years in my whole life more than a kilometre away from the river. It’s like a compass. It’s like it gives us our bearings. The river here gives us our bearings of where we are in the world. [...]

Aboriginal people feel lost without their rivers. Our ancestors gained a deep, ecological understanding of how to look after the land. This knowledge has historically been passed down from generation to generation by our Elders. As our cultural sites dry up, so does this flow of knowledge within our people. This valuable information is being lost, like our native plants and animals. Our Elders tell us, we must—like they once did—look after the land, but what can we do if our traditional sites have no water? We feel helpless.’

Following a smoking ceremony on the morning of 24 April, Tati Tati man Steven Kirby gave a Welcome to Country. A group of Tati Tati and Wurundjeri women performed two dances—the first a welcome; the second called Pilkiri, or ‘flood’. Dancer and Traditional Owner Kathleen Terrick described First Peoples’ intrinsic connection to land. ‘All these natural resources [...] we took care of them and, in turn, they took care of us,’ she said. That April morning, she added, ‘We’re standing up for [...] our life source—the very thing that has sustained us on this land. It’s why we are still here’.

The official hearing of evidence then began with Uncle Brendan Kennedy. Tony McAvoy SC, a Wirdi man and Senior Counsel assisting the Commission, invited Uncle Brendan to make an opening statement. Uncle Brendan addressed those present first in Tati Tati language before continuing:

‘Pandyil the Murray cod created our river, Millu, back in Talikara, back in the Creation Times [...] We have never authorised and we have never relinquished or bequeathed any of our Country, our water, our culture and our rights and we never will. [...] Wrong has been done to us and continues to be done to not only Tati Tati people, but all First Nations people.’

What did it mean, asked Mr McAvoy, for Uncle Brendan Kennedy to identify as a Tati Tati man?

‘Tati Tati means “no, no”,’ Uncle Brendan explained. ‘We said no [...] This is our name of our ancestors. It is the name of our people. This is the name of our language and it is the name of our Country.’

The focus then turned to the site of the morning’s hearing. Prompted to provide a general introduction to the Margooya Lagoon, Uncle Brendan gestured to the ‘ancient cliffs around the Murray River flow, [formed] 30,000 years ago’. The lagoon was, he said, a ‘creation site’; a place of enormous spiritual and cultural significance.

‘It’s an ancestral site. [...] We have grandmother trees right here; we have ancestral burials around. We have our ring trees [*Mirnu biyali*] here. And it’s also where our ancestors are recorded by the Europeans in the 1800s. [...] [Grandmother trees] are red gum trees. They are very old trees, as you can see. They also have rings in them. They are ring trees as well as grandmother trees. And there is some hollow in there—there would have been some birthing happening as well for our people.’

**‘WE HAVE NEVER
AUTHORISED AND WE HAVE
NEVER RELINQUISHED OR
BEQUEATHED ANY OF OUR
COUNTRY, OUR WATER, OUR
CULTURE AND OUR RIGHTS
AND WE NEVER WILL.’**

**‘[THE LAND] IS CALLING
OUT TO US; GIVING US
SIGNS AND SIGNALS THAT
SPIRIT OF COUNTRY [...] IS
UNDER DURESS.’**

Mr McAvoy SC asked whether there was a sense that the land provided for the Tati Tati people. ‘It did but now it can’t,’ said Uncle Brendan, referring to the historic and continued exploitation of the waterways, from colonisation to the present day. ‘We expect our Country to provide for us and for us to [...] maintain Country, provide for Country. We want to provide for the platypus, the Marti, to be here but we can’t.’

He continued:

‘[The lagoon] doesn’t get cultural flow—it doesn’t get the water. The way the water is being delivered into the lagoon is not such a way that can create a healthy wetland for cod. Not only cod can’t get in here, but also the actual state of the lagoon is [...] not a healthy place for cod to be. [The land] is calling out to us; giving us signs and signals that spirit of Country [...] is under duress.’

Uncle Brendan pointed to the extractive nature of the State’s relationship with, and management of, the Murray-Darling Basin, which diverts water away from the river to commercial interests. ‘[The Murray River is] treated as a non-lifeform; as an irrigation channel. It’s quite cold, actually—it’s very brutal to treat a river as just a channel that’s just delivering water from one place to another.’

He explained how the extractive practices overrode the interests of First Peoples and excluded Traditional Owners from any prospect of meaningful water ownership.

‘Well, the water is [...] liquid gold. It’s getting sold, traded, and it’s been commodified and commercialised. We have water corporations; we have big almond companies who are sucking all the water out of our rivers. These big multi-national companies here are building all these huge dams and all these channels and they are draining the water out of our rivers. And they are making billions and billions of dollars and people are getting rich and we are dirt poor. You know, we are land rich but we are dirt poor. And we have no water. So that is what you call an extreme injustice.’

In their submission to Yoorrook, the Murray Lower Darling Rivers Indigenous Nations (MLDRIN) explained that the Murray Darling Basin is a fully allocated system and Australia's most mature water market worth billions of dollars annually. First Nations own just 0.2 per cent of available surface water in the Basin and have largely been excluded from water management and decision-making. As the Chair of MLDRIN, Uncle Brendan Kennedy called for water to be returned to Traditional Owners.

'Start returning water back to Traditional Owners. That's the best way. Just return [...] significant water back to Traditional Owners as soon as possible and start to build up Traditional Owners' capacity for us to be able to deliver that water and manage that water for our Country.'

Commissioner North asked Uncle Brendan to describe the lagoon as he remembered it from his childhood. 'It's changed so much, even in the last ten years. It's just deteriorated and as a wetland and a water landscape [...] [It] should be full of fish, birds, plants.'

Had there once been fish, asked Commissioner North, and if so, where had they gone?

'They can't come in,' Uncle Brendan replied. 'The fish have been locked out.'

It was, as Commissioner North noted, an all-too-fitting metaphor for First Peoples dispossessed of water sovereignty. 'We are born locked in,' Uncle Brendan said, 'but also, yeah, we are locked out.'

**'MULTI-NATIONAL
COMPANIES [...] ARE
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YOU CALL AN EXTREME
INJUSTICE.'**

**ONLY BY HONESTLY
RECKONING WITH OUR
PAST CAN WE REACH
FOR A BETTER FUTURE.**

PREMIER JACINTA ALLAN

When the Hon Jacinta Allan MP, Premier of Victoria, appeared before the Yoorrook Justice Commission, it marked a deeply significant moment: for the first time, a head of state was held to account by an Indigenous-led royal commission and truth-telling inquiry.



VOORROOK TRUTH BE TOLD

Hearing details

Date: 29 April 2024

Focus area: Land, Sky
and Waters

Location: Yoorrook's
Hearing Room, Wurundjeri
Country, Collingwood

On the morning of the Premier's hearing, Aunty Joy Wandin Murphy welcomed Commissioners, the Premier and guests on the rooftop of the Commission's Collingwood office.

Following a smoking ceremony and a welcome dance from all-female Wurundjeri group Djirri Djirri, Commissioner Lovett presented the Premier with a message stick bearing the names of First Peoples across Victoria who had shared their truths through roundtables and hearings in the early days of Yoorrook.

He encouraged the Premier to view the message stick as a reminder of those that 'that have put their hearts, and souls and truths on the line', often excavating deeply personal memories and experiences with the aim of uncovering 'the true history of Victoria on the official public record'.

Participants moved inside for the commencement of the official hearing. The Premier began by reading her opening statement, in which she reaffirmed her commitment 'to truth, Treaty and self-determination for First Peoples'. Over the course of the next few hours, she was questioned by Tony McAvoy SC, a Wiridi man and Senior Counsel assisting the Commission, and asked to elaborate on her prepared statement.

Jacinta Allan was first elected to the Victorian Parliament in the seat of Bendigo on Dja Dja Wurrung Country in 1999. In September 2023, she became the forty-ninth Premier of Victoria.

‘I DID NOT KNOW ABOUT THE MASSACRES THAT OCCURRED SO CLOSE TO HOME [...] IT BRINGS ME A SENSE OF SHAME AND DISTRESS.’

‘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.

The process of truth-telling is a refusal to submit to that silence. The record this Commission will hand down will mean at long last the truth of our State’s history is told. The murder, the massacres, the dispossession of culture and Country, the land taken away, the way of life destroyed. The children who never came back home and those who are still trying to find their way back. I also want to acknowledge that it’s not enough to merely know this history. We do need to learn from it and we need to act on it, too.

[In preparing for my appearance before the Commission], I have learnt much that I did not know in terms of the true history of the dispossession, what the settlers—the colonisers—did when they came to Victoria. I did not know of the massacres, I am ashamed to say. [...] I remember a few weeks ago now, as I was preparing [...] my witness statement. [...] I was sitting there in my backyard, reading through the materials, and just felt so distressed that [...] massacres [...] occurred not far from where I was sitting and I didn’t know about them. Growing up and living as I have all my life in Central Victoria on Dja Dja Wurrung Country, I did not know about the massacres that occurred so close to home [...] It brings me a sense of shame and distress personally that I did not know that, and it brings me a sense of shame and distress that this was done [...] in the pursuit of taking land off First Peoples. And [...] to know that the consequence of that was the impact of death and dispossession for First Peoples going forward.’

In her official witness statement, the Premier affirmed the importance of truth-telling for all Victorians. Premier Allan described her children's early education at their local Bush Kinder, which she contrasted to her own school years.

'Their learning about First Peoples' cultural practices, customs, stories and knowledge has given them a broad understanding of our native bush and flora and our local waterways and land. This continues now they are at primary school. I try to keep up with them as they teach me new words and concepts they are learning. I am continuing to learn. [...] I want every Victorian to learn this story. And I believe there is a genuine desire. Families, like my own, who have seen their children learn about it at school—and wished they too had that chance. Victorians who want to know the truth of our state's story—and be part of writing its next chapter. [...]

I appreciate the problematic nature of the State's historical records, with observations often infected by ignorance and employing paternalistic, racist and dehumanising language to record the authors' perceptions of First Peoples. [...]

While the final work of the Commission will be the definitive source, even the act of participating in this process has revealed parts of our history I never knew. While I learnt some during my formal education, and then more broadly in public life, the depth of devastation experienced by First Peoples was not something I had ever truly grappled with. The violence. The murder. The brutality. The families cleaved apart. [...] The scale of cruelty and callousness inflicted upon men, women and children. As former Prime Minister Paul Keating put it, "our failure to imagine these things being done to us".'

**'THE DEPTH OF DEVASTATION
EXPERIENCED BY FIRST
PEOPLES WAS NOT
SOMETHING I HAD EVER
TRULY GRAPPLED WITH. THE
VIOLENCE. THE MURDER. THE
BRUTALITY. THE FAMILIES
CLEAVED APART.'**

**‘THIS CANNOT BE A FLASH
IN THE PAN OR JUST A
MOMENT IN TIME. WE
MUST CONTINUE TO
LISTEN AND LEARN FROM
FIRST PEOPLES.’**

‘Just as galling [is] that so much of it was done in ‘our name’; in the name of progress. I also learned more about the strength and survival of First Peoples in Victoria—their refusal to allow their histories, traditions, languages and lore to be erased; their determination to ensure their children and grandchildren share in the oldest continuous cultures in the world.

There is plenty of work ahead of us ensuring the Commission’s efforts lead to tangible outcomes. That its telling of our history is understood and learned. That we leave a lasting legacy. [...] This cannot be a flash in the pan or just a moment in time. We must continue to listen and learn from First Peoples.’

Chair of the Yoorrook Justice Commission, Professor Eleanor Bourke, remarked on the hearing’s unprecedented nature ‘in the 236 years of colonial rule in Australia’. It was, Professor Bourke noted, ‘an historic moment that I hope everybody who has been present today will remember.’

She also emphasised the urgency of effecting systemic change:

‘Premier, as we move forward we must move beyond words [...] Implementation of the recommendations articulated by First Peoples and, indeed, by the Commission are urgent. We do not want to be talking about [the] failure of this Commission in thirty years’ time. Your evidence must become, and lead to, real change for our people.

Truth-telling is about including our voices about the history of these lands on the public record. [...] All Victorians can work together to right the wrongs of the past and build a better and richer future for all Victorians. Premier, I thank you for appearing before Yoorrook today. Your words will live on in the public record for generations to come. When you leave here today, I ask you to live up to your words with your actions.’

**IT'S PRETTY HARD TO
PREACH THE GOSPEL WITH
INTEGRITY ON STOLEN LAND.**

THE RIGHT REVEREND DR RICHARD TRELOAR

The Right Reverend Dr Richard Treloar, Anglican Bishop of the Diocese of Gippsland, appeared before the Yoorrook Justice Commission on behalf of the Anglican Church, along with representatives from the Catholic and Uniting churches, during the last of four weeks of hearings on Land, Sky and Waters. Also representing the Anglican Church was Bishop Genieve Blackwell of the Anglican Diocese of Melbourne.

Bishop Treloar testified to the Anglican Church's complicity in the dispossession, removal and attempted assimilation of First Peoples in Victoria. He acknowledged a link between protectionist government policies and the assimilationist tactics of religious institutions—and, critically, discussed the Anglican Church's acquisition of land, agreeing that their holdings far outstripped any of those of First Nations Traditional Owners.



Hearing details

Date: 1 May 2024

Focus area: Land, Sky
and Waters

Location: Yoorrook Hearing
Room, Wurundjeri Country,
Collingwood

The Right Reverend Dr Richard Treloar is the thirteenth Bishop of Gippsland. Richard took up the study of theology in 1988 as a candidate for the Diocese of Ballarat at Trinity College, the University of Melbourne, where he would later return as College Chaplain and Stewart Lecturer in Theology (1998–2007). In 2018 Richard was elected, consecrated, and installed as the thirteenth Bishop of Gippsland. His PhD in Hebrew biblical narrative was awarded by Monash University and published in 2008.

In his opening statement, the Right Reverend Dr Treloar stated that his diocese—Gippsland—was one of four signatories of a joint written submission along with the dioceses of Melbourne, Bendigo and Wangaratta. A fifth diocese, Ballarat, made a separate submission. Bishop Treloar explained that the five dioceses comprising the ‘Anglican province of Victoria’ were ‘autonomous [and] interdependent’, and that he would speak ‘primarily for the Diocese of Gippsland’.

He outlined the historic injustices suffered by First Peoples; both as a direct result of the Church’s actions, and as a consequence of systemic racism and complicity.

‘Gippsland Anglicans lament that our colonial history includes atrocities committed against First Peoples and that some of those involved in these heinous but no longer unspeakable acts are likely to have identified with the Church of England. Of this terrible legacy we repent. The Anglican Church in Gippsland has been complicit in and has benefited from the dispossession and other harms caused by Victoria’s colonisation, predicated in part on the theologically repugnant and now repudiated Doctrine of Discovery and its outworking in the morally bankrupt ideology of terra nullius.

We recognise with sorrow that the forced relocation of First Peoples from Country to and from missions at Lake Tyers and Ramahyuck caused separation from family, language and culture and has led to intergenerational trauma. Gippsland Anglicans are committed to truth-telling as an essential condition of reconciliation as expressed in our diocesan vision. We are encouraged and challenged on this journey by the leadership of two Aboriginal priests who work in their communities mostly outside the church.’

Junior Counsel Assisting Timothy Goodwin SC quoted from the 1837 Select Committee of the United Kingdom Parliament report, established to inquire into Aboriginal peoples across the colonies in 1837. He then invited each of the Church’s representatives to reflect on the ‘genesis story’ of Australia’s colonisation. ‘Given that that report was [produced] just as the first land grabs were occurring in Victoria, [...] as representatives of your churches, what [are] your reactions [...] to that attitude at the time of Christianising those populations?’

Bishop Treloar acknowledged both the language used and attitudes expressed in the report were ‘abhorrent’ and ‘reprehensible’. There was a clear relationship, he said, between the state’s protectionist and assimilationist policies and the church’s desire to Christianise Aboriginal populations. He described the ‘nexus’ between ‘a protectionist ideology such as [that] reflected in other documents and the [...] missionary evangelical zeal of the missionary societies and the desire to promote the gospel’.

Referring to the report quoted by Mr Goodwin SC, Bishop Treloar noted that ‘part of what that Select Committee recommended [...] was that there be greater government intervention in terms of [Aboriginal] reserves for agriculture and mission work’. The churches, in turn, responded to this recommendation by sending missionaries. It was, he said, a ‘fundamentally flawed’ enterprise ‘built on completely erroneous premises’, whose complex legacy continues to be felt today.

‘I was deeply, deeply moved by the testimony of Uncle Jim Berg and Uncle Robbie Thorpe at a [Yoorrook] hearing in late March [...] Jim Berg reflected on this irony of [...] a protective ideology in terms of those reserves and missions coexisting with this loss of identity and language, and lore and kinship in precisely that context.

So there is this [...] protection going on at one level and cultural genocide at another level and these two things are [...] coexisting. [...] It is a really debilitating paradox, I think, for us to come to grips with. And there is no question that [...] our church partnered with the colonial government to implement policies and practices that were and continue to be profoundly harmful to First Nations people in Victoria, partly in response to reports like this and the [...] evangelical opportunities that they extended to the churches [...] Those policies were grounded in a deep-seated and pervasive racism from which our church is far from immune.’

‘THERE IS NO QUESTION THAT [...] OUR CHURCH PARTNERED WITH THE COLONIAL GOVERNMENT TO IMPLEMENT POLICIES AND PRACTICES THAT WERE AND CONTINUE TO BE PROFOUNDLY HARMFUL TO FIRST NATIONS PEOPLE IN VICTORIA.’

**‘THERE IS NO ESCAPING
THE FACT THAT THE
SYSTEM ITSELF [...] WAS
IRREDEEMABLY BROKEN;
THAT IT IS CONCEIVED
ON A PREMISE THAT WAS
FUNDAMENTALLY FLAWED.’**

To date, said Commissioner Lovett, more than one witness had ‘observed that the missions and reserves system marked the beginning of Aboriginal deaths in custody’ in their statements to Yoorrook. ‘Regrettably, I can only agree with that,’ answered Bishop Treloar, adding:

‘Whatever else they were, or were intended to be, they were places of confinement, incarceration. I think Uncle Jim Berg spoke of being a prisoner, a refugee on his own Country. Uncle Robbie Thorpe spoke of protracted and ongoing genocide. These are very, very hard truths for us. [...]

There is no escaping the fact that the system itself [...] was irredeemably broken; that it is conceived on a premise that was fundamentally flawed, built on stolen land and what Henry Reynolds called “the original sin of Australia’s colonisation”—namely a complete disregard for the rights of the Indigenous population and acting without consent [...] It is pretty hard to preach the gospel on stolen land.’

Later, Mr Goodwin SC turned to the question of land acquisition. The Anglican Church’s property trust, he said, holds ‘an estimated 260.05 hectares of land in Victoria, which is estimated to be worth approximately \$1.49 billion’. He pointed to the disparity between the ‘treatment of churches and First Peoples’ where land is concerned: ‘The information before the Commission is that under Native Title and Traditional Owner Settlement Act settlements, [...] there would not be a First Nations Traditional Owner group that has such land and to that value [\$1.49 billion].’

Bishop Treloar agreed. ‘There is no question that there is an incredible disparity of land injustice [and] land justice outcomes between the Anglican Church and First Nations Victorians.’ Mr Goodwin SC then pointed to profits from land sales, which, over the preceding decade,

had reached almost \$68 million. Asked whether the Church had a practice of allocating any moneys from land sales ‘for either Traditional Owners or Aboriginal Victorians more generally’, Bishop Treloar said a small figure was set aside for ‘Aboriginal Ministry’:

‘[Speaking] on behalf of the diocese of Gippsland, we have a policy that from all land sales in the diocese, whatever their provenance, 1.5 per cent is set aside for Aboriginal Ministry, and by ‘Ministry’ here I’m alluding to the two Aboriginal priests I mentioned in my opening comments. I am talking about more than religious activities. This [...] includes outreach to the community through rites of passage in times of grief and crisis, material support referrals, pastoral care and school and agency governance. One point five per cent is a woefully inadequate figure, and I want to acknowledge that, and I want to acknowledge that land injustice causes systemic disadvantage and legacy trauma.’

He added that it was his ‘sincere hope’ that this figure would be increased in coming years.

Commissioner Lovett recognised the Bishop’s ‘transparency’, noting that of the three churches represented at the time of the public hearing, only the Anglican Church had provided detail on total land value.

As the hearing wound down, Commissioner North remarked on what he perceived as a pattern among submissions on land. ‘We have heard, particularly from government, many statements of acceptance of the injustice of the past. And I treat those as having been genuine expressions,’ he said. ‘What was often lacking in the evidence of the State was any commitment to actions apart from policies and frameworks, and pieces of paper.’ He expressed disappointment about the ‘shattering silence’ when it came to meaningful redress, which he described as ‘really saddening’.

In closing, Commissioner Hunter quoted from Archie Roach’s song ‘Took the Children Away’. ‘Uncle Archie [...] took the pain and the hurt inflicted by the churches in his song to the world,’ she said. She asked the church representatives to reflect on the late singer-songwriter’s words:

*...they fenced us in like sheep.
And said to us come take our hand.
They set us up to mission land.
Taught us to read, to write and pray.
Then they took our children away.*

MY MOTHER FELT THE PAIN
OF DISCRIMINATION AND FELT
THE WEIGHT OF HATE, AND YET
MY MOTHER SURVIVED TO BE A
STRONG ABORIGINAL WOMAN. IT
IS BECAUSE OF HER I CAN. OUR
CULTURE IS ANCIENT, AND OUR
CULTURE IS STRONG, YET WE STILL
SUFFER THE WRONGS OF THE PAST.

AUNTY JILL GALLAGHER AO

Aunty Jill Gallagher, a Gunditjmara woman, is the current CEO of the Victorian Aboriginal Community Controlled Health Organisation (VACCHO) and the former Victorian Treaty Advancement Commissioner. Aunty Jill provided evidence to Yoorrook across a number of its inquiries into Child Protection, Criminal Justice, and Land, Sky and Waters. She spoke about the importance of Aboriginal Community Controlled Organisations and culture as a source of strength and connection.



VOORROOK TRUTH BE TOLD

Hearing details

Date: 6 December 2022,
28 March 2024, 27 May 2024

Focus area: Criminal
Justice; Child Protection;
Land, Sky and Waters

Location: Yoorrook's
Hearing Room, Wurundjeri
Country, Collingwood

A proud Gunditjmara woman, **Aunty Jill** is a respected Victorian Aboriginal leader and dedicated advocate for self-determination outcomes among the Victorian Aboriginal community. She has spent decades advancing Aboriginal health and wellbeing on behalf of VACCHO, including fourteen years as CEO. Aunty Jill was inducted into the Victorian Honour Roll of Women in 2009, awarded the Order of Australia in 2013, and inducted into the Victorian Aboriginal Honour Roll in 2015. In 2025, she was one of three recipients of La Trobe University's Distinguished Alumni Award for her advocacy for Aboriginal and Torres Strait Islander health and wellbeing. In 2018, Aunty Jill was appointed the Treaty Advancement Commissioner, and was responsible for delivering a report to Government on the framework for the Victoria's journey to Treaty, which led to the establishment of the First Peoples' Assembly of Victoria.

In her first appearance before Yoorrook, Aunty Jill gave evidence about the effects of systemic racism, the overrepresentation of Aboriginal children and young people in the out-of-home care system, and the long-term impacts of involvement with the child protection system.

'I believe the [criminal justice] system is riddled with racism; the system focuses on punishment and not rehabilitation; and the system needs to change,' she told the Commission.

Prompted to reflect on the genesis of this institutional racism, Aunty Jill said it could be traced back to the start of colonisation.

'The massacres that were committed on our people, the forced removal of our people from their traditional countries—that's all documented, that's not myth. [...] That's where the racism comes from. It stems from the very early colonial settlements and it still continues today.'

Aunty Jill identified a correlation between the out-of-home care and criminal justice systems and spoke about the capacity for Aboriginal-led programs to break this cycle.

'We all know that our children going into out-of-home care usually means those children, when they become adults, are going to go into the adult criminal system. That's pretty well documented. [...] What I believe should be happening in relation to children in out-of-home care is [...] apart from government's focusing also on stopping the kids from going into care, and our services focusing on stopping our kids from going into out-of-home care, the focus should be once the kid—if they are in care, and once they are in care, then the focus should be, how do we grow that child to become culturally strong in their identity, in their community, and know where they are from?'

‘WE HAD OUR LORE; OUR OWN LORE PEOPLE. WE HAD OUR OWN SOCIAL STRUCTURES. WE HAD OUR OWN ELDERS AND KNOWLEDGE-KEEPERS.’

Aunty Jill also gave evidence during the Commission’s hearings into Land, Sky and Waters in March 2024. During this appearance, she highlighted the pervasive and enduring legacy of colonisation, and the ways in which its impacts continue to reverberate today.

‘Aboriginal people cared for this land for 65,000 years plus, and we did have our own ways of knowing, our own ways of being, and our own ways of doing.

We had our lore; our own lore people. We had our own social structures. We had our own Elders and knowledge-keepers. We had all this prior to contact. We also spoke fluently many languages. We farmed the lands. And there is loads of evidence that suggests that. We farmed the lands through agriculture, harvesting seeds and fire farming. Our people did all that. We had our own doctors, our own healers. We had our own medicines, and we cared for our communities. [...]

But then something catastrophic happened to our communities [...] colonisation began. It was catastrophic.

And those who survived the first contacts bore the brunt of the colonial expansion and the cultural arrogance and racism that went with it. There was a wave of massacres. You can’t deny that. It is in the history books. Our lands were stolen. No one can deny that. It is in the history books. Our culture was suppressed. Our languages were forbidden. Our women raped. And our families torn apart. That’s fact. It’s not fiction. [...]

**‘THOSE WHO SURVIVED
THE FIRST CONTACTS
BORE THE BRUNT OF THE
COLONIAL EXPANSION AND
THE CULTURAL ARROGANCE
AND RACISM THAT
WENT WITH IT. ’**

And I didn’t realise how much impact that had on our traditional structures and clan designs and how people fitted into the fabric of our way of knowing, being and doing. I didn’t realise that until I became the Treaty Advancement Commissioner and tried to design a Voice for Victoria. I didn’t realise the devastation that impacted on our traditional ways of knowing, being, doing in relation to our clan structures and how many of our clans actually survived. [...]

In Victoria, we do have a very rich and diverse Aboriginal cultural heritage [...] The stories that we can tell, and the gifts that we can give to all Victorians is amazing. People just don’t realise that.’

This cultural knowledge is vital, Aunty Jill maintained, for all Victorians—Aboriginal and non-Aboriginal alike. She expressed a desire for First Peoples’ histories and culture to be a source of pride and shared understanding.

‘I believe our cultures, both ancient and contemporary, can be our gift to the rest of the Victorian citizens. I’d love to say it could be our gift to the rest of the Australian citizens. It can be our gift to them when they go overseas. They can talk about their ancient culture. I would like to see little children, Aboriginal and non-Aboriginal, and both those children value their culture. So our culture is not just ours. It belongs to us all.

And I believe that’s what we could have here. We can have whitefellas, non-Aboriginal people valuing our culture, understanding our ancient and contemporary culture, [who] want to be a part of it. Wouldn’t it be amazing to invite my next-door neighbours to a corroboree or to a ceremony or to experience bush tucker or to hear the didgeridoo? [...] No one does that. But that’s what we can achieve out of this.’

**‘I BELIEVE OUR CULTURES,
BOTH ANCIENT AND
CONTEMPORARY, CAN BE
OUR GIFT TO THE REST OF
THE VICTORIAN CITIZENS.’**

**ONE OF THE ARTEFACTS OF
RACISM IN SCIENCE IS IF WE
DON'T LIKE WHAT WE MIGHT
BE TRYING TO INVESTIGATE,
WE DON'T INVEST IN IT.**

PROFESSOR RAYMOND LOVETT

Professor Raymond Lovett's evidence highlighted to Yoorrook the historical, long-term and continuing impact of racism on the health of Victoria's First Peoples. His testimony also demonstrated that current state policies are not adequately resourced to address these health inequities.

Professor Lovett is the Director of the Mayi Kuwayu National Study of Aboriginal and Torres Strait Islander Wellbeing, a landmark cohort study examining the relationship between Country, cultural practices, spirituality, language use and other factors.

At the time of Professor Lovett's testimony, the Mayi Kuwayu longitudinal study featured data from over 1,000 participants in Victoria. Given the size of this cohort, Professor Lovett's testimony made an important contribution to Yoorrook's evidence of the impact of systemic injustice facing First Peoples in Victoria.



Hearing details

Date: 28 May 2024

Focus area: Health

Location: Yoorrook Hearing Room, Wurundjeri Country, Collingwood

Professor Raymond Lovett

BN, RN, BHSc, MAE, PhD is an Aboriginal (Ngiyampaa/Wongaibon) epidemiologist with extensive experience in health services research, large scale data analysis for public health policy development and evaluation. He is the Associate Director of Culture and Wellbeing Research at the National Centre for Aboriginal and Torres Strait Islander Wellbeing Research in the National Centre for Epidemiology and Population Health, The Australian National University. He also holds an adjunct Fellowship at the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) in the Indigenous Social and Cultural Wellbeing group.

Professor Lovett is a Ngiyampaa/Wongaibon man from western New South Wales and an epidemiologist with expertise in social epidemiology, large-scale data analysis and public health policy. He is also the Director of the Mayi Kuwayu National Study of Aboriginal and Torres Strait Islander Wellbeing, which, to date, has collected data from 13,000 Aboriginal and Torres Strait Islander participants—over 1,000 of these from Victoria.

Commissioner Hunter remarked on the study's size, impressed by the extent of First Peoples' engagement. Professor Lovett agreed, noting that Mayi Kuwayu is 'the largest Indigenous cohort study I'm aware of—in a settler colonial nation, certainly—by a long shot'. He attributes this largely to 'mob conducting the research'; that is, the importance of Aboriginal-led, culturally safe research.

The study has worked to identify risk factors associated with poor health outcomes among First Peoples. They have also developed cultural wellbeing indicators to identify elements such as language revitalisation and connection to Country that can serve as buffers or protective factors.

Providing an overview of his work to the Commission, Professor Lovett explained that his 'primary research expertise is in settler colonial studies, including racism's impact on health and wellbeing of mob'. Additionally, he also investigates 'the protective and buffering effects of culture revival, maintenance and participation as a protective factor against racism and settler colonial determinants'.

Professor Lovett testified how structural racism has impacted contemporary public health policy and health outcomes for Aboriginal and Torres Strait Islander people. He identified two historic mechanisms that have led to health inequity between First Peoples and settlers: the 'protection' policies of the State of Victoria that removed Aboriginal people onto reserves and missions and then the 'assimilation' policies that were designed to absorb the Aboriginal population into the general community.

‘PEOPLE FEELING DISCONNECTED FROM CULTURE IS A DIRECT RESULT OF SETTLER COLONIAL PROCESS.’

‘You could argue that when we’re talking about protection as a policy, it was protection [...] of the non-Indigenous settlers’ way of life. [...] You do not protect people by rounding them up en masse. And if you don’t shoot them or murder them, you then transport them miles away from their homelands, put them in segregated communities [...]

And a lot of the justification for that process, which is around the missions and reserves, was based on racist ideology used to justify elimination or removal of Aboriginal and Torres Strait Islander people from their land. They were moved long distances from where their homelands were, segregated, legally not allowed to leave that segregated area, all on the basis [...] [of] racist ideology that Aboriginal people were not intellectually capable of making decisions for themselves.’

The Mayi Kuwayu study has identified both direct (*proximal*) and indirect (*distal*) risk factors in poor health outcomes for Aboriginal and Torres Strait Islander people. In the context of Mayi Kuwayu, explained Professor Lovett, ‘proximal settler colonial risk factors [are] [...] the things that have been experienced by Aboriginal and Torres Strait Islander people in more contemporary times’, whereas ‘the distal component means it’s been in generations above you’.

So, for instance, someone who has experienced forced relocation can be said to have experienced a direct settler colonial risk: ‘People feeling disconnected from culture is a direct result of settler colonial process.’ Their descendants can be said to have experienced an indirect settler colonial risk. Professor Lovett stated that some forty per cent of the study’s participants are ‘unable to identify their tribal heritage [...] [as] a byproduct of forced relocation and removal’.

Importantly, indirect risk factors such as intergenerational trauma had a significant impact on the health and wellbeing of First Peoples. ‘These are people who have not even experienced that historical risk factor but there is still that association there.’

Among those who reported exposure to any of the indirect factors, Professor Lovett said, there was a 'twenty per cent increase in reporting of poor general health, which is a universal globally accepted indicator of health measurement'. He also cited 'a thirty-three per cent higher level of reporting in low levels of life satisfaction—again, another global indicator—in that group'. These numbers increased dramatically with direct exposure.

The risk factors identified are not merely abstract, as Professor Lovett outlined:

'If we are looking at features of the settler colonial project and risk, then this is a morphing of that system because [...] the widely held view [...] is that Aboriginal and Torres Strait Islander people don't look after their kids. So any risk to what a healthy, well-adjusted child might be from birth, even in utero, is [...] scrutinised by these professions. And so you can imagine, if you've had your grandparents removed, your parents removed, the modelling of good parenting, that's also a settler colonial process. And then you're giving birth, you're worried about removal already, you've had limited opportunity through the education and employment systems, and [we] still expect that person to be a model parent when you've had all these distal exposures flowing right through to your contemporary life.'

The previous day's hearings had concluded with evidence pertaining to the Closing the Gap program. Launched in 2007, Closing the Gap is a national initiative launched 'to address discrepancies in decreased life expectancy and increased morbidity rates amongst Aboriginal and Torres Strait Islander peoples compared to non-Indigenous peoples'. At the time of the program's creation, Fiona McLeod SC noted, its aim was 'to create equity in those statistics by 2030'. She asked Professor Lovett for his perspective on 'the role that racism plays in health outcomes for Aboriginal and Torres Strait Islander peoples in this country'.

**'THE WIDELY HELD VIEW
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[...] SCRUTINISED.'**

**‘WE NEED TO DEAL WITH
THE UNDERLYING ISSUE
THAT STOPS US FROM
INVESTING IN EQUITY,
WHICH IS RACISM.’**

Professor Lovett said that while the fundamental premise of Closing the Gap ‘in terms of creating equity of outcomes’ was valuable, the program was flawed and significantly under-funded.

The ‘standard for outcomes’, as he saw it, was ‘Aboriginal and Torres Strait Islander people to be brought up to the standard of non-Indigenous people’. This assumption of ‘non-Indigenous people as the standard-bearer of normality’, he said, was an ‘incorrect’ place to start.

He elaborated on the problem of resource allocation:

‘If we think about what that means in terms of investment and resources allocated under the policy to create equity, there are only two things we can do. The first is to invest in programs and services that increase or accelerate outcomes for Aboriginal and Torres Strait Islander people at a faster rate than non-Indigenous people [...] or we make the health of the non-Indigenous population worse, which [...] is just an absurd proposition. [...]

When I look at resources allocated for Closing the Gap, I don’t see the magnitude of investment at what is currently recommended by the evidence at three to six times the rate of the non-Indigenous rate in any policy setting [...] We are not seeing that investment, even though we have had those recommendations for the last twenty years [...] Until we see that investment change, I’m afraid we won’t see closing of gaps or inequity reduced [...] And there’s this notion that, you know, Indigenous peoples might be getting something additional that non-Indigenous people don’t in this country, and that’s founded in notions of racism, where we conflate equality, which is everyone being treated the same, with the policy imperative, which is equity.’

He added:

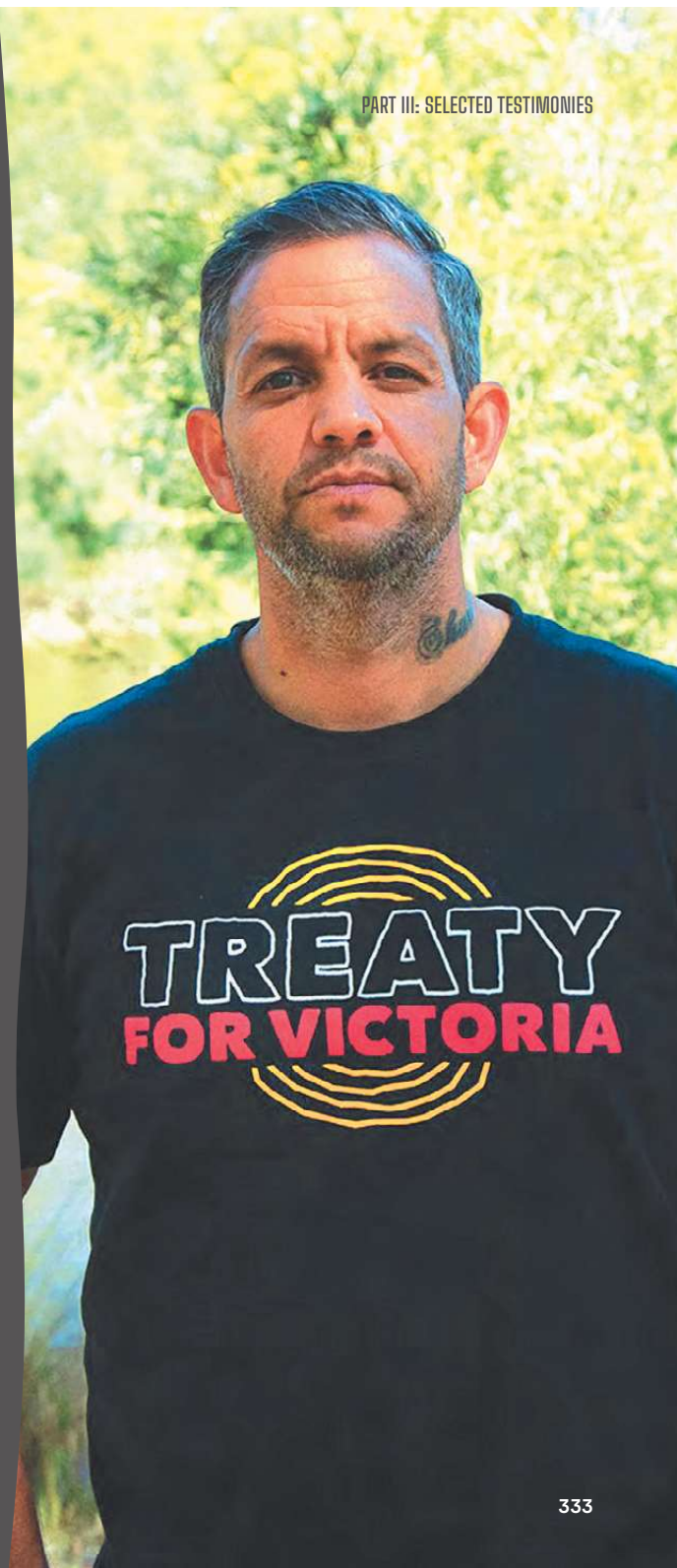
‘We need to deal with the underlying issue that stops us from investing in equity, which is racism. If we have to talk about racism and why we can’t invest or why we can’t create equity, we need to talk about settler colonisation and processes that have occurred over history but are also continuing, because settler colonisation is an ongoing project, as is racism.’

**ANYONE CAN TURN AROUND.
NO ONE IS EVER TOO FAR GONE.**

JARVIS ATKINSON

Jarvis Atkinson, a Yorta Yorta man from Shepparton, provided a video submission to the Yoorrook Justice Commission as part of its investigation into past and ongoing systemic injustice within the state's education system.

Jarvis spoke about how his educational experiences led to involvement with the criminal legal system. His evidence demonstrated the detrimental impact that failures of the Victorian education system can have on a young person's future.



Hearing details

Date: 4 June 2024

Focus area: General
Submission

Jarvis Atkinson is a proud Yorta Yorta man from Shepparton and Cummeragunja. Having spent time in the criminal justice system and overcome addiction, he now works with the First Peoples' Assembly to ensure that Aboriginal voices are heard and represented in shaping a better future. His journey has included roles in construction and cultural heritage, alongside studies and lived experience in Alcohol and Other Drugs (AOD). A proud father of three, he is committed to building bridges between communities, fostering understanding, and working towards meaningful change for both First Nations and non-Indigenous people.

Jarvis was about eight years old when his all-Aboriginal school on the outskirts of Shepparton closed down. He and his cousins transferred to a public school, and for the first time he became aware that he was different. He started encountering racism—particularly the soft racism of low expectations, which Jarvis described as 'passive'. Some teachers would humiliate him in front of his classmates if his attention slipped. 'It was a challenge for me every day just to get up and go to school because I felt like [...] I was looked down upon. I felt like I was a problem.'

In year eight, an act of retaliation after a teacher grabbed him around the neck and yelled in his face resulted in Jarvis's expulsion from the school. 'My whole life changed from that day,' he said.

Jarvis never went back to school. Instead, he found himself on a bleak path, turning to drugs, alcohol and crime. As an adult, he spent years between prison and homelessness, including sleeping rough on the streets of the Melbourne CBD. 'There was a period of time where I was homeless for eight years,' he told Yoorrook.

On one occasion after overdosing, he woke up in hospital with a name tag that read Unknown. 'It really just shocked me,' he said. The nurse told Jarvis he'd been found face-down on the train tracks at Flinders Street Station. 'And I remember thinking to myself, "I could die right now. I could actually die and my children wouldn't even know where I am."'

**‘AND I REMEMBER
THINKING TO MYSELF, “I
COULD DIE RIGHT NOW. I
COULD ACTUALLY DIE AND
MY CHILDREN WOULDN’T
EVEN KNOW WHERE I AM.”’**

Fortunately, his luck was about to turn at last. ‘I remember going and calling my mother, and [...] she said to me, um, we’ve got some exciting news for ya [...] We got some mail from Housing—you’ve got a house.’

By this time, Jarvis had been on the waitlist for housing for eight years. He recalls his hopefulness on moving into his new home:

‘I finally got this place and [...] I remember telling my kids [...] I finally got a place for us, you know, I’m gonna do the right thing now. [...] I had all these good intentions, you know, to do the right thing.’

The optimism was short-lived, however, as Jarvis continued to struggle with substance use. ‘I was still stuck in the system [...] I wasn’t just addicted to, like, ice and tablets and [...] alcohol and marijuana. Now, I had a heroin habit from being in the city.’

Without any support, he explained, the transition was a difficult one.

‘After eight years of being homeless, I didn’t really have much knowledge on how to—to maintain a home [...] I finally had my own house, but [...] I had no treatment. [...] It wasn’t long after I had this beautiful place, and we decked it out, and the kids were coming around and staying with me, and it wasn’t much longer where [...] the drugs took over that place [...] and I started opening my doors up to all the wrong people. [...] I ended up back down and out again [...] I felt guilt. I felt bad because I let my kids down again.’

Jarvis ended up back in custody after committing a serious crime. ‘I remember just sitting in there defeated [...] I was starting to accept that this is my life and it’s never gonna change,’ he told the Commission. ‘My fire was getting dimmer inside of me.’

A drug and alcohol worker from Odyssey House Victoria, a drug treatment centre that Jarvis had previously attended, visited him in the cells and encouraged him to give rehabilitation another shot.

**‘I WAS VERY [...] GRATEFUL
AND I’M VERY BLESSED TO
STILL HAVE—YOU KNOW,
MY CHILDREN BELIEVED
IN ME.’**

‘She said to me, “Do you remember when your son came and visited you? [It was] Christmastime [...] and in front of the foyer, they had [...] a wishing-tree; a prayer tree. And on that tree, the visitors that came at Christmastime could write a wish or a prayer and hang it on the tree. And my son wrote on a piece of paper, All’s I want is for my dad [...] to stay off the drugs forever. [...]’

She said, “Do you remember the wish your son made, the prayer your son made?” And it just broke me, you know, I just started crying. [...] It gave me the strength and lit that fire up in me to pick up the pen and sign the application to go back to Odyssey.’

He was accepted back into the program at Odyssey House. ‘I got bailed, and I went there, and I ended up doing three years in this program, and I completed it. I graduated. [...] I haven’t looked back since.’

He highlighted the critical importance of family support for people experiencing substance addiction, and credits his children with keeping him motivated.

‘A lot of people really didn’t have hope in me succeeding in life [...] I had family members that really thought I would never change, really thought that I would die the way I was living [...] I had fears that they were gonna bury me.

It’s so important [...] when, you know, someone, a family member [...] or a cousin or aunty or uncle that are going through it [...] never, never lose hope in them [...] Anyone is capable of turning it around. [...]

I was very [...] grateful and I’m very blessed to still have—you know, my children believed in me. They always believed in me [...] my kids believed that [...] I could change. [...] The love for my children really, really gave me the strength to [...] commit to my journey. [...]

Anyone can turn around. No one is ever too far gone. [...] I strongly believe that no one is ever too far gone.’

Jarvis would like to see changes to the education system to ensure First Peoples' children and young people can access safe and nurturing schools where they can learn and grow, safe in their culture and identity. 'I would really love to see [...] more support for the children and [...] more educated teachers in the system,' he says. '[We need] more genuine [...] teachers in the system that actually [...] want the best for our people.'

Spurred by his own experiences, Jarvis is committed to improving outcomes for his community. 'I've got a job to do, you know, for my people.'

He draws on his lived experience to engage with and support other vulnerable young Aboriginal men, including those currently incarcerated. It's a role he views as a privilege, and one he is only just beginning.

'Through the role I have now, you know, I'm able to [...] walk back through the prison doors [...] just by my journey and my story [...] I'm a leader to the brothers in prison. [...] They look up to me and [...] I help them to conceive [...] that there is hope and that there is a possibility of change.

I have so much of a desire and a passion after, you know, looking up to strong role models and leaders [...] [I wanted to] walk in [...] their footsteps, you know, fill their shoes. [...] I feel like I'm sort of just on the tip of it at the moment, just starting to take up and play my part in that. And, you know, I know I've got plenty more to do.'

**'I HAVE SO MUCH
OF A DESIRE AND A
PASSION AFTER, YOU
KNOW, LOOKING UP TO
STRONG ROLE MODELS
AND LEADERS'**

IF THERE IS A WORD [FOR]
BEYOND CRISIS, THAT
IS WHERE WE ARE AT.

NERITA WAIGHT

Nerita Waight, CEO of the Victorian Aboriginal Legal Service (VALS), gave evidence to the Yoorrook Justice Commission about the impact of family violence on Victoria's First Peoples. She appeared together with VALS Principal Managing Lawyer Juergen Kaehne, and Managing Lawyer Emily Yates.

Nerita's evidence offered powerful insights into the devastating impacts of family violence on First Peoples, both historical and ongoing. Her testimony also critiqued the Victorian Government's response to family violence which, she suggested, is informed by systemic racism.



Hearing details

Date: 13 June 2024

Focus area: Health

Location: Yoorrook Hearing Room, Wurundjeri Country, Collingwood

Nerita Waight is a Yorta Yorta and Narrandjeri woman with Taungurung connections. Nerita is currently the CEO of the Victorian Aboriginal Legal Service. Nerita has served on the Boards of several organisations including Elizabeth Morgan House, Bubup Wilam, and the Australia Community Support Organisation. Nerita is Co-Chair of Ngaweeyan Maaroo. Nerita was elected as a member of the First Peoples' Assembly of Victoria in 2023 and was elected by the Assembly as Treaty Co-Convenor.

Nerita began her testimony with an overview the historical injustices experienced specifically by Aboriginal women:

'There is pervasive silence to the history of sexual violence against Aboriginal women. Mass sexual abuse of Aboriginal women. Our lives were not valued. Rape and murder were very common on the frontier—the police were often very complicit in that. Many of our people were also killed by the brutal conditions of slavery in Australia. In parts of Australia, the colonialists enslaved and trafficked our people. Across our Country, our people, including children and young people, were forced into servitude and often not paid what was agreed to in the sham employment arrangements. The legal system enabled the British to enslave us and the police enforced that slavery.

Police were often directly involved in catching escapees from missions. They were directly involved in removing children from their families and enforcing our people to go to work in often very violent and sexually violent situations. The State was directly responsible for causing the Stolen Generations and the police enforced yet another violent policy on us. Since colonisation, Aboriginal people [have lived] within a structure of violence. Aboriginal women and children continue to experience a violent culture of misogyny that has existed since colonisation. The war continues. It just evolved.'

She then outlined the current family violence crisis facing Aboriginal women in Victoria.

'Aboriginal women are forty-five times more likely to experience family violence than non-Aboriginal women. Despite the Royal Commission into Family Violence held within the last ten years, the numbers of Aboriginal women and children experiencing family violence, including those who have been murdered, continues to escalate. And yet in Victoria, Aboriginal women are the fastest-growing prison demographic. A 2013 study of Victoria's female prisoners found eighty-seven per cent were victims of sexual, physical or emotional abuse with most having suffered abuse in multiple forms. [...]

The racialised nature of policing Aboriginal peoples and the intersection of [being negatively] racialised [and gendered] causes a unique form of violence that Aboriginal women experience every day, where their status as a genuine victim is devalued. As a result, they are often over-policed as people who use violence, but they are under-policed as [affected family members]. [...]

Our children are growing up seeing that their mother's life is not valued. Not by community, not by the State. That their safety as a family is not important. We know that a majority of Aboriginal women are partnered with non-Aboriginal men. You can then extrapolate, given the representation of Aboriginal women experiencing family violence, that the people harming them are non-Indigenous men. This is, therefore, a continuation of colonial violence towards women. [...] The underlying current remains that our lives do not matter and are not worthy of protection.'

**'ABORIGINAL WOMEN ARE
FORTY-FIVE TIMES MORE
LIKELY TO EXPERIENCE
FAMILY VIOLENCE THAN
NON-ABORIGINAL
WOMEN.'**

In order to tackle the family violence crisis, Nerita told the Commission, greater priority needed to be given to preventative Aboriginal-led services that address the underlying causes of violence. The current model had failed.

‘The family violence system in Victoria operates primarily as a reactive emergency measure, characterised by punitive measures towards people using violence at the end of the line rather than a proactive, preventive approach. We need to be focusing on the front-end and prioritise holistic services. [...]

There is a critical need for Aboriginal-led preventive, early help and specialist family violence intervention supports that are trauma-informed and therapeutic. This includes early access to legal supports as part of a holistic wraparound service system. While we recognise the significant investment following the Royal Commission into Family Violence, and the recent women’s safety summit, what plagues these investments is short-term funding or the critical and fundamental supports. You cannot address the scourge of family violence with [a] punitive response. You need to invest in supports and services that address the underlying reasons for violence and attitude towards women. This requires long-term, flexible funding allocated to [Aboriginal Community Controlled Organisations, or ACCOs] who can provide a specialist response.’

Nerita concluded her opening statement to Yoorrook with a passionate appeal to Aboriginal victims of family violence, and called upon the Victorian Government to do more to protect Aboriginal women and children.

**‘THERE IS A CRITICAL NEED
FOR ABORIGINAL-LED
PREVENTIVE, EARLY HELP
AND SPECIALIST FAMILY
VIOLENCE INTERVENTION
SUPPORTS THAT ARE
TRAUMA-INFORMED
AND THERAPEUTIC.’**

'Lastly, I want to speak directly to Aboriginal women who have been affected by family violence. We know that you have to be the heroes in your own lives far too often. When you reached out for help, the system didn't protect you. It didn't protect your children. When you told the police of what happened to you, or perhaps even showed them your injuries, you were belittled and not believed. You were turned away, told to go somewhere else. When you should have been offered sympathy and medical assistance, you were instead put in handcuffs. When you should have been protected, you were labelled the perpetrator and were criminalised and punished. When you should have access to safe housing and appropriate supports for you and your children, you were instead languishing in a cold concrete cell. When you should have been able to keep caring for your children in a place of safety, all of you impacted by violence, your children [were] taken from you. When you should have been offered culturally appropriate counselling and wellbeing services so that you had an opportunity to heal, you instead were forced to navigate system after re-traumatising system to try and get your children back. The system shouldn't be the one that seeks to harm you, but it should be one who acts as sword and shield. It should be one that embodies the spirit of the Lady of Justice. [...]

We also acknowledge so many women impacted by family violence who are not able to tell their stories because they are not here. The State took them from us—whether it's Heather Calgaret, Auntie Tanya Day or Veronica Nelson. We also want to acknowledge that it's hard, and we want you to reach out. We also know that as an ACCO sector we haven't been able to deliver the self-determined solutions that we want to, that you need us to, because the funding isn't there; because it's needed to build another prison. [...]

And lastly, I send a message to the Victorian Government and its agencies: don't come here and cry. Come here, tell your truth, and then go away and work to change the systems [and] institutions that harm our communities and our women. Understand that if you do that, you tell society that it is not okay to perpetrate violence against our women, because you will no longer do it. Take charge of changing systems so that government responses are protecting Aboriginal women and our children; that they recognise them as sacred and important; that you send a message to them that they matter—that they are safe.'

**'WE KNOW THAT YOU
HAVE TO BE THE HEROES
IN YOUR OWN LIVES FAR
TOO OFTEN. WHEN YOU
REACHED OUT FOR HELP,
THE SYSTEM DIDN'T
PROTECT YOU.'**

**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.**

DEPUTY PREMIER BEN CARROLL

The Hon Ben Carroll MP, Deputy Premier and Minister for Education, acknowledged the role of schools in perpetuating racism, stereotypes and false narratives of First Peoples' history.

The Deputy Premier apologised for the 'historical failings of the State's education system' and 'for the continuing and pervasive impacts that continue to be felt by First Peoples students' today.



Hearing details

Date: 14 June 2024

Focus area: Education

Location: Yoorrook Hearing Room, Wurundjeri Country, Collingwood

The Hon Ben Carroll MP

is the Deputy Premier of Victoria, Minister for Education and Minister for Medical Research. He has been a member of the Victorian Legislative Assembly for the division of Niddrie since 2012.

Testifying before Yoorrook, the Deputy Premier recognised the 'historical failings of the State's education system' and accepted that this historical negligence had an ongoing effect upon Aboriginal Victorians. 'I apologise unreservedly for these failings as well as for the continuing and pervasive impacts that continue to be felt by First Peoples students,' he said.

The Deputy Premier told Yoorrook that as he prepared to give evidence to the Commission, he became cognisant of the systemic privilege he had enjoyed as a student.

'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 am mindful that many things I took for granted growing up—a good education where I felt belonged, dedicated teachers and clear pathways to further my study—do not reflect the schooling experience of many First Nations peoples.'

Deputy Premier Carroll pointed to the problematic nature of historical state records, which, he said, contained 'observations based in ignorance, paternalism and unbridled racism'. Moreover, they were often dismissive of Aboriginal knowledge and approaches to learning. 'These accounts do not do justice to the complexity and holistic nature of First Peoples' education and knowledge systems.'

He also accepted that historically, the education system had been a vehicle of subjugation of and discrimination towards First Peoples.

'While equality of education has been described as the great equaliser, the history of this state is littered with examples where schools have been used as tools of segregation, exclusion and oppression of First Peoples. This can be seen in the relegation of First Peoples children and young people to industrial or reformatory schools from the 1890s and, in more recent times, through disproportionate use of disciplinary exclusion measures within schools.

Since colonisation, schools have played a significant role in reinforcing racist perceptions and stereotypes about First Peoples and perpetuating false narratives about colonial history. These ideas have had far-reaching and damning effects that continue to permeate society.'

The Deputy Premier accepted that racism is still prevalent in education and conceded that ‘in terms of soft bigotry [and] racism [...] we have got to do a lot more work’. He recognised the ongoing impacts of these injustices, including disparities between Aboriginal and non-Aboriginal people in educational engagement and achievements:

‘These effects can be seen in the racism that continues to be experienced by First Peoples students. I have reflected on the evidence provided to this Commission by Elders who have shared their education experiences and the impacts these have had on their lives with me. These experiences are not confined to distant history, but they continue to have implications for First Peoples lives today and they continue to affect First Peoples’ engagement with our education system. [...]

These impacts can be seen as disparities in engagement and achievement data on average between First Peoples students and other students in Victoria.’

The Deputy Premier stated that more needed to be done to improve education outcomes for First Peoples. In practical terms, he said, this included enhancing cultural safety for students, supporting self-determination, and increasing the numbers of First Peoples teachers.

‘First Peoples students feeling safe and connected at school is so important to improving their learning and wellbeing outcomes, including ensuring the inclusion of First Peoples students. And their cultural safety at schools is key focus of a work that we need to continue to do to improve education outcomes. [...]

Schools play a critical role in providing cultural safety and inclusion of First Peoples children, young people [and] families—both within school grounds, but also outside the school gate in the wider community.’

It was Deputy Premier Carroll’s view, he told the Commission, that the role of the State was to promote, and not hinder, the self-determination of Aboriginal Victorians.

‘Self-determination is a right. It cannot be given or granted by governments, but must be supported to be exercised by First Peoples. However, too often the actions of government are barriers to self-determination.’

‘THE HISTORY OF THIS STATE IS LITTERED WITH EXAMPLES WHERE SCHOOLS HAVE BEEN USED AS TOOLS OF SEGREGATION, EXCLUSION AND OPPRESSION OF FIRST PEOPLES.’

**WHITE KIDS DIDN'T
LIKE ME SIMPLY
BECAUSE I WAS BLACK.**

AUNTY NELLIE FLAGG

Aunty Nellie Flagg spoke about her work as a cultural educator for healthcare professionals—chiefly, new registrars—and the importance of Aboriginal-led and controlled health and welfare organisations in providing non-clinical, culturally safe spaces for First Peoples. She also recalled her childhood in Swan Hill, including the racism she experienced in school from fellow students.

