

Hearing details

Date: 14 June 2024

Focus area: Education

Location: Yoorrook Hearing Room, Wurundjeri Country, Collingwood

Aunty Nellie Flagg is a Wemba Wemba, Barapa Barapa, Dja Dja Wurrung, and Boonwurrung woman with over thirty-five years' experience working in a number of roles with Commonwealth and State governments and is the founding member of Wathaurong Aboriginal Co-operative in Geelong. Aunty Nellie Flagg is also a Cultural Educator with the Joint Colleges Training Services. In this role, she delivers cultural education to medical and health professionals.

Aunty Nellie began by introducing herself and her work. 'I'm a Taylor-Charles child,' she said—Wemba Wemba, Barapa Barapa, Dja Dja Wurrung, and Boonwurrung. 'I have lived on Wadawurrung Country, or Wathaurong Country, for over forty years.'

She has spent much of her career working for government agencies, advocating for First Peoples 'to have a voice and to have a say in their healing processes'. These days, she said, she was 'sort of retired', but continued to provide cultural training to healthcare professionals; a role she has enjoyed for over a decade.

Aunty Nellie was conflicted recalling her childhood in Swan Hill. On one hand, she said, 'living with my family and our community was one of the most wonderful experiences I ever had in my life'. On the other, however, was the fact of the 'racism that was embedded into society'. Beyond her family and community, 'there was a white world that we had to try to fit into', including an education that was deeply—if unofficially—segregated.

'White kids didn't like me simply because I was Black [...] They wouldn't play with me. They wouldn't talk to me. [At school,] basically, you had the white kids over that side and the Black kids over that side and that's how it was. We [...] wouldn't have very much interaction. [...]

The issue was that they didn't accept us for who we were. They thought we were dirty; lazy. I mean, you couldn't get more hard-working people if you tried [...] Our parents, our Aunties, our Uncles, our cousins, they would be gone, you know, five, six o'clock in the morning, out picking fruit [...] on the orchards.'

Once, she remembered, a white boy refused to take her hand during a dance class at school. Her brother, seeing what had happened, left his place at the other end of the room to dance with Aunty Nellie. 'What that did to me as a child told me that [...] I will never offer my hand to someone who does not deserve it. So I chose who I offered my hand to.' She described the anguish of this direct and overt racism:

'It was a reminder of what these kids were saying, you know, "You're black because you're dirty. You're black", you know, all the things that they were told by their parents or their grandparents and that's what they would think of you.'

She did not mention the incident to her parents or grandparents; aware, even as a young child, that 'they had too much worry of their own at that time in life'.

For the last ten years, Aunty Nellie has provided cultural awareness training to healthcare professionals.

'I do some work with doctors and that work entails working with new registrars [...] I provide them with cultural education through their journey, mostly the first two years [...] to ensure that [...] they have [an] understanding of our culture [...]. Our culture is built on respect and trust, and they must understand that. For them to help us through our medical journey, they need to understand what is required and for us to feel safe in telling them our story.'

In the course of work as a cultural educator, she said, she has been struck by the paltry and insufficient nature of the training provided to healthcare workers.

'Within the doctors' training, we will get to see them mostly in the first two years. Then after that, they get very little [formal cultural education]. [...] That is not enough. There's never enough cultural education being taught to people in professions such as GPs, psych and the rest.'

Counsel Assisting Sarala Fitzgerald SC asked Aunty Nellie about reform and the kinds of systemic changes required to better support Aboriginal Victorians 'based on [her] extensive work experience but also some very personal experiences of seeking help for people in [her] family'. In particular, Ms Fitzgerald SC mentioned Aunties' Places—grassroots, community-led spaces that focus on social and emotional wellbeing, typically for young people, in a non-clinical setting.

'It was an idea that was floated around in our community by [...] women,' Aunty Nellie said, 'who were seeing a lot of our young kids getting themselves [...] into different situations that could have been prevented if there was some sort of place that they could go and talk.' She noted the importance of a cultural—not medical—setting to which many First Peoples are accustomed, and which offers cultural safety. 'There was no structure like that out in a white world for us,' she said. She explained:

'When you want[ed] to go and talk to someone, it was usually an Aunty who was always around. You loved her, you knew her, you know you can go and talk to her about something and she would, you know, she would just sit down and listen to you, and then she would ask, "What do you want to do about this? What is happening with you?" And you would open up the conversation. And that's what we want in our healing spaces. We want a place where they can come and feel; where our community can come and sit down, feel safe and open up.'

**'WE WANT A PLACE
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**WE ARE NOT EMBRACED
AS A PEOPLE. WE ARE NOT
INCLUDED IN THE SYMBOLISM
OF NATIONHOOD.**

UNCLE PAUL BRIGGS OAM

Uncle Paul Briggs (Yorta Yorta) has devoted his career to Aboriginal community development. Among his many achievements was the establishment of the First Nations Credit Union and, later, the Kaiela Institute, a First Peoples think tank.

He provided evidence about the disparity between Aboriginal and non-Aboriginal people in terms of financial wellbeing, highlighting the need for financial inclusion and First Peoples-led organisations. He also discussed The Goulburn Murray Regional Prosperity Plan, launched by the Kaiela Institute in 2021, which aimed at creating hundreds of new jobs and building a skilled workforce to meet the area's future growth.

Uncle Paul testified as part of a First Peoples panel on economic prosperity along with Ian Hamm, Karen Milward and Associate Professor Michelle Evans.



Hearing details

Date: 24 June 2024

Focus area: Economic Prosperity

Location: Yoorrook Hearing Room, Wurundjeri Country, Collingwood

Uncle Paul Briggs OAM is a Yorta Yorta man based in Shepparton with a wealth of experience in Aboriginal community development. Uncle Paul has been at the forefront of Aboriginal peoples' rights and advancement since the early 1970s. His leadership saw the establishment of a number of critical institutions including the Victorian Aboriginal Community Controlled Health Organisation, the Victorian Indigenous Leadership Network and First Nations Australian Credit Union—the first Indigenous credit union offering national access to financial services. In 2005, Uncle Paul was the first Indigenous man to join the Council of the University of Melbourne in its 150-year history. He has received numerous honours, including in January 2024, when he was appointed an Officer of the Order of Australia for distinguished service to the Indigenous community, to social welfare through economic inclusion and reconciliation, and to sporting organisations.

Uncle Paul traced his interest in First Peoples' economic wellbeing to the mid-nineteenth century. 'My great-grandfather in 1877 was a part of a deputation of Moira and Ulupna men making deputations to the governor of New South Wales,' he told the Commission, following 'the theft and massacres that occurred along the Goulburn, along the Kialla and the Dunggula, the Murray River, along the streams.' Prior to these massacres, he explained:

'The economy that was working at the time [...] was a holistic approach to building life and wellbeing indicators that supported all of those tribes; all the Yorta Yorta nations people that were living along those rivers. [...]

At the time of my great grandfather we occupied, you know, 20,000 square kilometres of land that was seen to be Yorta Yorta Country. Today I think [we have] maybe 2,000 acres.'

This illegal appropriation of land, said Uncle Paul, was the beginning of 'the dispersal and the deconstruction of an economy that surrounds Yorta Yorta people'.

He has spent his career advocating for the economic wellbeing of First Peoples, and particularly the Yorta Yorta.

'In 1992, under the Victorian Aboriginal Economic Development Committee that I was chairing at the time, I hosted the first economic development conference at Marysville. Since that time, we have been working to try and find a way to inspire Indigenous peoples to engage in economic pursuits in our communities as opposed to being held on the rations that exist under the crisis management systems. That has been a difficult challenge for us. And I will refer briefly to just what happened in the referendum [...] up on Yorta Yorta Country, where there was almost a seventy-five per cent No vote against the rights of First Nations peoples. This underpins our ability to safely navigate the economy and the business opportunities.

The [Goulburn Murray Regional] Prosperity Plan that I talk to comes from the last—probably the last forty years, and the building of the First Nations Credit Union in 1999, and trying to drive people's awareness of the importance of the financial services sector for the future of First Nations peoples and to stimulate financial inclusion and financial literacy. We partnered with a financial services institution [...] We didn't have enough protection in that engagement, and [...] it didn't continue. But it showed that Aboriginal people were wanting to buy into the notion of ownership and of [...] an approach to financial services, and to engage in things like home ownership, et cetera.'

In 2006, the First Nations Foundation was established to further 'financial literacy and financial inclusion' among First Peoples.

Work towards Aboriginal prosperity has been incremental but steady, said Uncle Paul.

'I don't know if you can call it a slow burn, but it has been a while that we have been tackling this issue [...] Buying into the contracts within industry is a slow process around the addressing the ignorance, addressing the cultural safety, addressing the challenge that our people have of breaking through that barrier of systemic racism, and to build the skills to do it and to have the resources to back them up—to back ourselves up.'

As he found, however, unless organisations are 'tied to the advocacy of government or the support of government', financial inclusion efforts were often hampered by 'very limited' resources.

With this in mind, he founded the Kaiela Institute in 2010. 'We can't invest all our leadership in the crisis management sector,' he said. 'We have got to think this stuff through [...] How do we disentangle ourselves from the bureaucracy and disentangle ourselves from being locked into the rations that government have provided over the last 200 years?'

Among the Kaiela Institute's recent projects is the Goulburn Murray Regional Prosperity Plan. Launched in 2021, it is a 'rights-based plan' to build 'gross regional product' (GRP) for First Peoples in the economy with the aim of achieving parity between Aboriginal and non-Aboriginal populations.

The Goulburn Murray region is renowned for its fertile soil, and is home to several regional centres—and Victoria's largest irrigation system. Yet little of the wealth and value generated by the region flows through to its First People, Uncle Paul told Yoorrook. 'There is a regional GRP there [...] that Yorta Yorta people don't see.'

As he explained, the Prosperity Plan is underpinned by the belief 'that Yorta Yorta people have a right to an economy, that we have a right to an economy that is similar to the economy that we had, and the quality of life that we had, prior to invasion.'

The plan would benefit not only First Peoples, but the entire region, with an anticipated '\$150 million of increased productivity' in the Goulburn Murray district. 'It is a win/win,' said Uncle Paul.

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The Kaiela Institute sought buy-in from local, state and federal governments in addition to relevant industry members.

‘We [...] asked KPMG Australia to work with us to develop a plan that would help us drive that productivity dividend, and over the last five years we have worked with industry, we have worked with local government, we have worked with the leadership of the Goulburn Murray and with Indigenous communities, with Yorta Yorta people, to develop a plan that would see us integrated—not assimilated, but integrated into the regional economy, and driving our levels of self-independence at a family-based level and having those wellbeing indicators, that is commensurate with enjoying life.’

There was an inherent and cruel irony, suggested Uncle Paul, in First Peoples historically having been put to work in extractive or agricultural industries while being divested of any opportunity to profit from their labour or their deep knowledge of the land.

‘We have been in entry-level jobs for as long as I can remember and we were used to grow the region’s economy, the fruit economy, the clearing of the land [...]

Our value [...] in this space is not afforded because we [...] are not embraced as a people. We are not included in the symbolism of nationhood. [...]

That is where we need [...] some really challenging thinking about, “Well, how do we shift this?” We have worked pretty hard over the last maybe thirty, forty years, and we have seen incremental moves in educational attainment and average incomes in our region, home ownership in our region. So we are working as a community really, really hard in a space where people don’t value who you are. We are slowly grinding outcomes. But it needs the weight of Commonwealth, State and private sector to get behind regions [...] and take it seriously about what the next fifteen to twenty-five years might look like for First Nations peoples.’

**‘WE [...] ARE NOT
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NATIONHOOD.’**

According to Uncle Paul, First Peoples continue to participate in an economy fundamentally built to exclude them—and one that is uncompromising in its demands of assimilation. ‘We are not assimilating,’ he declared. ‘We are protecting our cultural integrity and we are looking for the region to respond to that and we are looking for the State of Victoria to respond to that.’

For Aboriginal Victorians, the challenges of economic wellbeing and prosperity are not merely financial, but existential, as he observed.

‘We are still in that same position of asking permission [...] because we haven’t established our rights, and I think that is really a critical part of what underpins an economic recovery. And the recovery of the sustainability of First Nations peoples is that acknowledgement of rights, and they are things not to be feared and afraid of.

And it is the way we bring it into curriculum in schools, it is the way we educate [...] the society we are living in, it is how we get welcomed from 1939 and embraced by the community that we are walking into. That hasn’t happened, and we are still waiting for that to happen.’

In closing, Junior Counsel Tim Goodwin SC asked about First Peoples’ potential economic prospects in the context of the Treaty process. ‘I think that a critical component of a sensible Treaty outcome is to establish the rights to an economy in your region,’ Uncle Paul replied. He continued:

‘That [Treaty] is recognising that, you know, we are the First Nations peoples; we have lived on our Country for many thousands of years; we are still there. We don’t experience the productivity of our Country in the same way that non-Aboriginal people do, and we have lost access to 99.9 per cent of it [...]

We have been demonised and devalued in the journey, so we have to reframe the value proposition and that can only be done through a rights-based approach along with a human rights attitude to the future of First Nations [...] peoples.’

‘THE RECOVERY OF THE SUSTAINABILITY OF FIRST NATIONS PEOPLES IS THAT ACKNOWLEDGEMENT OF RIGHTS, AND THEY ARE THINGS NOT TO BE FEARED AND AFRAID OF.’

**I WON'T BE SILENCED TO MAKE
YOU FEEL MORE COMFORTABLE
ABOUT YOURSELF. I'M THE
VOICE OF THESE CHILDREN.**

DAMIEN MURRAY

Damien Murray gave evidence to Yoorrook in a one-on-one interview. He spoke about his experiences as an Aboriginal adoptee placed with a white family; his struggles to locate his birth father and learn more about his own culture and language; finding a place within the LGBTQIA+ community; and his work today with the Victorian Aboriginal Child and Community Agency (VACCA) supporting children in out-of-home care.

This extract focuses on his experience in out-of-home care and the impact this has had on his life.



Hearing details

Date: 22 October 2024

Focus area: General
Submission

Damien Murray was born on the lands of the Yorta Yorta and was subject to adoption laws in the early 1970s. Through telling his story, he wants to raise awareness about the plight of what happened to Aboriginal children who were subjected to adoption.

'My name's Damien Murray. I would like to tell you who my mob are, but, unfortunately I can't, which is one of the reasons I'm here today.' This was how Damien's evidence to Yoorrook began.

'I was born [...] on Yorta Yorta Country in Shepparton. My mother lived in Echuca, and she's non-Aboriginal. And, yeah, she gave birth to me in 1973 [...] She did try to find me when I was thirteen. But I wasn't ready at that point [...] She left a letter for me and I did reconnect with her a few years later.'

He expressed admiration for his mother, who was estranged from her family after refusing to terminate her pregnancy.

'Falling pregnant as a white woman to an Aboriginal male was—you know, [in] 1972, '73, [it] was, oh my gosh, just the shame [...] I think there was probably so much pressure on her even before I came into this world to get rid of me, and I'm so thankful that she had the strength and the courage and determination to do what she wanted as a young sixteen-, seventeen-year-old woman.'

Following his birth, Damien's mother moved to Ballarat, where they lived in the Eureka Caravan Park. 'She did everything she could [...] living in a caravan park with a newborn child with no support from her mother and father.' In time, she began a new relationship and gave birth to a second child. Damien remains sympathetic to the challenges and isolation his mother experienced during this period.

'I imagine probably the welfare services probably got involved with her, and I do know that there was discussions with her and the department about adoption, and I imagine they probably were persuading her that it was probably the better option [to] [...] put me up for adoption. And, you know, she got another newborn, you know, and a three-year-old in the caravan. No family supports. I mean, what are her options? That poor woman. [...] What was she going to do to keep us all alive? [...] I always acknowledge her strength and resilience for those years that she managed to survive with me—a toddler—and a newborn.'

His early recollections of out-of-home care after being put up for adoption are foggy, but he has 'a very vague memory of being told by some adults to behave myself [...] because there were people coming that might take me.'

He was swiftly adopted by a white family with several other children. No one explained what was happening.

‘I never bonded with that family because [...] they frightened me from—from the very beginning and I was never able to attach myself to them. [...] I think she was forty-seven. He was in his early fifties. They weren’t parents to me. [...] They were like grandparents.’

Shortly thereafter, Damien recalled ‘being taken to the courts to have my name changed’. This episode, too, left him bewildered.

‘I remember that it was drummed into me that if you get asked what you’re doing here, you tell them you’re getting your name changed to Damien Frederick Murray. And I do remember the judge asking me if I knew why I was [there], and I remember saying exactly what I was told to say. And I remember [...] the judge, or whatever he was, seemed to be really impressed that I knew exactly why I was there. [...] I was just confused. [...] I didn’t know who I was. I didn’t know why my name was being changed. I didn’t understand.’

Divested of his name, cultural identity, and relationship with his birth mother, Damien had already experienced profound loss. This was compounded by the rules and routines of his new family home, in which the children were expected to perform an ‘unreasonable’ amount of domestic labour—including helping their adoptive parents with their own cleaning jobs at the Commonwealth Bank.

‘My daily tasks were to hang the washing out, iron, peel potatoes, weed the gardens, pick up all the bones, clean the gutters out. [...] You couldn’t go out and play with the other kids because you had to do the housework. You had to do the vacuuming. You had to polish things. It was just non-stop. [...]

[I was] literally exhausted. [...] More often than not, at least two or three days out of every week, sometimes maybe three or four, we’d get woken up at 4 am [...] by him, my adoptive father, because [...] they used to clean the Commonwealth Bank. [...] Because even though he was a mechanic, he was working two jobs, and that other job was he was a cleaner at the Commonwealth Bank. And mum used to clean [...] it as well occasionally, and she’d—she’d also do other things like Avon and whatever, cleaning other people’s houses, which we’d have to go with her and do that too.’

**‘I NEVER BONDED WITH
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The only respite from labour were the dance classes in which Damien's adoptive mother enrolled him and his siblings. He was a natural and skilled performer who 'loved dancing'. Eventually he would participate in competitions and even '[bring] in money'—but from the outset, 'it was a great escape. It was time away from the house'.

He estimates that he was about four years old when his adoptive father—'an evil, savage man'—began sexually abusing him. Though Damien was too young to understand what was happening, he recalls the horror of the first incident, which marked the beginning of a three-year period of sustained abuse. 'I just wanted to die,' he told the Commission. 'I just wanted to die because I didn't know what he was doing.' He described how his adoptive father would deliberately isolate him in order to molest him away from the house.

'He used his access [...] [as the bank's cleaner] to have complete free reign [...] over what he was doing to me [...] He, more often than not, used to wake me and [my adopted brother], and take us both to the bank. [...] All I ever wanted to do was just to get away from that family as quickly as I possibly could. Even as a six-seven-year-old, I just knew [...] I always thought I was going to die. I thought, "One day he's going to kill me".'

**'IT WAS A GREAT
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Damien's adoptive mother was a 'bully' who 'could be just as vicious as [his father]'. He offered a chilling example of the 'psychological torment' he was subjected to for a minor infraction.

'I don't know what I'd done. It didn't take much to upset my mum. [...] She was so angry with me that [...] [after] everybody had gone to bed [...] she came in and dragged me out of my bed. And I didn't know what the hell was going on. [...] I remember [...] her saying to me, "I've just about had fucking enough of you." And she gave me a hard slap across the face, and I went to cry, and she put her hand over my mouth, and then she opened the back door and dragged me out the back into the dark. [...]

And there was [...] a small door that went [...] under our house, and that's where the dog used to sleep. And I remember she dragged me to that door and I remember [...] her saying, "You keep it up and you'll never come out of here", and she threw me under the house. I thought it was a joke. [...] Before she closed the door, and she grabbed me. I remember her hands. I remember what it felt like. She [...] pinched my mouth so that I couldn't speak [...] I was in under that house, and [...] I didn't know what to do. I was petrified. It was so cold.'

After being forced to remain under the house overnight, Damien was eventually permitted to come inside when a welfare worker visited the house to enquire after his wellbeing. It was only then, Damien told the Commission, that his adoptive mother 'got me back out from under the house and put me in my bedroom'.

‘I THINK NOW, AS AN ADULT, THAT THE TRAUMA WITHIN ME [...] STARTED TO PERMEATE ALL THE WAY THROUGH MY BODY AND MY BRAIN.’

The cumulative trauma caused him to ‘[go] into a bit of a shell’, he said. Dancing, which had always been a source of joy, became impossible.

‘I think now, as an adult, that the trauma within me [...] started to permeate all the way through my body and my brain [...] There was too much going on in my brain for me to retain and remember my steps. And it was so frustrating, because [...] it used to be so natural to me [...] And that was kind of the beginning of the end of my dancing, because I’d lost it.’

Damien recalls the sense of liberation he felt upon discovering his sexuality around age thirteen. While still at school, he began a part-time job in a Dandenong hair salon, ‘trying to find where I fit in in the world’. He left school and developed a relationship with an older man, moving in with him for a time. He returned home and began a hairdressing apprenticeship, but soon ‘upped and left’ again, quitting his apprenticeship to take up sex work.

It was a ‘chaotic’ time of brief relationships, couch-surfing and, eventually, substance abuse. His addiction reached a crisis point when he landed in the Alfred Hospital. ‘They didn’t know what was going on with me and my bloods were all over the shop. They thought I had some rare tropical disease,’ he said. He made the ‘really difficult decision’ to leave Melbourne. If he hadn’t, he realised, ‘This was going to be my life until I died, and I didn’t want that.’

Having never experienced any connection to Country, culture or language, Damien had always felt a sense of dislocation. Following a decision to move to Darwin in 2005, he established relationships with other First Peoples for the first time and, importantly, a connection with the Tiwi Island sistergirl and gay men’s community, which was revelatory.

Damien secured a part-time position with the Northern Territory AIDS and Hepatitis Council. ‘That’s when my life became about not only surviving for me, but actually working for my community,’ he said.

'That's the first time I'd ever become connected to Aboriginal people, because being put into an adopted home [...] I'd completely detached from my community here in Melbourne. [...]

It made me feel that [...] there was a purpose [...] it really is the first time that I had a job where I was doing something for other people. And it was the most meaningful thing that I could ever have done. [...] All I wanted to do was to make sure that these beautiful people I was coming into contact with didn't go on that journey that I was on. Because it was all about harm minimisation and diverting them away from risky behaviours [...] that I'd engaged in.'

Today, he works with VACCA in Melbourne, where he has been Team Leader of the Northern Cultural Program for the past five years. Part of his role involves 'delivering sessions and workshops to child protection practitioners, to their practice leaders' about cultural planning and safety.

Now in his 'thirty-seventh year of trying to find my father, family and cultural identity', he says he is 'passionate' about ensuring children and young people in out-of-home care do not experience the same loss of connection to culture that he did.

'I know how important it is. No Aboriginal kids today are going to get lost and go on the journey that I'm on while I'm around [...] because I hold people accountable [...] We need to know everything that's going on with our children. [...]

That's why I'm here, to make sure this [story] is captured so that we know what can happen to children [...] We've got to make sure that, Aboriginal people, we've got oversight, and that we've got an ongoing connection with those children until they become adults. We've got to do something to keep them safe.'

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**TROPHIES COLLECT DUST.
WHAT FULFILLS ME IS
HELPING TO GIVE THESE
KIDS OPPORTUNITIES.**

UNCLE RICKY BALDWIN

Gunai Kurnai man Uncle Ricky Baldwin provided a video submission to the Yoorrook Justice Commission. His mother was a member of the Stolen Generations, and Ricky experienced first-hand the resulting intergenerational trauma. He shared his story about his troubled early years, personal growth and transformation.

He now dedicates himself to supporting young First Peoples through cultural activities and basketball.



Hearing details

Date: 29 October 2024

Focus area: General
Submission

Uncle Ricky Baldwin has been a professional athlete in the Knox Raiders NBL1, a member of the 1991 National Championship Team and was selected into the Hall of Fame Team in 2011. From 2017 to 2020 he was Vice President of Australian Indigenous Basketball, and in 2019 he was the Head Coach of the Australian Indigenous Women's Basketball team, who won the first Gold Medal for Indigenous Basketball at an international competition. Ricky is the founder of Koorie Academy Basketball, a non-profit organisation that delivers programs that engage with and empower young Aboriginal and Torres Strait Islander people through basketball and cultural activities. In 2023 he was awarded Citizen of the Year by Knox City Council as well as a Fellowship for Indigenous Leadership. In 2024 he was recognised as a NAIDOC Victorian Elder of the Year.

'Australia has blood on its hands when it comes to [the] Victorian Aboriginal community,' Uncle Ricky Baldwin told Yoorrook. He said truth-telling was a critical element of holding 'Australia accountable for the colonisation and the wrongs of the past', and coming to terms with our collective history.

'You know, it really astonishes me down on my Gunai Country, how they can acknowledge someone like Angus McMillan. They've built these big pods. He [...] raped, beat, butchered my people, killed my people. But they make these pods about him everywhere. But if you touch those pods, you can be sent to prison.

Australia will celebrate that, but they're not celebrating my people enough with all the [...] wonderful things we've achieved and overcome.'

Ricky's mother was a survivor of the Stolen Generations, and he recounted how the lasting trauma damaged their relationship. 'I didn't have that loving connection [...] because my mum didn't really know how to be that loving mother.'

As a child, he told the Commission, he was physically and sexually abused.

'We opened our house up. We were like a hostel, we had [...] a lot of young Aboriginal men stay with us, troubled Aboriginal men. [...] I was on the receiving end when my parents went out. I used to get raped and beaten.'

As a result of these experiences, Ricky got into 'a lot of trouble with the law'. His own anguish was transmuted into rage, which, in turn, became physical. 'The anger with me started to—to build inside [...] I learned how to fight. And I got in a lot of trouble. [...] I was so angry,' he recalled. 'I would erupt like a volcano.' As a young teenager, 'I got in that many street fights. I was locked up by police. Can't tell you how many times I was locked up.'

Growing up, he'd been passionate about basketball. He played at a high level, even winning a national championship. But his career ended at the age of twenty-one when he got into trouble with the law.

He began to transform his life with the help of a psychologist who told him, 'You need to understand you're not born angry. You became angry as a protective measure because what happened to you shouldn't happen to young [...] boys,' he said. It was a turning point for him—'a weight lifted off my shoulders'.

Later, Ricky became a highly successful basketball coach. In 2019, he was Head Coach of the Australian Indigenous Women's Basketball team, who went on to win gold at the inaugural International Indigenous Basketball and Cultural Tournament.

He then turned his focus to working with First Peoples in Victoria. He started Koorie Academy in 2020 to overcome some of the obstacles encountered by First Peoples players, including being overlooked by the mainstream; and to provide a culturally safe environment for young people. His camps allow students to develop their skills while connecting to culture and communities.

It was, Ricky said, 'probably the most rewarding thing I've ever done'.

Reflecting on his journey, he highlighted the importance of remaining non-judgemental and supportive of those dealing with trauma and other challenges.

'I always go back to my childhood; what I've overcome. You know, what I've learned is [...] don't judge [...] I hid everything from everyone, you know—I felt disgusting. None of my friends knew [...] what happened to me and I didn't want anyone to know. But, you know, doing that self-help on myself, I now know that I'm strong enough to share my story.'

Ricky told Yoorrook that the education system requires a trauma-informed approach.

'Fifty-nine per cent of Aboriginal and Torres Strait Islander kids are absent from school. [...] That resonates for me 'cause I was one of those kids. I hated school. I wasn't a [...] bad kid, but I came from a trauma-filled background, so I'd go to school and act up. Our curriculum isn't set up to deal with kids coming from [...] dysfunctional backgrounds, so then all these cycles continue where the kids aren't going to school. And we need to break these cycles.'

He also sees education as a key to overcoming racism in wider society. 'Racism's learned,' he said. 'So if we can learn it through education, we can unlearn it.'

**'RACISM'S LEARNED,
SO IF WE CAN LEARN IT
THROUGH EDUCATION,
WE CAN UNLEARN IT.'**

PART IV: KEY FINDINGS

The Yoorrook Justice Commission was established in 2021. Yoorrook's mandate was broad and far-reaching, including reporting on the historical and ongoing systemic injustice experienced by First Peoples in Victoria in all areas of life since colonisation. Following four years of inquiry; over 1,350 submissions; evidence from more than 250 witnesses across sixty-five hearing days, as well as sixty-seven roundtables and yarning circles, the Commission has completed its work.

Yoorrook has delivered three interim reports that examine and identify the causes and consequences of systemic injustice in detail: *Yoorrook with Purpose* (2022), *Yoorrook for Justice* (2023) and *Yoorrook for Transformation* (2025).

Across this extensive body of work, Yoorrook has consistently found that the injustices faced by First Peoples in Victoria today flow directly from colonisation. Following invasion, successive colonial and Victorian governments have enacted laws, adopted policies and engaged in practices that dispossessed and removed First Peoples from their lands and waters and denied equitable access to social services and resources.

All major political parties, whether in government or in opposition, have perpetuated and compounded the trauma, injustice and suffering of First Peoples. All have a responsibility to work towards agreed outcomes to ensure the existing trauma, injustice and suffering is not further exacerbated or prolonged.

Yoorrook's findings are not the result of evidence from First Peoples alone. Over the course of its inquiry, Yoorrook received

evidence from First Peoples including Elders, Traditional Owners and Community-Controlled Organisations. But the Commission also received evidence from the Premier, ministers, public servants, historians, healthcare workers, educators, other service providers, religious leaders, descendants and everyday Victorians. The consistent and overwhelming theme of this evidence is that the legacy of colonisation is still manifest in every aspect of life—including the current-day overrepresentation of First Peoples in the criminal justice and child protection systems, and in the inequitable outcomes in health and wellbeing, housing, employment, education, economic and political life. First Peoples have demonstrated that with secure access to their lands, waters and resources, they are better able to provide for the social, economic and cultural needs of their community than government or industry.

Yoorrook's key findings draw from the conclusions presented in the Commission's existing reports, but are limited in number in order to highlight the key events in Victoria's colonial history that underpin the systemic injustice facing First Peoples in Victoria today.

Commissioners Walter, Hunter and North did not approve of the inclusion of the key findings in the final report. Commissioners recommend the reader view the findings in their totality in *Yoorrook for Justice* (2023) and *Yoorrook for Transformation* (2025) at www.yoorrook.org.au.

Yoorrook's work is just the beginning. There is much more to be done.

**YOORROOK'S WORK IS
JUST THE BEGINNING.
THERE IS MUCH MORE
TO BE DONE.**

YOORROOK TRUTH BE TOLD

Yoorrook for Transformation.
Volume 2, Part D: Land;
Chapter 6: 'Country'

Yoorrook for Transformation.
Volume 2, Part D: Land;
Chapter 8: 'Impacts of
Country Being Stolen'

Yoorrook for Transformation.
Volume 1, Part C: Critical
Themes; Chapter 2:
'Sovereignty'

THE LAND NOW KNOWN AS VICTORIA WAS NOT 'DISCOVERED' BY THE BRITISH CROWN OR 'FOUNDED' BY SETTLERS.

First Peoples have been caring for Country in Victoria for at least tens of thousands of years. Pre-colonisation, Victoria was home to about 60,000 First Peoples, comprising 300 to 500 clan groups, and speaking over forty First Peoples languages.

THE SOVEREIGNTY OF FIRST PEOPLES IN VICTORIA HAS NEVER BEEN CEDED AND CONTINUES TO EXIST.

First Peoples exercised sovereignty before the British invaded. For time immemorial, Victorian First Peoples have practised their lore and law, cared for their communities, families and children, and nurtured Country through their spiritual, cultural, material and economic connections to land, water and resources. It is the first law of this country. First Peoples' sovereignty reflects ongoing spiritual and ancestral ties between the land, waters and Traditional Owners. First Peoples' sovereignty has not been lawfully acquired under international law. This is because the purported settlement or occupation of Australia by the British cannot be validly relied upon as Country was already occupied (it was not terra nullius; that is, 'land belonging to no one').

THE INITIAL OCCUPATION OF THE LAND NOW KNOWN AS VICTORIA BY EUROPEAN SETTLERS FROM 1834 ONWARDS WAS ILLEGAL, RAPID AND LARGELY UNCONTROLLED.

After the initial settlement of Gunditjmara Country in 1834, colonisers rushed to seize highly valuable grazing land and waters across the state, even when it was contrary to the laws of the colonial government. The discovery of gold in 1851 triggered another rapid increase in the population, with devastating consequences for First Peoples and their lands and waters.

THE TAKING OF COUNTRY AND RESOURCES WAS VIOLENT AS FIRST PEOPLES WERE DISPLACED AND MASSACRED BY EUROPEAN SETTLERS IN THE PURSUIT OF THEIR LAND AND WATERS.

By the end of the 1860s, there had been at least fifty recorded massacres across Victoria, in which just eight colonists were killed compared to 978 First Peoples. It is highly likely that this violence was significantly under-recorded. Correspondence between colonial authorities in Victoria and the British Imperial Government reported on the scale of the violence, and the significant threat to First Peoples' populations. The British Imperial Government were aware of the gross abuses of First Peoples and failed to act or take any effective action to protect the First People, their property or other rights.

The colonial government of the day played both an active and passive role in violence, including massacres, killings, rape and pillaging. In the twenty years that followed the arrival of Europeans in Victoria, the number of Victorian First Peoples is estimated to have dramatically reduced by more than ninety per cent from 15,000 to just 1,907.

Yoorrook for Transformation.
Volume 2, Part D: Land;
Chapter 7: 'How Colonisers
Stole Country'

Yoorrook for Transformation.
Volume 2, Part D: Land;
Chapter 7: 'How Colonisers
Stole Country'

Yoorrook for Transformation.
Volume 2, Part D: Land;
Chapter 8: 'Impacts of
Country Being Stolen'

Yoorrook for Transformation.
Volume 2, Part D: Land;
Chapter 7: 'How Colonisers
Stole Country'

Yoorrook for Transformation.
Volume 2, Part D: Land;
Chapter 8: 'Impacts of
Country Being Stolen'

LAWS AND POLICIES OF THE BRITISH AND COLONIAL GOVERNMENTS WERE USED TO AUTHORISE THE CONFISCATION, THEFT, USE AND DAMAGE OF LANDS AND WATERS BELONGING TO FIRST PEOPLES WITHOUT THEIR CONSENT.

Large pastoral estates established between 1836 and 1851 created the foundations for the accumulation of vast amounts of land and intergenerational wealth unavailable to First Peoples. By 1884, all First Peoples' lands and waters had been divided and categorised, and First Peoples had been forcibly expelled from their lands and confined to smaller and smaller parcels of land through the reserve system over time.

THE PROTECTION ACTS AND OTHER RELATED COLONIAL LAWS AND POLICIES DELIBERATELY DISRUPTED FIRST PEOPLES' CONNECTIONS WITH THEIR TRADITIONAL LANDS AND WATERS AND EACH OTHER AND BY TODAY'S STANDARDS, A NUMBER OF THESE ACTIONS WOULD AMOUNT TO GENOCIDAL ACTS.

From the 1850s, First Peoples were forced onto missions and reserves, where they were monitored, punished, prohibited from speaking language and practising culture, and were often Christianised. Control over First Peoples' lives intensified with the introduction of the *Aborigines Protection Act 1869* (Vic) and its amendment and successor Acts, including the *Aborigines Protection Act 1886* (Vic). The 1886 Act was used to keep 'Aboriginal natives' on reserves and force people of 'mixed descent' off reserves so they could be absorbed into the general community and eventually disappear. The Act marked the beginnings of the Stolen Generations, and was used to justify the removal of First Peoples children and the separation of families. The power of police to forcibly remove children under child welfare laws continued until 1985 through the *Aborigines Act 1910* (Vic) and *Aborigines Act 1957* (Vic) and subsequent legislation. These acts caused significant and irreversible harm to First Peoples of Victoria.

Yoorrook for Justice. Part C: Focus on Child Protection and Criminal Justice Systems; Chapter 1, The Past is the Present: The Continuation of the Colonial Project in Child Protection and Criminal Justice

Yoorrook for Transformation. Volume 2, Part D: Land; Chapter 8: 'Impacts of Country Being Stolen'

Yoorrook for Transformation. Volume 2, Part D: Land; Chapter 8: 'Impacts of Country Being Stolen'

Yoorrook for Transformation.
Volume 2, Part D: Land;
Chapter 7: 'How Colonisers
Stole Country'

Yoorrook for Transformation.
Volume 2, Part D: Land;
Chapter 9: 'How We
Got Here—Overview of
Recognition Systems'

VICTORIAN FIRST PEOPLES HAVE DEMONSTRATED REMARKABLE RESILIENCE IN MAINTAINING THEIR IDENTITY, CONNECTION TO COUNTRY AND ONE ANOTHER.

This includes:

- fiercely defending their lands, cultures and autonomy
- political advocacy and fighting for fair and just treatment
- fighting for land rights and land justice across Victoria and all of Australia
- establishing Aboriginal community-controlled organisations that have exhibited First Nations excellence in areas such as health, education, legal services, language protection and renewal and political advocacy
- through long and hard fights for recognition under the *Aboriginal Lands Act 1970* (Vic), *Aboriginal Land (Lake Condah and Framlingham Forest) Act 1987* (Vic), *Native Title Act 1993* (Cth), *Aboriginal Heritage Act 2006* (Vic) and the *Traditional Owner Settlement Act 2010* (Vic).

NONE OF THE WEALTH GENERATED FROM THE LAND AND WATERS OF FIRST PEOPLES IN THE PERIOD SINCE COLONISATION IN VICTORIA HAS BEEN DIRECTLY SHARED WITH TRADITIONAL OWNERS.

First Peoples in Victoria have not received any of the wealth generated from gold, timber harvesting, grazing and government land licences, or from water-related revenue. First Peoples have been largely excluded from the traditional resource sectors in Victoria and their benefits, and denied a meaningful opportunity to grow wealth from their traditional lands and waters.

COLONISATION IS NOT ONLY A HISTORIC EVENT BUT A PROCESS THAT CONTINUES TO AFFECT FIRST PEOPLES IN VICTORIA TODAY. THERE IS AN UNBROKEN LINE BETWEEN PAST ATROCITIES, GOVERNMENT ACTIONS AND THE EXPERIENCES FOR FIRST PEOPLES TODAY.

Colonisation has caused, and continues to cause, profound loss and trauma to First Peoples in Victoria. The impacts of colonisation have also contributed to ongoing systemic discrimination in Victoria's child protection, criminal justice, health, housing, education and political systems. First Peoples have experienced, and continue to experience, political, social and economic injustices, and human rights violations, as a direct result of colonisation.

Yoorrook for Transformation.
Volume 2, Part D: Land;
Chapter 9: 'How We Got Here—Overview of Recognition Systems'

Yoorrook for Transformation.
Volume 2, Part D: Land;
Chapter 14: 'Water'

Yoorrook for Transformation.
Volume 2, Part D: Land;
Chapter 15: 'Earth, Sea and Living Things'

Yoorrook for Transformation
Volume 2, Part D: Land;
Chapter 6: 'Country'

Yoorrook for Transformation
Volume 5, Part J: Call to Action; Chapter 39: 'Redress'

Yoorrook for Justice. Part C: Focus on Child Protection and Criminal Justice Systems; Chapter 2: 'Self-determination'

Yoorrook for Transformation. Volume 1, Part C: Critical Themes; Chapter 3: 'Self-determination'

Yoorrook for Transformation. Volume 5, Part J: Call to Action; Chapter 39: 'Redress'

FIRST PEOPLES IN VICTORIA HAVE A FUNDAMENTAL RIGHT TO SELF-DETERMINATION AND A RIGHT TO REDRESS FOR THE HARMS CAUSED BY COLONISATION. TREATY IS THE BEST PATHWAY TO SELF-DETERMINATION AND MUST INCLUDE REDRESS FOR THE HARMS SUFFERED AS A RESULT OF COLONISATION. REDRESS UNDER THE UN DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES (UNDRIP) IS MULTIDIMENSIONAL AND CAN INCLUDE ELEMENTS OF RESTITUTION, COMPENSATION, REHABILITATION, SATISFACTION AND GUARANTEE OF NON-REPETITION.

The Victorian Government has acknowledged the importance of self-determination within First Peoples policy and programs since 2015. Treaty is an expression of self-determination and a method for the transfer of decision-making power, authority, control and resources to First Peoples to decide First Peoples' issues. The Treaty process represents a historic opportunity for structural reform and redress, through which First Peoples can be empowered to determine and manage the systems, laws, policies and programs that affect their communities, families and children.

VOORROOK TRUTH BE TOLD

TELL THE TRUTH

UNCLE JIM BERG,
GUNDITJMARA ELDER

What happened to the Koories
Who were the custodians of this old, old, Ancient Land
For thousands and thousands of years

What happened to them?

After invasion and colonisation took place
What happened on the frontier wars
when the Koories of this state

were

Raped, murdered by the sword, bayonets, bullets
poisoned, and genocide
That wiped out whole Koorie Nations.

Were their bodies thrown
onto fires,
into creeks, swamps, lakes, rivers,
buried in shallow graves
or thrown over cliffs

Hoping that they would never be found
Or were they left on the ground
where they were
Slaughtered
and
Used as blood and bone
to fertilise
Your
Stolen Land ?

Was anybody ever punished for
What they did
to the Koories of this State?

Or was British Justice and Punishment
Only handed out according
To the colour of your skin ?

Without the Truth being told
what happened here in the place now called Victoria
There cannot be Reconciliation
Only a divided State as it is today.

TELL THE TRUTH

APPENDICES

APPENDIX 1: LETTERS PATENT



Victoria Government Gazette

APPENDICES

No. S 217 Friday 14 May 2021
By Authority of Victorian Government Printer

ELIZABETH THE SECOND, BY THE GRACE OF GOD QUEEN OF AUSTRALIA AND HER OTHER REALMS AND TERRITORIES, HEAD OF THE COMMONWEALTH:

I, the Honourable Linda Dessau AC, the Governor of Victoria, with the advice of the Premier, under section 5 of the **Inquiries Act 2014** and all other enabling powers, appoint you

Professor Eleanor Bourke, as Commissioner and Chairperson, and Dr Wayne Atkinson, Professor the Honourable Kevin Bell AM QC, Sue-Anne Hunter and Distinguished Professor Maggie Walter as Commissioners

to constitute a Royal Commission to be known as the Yoo-rrook Justice Commission to inquire into and report on the matters specified in the Terms of Reference.

1. BACKGROUND

- The First Peoples include the traditional owners of the lands currently known as the State of Victoria, over which they maintain that their sovereignty was never ceded.
- First Peoples' experiences of Colonisation have included grave historic wrongs and past and ongoing injustices and intergenerational trauma.
- The State of Victoria acknowledges both the continuing impacts arising from historical injustices and the ongoing strength and resilience of First Peoples and survival of their living cultures, knowledge and traditions.
- The State of Victoria also acknowledges its responsibility to advance and uphold the human rights of Victorian citizens, including First Peoples, under the **Charter of Human Rights and Responsibilities Act 2006**, the **Advancing the Treaty Process with Aboriginal Victorians Act 2018**, the **Traditional Owner Settlement Act 2010**, native title rights and other rights protected by law.
- The State of Victoria acknowledges the importance of non-discrimination, uncovering truth, providing justice and reparation, supporting wellbeing and preventing further harm to First Peoples.
- Relevant human rights are also recognised in international human rights instruments, including the:
 - *United Nations Declaration on the Rights of Indigenous Peoples;*
 - *International Convention on the Elimination of All Forms of Racial Discrimination;*
 - *International Covenant on Civil and Political Rights;*
 - *International Covenant on Economic, Social and Cultural Rights;*
 - *Convention on the Prevention and Punishment of the Crime of Genocide;*
 - *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;*
 - *Convention on the Rights of the Child;*
 - *Convention on the Elimination of All Forms of Discrimination against Women;*
 - *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law;* and
 - *Updated Set of principles for the protection and promotion of human rights through action to combat impunity.*

SPECIAL

- Hearing First Peoples' stories and acknowledging the truth about their experiences is essential for healing and justice for First Peoples. It will also contribute significantly to a public dialogue, providing a foundation for new and positive relationships between First Peoples, non-Aboriginal Victorians and the State of Victoria.
- The First Peoples' Assembly of Victoria and the State of Victoria have resolved to establish an independent Truth and Justice Commission to examine the extent and impact of Systemic Injustice against First Peoples in Victoria, and to recommend appropriate forms of redress and other steps to address Systemic Injustice.
- The Royal Commission will promote the advancement of treaty or treaties between the State of Victoria and First Peoples by providing a shared narrative of the impact of Colonisation, founded on First Peoples' voices. Its recommendations for how the State can build new and stronger relations with First Peoples will inform the treaty-making process and enrich the heritage of all Victorians.

2. OBJECTIVES

The objectives of this Royal Commission are to:

- a) establish an official public record based on First Peoples' experiences of Systemic Injustice since the start of Colonisation;
- b) develop a shared understanding among all Victorians of the individual and collective impact of Systemic Injustice and the intergenerational trauma that has flowed from them since the start of Colonisation;
- c) determine the causes and consequences of Systemic Injustice including the role of State policies and laws and which State Entities or Non-State Entities bear responsibility for the harm suffered by First Peoples since the start of Colonisation;
- d) develop a shared understanding among all Victorians of the diversity, strength and resilience of First Peoples' cultures, knowledge, and traditional practices;
- e) help build the foundations for a new relationship between First Peoples and the State of Victoria and all Victorians, based on truth and justice to prevent the recurrence of injustice;
- f) support the treaty-making process between the State of Victoria and First Peoples, including through the identification of subject matters for potential inclusion in a treaty or treaties; and
- g) identify Systemic Injustice which currently impedes First Peoples achieving self-determination and equality and make recommendations to address them, improve State accountability and prevent continuation or recurrence of Systemic Injustice.

3. TERMS OF REFERENCE

Having regard to the objectives set out above, and subject to the **Inquiries Act 2014**, you are appointed to inquire into and report on:

- a) Historical Systemic Injustice perpetrated by State and Non-State Entities against First Peoples since the start of Colonisation, including but not limited to:
 - i. cultural violations such as breach and denial of First Peoples' law and lore;
 - ii. theft, misappropriation and destruction of cultural knowledge and property;
 - iii. eviction, displacement and dispossession;
 - iv. massacres, wars, killing and genocide or other acts of a similar gravity;
 - v. protectionist and assimilationist policies, including forced removal of children and attempts to eradicate language, culture or identity;
 - vi. unfair labour practices, including treatment of returned soldiers;
 - vii. unfair policies and practices relating to policing, youth and criminal justice, incarceration, detention, and the broader legal system;

- viii. unfair policies and practices relating to child protection, family or welfare matters;
- ix. unfair policies and practices relating to health and healthcare;
- x. invasion of privacy and the collection, possession and use of information and data about First Peoples; and
- xi. practices of structural and systemic exclusion of First Peoples from Victorian economic, social and political life;
- b) Ongoing Systemic Injustice perpetrated by State Entities and Non-State Entities against First Peoples, including but not limited to the areas of:
 - i. policing, youth and criminal justice, incarceration, detention, and the broader legal system;
 - ii. child protection, family or welfare matters;
 - iii. health and healthcare;
 - iv. invasion of privacy and the collection, possession and use of information and data about First Peoples;
 - v. economic, social and political life; and
 - vi. any other ongoing Systemic Injustice considered appropriate by the Royal Commission;
- c) The causes and consequences of Systemic Injustice, including a historical analysis of the impact of Colonisation and an evaluation of the contemporary relationship between First Peoples and the State of Victoria and the impact of contemporary policies, practices, conduct and /or laws on First Peoples;
- d) How historical Systemic Injustice can be effectively and fairly acknowledged and redressed in a culturally appropriate way;
- e) How ongoing Systemic Injustice can be addressed, and/or redressed including recommended reform to existing institutions, law, policy and practice and considering how the State of Victoria can be held accountable for addressing these injustices and preventing future injustice;
- f) How best to raise awareness and increase public understanding of the history and experiences of First Peoples before and since the start of Colonisation; and
- g) Any other matters related to these Terms of Reference necessary to satisfactorily inquire into or address the Terms of Reference.

4. CONDUCT OF THE INQUIRY

Without limiting the scope of your inquiry or the scope of any recommendations arising out of your inquiry that you may consider appropriate, you are directed in the conduct of your inquiry to:

- a) Direct your attention to both historical Systemic Injustice and ongoing Systemic Injustice, applying appropriate methodologies and processes, noting this may require different approaches for the historical and contemporary purposes;
- b) Engage widely with First Peoples, including to determine priority areas of focus for the Royal Commission and by conducting your inquiries in rural and regional communities and carrying out events, media engagements, or public education activities, including at the request of affected communities;
- c) Have due regard to the views and insights provided by the First Peoples' Assembly of Victoria, in a report or reports from community consultation undertaken by it, to be provided to you by 30 June 2021;
- d) Regularly communicate with the Victorian community about your objectives and progress and encourage broad and inclusive participation in your work;

- e) Establish an Expert Advisory Committee within three months of the gazettal of the letters patent, to act as consultants to the Royal Commission that includes:
 - i. persons with expertise in First Peoples' history, cultural knowledge, information and data sovereignty and trauma, redress and healing;
 - ii. at least one person who is an impartial expert with at least 10 years' experience in a jurisdiction outside of Victoria in driving practical reform or transformation of entrenched norms, practices, legislation, and/or policy in large institutions, particularly experience in providing independent oversight of such institutions to drive government system reform through assessment of strategy, governance, accountability and outcomes of large organisations or institutions; and
 - iii. other experts, such as experts in comparative international processes and transitional justice and experts with any other particular expertise that you consider could assist you in achieving the objectives;
- f) Provide a safe, supportive and culturally appropriate forum for First Peoples to exercise their rights to truth and justice with dignity and demonstrate their cultural resilience and survival, including by:
 - i. receiving testimony from First Peoples who are victims, witnesses or survivors on their experiences and/or personal stories of historic injustice;
 - ii. recognising First Peoples' cultural and legal practices of story-telling and witnessing as legitimate and valid sources of evidence;
 - iii. accommodating to the extent possible First Peoples' choices in how they wish to participate, including their rights to free, prior and informed consent at all stages of participation;
 - iv. upholding the sovereignty of First Peoples over their knowledge and stories by consulting with them on how the information they provide should be treated and ensuring adequate information and data protection;
 - v. acknowledging and respecting differences between First Peoples, for example, through respecting different languages and practices;
 - vi. being responsive to the needs of participants in consultations, interviews and other activities; and
 - vii. providing culturally appropriate support to participants and affected communities as required;
- g) Adopt practices and approaches to minimise harm and re-traumatisation for First Peoples;
- h) Have due regard to, and coordinate as appropriate with, current and previous research, inquiries and processes in Australia and elsewhere, relevant to the subject matters and issues raised in this Royal Commission;
- i) Hold healing or commemorative ceremonies as considered appropriate having regard to the views of affected communities;
- j) Prioritise the employment of First Peoples by the Royal Commission;
- k) Provide, through the Royal Commission, culturally appropriate community outreach, mental health and counselling, research, administrative and operations staff;
- l) While noting that you are not asked to inquire specifically into, or report on, the actions of governments other than the State of Victoria, you should establish appropriate arrangements to assist the voluntary participation with the inquiry by persons or institutions (including the governments of the Commonwealth, the States and the Territories) located outside Victoria, which hold, or may hold, information relevant to the Terms of Reference;

- m) Not inquire into, or report on, any executive decisions or specific outcomes made in legal proceedings which have been settled or determined in relation to the recognition of Traditional Owners, including but not limited to those under the **Native Title Act 1993** (Cth), the **Traditional Owner Settlement Act 2010**, or the **Aboriginal Heritage Act 2006**; and
- n) Only inquire into, or report on, the specific outcomes of any other individual legal proceedings to the extent relevant to a pattern indicating Systemic Injustice.

5. RECOMMENDATIONS

You may make such recommendations arising out of your inquiry that you consider appropriate to achieve its objectives. This may include recommendations about practical actions and reforms needed in Victoria to provide effective redress for Systemic Injustice, address Systemic Injustice, and promote healing for First Peoples and the broader community, including but not limited to:

- a) appropriate forms of cultural restoration and healing for affected communities and individuals, including further truth-telling, memorialisation, commemorations or other activities;
- b) appropriate forms of public awareness and education strategies, including whether and if so, how, truth-telling and the outcomes of your inquiry can be embedded in the Victorian school curriculum;
- c) appropriate redress for Systemic Injustice that should be specifically designed and effectively implemented through the treaty process, particularly where such redress is not already available to First Peoples;
- d) policy, legislative, administrative or institutional reforms to address inequalities, remove systemic and structural injustices and prevent further harm;
- e) particular subject matters that should be included in a treaty or treaties with the State; and
- f) ongoing access and use of submissions, materials and records received and obtained in the course of the Royal Commission.

In formulating your recommendations, you may have regard to any matters you consider relevant including:

- g) the evidence of First Peoples, including information from community consultation provided by the First Peoples' Assembly of Victoria in accordance with paragraph 4(c);
- h) the advice of experts, including the Expert Advisory Committee;
- i) evidence from relevant organisations or workforces, including Aboriginal Community Controlled Organisations and the justice, health and social services sectors who work with First Peoples;
- j) international best practice in transitional justice and the rights of First Peoples; and
- k) the need to recognise and respect the needs and diversity of different First Peoples groups and communities.

Your recommendations should focus on actions that may be taken by the State of Victoria, State Entities, Non-State Entities and First Peoples, recognising the actions of other governments may be outside your jurisdiction.

6. DEFINITIONS

In these Letters Patent:

Colonisation means colonisation of the lands which are currently known as the State of Victoria since 1788.

First Peoples includes:

- a) all traditional owners of a place in the State of Victoria (including family and clan groups) and their ancestors; and
- b) Aboriginal and/or Torres Strait Islander persons who are living, or who in the time before or since the start of Colonisation lived, in Victoria.

Non-State Entity means any body, association, club, institution, organisation or group of persons or bodies of any kind (whether incorporated or unincorporated), and however described, including those that no longer exist, but does not include individual natural persons or a State Entity.

State Entity includes:

- a) any government, or entity exercising governmental power, over the lands currently known as the State of Victoria;
- b) any government, or entity exercising governmental power, over the lands previously known as the Colony of Victoria;
- c) any government, or entity exercising governmental power, over the lands currently known as the State of Victoria, including prior to the formal establishment of Victoria as a Colony or State; and
- d) public authorities (including a local council) of these governments (whether or not they still exist).

Systemic Injustice means harm and/or impacts on human dignity (including, but not limited to, those as understood by reference to the application of current human rights instruments, including to events prior to the making of such instruments) experienced by First Peoples, that are part of a systemic or structural pattern, and which involve any policies, practices, conduct or laws which existed since the start of Colonisation. Unless otherwise stated, Systemic Injustice includes both ongoing and historical systemic injustices. This definition is not intended to limit the Royal Commission's ability to inquire into and report on individual experiences.

7. REPORT

You are required to report your findings and recommendations to the Governor and to the First Peoples' Assembly of Victoria as soon as possible, and in any event no later than:

- a) an interim report by 30 June 2022, detailing progress to date, emerging themes and issues, and, if available, any initial findings or thematic areas that should be considered as immediate priorities through the Treaty making process; and
- b) a final report by 30 June 2024, including methodology, key findings and recommendations, as well as the publication of First Peoples' testimonies in accordance with information and data sovereignty protocols, to be established.

8. EXERCISE OF POWERS

You may exercise the powers of a Royal Commission in accordance with the **Inquiries Act 2014**. These powers may be exercised, at the discretion of the Chairperson, from time to time and by one or more Commissioners.

9. EXPENSES AND FINANCIAL OBLIGATIONS

You are authorised to incur expenses and financial obligations to be met from the Consolidated Fund up to \$44.445 million in conducting this inquiry.

These letters patent are issued under the Public Seal of the State.

WITNESS Her Excellency the Honourable Linda Dessau,
(L.S.) Companion of the Order of Australia, Governor
 of the State of Victoria in the Commonwealth
 of Australia at Melbourne this 12th day of
 May 2021.
 By Her Excellency's Command
 THE HONOURABLE JAMES MERLINO MP
 Acting Premier of Victoria

Entered on the record by me in the Register of Patents Book No 47 Page No 173 on the 12th day of May 2021.

JEREMI MOULE
Secretary, Department of Premier and Cabinet

APPENDIX 2: FULL LIST OF RECOMMENDATIONS

YOORROOK WITH PURPOSE – JUNE 2022

YOORROOK FOR JUSTICE – AUGUST 2023

RECOMMENDATION 1

That the Governor amend the Letters Patent to extend the date for Yoorrook's final report to 30 June 2026 and authorise commensurate additional resourcing for this purpose.

RECOMMENDATION 2

- a. That the government urgently progress the necessary legislative changes to enable the implementation of First Peoples' choices about how the information they provide to Yoorrook is to be stored, accessed and used in the future.
- b. That any legislative changes commence before the end of 2023.

TRANSFORMATIVE CHANGE THROUGH THE TREATY PROCESS

RECOMMENDATION 1

The Victorian Government must:

- a. transfer decision-making power, authority, control and resources to First Peoples, giving full effect to self-determination in the Victorian child protection system. Transferring or creating decision-making power includes but is not limited to:
 - i. system design
 - ii. obtaining and allocating resources
 - iii. powers of, and appointments to bodies or institutions, and
 - iv. accountability and oversight functions including new First Peoples led bodies, oversight processes or complaints pathways
- b. negotiate this through the Treaty process including through potential interim agreements
- c. in doing so, go beyond the transfer of existing powers and functions under the *Children, Youth and Families Act 2005* (Vic), which will require new, dedicated legislation, developed by First Peoples, for the safety, wellbeing and protection of First Peoples children and young people, and

- d. recognising the urgent need for immediate reform and without delay, take all necessary steps to begin and diligently progress the establishment of a dedicated child protection system for First Peoples children and young people supported by stand-alone legislation based on the right of First Peoples to self-determination and underpinned by human and cultural rights to be developed by the First Peoples' Assembly of Victoria which must be sufficiently resourced by government for this purpose.

RECOMMENDATION 2

The Victorian Government must give full effect to the right of First Peoples to self-determination in the Victorian criminal justice system as it relates to First Peoples. This includes negotiating through the Treaty process, including through potential interim agreements, the transfer of decision-making power, authority, control and resources in that system to First Peoples. Transferring or creating decision-making power includes but is not limited to:

- a. system design
- b. obtaining and allocating resources
- c. powers of, and appointments to bodies or institutions, and
- d. accountability and oversight functions including new First Peoples led oversight processes or complaints pathways.

URGENT REFORMS: ACCOUNTABILITY, CULTURAL COMPETENCE AND COMPLIANCE WITH HUMAN AND CULTURAL RIGHTS

**Open monitoring and evaluation
underpinning accountability**

RECOMMENDATION 3

To ensure State accountability for First Peoples related programs and policies by those responsible for their development and delivery:

- a. government bodies must ensure that First Peoples related programs and policies are rigorously monitored and evaluated
- b. monitoring and evaluation must be designed alongside the development of the program or policy so that it is built into the program or policy (and commences at the same time as implementation) with measurement focused on real outcomes
- c. where programs or policies have existing commitments to monitoring and evaluation, but little or no progress has been made, these must be actioned within six months
- d. where programs or policies do not have monitoring or evaluation included, the inclusion of these must be actioned urgently, and
- e. these monitoring and evaluation processes must be in accordance with the Burra Lotjpa Dunguludja (AJA4) Monitoring and Evaluation Framework including:
 - i. being consistent with First Peoples values
 - ii. reflecting First Peoples priorities for what

- is measured and how it is measured
- iii. having an approved regular reporting cycle, and
- iv. having a commitment to the open reporting of results.

RECOMMENDATION 4

The Victorian Government must as an urgent priority, having regard to the right of First Peoples to self-determination, negotiate in good faith with the First Peoples' Assembly of Victoria:

- a. the establishment of an independent and authoritative oversight and accountability commission for the monitoring and evaluation of First Peoples related policies and programs
- b. the detailed functions and membership of the commission, and
- c. to give the commission the necessary resources and authority to hold responsible government ministers, departments and entities to account for the success or failure of the programs they develop and deliver.

Strengthening cultural competence and responsiveness

RECOMMENDATION 5

The Victorian Government must as soon as possible significantly upscale the capability, competence and support in relation to human rights, including Aboriginal cultural rights, of all persons appointed to work or working in:

- a. the child protection system
- b. the corrections system, including prisons
- c. the youth justice system, including youth detention and like facilities and the bail system
- d. the adult justice system including the

bail system

- e. Victoria Police, and
- f. the forensic mental health system, to ensure that they have that capability, competence and support necessary for them to carry out their obligations under the *Charter of Human Rights and Responsibilities Act 2006* (Vic) (the Charter) and other human and cultural rights laws, and in particular for this purpose the government must:
 - i. review and revise all relevant policies, procedures, protocols, administrative directions, guidelines and like documents
 - ii. review all relevant training courses and programs, and
 - iii. ensure that Victorian First Peoples businesses or consultants participate on a paid basis in the review and revision of training courses and programs, and the delivery of these, wherever possible.

Strengthening human rights and cultural rights compliance

RECOMMENDATION 6

Drawing on (but not confined to) the recommendations of the 2015 Review of the Charter and its response to that review, the Victorian Government, following a public consultation process that includes the First Peoples' Assembly of Victoria and other First Peoples organisations, must clarify and strengthen the Charter so that it more effectively:

- a. requires public authorities to act in a way that is and make decisions that are substantively compatible with human rights including Aboriginal cultural rights, and

- b. ensures that public authorities are held accountable for acting or making decisions incompatibly with human rights including Aboriginal cultural rights, including by:
 - i. enabling individuals to bring a legal proceeding in the Victorian Civil and Administrative Tribunal for a remedy (including compensation) against public authorities who have made decisions or acted incompatibly with human rights including Aboriginal cultural rights under the Charter, and
 - ii. enabling individuals to rely upon the human rights including Aboriginal cultural rights in the Charter in any legal proceedings, as provided (for example) in section 40C of the *Human Rights Act 2004* (ACT).

URGENT REFORMS: CHILD PROTECTION SYSTEM

Oversight

RECOMMENDATION 7

The Victorian Government must amend the *Commission for Children and Young People Act 2012* (Vic) to:

- a. specifically establish the role of the Commissioner for Aboriginal Children and Young People in the same way that the Principal Commissioner for Children and Young People's role is provided for in the legislation
- b. provide the Commissioner for Aboriginal Children and Young People with the same statutory functions and powers as the Principal Commissioner insofar as these powers relate to Aboriginal children and young people in Victoria
- c. expressly provide the Commissioner for Aboriginal Children and Young People the function to receive and determine individual complaints from or relating to First Peoples children and young people concerning their treatment in child protection, including out of home care, and
- d. give the Commissioner for Aboriginal Children and Young People and the Principal Commissioner rights of intervention in legal proceedings relating to a child or young person's rights under the Charter to be exercised at their discretion.

These roles and powers must be appropriately resourced.

Early help, prevention and intervention**RECOMMENDATION 8**

The Victorian Government must:

- a. work with Aboriginal organisations to develop a consistent definition of early help, early intervention and prevention that aligns with the perspectives of First Peoples. This definition should be adopted across the Victorian Government
- b. enshrine prevention and early help/intervention as a guiding principle in the *Children, Youth and Families Act 2005* (Vic) and take all necessary steps to implement this principle in the administration of the Act
- c. as an immediate action, substantially increase investment in Aboriginal Community Controlled Organisation prevention and early help/intervention services to keep First Peoples children out of the child protection system and to prevent their involvement from escalating when it does occur, and
- d. review the governance model for implementing target 12 of the Closing the Gap Agreement, with a view to broadening the responsibility to achieve this target beyond the Department of Families, Fairness and Housing.

RECOMMENDATION 9

The Victorian Government must publicly report annually on the amount and proportion:

- a. of total child protection and family services funding allocated to early intervention (family and parenting services) compared to secondary and tertiary services (community delivered child protection services, care services, transition from care services and other activities), and
- b. of funding allocated to Aboriginal Community Controlled Organisations compared to mainstream services for early intervention (family and parenting services), secondary and tertiary services.

RECOMMENDATION 10

The Victorian Government must immediately give a direction to health services (including perinatal, maternal and child health services) that:

- a. clinical and allied health staff working with pregnant women must undertake appropriate training to address bias and build expertise in working safely and effectively with First Peoples women and families to address their social and emotional needs, and
- b. this training must be designed and delivered by a Victorian First Peoples business or consultants on a paid basis, and completion rates of this training must be publicly reported.

RECOMMENDATION 11

The Department of Families, Fairness and Housing must ensure that:

- a. when a child protection worker is considering making a pre-birth report, that prior to birth, and with the consent of the pregnant Aboriginal women, organisations (including Aboriginal Community Controlled Organisations or Aboriginal Community Controlled Health Organisations) are informed of the rationale for and intention to make a pre-birth report so that they can:
 - i. provide input into that decision
 - ii. ensure people with appropriate training and expertise are involved, and
 - iii. offer culturally safe supports to the

mother, father and/or significant others in the family network

- b. when DFFH receives a pre-birth report from any source, that pregnant Aboriginal women are informed of the report by a person(s) with the appropriate expertise to hold such a sensitive discussion and who has the skills to respond appropriately and offer a range of culturally safe support options, including a referral to a supporting organisation (including an Aboriginal Community Controlled Organisation or Aboriginal Community Controlled Health Organisation), and
- c. pre-birth reports that are assessed as not requiring further action are to be excluded from this scheme.

Child removal

RECOMMENDATION 12

Whenever:

- a. the Department of Families, Fairness and Housing receives a pre-birth report regarding a pregnant Aboriginal woman, or
- b. a child protection report is substantiated regarding an Aboriginal child, then:
- c. subject to the consent of the person to whom the report relates, the Department must automatically notify a Victorian Aboriginal legal service provider to be funded by the Victorian Government so that the child's parents and/or primary care giver are offered legal help and, where appropriate non-legal advocacy.

RECOMMENDATION 13

The Victorian Government must ensure that an impact evaluation of the Child Protection Risk Assessment Framework (SAFER) is commenced within 12 months, and in the case of First Peoples children:

- a. is First Peoples led and overseen by a First Peoples governance group
- b. has methodology that includes a review of individual cases by the Commissioner for Aboriginal Children and Young People, and
- c. makes recommendations that include actions to reduce child protection practitioner racial bias when applying the Framework.

RECOMMENDATION 14

The Department of Families, Fairness and Housing must ensure that:

- a. all incoming child protection staff, as part of their pre-service education, complete cultural awareness and human and cultural rights training covering issues including:
 - i. the history of colonisation and in particular the impact of 'protection' and assimilation policies
 - ii. the continuing systemic racism and paternalism inherent in child protection work today that must be identified, acknowledged and resisted
 - iii. the value of First Peoples family and child rearing practice
 - iv. upholding human rights including Aboriginal cultural rights, and
 - v. the strength of First Peoples families and culture and culturally appropriate practices
- b. all child protection staff and Department

executives undertake regular, mandatory cultural safety training, to be designed and delivered by a Victorian First Peoples business or consultants on a paid basis, and

- c. completion rates for training are published by the Department annually.

RECOMMENDATION 15

In relation to determining the identity of First Peoples children:

- a. the Department of Families, Fairness and Housing, in consultation with the Commissioner for Aboriginal Children and Young People and relevant Aboriginal Community Controlled Organisations, must improve how they identify and deidentify First Peoples children in the Victorian children protection system, and
- b. the Commissioner for Aboriginal Children and Young people must undertake regular audits and publish the results to ensure child protection practitioners are correctly identifying and deidentifying First Peoples children and doing so in a timely way.

RECOMMENDATION 16

The Department of Families, Fairness and Housing must urgently take steps to ensure full compliance with its obligations to:

- a. convene an Aboriginal Family Led Decision Making meeting before making any significant decision about an Aboriginal child, and record the outcome, and
- b. consult with the Aboriginal Child Specialist Advice and Support Service on all significant decisions affecting an Aboriginal child and record the outcome.

RECOMMENDATION 17

The Victorian Government must amend the *Children, Youth and Families Act 2005* (Vic) to:

- a. specify that priority be given to keeping siblings together in placement decisions (both in out of home care and permanent placements)
- b. include in the decision-making principles a presumption that removal of a First Peoples child from their family or community causes harm
- c. provide that a child protection practitioner must record how they have considered the presumption of harm caused by removal in their decision to remove a First Peoples child, and
- d. provide that the Children's Court is required to include in its reasons for a removal decision how the presumption of harm caused by removal has been considered.

These amendments must be made urgently while a new First Peoples led child protection system and accompanying Act is designed and implemented in accordance with recommendation 1.

RECOMMENDATION 18

The Victorian Government must:

- a. ensure Children's Court of Victoria judicial officers determine child protection matters state-wide, and
- b. abolish the current practice of having non-specialist magistrates determining child protection matters in some rural and regional court locations.

RECOMMENDATION 19

The Victorian Government must as soon as possible expand and sufficiently resource the Marram-Ngala Ganbu (Koori Family Hearing Day) state-wide.

Out of home care

RECOMMENDATION 20

The Victorian Government must address barriers to First Peoples becoming carers for First Peoples children in the child protection system by:

- a. simplifying application and vetting processes and improving support for people navigating the process
- b. ending the substantive inequality between kinship carers and foster carers by removing the automatic commencement of kinship payments at level one such that payments are made at a rate that reflects the complexity of kinship care, and
- c. ensuring kinship carers have appropriate access to training, support, and services at a level that is at least equivalent to the training, support and services offered to foster carers.

RECOMMENDATION 21

The Victorian Government must amend the *Children, Youth and Families Act 2005* (Vic) to require the Department of Families, Fairness and Housing to ensure that all children who are placed in out of home care receive a developmental disability assessment and health assessment consistent with the National Out of Home Care Standards and in a timely way.

RECOMMENDATION 22

The Victorian Government must amend the *Children, Youth and Families Act 2005* (Vic) to provide the Children's Court with greater powers to ensure that cultural plans are developed, implemented and monitored, particularly when out of home care orders are being extended and children's separation from their families is prolonged.

RECOMMENDATION 23

The Victorian Government must urgently:

- a. ensure that the Framework to Reduce Criminalisation of Young People in Residential Care is applied in all cases
- b. establish a mechanism within the Commission for Children and Young People through which young people can report that a residential care provider or Victoria Police has failed to apply the Framework, so that the Commissioner can advocate for that young person, including (in the case of police) by referring the matter to an independent police oversight body
- c. ensure that, when the Commissioner for Aboriginal Children and Young People is placed on a statutory footing, these functions are performed by that Commissioner with respect to those children and young people, and
- d. fund the development and delivery of training to residential care providers and Victoria Police on implementing the Framework in practice.

RECOMMENDATION 24

The Commission for Children and Young People and Commissioner for Aboriginal Children and Young People must:

- a. monitor compliance with the Framework to Reduce Criminalisation of young people in residential care current 18-month action plan
- b. review individual cases
- c. specify targets for reduced police contact, and
- d. publicly report on outcomes.

Permanency and reunification

RECOMMENDATION 25

The Victorian Government must amend the *Children, Youth and Families Act 2005* (Vic) to allow the Children's Court of Victoria to extend the timeframe of a Family Reunification Order where it is in the child's best interest to do so.

RECOMMENDATION 26

The Victorian Government must:

- a. recognise that the human and cultural rights of First Peoples children in permanent care to have, express, develop and maintain their culture, and to maintain contact with their Aboriginal family, kin and community, are not presently adequately respected and ensured in practice, and
- b. urgently work with the First Peoples' Assembly of Victoria and relevant Aboriginal organisations to formulate and implement all necessary legislative, administrative and other means for respecting and ensuring those rights, including by authorising Aboriginal Community Controlled Organisations to monitor the cultural care plans of Aboriginal children who are the subject of permanent care orders.

URGENT REFORMS: CRIMINAL JUSTICE SYSTEM

Police

RECOMMENDATION 27

The Victorian Government must establish and adequately resource a new independent police oversight authority, headed by a statutory officer who has not been a police officer, to:

- a. investigate and determine all complaints about police (except for minor customer service matters)
- b. investigate and report on all police contact deaths and serious incidents
- c. conduct independent monitoring of and reporting on police custody and detention
- d. on its own motion, monitor, audit, systemically review and report on the exercise of police powers and interactions with the public including customer service matters
- e. undertake own motion, public interest investigations, and
- f. publish reports in the public interest.

The new authority must:

- g. have powers to arrest, search property and compel the production of information including from Victoria Police, and
- h. include a dedicated division for complaints from First Peoples that is under First Peoples leadership.

RECOMMENDATION 28

Access to pre-charge cautions in the adult criminal legal system in appropriate cases should be increased by all necessary legislative,

administrative and others means including by:

- a. legislating a positive duty upon Victoria Police to:
 - i. take into account an Aboriginal person's unique background and systemic factors when making decisions on cautioning or diversion
 - ii. demonstrate the steps taken to discharge this obligation, and
 - iii. record reasons for their decisions
- b. introducing a legislative presumption in favour of alternative pre-charge measures in appropriate cases (for example, verbal warnings, written warnings, cautions and referrals to cautioning programs), and
- c. Victoria Police publishing cautioning data in its Annual Report, including specific data comparing cautioning rates for Aboriginal and non-Aboriginal people.

RECOMMENDATION 29

The *Equal Opportunity Act 2010* (Vic) must urgently be amended to prohibit race and other forms of discrimination in the administration of State laws and programs, including all functions performed by Victoria Police, Corrections Victoria and child protection authorities.

RECOMMENDATION 30

In relation to the decriminalisation of public intoxication:

- a. the Chief Commissioner of Police must ensure that Victoria Police conduct is closely monitored to ensure police members do not use existing powers to unnecessarily take intoxicated people into custody, for example by 'up-charging', and
- b. the Victorian Government's planned

independent evaluation of the monitoring of police conduct must:

- i. be First Peoples led, with appropriate governance by them
- ii. cover at least the first 12 months and then three years of implementation, and
- iii. have results that are made public.

RECOMMENDATION 31

The following mandatory criteria must be introduced for the selection and appointment of the Chief Commissioner of Police and when undertaking annual executive performance reviews of the Commissioner:

- a. knowledge, experience, skills and commitment to changing the mindset and culture of Victoria Police, to end systemic racism and to ensure the human rights of First Peoples are respected, protected and promoted in all aspects of police operations
- b. understanding of the history of colonisation and in particular the role of Victoria Police in the dispossession, murder and assimilation of First Peoples, and the ongoing, intergenerational trauma and distrust of police this has caused
- c. recognition of ongoing systemic racism within Victoria Police and the need for this to be identified, acknowledged and resisted, and
- d. experience, skills in, and commitment to, changing the culture of Victoria Police to end systemic racism and to ensure the human rights of First Peoples are respected, protected and promoted in all aspects of police operations and the organisation.

Bail**RECOMMENDATION 32**

The *Bail Act 1977* (Vic) must immediately be amended to:

- a. create a presumption in favour of bail for all offences with the exception of murder, terrorism and like offences
- b. place the onus on the prosecution to prove that bail should not be granted due to a specific, serious or immediate risk to the safety of a person or to the administration of justice, with the exception of murder, terrorism and like offences
- c. prohibit remand if a sentence of imprisonment is unlikely if there is a finding of guilt (unless it is necessary to protect the safety of a person or the proper administration of justice pending hearing)
- d. repeal the bail offences contained in current sections 30, 30A and 30B
- e. require all bail decision-makers to explain what information they have considered to understand how a person's Aboriginality is relevant, and provide the reasons for any refusal to grant an application for bail made by an Aboriginal person, and
- f. require the Victorian Government and Victoria Police to publicly report, at least annually, bail and remand rates for Aboriginal people, and summary data of the reasons given by bail decision-makers for refusing bail.

RECOMMENDATION 33

The Victorian Government must:

- a. develop, deliver and publicly report on a cultural change action plan to ensure all bail decision-makers exercise their powers and

functions on the basis that imprisonment on remand (including that of First Peoples) is used only as a last resort, and

- b. ensure that the development and ongoing monitoring of performance of the action plan is First Peoples led.

RECOMMENDATION 34

The Victorian Government must ensure access to culturally safe and appropriate bail hearings for Aboriginal people, and culturally safe support for First Peoples on bail.

Youth justice**RECOMMENDATION 35**

The Victorian Government must urgently introduce legislation to raise the minimum age of criminal responsibility in Victoria to 14 years without exceptions and to prohibit the detention of children under 16 years.

RECOMMENDATION 36

The Victorian Government's planned new Youth Justice Act must:

- a. explicitly recognise the paramountcy of human rights, including the distinct cultural rights of First Peoples, in all aspects of the youth justice system
- b. embed these rights in the machinery of the Act, and
- c. require all those involved in the administration of the Act to ensure those rights.

Courts, sentencing and classification of offences

RECOMMENDATION 37

The Victorian Government must:

- a. amend the *Sentencing Act 1991* (Vic) to include a statement of recognition acknowledging:
 - i. the right of First Peoples to self-determination
 - ii. that First Peoples have been disproportionately affected by the criminal justice system in a way that has contributed to criminalisation, disconnection, intergenerational trauma and entrenched social disadvantage
 - iii. the key role played by the criminal justice system in the dispossession and assimilation of First Peoples
 - iv. the survival, resilience and success of First Peoples in the face of the devastating impacts of colonisation, dispossession and assimilationist policies, and
 - v. that ongoing structural inequality and systemic racism within the criminal justice system continues to cause harm to First Peoples, and is expressed through decision-making in the criminal justice system and the over-representation of First Peoples in that system
- b. amend the *Sentencing Act* to require courts to, in appropriate cases, consider alternatives to imprisonment for all offenders, with particular attention to the circumstances of Aboriginal offenders
- c. amend the *Sentencing Act* to, in relation to sentencing:
 - i. require courts to take into account the unique systemic and background factors

affecting First Peoples, and

- ii. require the use of Gladue-style reports for this purpose, and
- d. ensure that:
 - i. there is comprehensive cultural awareness training of lawyers and the judiciary to support the implementation of these requirements, and
 - ii. the design and delivery of such training must be First Peoples led and include education about the systemic factors contributing to First Peoples over-imprisonment.

RECOMMENDATION 38

The Victorian Government must amend the *Criminal Procedure Act 2009* (Vic) and the *Children, Youth and Families Act 2005* (Vic) to remove the requirement that the prosecution (including police) consent to diversion and replace it with a requirement that the prosecution be consulted.

RECOMMENDATION 39

The Victorian Government must:

- a. where appropriate decriminalise offences linked with disadvantage arising from poverty, homelessness, disability, mental ill-health and other forms of social exclusion, and
- b. review and then reform legislation as necessary to reclassify certain indictable offences (such as those kinds of offences) as summary offences, and for this purpose, by 29 February 2024, refer these matters to the Victorian Law Reform Commission (or similar independent review body) for urgent examination which includes consultation with the First Peoples' Assembly of Victoria and

relevant Aboriginal organisations.

The Victorian Government must promptly act on the review's recommendations.

Prisons

RECOMMENDATION 40

The Victorian Government must:

- a. amend relevant legislation to expressly prohibit routine strip searching at all Victorian prisons and youth justice centres, and
- b. ensure that data on the use of strip searching is made publicly available and used to monitor compliance with the prohibition on routine use.

RECOMMENDATION 41

Noting that cooperation with the Australian Government is required, the Victorian Government must immediately take all necessary legislative, administrative or other steps to designate an independent body or bodies to perform the functions of the National Preventive Mechanism of monitoring the State's compliance with the *Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment* in places of detention.

RECOMMENDATION 42

The Victorian Government must immediately take all necessary steps to ensure prisoners (whether on remand or under sentence and whether in adult or youth imprisonment or detention) including Aboriginal prisoners can make telephone calls for free or at no greater cost than the general community.

RECOMMENDATION 43

The Victorian Government must, as soon as possible and after consultation with the First Peoples' Assembly of Victoria and relevant Aboriginal organisations, take all necessary steps to structurally reform the Victorian prison system based on the recommendations of the Cultural Review of the Adult Custodial Corrections System and in particular the following recommendations:

- a. a new legislative framework for the adult custodial corrections system which focusses on rehabilitation, safety, cultural and human rights (recommendation 2.1)
- b. a new independent Inspectorate of Custodial Services including an Aboriginal Inspector of Adult Custodial Services (recommendation 2.3)
- c. enhanced data capability and information management system (recommendation 2.6), but which must apply Indigenous Data Sovereignty principles in relation to data of First Peoples
- d. improved professional development for the custodial workforce (recommendation 3.9), but taking into account the above recommendations for strengthening capability, competence and support in relation to human and cultural rights, and
- e. other recommendations in relation to Aboriginal prisoners (see recommendations 5.3 to 5.16).

RECOMMENDATION 44

The Victorian Government must:

- a. take all legislative, administrative and other steps to implement the United Nations Standard Minimum Rules for the Treatment of Prisoners in relation to the use of solitary confinement at all Victorian prisons and

youth justice centres, including an express prohibition on the use of solitary confinement on children and on the use of prolonged or indefinite solitary confinement on adults, and

- b. ensure that Victorian prisons and youth justice centres are adequately funded and properly operated so that the common practice of locking down prisoners in their cells for prolonged periods for administrative or management reasons in violation of their human and cultural rights is ended.

proceedings or a protection order, where the child provides that information, is capable of understanding the consequences of losing anonymity and provides their consent, and

- b. ensure that any review of section 534 of the *Children, Youth and Families Act* is First Peoples led insofar as the proposed reforms affect First Peoples.

Law reform to enable truth telling

RECOMMENDATION 45

By 29 February 2024 the Victorian Government must legislate to create new statutory protection for public records that ensure that information shared on a confidential basis with Yoorrook will be kept confidential for a minimum of 99 years once Yoorrook finishes its work and its records are transferred to the Victorian Government.

RECOMMENDATION 46

The Victorian Government must:

- a. review section 534 of the *Children, Youth and Families Act 2005* (Vic) to identify a workable model that:
 - i. places clear time limits on the operation of section 534 so that where the only individuals identified in a publication are adults who have provided their consent, and the Children's Court matter is historical in nature, then the prohibition does not apply, and
 - ii. enables a Royal Commission or similar inquiry to publish information about a child who is subject to protection

YOORROOK FOR TRANSFORMATION – JUNE 2025

TRANSFORMATIVE CHANGE THROUGH THE TREATY PROCESS

RECOMMENDATION 1

The Victorian Government must fund the First Peoples' Assembly of Victoria to establish an ongoing truth-telling body to continue to take First Peoples' testimony and build the public record.

Chapter 1: The Past is the Present

RECOMMENDATION 2

The Victorian Government must acknowledge the ongoing reality of legal and political pluralism in Victoria, engage with First Nations as nations, and provide the resources to support the transition to genuine nation-to-nation relationships.

Chapter 2: Sovereignty

RECOMMENDATION 3

The Victorian Government must transfer decision-making power, authority, control and resources to First Peoples, giving full effect to self-determination in relation to their identity, information, data, traditional ecological knowledge, connection to Country, their rights to

their lands, waters and resources, in the Victorian health, education and housing systems and across economic and political life. Transferring or creating decision-making power includes but is not limited to:

- a. system design and administration;
- b. obtaining and allocating rights and interests in land, waters and natural resources;
- c. powers of, and appointments to bodies and institutions; and
- d. accountability and oversight functions including new First Peoples-led oversight processes or complaints pathways.

Chapter 3: Self-determination

RECOMMENDATION 4

Through negotiation with the First Peoples' Assembly of Victoria, the Victorian Government must establish independent funding streams, including through hypothecation of a portion of land, water and natural resource-related revenues, to support the Self-Determination Fund and other First Peoples-led initiatives.

Chapter 3: Self-determination

RECOMMENDATION 5

The Victorian Government must provide guaranteed ongoing funding and support the establishment of independent funding streams at both Statewide and local levels to support healing Country, relationships and connection from the legacy of colonisation, including by funding:

- a. First Peoples-led organisations to deliver programs that support healing and rebuilding relationships between clans/groups to address the ongoing impacts of dispossession including where harms have occurred from participation in recognition regimes; and

- b. Healing processes, led by local First Peoples groups, to assist non-First Peoples to tell their truths and walk together with First Peoples.

Chapter 3: Self-determination

URGENT REFORMS: SELF-DETERMINATION, RIGHTS AND ACCOUNTABILITY

RECOMMENDATION 6

To build respect, participation and representation of First Peoples in public life, the Victorian Government must include the First Peoples' Assembly of Victoria and / or its Co-Chairs in high-level functions and ceremonial events of the State.

Chapter 3: Self-determination

RECOMMENDATION 7

Amend the *Charter of Human Rights and Responsibilities Act 2006* (Vic) and other relevant legislation to recognise and protect the rights to health and education as recognised under international human rights law.

Chapter 4: Rights

RECOMMENDATION 8

Building on the principles recognised in the Treaty Negotiation Framework and the *Advancing the Treaty Process with Aboriginal Victorians Act 2018* (Vic) and led by and in consultation with the First Peoples' Assembly of Victoria, the Victorian Government must:

- a. Incorporate UNDRIP principles into Victorian legislation, including:
 - i. as part of Statewide treaty legislation;
 - ii. by establishing a process of audit of existing legislation to identify incompatibility to ensure that UNDRIP principles prevail; and
 - iii. by ensuring that any future legislative change is compatible with UNDRIP principles.
- b. Support and facilitate the adoption and implementation of UNDRIP principles by non-state entities; and
- c. To implement these steps, work with First Peoples to develop a State Action Plan on implementation of UNDRIP, ensuring that First Peoples are involved in the design, monitoring and evaluation of the implementation plan.

Chapter 4: Rights

RECOMMENDATION 9

To ensure State accountability and give effect to First Peoples' self-determination in relation to First Peoples-related policies and programs:

- a. Building on Recommendation 4 in *Yoorrook for Justice* and through negotiation with the First Peoples' Assembly of Victoria, the Victorian Government must support the establishment of an accountability mechanism to transfer monitoring functions and full decision-making power, authority, control and resources to First Peoples for First Peoples-related policies and programs;
- b. For all policies, strategies, frameworks and plans related to First Peoples for which the Victorian Government is responsible, the Victorian Government must develop an easily accessible online tool showing implementation stages, funding, days outstanding and

- date of completion, and identify the person responsible for implementation; and
- c. The Victorian Government must reduce and streamline reporting requirements for Aboriginal Community Controlled Organisations and Traditional Owner bodies for service and program delivery and managing requests and notifications, including by negotiating single funding agreements with organisations.

Chapter 5: Accountability

RECOMMENDATION 10

To support the informed participation by Traditional Owners in treaty negotiations (Statewide and local), the Victorian Government must:

- a. Facilitate access by the First Peoples' Assembly of Victoria and relevant Traditional Owner groups to annual data concerning the revenues collected by the Victorian Government in respect of:
 - i. freehold land;
 - ii. Crown land & waterways;
 - iii. minerals and resources;
 - iv. gas and petroleum;
 - v. forestry;
 - vi. fisheries;
 - vii. renewables; and
 - viii. water (surface, groundwater).
- b. Facilitate ongoing access by the First Peoples' Assembly of Victoria and relevant Traditional Owner groups to registers of third party interests in the matters described in paragraphs (a)(ii) – (viii) above including:
 - i. interest ID number.
 - ii. enabling legislation;

- iii. term (start/ end date);
- iv. any rights of renewal or regrant; and
- v. annual royalties payable to the State.
- c. Empower the First Peoples' Assembly of Victoria to oversee the provision and comprehensiveness of the datasets in (a) and (b) and to store any relevant data.

Chapter 5: Accountability

RECOMMENDATION 11

The Victorian Government must conduct a review of the datasets that it currently collects and publishes, as against the National Agreement on Closing the Gap Targets, and:

- a. Publish a copy of the review, by 30 June 2026; and
- b. Following consultation with relevant ACCOs and First Peoples organisations, ensure that all data sets are regularly publicly reported, by 30 June 2027.

Chapter 5: Accountability

RECOMMENDATION 12

The Victorian Government must:

- a. As an employer of a significant number of First Nations staff within Departments, Agencies and Statutory Authorities:
 - i. formally recognise the cultural rights and cultural and colonial loads of First Nations staff within those settings;
 - ii. introduce a positive duty upon relevant managers (or head of the organisation) to ensure cultural safety in the case of First Nations staff;
 - iii. create new First Peoples-led oversight processes for the investigation of complaints in respect of alleged

occurrences of non-compliance with this duty; and

- iv. consider the adequacy of existing remuneration and/or leave models to recognise First Nations staff's contributions and responsibilities.
- b. In the case of all other Victorian workplaces, amend the *Occupational Health and Safety Act (Vic) 2004* to ensure cultural safety obligations on employers are embedded in legislation.

Chapter 5: Accountability

RECOMMENDATION 13

The Victorian Government must introduce into the employment contracts, performance and/or remuneration assessment processes for senior executives (SES-1 or above) assessment criteria regarding their performance in:

- a. Promoting the employment, retention and promotion of First Peoples staff;
- b. Directly engaging with relevant First Peoples communities, representative bodies and service provider organisations;
- c. Prioritising the actions within their Department / Agency necessary to support the treaty-making process; and
- d. Overseeing timely and fulsome implementation of recommendations within relevant reports.

Chapter 5: Accountability

URGENT REFORMS: LAND

RECOMMENDATION 14

The Victorian Government must provide redress to First Peoples and their families affected by Soldier Settlement Schemes, including:

- a. An acknowledgment and apology by the Victorian Government to First Peoples affected by Soldier Settlement Schemes and their families; and
- b. Appropriate support for First Peoples affected by Soldier Settlement Schemes and their families; and
- c. Redress including land grants and/or compensation.

Chapter 7: How Colonisers Stole Country

RECOMMENDATION 15

Led and decided by First Peoples and Traditional Owner groups, the Victorian Government and local Government authorities must provide resources and support to establish markers, memorials, signs and information acknowledging relevant First Peoples' histories and perspectives at culturally and historically significant sites, including:

- a. Sites of historical injustice;
- b. Massacre sites;
- c. Former missions and reserves;
- d. Sites relevant to frontier wars and First Nations people who served in war;
- e. Sites relevant to First Peoples' leadership; and
- f. Other sites as determined by Traditional Owners or Aboriginal Representative Bodies.

Chapter 8: Impacts of Country Being Stolen

RECOMMENDATION 16

Led by First Peoples and Traditional Owner groups, the Victorian Government and local government authorities must reinstate First Peoples' / Indigenous place names across Victoria, initially prioritising prominent public spaces and significant parks, reserves and waterways, and road names and ensure these place names are reflected on relevant maps, signs and official documents. Place names should be determined by relevant Traditional Owner groups and the First Peoples' Assembly of Victoria should authorise and coordinate this process at the Statewide level.

Chapter 8: Impacts of Country Being Stolen

RECOMMENDATION 17

In consultation with First Peoples and relevant Traditional Owner groups, the Victorian Government must fund environmental restoration, which may include:

- a. Testing and decontamination processes for land returned or being returned to Traditional Owners, either as part of the settlement package or retrospectively where land is unusable due to contamination or degradation;
- b. Other forms of environmental and cultural restoration; and
- c. Procurement opportunities for First Peoples where possible.

Chapter 8: Impacts of Country Being Stolen

RECOMMENDATION 18

The Victorian Government must amend the *State Aid to Religion Abolition Act 1871 (Vic)* to introduce a mechanism for case-by-case consideration and approval of proposed land sales, which

includes consideration of:

- a. Whether relevant Traditional Owners have been consulted in respect of the sale; and
- b. Whether it is proposed that a portion of the proceeds from the sale be shared with the Traditional Owners of that land.

Chapter 8: Impacts of Country Being Stolen

RECOMMENDATION 19

Consistent with their commitments to First Peoples, Churches should identify, as a priority, opportunities within the State of Victoria to:

- a. Return land acquired for little or no consideration, or reserved by the Crown or Governor for Church purposes, to Traditional Owners of that land; and
- b. Share a portion of proceeds from the future sale of land of the nature described in (a) with Traditional Owners of that land (irrespective of whether it is subject to the *State Aid to Religion Abolition Act 1871 (Vic)*).

Chapter 8: Impacts of Country Being Stolen

RECOMMENDATION 20

The Victorian Government must:

- a. Adopt a principle that First Peoples are entitled to sufficient lands, waters, resources to support their social, emotional and cultural wellbeing; and
- b. To the extent that the existing systems are unable to deliver those lands, waters and resources, agree Traditional Owner treaties to provide an equitable share of lands, waters and resources to First Peoples.

Chapter 9: How We Got Here—Overview of Recognition Systems

RECOMMENDATION 21

Through the treaty process, the Victorian Government must negotiate with the First Peoples' Assembly of Victoria and Traditional Owners to guarantee, uphold and enhance First Peoples' inherent rights to Country through a self-determined, empowering and healing model, including by taking the following steps:

- a. Enabling recognition of First Peoples' rights to land (at a minimum, reflecting UNDRIP principles);
- b. Enabling opportunities to disregard by agreement previously extinguished First Peoples' rights to lands, waters and resources (including under s 47C of the *Native Title Act 1993* (Cth));
- c. Advocating to the Commonwealth Government for amendment to the *Native Title Act 1993* (Cth) to provide for certain prior extinguishment to be disregarded, expanding on the current categories and for the limitation of extinguishment with respect to future acts;
- d. Establishing a default mechanism to transfer to Traditional Owners entitlements to land, waters, resources on the sale, surrender or expiration of third party leasehold, licences, entitlements and other interests;
- e. Not granting new rights or entitlements in Crown lands, waters and resources without providing opportunities for Traditional Owners to themselves acquire the relevant interest, or benefit from the revenues generated;
- f. Ensuring that Traditional Owners have the opportunity to participate in the State's 'right of first refusal' processes when the State is proposing to sell or repurpose Crown or Government-owned land;
- g. Establishing ongoing funding for Traditional Owner groups to purchase on the open market

privately held land of cultural significance or which would support Traditional Owners' community objectives;

- h. Enacting reforms enabling traditional cultural use rights on public land (more broadly than the rights recognised within individual TOSA and NTA agreements and determinations);
- i. Enacting reforms enabling First Peoples to commercially use and develop their lands, waters and resources; and
- j. Treating Traditional Owners as rights holders, not standard 'land users', including by exempting them from obligations to pay taxes, rates and charges in the case of lands, waters and natural resources.

For the avoidance of doubt: nothing in subparagraph (c) to (e) is intended to interfere with the ongoing operation of essential public works.

Chapter 9: How We Got Here—Overview of Recognition Systems

RECOMMENDATION 22

The Victorian Government must provide additional funding and support for the Self-Determination Fund and the Treaty Authority to deliver processes for determining the right people for Country.

Chapter 9: How We Got Here—Overview of Recognition Systems

RECOMMENDATION 23

The First Peoples' Assembly of Victoria must promote access to support and resources via the Self-Determination Fund for all Traditional Owner groups in Victoria, both recognised and not yet recognised. The Victorian Government must support and facilitate this objective.

Chapter 10: Native Title

RECOMMENDATION 24

In relation to native title, the Victorian Government must advocate to the Commonwealth Government to:

- a. Reverse the burden of proof for connection to Country so that the state is required to disprove an asserted connection, rather than Traditional Owners prove connection;
- b. Adjust the test to reflect the effects of colonisation. Connection must become a flexible concept rather than a bright-line test. A lesser degree of connection must be accepted where it results, for instance, from relocation from Country or removal of children; and
- c. Enact reforms so that the extinguishment of native title is not necessarily permanent but may revive once the extinguishing interest ends.

Chapter 10: Native Title

RECOMMENDATION 25

The Victorian Government must make a submission to the Australian Law Reform Commission supporting reform of the future acts regime.

Chapter 10: Native Title

RECOMMENDATION 26

Taking into account the changed context of the treaty process and the aim of enhancing rights, the Victorian Government must implement all of the recommendations of the First Principles Review of the *Traditional Owner Settlement Act 2010* (Vic) in full, including prioritising the following key areas:

- a. Just and fair settlements;
- b. The calculation of compensation;

- c. Funding for Traditional Owner groups; and
- d. Land Use Activity Agreement compliance.

Chapter 11: Traditional Owner Settlements

RECOMMENDATION 27

Taking into account the changed context of the treaty process and the aim of enhancing rights, the Victorian Government must implement all the recommendations made in the Victorian Aboriginal Heritage Council's Taking Control of Our Heritage report.

Chapter 12: Cultural Heritage

RECOMMENDATION 28

The Victorian Government must provide ongoing and sustainable funding to Traditional Owner groups to empower them to conduct cultural heritage work on their Country.

Chapter 12: Cultural Heritage

RECOMMENDATION 29

The Victorian Government must consider and implement reforms to strengthen the recognition and protection of intangible heritage under the *Aboriginal Heritage Act 2006* (Vic).

Chapter 12: Cultural Heritage

RECOMMENDATION 30

The Victorian Government must provide funding for the Victorian Aboriginal Heritage Council and Traditional Owner groups to develop and implement a strategy for the provenancing and return to Traditional Owners and / or other culturally appropriate handling of remains.

Chapter 12: Cultural Heritage

RECOMMENDATION 31

The State must also work with the Commonwealth to identify and negotiate the safe return of cultural, secret and sacred objects held in interstate, overseas and private collections.

Chapter 12: Cultural Heritage

RECOMMENDATION 32

The Victorian Government must provide secure, ongoing funding, resources and land to Traditional Owners to establish and maintain appropriate infrastructure, including museum-regulated spaces, to keep and preserve cultural, secret and sacred objects, artefacts and knowledge.

Chapter 12: Cultural Heritage

RECOMMENDATION 33

The Victorian Government must provide funding for Traditional Owner groups to undertake, informed by their perspectives of key priorities on their Country:

- a. Research and strategic mapping of Aboriginal cultural values and landscapes;
- b. Projects for the identification, protection and/or restoration of cultural values and landscapes; and
- c. Management of data.

Chapter 12: Cultural Heritage

RECOMMENDATION 34

To support self-determination, the Victorian Government must amend public land legislation to provide:

- a. Opportunities for transition to direct

management by First Peoples of public land, led by the aspirations of Traditional Owners, and continuing to provide public access where appropriate;

- b. Transfer of authority to Traditional Owners to determine management priorities and methodologies, including informed by Traditional Owners' knowledge of Country; and

- c. Related sources of ongoing funding.

Chapter 13: Joint Management

RECOMMENDATION 35

The review of Victoria's public land legislation must properly capture Traditional Owner aspirations and priorities and enable flexibility and evolution over time. The review of public land legislation must not limit future treaty-making or in any way impede Traditional Owners from asserting their rights and interests.

Chapter 13: Joint Management

RECOMMENDATION 36

Further to recommendations 18.1 and 18.2 of the final report of the Commonwealth Royal Commission into National Natural Disaster Arrangements (October 2020), the Victorian Government must:

- a. Support and resource the establishment by First Peoples of an independent First Peoples Cultural Fire Authority, led and staffed by First Peoples to facilitate three key functions:
 - i. enable a pathway for Traditional Owner-led cultural fire development and practice to occur within the current regulatory environment;
 - ii. house the function for developing policy that seeks to reform and decolonise

the regulatory environment in seeking pathways to fully transition Traditional Owner-determined fire to Traditional Owner groups; and

- iii. enable a pathway for Traditional Owner carbon and emissions reduction practice.
- b. Conduct a review of existing fire related legislation, policies, procedures and codes of practice in the State of Victoria to identify opportunities to better recognise and integrate:
 - i. First Peoples' fire knowledge and practices; and
 - ii. First Peoples' knowledge of Country and Aboriginal cultural heritage values (tangible and intangible) requiring protection.
- c. Provide Traditional Owner groups with ongoing funding to develop and implement cultural fire plans for Country.

Chapter 13: Joint Management

RECOMMENDATION 37

The Victorian Government must recognise Victoria's First Peoples' water sovereignty as part of treaty as requested by First Peoples' Assembly of Victoria or any other First Nation negotiating on its own behalf and through substantive reform of legislation by:

- a. Recognising Traditional Owners' fundamental and inherent rights to water, including by way of amending Victorian water laws to:
 - i. incorporate UNDRIP standards (as a minimum); and
 - ii. recognise First Peoples' cultural water rights (including the use of water for commercial purposes, and to support the development of cultural economies)

including (without limitation) through amendments to the *Traditional Owner Settlement Act 2010* (Vic) and the *Water Act 1989* (Vic).

- b. Embedding, investing in and implementing a cultural flows model into Victorian water law, practice and governance.

Chapter 14: Water

RECOMMENDATION 38

The Victorian Government must commit to:

- a. Accelerating the development of legislative proposals to recognise waterways as living entities and Traditional Owners as a unique voice of those living entities.
- b. Supporting Traditional Owners to achieve their water related aspirations as reflected in individual *Water is Life* Nation Statements.
- c. Enabling First Peoples to assume 'waterway manager' responsibilities within the meaning of the *Water Act 1989* (Vic).
- d. Supporting additional Traditional Owner interfaces with, and representation on, other water resource managers including Water Corporations, Catchment Management Authorities and the Victorian Environmental Water Holder.
- e. Providing funding to support Traditional Owners to undertake works to restore waterway health and cultural flows on their Country.
- f. Supporting commercial uses and the growth of water-based cultural economies.
- g. Removing barriers, increasing funding and accelerating action to:
 - i. allocate or support the purchase of water for First Peoples' cultural flows and economies within existing entitlement

frameworks; and

- ii. support Traditional Owners to directly use and/or realise the economic value of water accessed or returned.
- h. Prioritise allocation to Traditional Owners of unallocated or newly available water including through:
 - i. water freed up by the cessation of industries like coal power;
 - ii. new or alternative water such as desalinated or recycled water; and
 - iii. the establishment of buy-back schemes.
- i. Reviewing, updating (as required) and fully funding relevant strategies such as Water is Life to align with the above.

Chapter 14: Water

RECOMMENDATION 39

The Victorian Government must treat Traditional Owners as rights holders, not standard 'water users', including by exempting them from obligations to pay taxes, rates and charges.

Chapter 14: Water

RECOMMENDATION 40

The Victorian Government must establish and implement mechanisms for hypothecation of a proportion of water revenues (surface and groundwater) collected in the State of Victoria to be placed into the Self-Determination Fund for the benefit of Victorian Traditional Owners. The proportion should be agreed in negotiation with the First Peoples' Assembly of Victoria and relevant Traditional Owners.

Chapter 14: Water

RECOMMENDATION 41

The Victorian Government must establish a legislative regime for the recognition of legal identity in waterways and other natural resources which includes the appointment of Traditional Owners as guardians for those entities.

Chapter 14: Water

RECOMMENDATION 42

The Victorian Government must partner with Traditional Owner groups in respect of future forestry management and operations (native and plantation) on public lands, especially to:

- a. Implement effective benefit-sharing arrangements; and
- b. Protect culturally significant public land and ecosystems from damage.

Chapter 15: Earth, Sea and Living Things

RECOMMENDATION 43

In consultation with the First Peoples' Assembly of Victoria, the Victorian Government must conduct a review of:

- a. Existing mechanisms for Traditional Owner consultation and consent in the development of minerals, resources and extractive projects (whether on private or public land) at least to ensure consistency with the principles of free, prior and informed consent in UNDRIP;
- b. Traditional Owner participation in the development and implementation of rehabilitation and remediation plans, making them consent authorities;
- c. Mechanisms for greater Traditional Owner participation in:
 - i. rehabilitation works; and

- ii. the management of post-mining land (including under Part 7C of the *Mineral Resources (Sustainable Development) Act 1990* (Vic)).
- d. Opportunities for the return to Traditional Owners of post-mining land (including for commercial and cultural economy purposes) as a default provision.

Chapter 15: Earth, Sea and Living Things

RECOMMENDATION 44

Led by First Peoples, the Victorian Government must enable and support prioritise the development of a First Peoples' Renewable Energy Strategy for Traditional Owner groups underpinned by UNDRIP principles, which:

- a. Recognises First Peoples' self-determination and direct interest in relation to the renewables; and
- b. Provides perpetual funding, resourcing and support for First Peoples to engage at all stages with the renewable energy sector.

Chapter 16: Climate Change, Renewables and Emergencies

RECOMMENDATION 45

Led by First Peoples, the Victorian Government must enable and support the development of a First Peoples' Climate Justice Strategy for Traditional Owner groups underpinned by UNDRIP principles, which provides perpetual funding, for Traditional Owner groups to deliver environmental projects on their Country which will assist in mitigating, adapting and/or responding to climate change including through the Self-Determination Fund.

Chapter 16: Climate Change, Renewables and Emergencies

RECOMMENDATION 46

Working with First Peoples, the Victorian Government must conduct a review of all emergency management legislation (including the *Emergency Management Act 2013* (Vic), *Country Fire Authority Act 1958* (Vic), *Forest Act 1958* (Vic), *Public Health and Wellbeing Act 2008* (Vic) and their related regulations standard operating procedures, policies and other relevant documents:

- a. Formalise an ongoing role for Traditional Owner groups and ACCOs in incident planning, response and recovery frameworks.
- b. Provide Traditional Owner groups, ACCOs and ACCHOs, with secure, ongoing, self-determined funding to assist in the preparation for, response to and recovery from natural disasters (including fire, flood), emergency incidents, and health emergencies in the future.
- c. In the processes in (b), give weight to Traditional Owner voices regarding the protection of Country and cultural heritage.

Chapter 16: Climate Change, Renewables and Emergencies

URGENT REFORMS: EDUCATION

RECOMMENDATION 47

Working with First Peoples, the Victorian Government must continue to ensure that ongoing sustainable funding is provided to First Peoples-led early education services, including to expand service delivery and meet demand for services.

Chapter 17: Schooling Overview

RECOMMENDATION 48

Guided by First Peoples, the Victorian Government (or Minister for Education, as appropriate), must amend the *Education and Training Reform Act 2006* (Vic) to:

- a. Expressly recognise Victoria's First Peoples;
- b. Acknowledge First Peoples' rights, cultures, histories and perspectives in education;
- c. Protect and prioritise First Peoples' cultural safety and right to a culturally safe education;
- d. Include an actionable right to protection of cultural rights and cultural safety in all Victorian schools;
- e. Ensure the representation and perspectives of Victorian and other First Peoples in the school curriculum; and
- f. Create a First Peoples Education Council as a governance mechanism for oversight and accountability of First Peoples' school education.

Chapter 17: Schooling Overview

RECOMMENDATION 49

Guided by First Peoples, the Department of Education must develop a distinct policy on school exclusions for First Peoples, covering attendance, classroom exclusion, suspensions (formal and informal), modified timetables, and expulsions. The policy must:

- a. Set clear standards, expectations, and processes for approving and reviewing exclusions;
- b. Require the Department to:
 - i. collect and publicly report detailed data on exclusions, disaggregated by age, gender, disability status, and Aboriginal and Torres Strait Islander status;

- ii. publish annual analysis of this data, broken down by Aboriginal and Torres Strait Islander status, school, and geographical location;
- iii. set clear goals and targets for reducing exclusions of First Nations students, with consequences for schools failing to meet targets;
- iv. promote collaboration between schools, families, and community organisations to address the underlying causes of exclusions and improve attendance and disciplinary outcomes; and
- v. ensure a higher standard of consideration for the behavioural and cognitive needs of First Nations students with disabilities in expulsion decisions.

Chapter 19: Racism and Cultural Safety

RECOMMENDATION 50

Guided by First Peoples, the Department of Education must:

- a. Develop a flexible school zoning policy that prioritises the cultural safety of First Peoples, ensuring access to culturally appropriate education and support networks;
- b. Establish a policy for schools to regularly engage with local First Peoples communities, Traditional Owners, and Elders to ensure a culturally safe and relevant education. This policy must include:
 - i. ongoing funding for First Peoples' cultural programs and partnerships; and
 - ii. fair and appropriate remuneration for First Peoples' specialised skills and services.
- c. Create a cultural safety framework for schools that includes:

- i. an anonymous reporting mechanism for racism and breaches of cultural safety;
- ii. actions and measures for compliance;
- iii. data collection, analysis, and public reporting;
- iv. governance, oversight, and accountability mechanisms;
- v. sanctions for breaches; and
- vi. ongoing evaluation and improvement processes.

Chapter 19: Racism and Cultural Safety

RECOMMENDATION 51

Guided by First Peoples, the Department of Education must:

- a. Direct the Victorian Curriculum and Assessment Authority (VCAA) and the Victorian Registration and Qualifications Authority (VRQA) to implement mandatory cultural competency standards;
- b. Direct the VCAA to elevate First Peoples from a consultative to a leadership role in reviewing the Aboriginal and Torres Strait Islander Histories and Cultures curriculum, ensuring the accurate representation of history, the impacts of colonisation, and First Peoples' strength and resistance from Prep to Year 12, including acknowledgement of past curriculum harms;
- c. Audit the curriculum to include Victorian and national First Peoples' perspectives across all learning areas from Prep to Year 12; and
- d. Assess the capacity of teaching staff to deliver First Peoples' content and teach First Nations students, in line with Professional Standards, and review the adequacy of those Standards.

Chapter 20: Curriculum

RECOMMENDATION 52

Guided by First Peoples, the Department of Education must:

- a. Support schools with ongoing First Peoples-led professional training, guidelines, and resources for effective curriculum delivery;
- b. Employ First Peoples to lead teacher training on curriculum delivery to ensure accurate and engaging content reflecting truth-telling and First Peoples' perspectives; and
- c. Mandate the integration of the Aboriginal and Torres Strait Islander Histories and Cultures curriculum in planning days.

Chapter 20: Curriculum

RECOMMENDATION 53

Guided by First Peoples, the Victorian Government (or Minister for Education, as appropriate), must:

- a. Implement First Peoples-led cultural competency induction and ongoing professional development for teachers;
- b. Advocate for the Australian Institute for Teaching and School Leadership (AITSL) to review Professional Standards to better incorporate First Peoples' perspectives and cultural competency;
- c. Advocate for Initial Teacher Education to include First Peoples' perspectives and cultural competency;
- d. Mandate culturally appropriate, trauma-informed practices training for teachers, delivered by ACCOs in every school; and
- e. Ensure the new First Nations Strategy, Policy and Programs division includes mechanisms for culturally safe disability assessments and supports for First Peoples students.

Chapter 20: Curriculum

RECOMMENDATION 54

Guided by First Peoples, the Department of Education must:

- a. Invest in high-quality, First Peoples-authored or endorsed teaching materials to support the Aboriginal and Torres Strait Islander Histories and Cultures cross-curriculum priority;
- b. Set targets for school libraries to audit and decolonise collections, removing outdated or racist materials and ensuring libraries include:
 - i. truth-telling and respect for all Australians;
 - ii. diverse First Peoples' voices and perspectives;
 - iii. First Peoples' knowledge, strengths, and resilience; and
 - iv. works by First Nations authors.

Chapter 20: Curriculum

RECOMMENDATION 55

Guided by First Peoples, the Department of Education must:

- a. Increase the number of First Peoples teachers through targeted recruitment, retention programs, and clear incentives for schools that meet set targets;
- b. Establish a state-funded scholarship program for First Peoples to support their access, participation, and completion of teacher qualifications, including funding for unpaid student placements;
- c. Commission an independent survey of First Peoples school staff to assess experiences of racism, discrimination, and cultural safety, and their impact on staff retention;
- d. Strengthen racism and discrimination complaints processes to ensure staff safety

and accountability for perpetrators;

- e. Recognise and remunerate First Peoples teachers for additional colonial and cultural workload, and incorporate this into the *Marrung Aboriginal Education Strategy 2016-2026*; and
- f. In relation to the Koorie Engagement and Support Officer (KESO) role:
 - i. clearly define the role and its responsibilities;
 - ii. Shift Community Understanding and Safety Training (CUST) delivery from KESOs to ACCOs and fund this; and
 - iii. mandate CUST for all school teachers.

Chapter 21: Workforce

RECOMMENDATION 56

Guided by First Peoples, the Department of Education must increase opportunities for First Peoples' leadership in schools by:

- a. Implementing professional development, sponsorship, and mentoring programs, along with dedicated leadership positions for First Peoples teachers and staff; and
- b. Increasing First Peoples representation on school councils to reflect the First Peoples population in the school or region.

Chapter 21: Workforce

RECOMMENDATION 57

Guided by First Peoples, the Victorian Government must undertake a comprehensive overhaul and reconstruction of Government and First Peoples schooling interaction. This includes:

- a. Establishing a First Peoples Education Council comprised of and led by First Peoples with a mandate to:

- i. oversee and ensure accountability for First Peoples schooling educational outcomes; and
 - ii. lead reforms over curriculum and resource allocation for First Peoples' education;
- b. Replacing the *Marrung Aboriginal Education Strategy 2016-2026* at the end of its life with a new strategy that includes measurable outcomes and annual reporting to Parliament to track and address progress effectively.

Chapter 22: Accountability and Self-determination

RECOMMENDATION 58

Guided by First Peoples, the Victorian Government must ensure outcomes for First Peoples' students are linked to measurable targets in:

- a. School Annual Implementation Plans;
- b. Executive performance plans;
- c. School and principal Key Performance Indicators; and
- d. School funding.

Chapter 22: Accountability and Self-determination

RECOMMENDATION 59

Guided by First Peoples, the Victorian Government must improve implementation, oversight and accountability of Student Support Groups (SSGs) and Individual Education Plans (IEPs) by:

- a. Mandating measures for timely implementation, accountability, self-determination and cultural safety in SSGs and IEPs; and
- b. Mandating inclusion of student and carer/family voice in IEPs.

Chapter 22: Accountability and Self-determination

RECOMMENDATION 60

Guided by First Peoples, the Victorian Government must ensure that all schools use Equity Funding to directly benefit the students for whom it is intended.

Chapter 22: Accountability and Self-determination

RECOMMENDATION 61

Guided by First Peoples, the Victorian Government must transfer control, resources and decision-making power over curriculum, pedagogy, governance, and resource allocation for First Peoples' education to First Peoples, to be negotiated through the treaty process.

Chapter 22: Accountability and Self-determination

RECOMMENDATION 62

Victorian Universities must engage in public truth-telling about their historical engagement with First Peoples and the ongoing legacy of these actions.

Chapter 23: Tertiary Overview and Historical Context

RECOMMENDATION 63

Guided by First Peoples, Victorian tertiary education providers must enter into reciprocal agreements with Traditional Owners to advance First Peoples' priorities, including First Peoples leadership, land use and how to embed First Peoples' knowledges, histories and cultures.

Chapter 23: Tertiary Overview and Historical Context

RECOMMENDATION 64

The Victorian Government must amend the Victorian Universities Acts to:

- a. Expressly recognise Victorian First Peoples;
- b. Acknowledge First Peoples' rights, cultures, histories and perspectives in tertiary education; and
- c. Incorporate key accountability indicators for the measures set out in Education – Tertiary Chapters 24 and 25.

Chapter 23: Tertiary Overview and Historical Context

RECOMMENDATION 65

The Victorian Government must establish an oversight body for the tertiary education sector with ongoing funding, powers and responsibility for:

- a. Ensuring cultural support initiatives and First Nations student support systems are embedded into mainstream university business;
- b. Addressing racism against First Peoples by duty-holders, including tertiary education providers; and
- c. Developing governance, oversight and accountability mechanisms, including sanctions for breaches.

Chapter 24: First Peoples Students, Workforce, and Leadership

RECOMMENDATION 66

Victorian universities must allocate permanent, ongoing funding for First Peoples' leadership and First Peoples student support services from mainstream funding streams.

Chapter 24: First Peoples Students, Workforce, and Leadership

RECOMMENDATION 67

Guided by First Peoples, Victorian universities must recognise and recompense First Peoples staff for the 'colonial load' they carry.

Chapter 24: First Peoples Students, Workforce, and Leadership

RECOMMENDATION 68

Guided by First Peoples, the Victorian Government must:

- a. Advocate to the Federal Minister for Education to direct the Tertiary Education Quality and Standards Agency (TEQSA) and other relevant professional bodies, to the extent necessary to mandate registered Victorian universities to include specific content about Victorian First Peoples in their courses;
- b. Advocate for the inclusion of the cross-curriculum priority: 'Learning about Victorian First Peoples histories and cultures' across all units in pre-service and post-graduate teacher courses; and
- c. Advocate to the relevant professional bodies for social work, medicine and nursing to stringently enforce university compliance with compulsory course requirements relating to First Peoples, and to the legal professional bodies to require compulsory First Peoples-related subjects in law degrees.

Chapter 25: Curriculum and Education

RECOMMENDATION 69

The Victorian Institute of Teaching, in conjunction with universities, must develop a qualification, such as a Graduate Diploma of First Peoples Curriculum Teaching.

Chapter 25: Curriculum and Education

URGENT REFORMS: HEALTH

RECOMMENDATION 70

Led by First Peoples, the Victorian Government must (working with the Federal Government, where necessary):

- a. Increase funding to First Peoples-led health services to ensure they are sufficiently resourced to deliver to First Peoples, regardless of where they live, a similar range of services, including:
 - i. maternal and child health services;
 - ii. financial support programs for those struggling with cost of living and food security; and
 - iii. alcohol and drug services (including withdrawal and residential rehabilitation services).
- b. Fund First Peoples-led organisations to deliver:
 - i. a holistic range of aged care services, both residential and non-residential; and
 - ii. palliative care services.

Chapter 28: Health Inequities

RECOMMENDATION 71

Led by First Peoples, the Victorian Government must expand and fund ACCOs to deliver accessible and culturally safe funeral and burial services.

Chapter 28: Health Inequities

RECOMMENDATION 72

The Victorian Government must:

- a. Develop a regulatory framework to increase compliance with the Cultural Safety Principle set out in section 27 of the *Mental Health and Wellbeing Act 2022* (Vic); and
- b. Amend section 27 of the *Mental Health and Wellbeing Act 2022* (Vic) to require that all entities involved in the response, treatment, or care of First Peoples comply with the Cultural Safety Principle.

Chapter 29: Mental Health and Social and Emotional Wellbeing

RECOMMENDATION 73

The Victorian Government must:

- a. Amend the *Mental Health and Wellbeing Act 2022* (Vic) to replace the Health Led Response Principle with robust statutory obligations on both Victoria Police and health professionals in relation to First Peoples, removing all Protective Service Officer powers to respond to mental health crises and significantly investing in health-led responses and divesting from Victoria Police.
- b. Introduce and fund a compulsory workforce training requirement for police to facilitate a health-led response in relation to First Peoples.

Chapter 29: Mental Health and Social and Emotional Wellbeing

RECOMMENDATION 74

The Victorian Government must develop a robust and publicly available strategy to reduce compulsory assessment and treatment of First Peoples on the basis that compulsory treatment is a 'last resort.'

Chapter 29: Mental Health and Social and Emotional Wellbeing

RECOMMENDATION 75

In relation to First Peoples, the Victorian Government must:

- a. Review the implementation of the *Mental Health and Wellbeing Act 2022* (Vic) relating to restrictive interventions.
- b. Assess the extent to which the Government is 'acting immediately' to ensure restrictive interventions is only used as a last resort.
- c. Develop a regulatory framework for the reduction of restrictive interventions to give effect to section 125 of the *Mental Health and Wellbeing Act 2022* (Vic).

Chapter 29: Mental Health and Social and Emotional Wellbeing

RECOMMENDATION 76

In relation to First Peoples, the Victorian Government must require mental health service providers and government agencies to report publicly on an annual basis on:

- a. Their use of restrictive interventions and compulsory assessment and treatment;
- b. Steps taken to comply with the obligation to reduce and eventually eliminate restrictive interventions;
- c. Compliance with the Cultural Safety Principle; and

- d. Responses to mental health crises including exercise of police powers and the transition to health-led crisis responses.

Chapter 29: Mental Health and Social and Emotional Wellbeing

RECOMMENDATION 77

The Victorian Government must ensure that First Peoples' complaints against police in relation to the exercise of powers under the *Mental Health and Wellbeing Act 2022* (Vic) are not investigated by police.

Chapter 29: Mental Health and Social and Emotional Wellbeing

RECOMMENDATION 78

The Victorian Government must improve the responsiveness of the Mental Health Tribunal by:

- a. Increasing First Peoples-led support before and representation on the Tribunal.
- b. Enabling the Mental Health Tribunal to hear First Peoples' stories and receive relevant cultural information, including the way in which connection to culture, community, kin and Country can support good mental health and wellbeing.
- c. Empower the Mental Health Tribunal to make findings and orders in relation to mental health services and treating teams.

Chapter 29: Mental Health and Social and Emotional Wellbeing

RECOMMENDATION 79

Led by First Peoples, the Victorian Government must fund the establishment of a Victorian First Peoples prevention of family violence peak body bestowed with legislative powers including to oversee the introduction and implementation of family violence death review mechanisms for formal reporting.

Chapter 30: Family Violence

RECOMMENDATION 80

Led by First Peoples, the Victorian Government must provide sustainable, long-term funding to ACCOs to:

- a. Expand existing services and deliver new initiatives to respond to family violence; and
- b. Establish First Peoples Women's Centres for First Peoples women affected by family violence, including a comprehensive suite of culturally safe, holistic specialist and preventative supports such as SEWB, mental health, alcohol and drug support and crisis accommodation.

Chapter 30: Family Violence

RECOMMENDATION 81

Led by First Peoples, the Victorian Government must:

- a. Invest in primary prevention initiatives (e.g. universal prevention programs for all Victorians) which address racism, before family violence occurs; and
- b. Develop and invest in initiatives to educate, prevent and reduce the likelihood of escalation of behaviour and/or repeat offences of users of violence once they have been identified.

Chapter 30: Family Violence

RECOMMENDATION 82

Led by First Peoples, the Victorian Government must:

- a. Take legislative, administrative and other steps to eliminate racism against First Peoples from Victorian health settings;
- b. Legislate and fund the development of cultural safety service standards to be met by public and community health services (including those operating in custodial health settings). The standards should protect the cultural safety of First Peoples patients and families and First Peoples staff; and
- c. Explore the feasibility of setting up an accreditation process to assess services against the cultural safety service standards that is appropriately resourced and led by a First Peoples organisation with experience in the health sector.

Chapter 31: Racism, Workforce and Accountability

RECOMMENDATION 83

The Victorian Government must:

- a. Fund all workforce actions in the Victorian Aboriginal Health and Wellbeing Partnership Agreement Action Plan, with a focus on extending student placements, internships, cadetships and graduate placements; and
- b. Increase First Peoples' leadership and representation in the Department of Health, health services and health service boards. This must be reported on in annual reports.

Chapter 31: Racism, Workforce and Accountability

RECOMMENDATION 84

Led by First Peoples, the Victorian Government must:

- a. Transfer oversight and responsibility of First Peoples' prison healthcare from the Department of Justice and Community Safety to the Department of Health.
- b. Provide First Peoples people in custody with primary healthcare, social and emotional wellbeing support, specialist services and access to disability supports at equivalent standard to that provided in the community, as well as ensuring First Peoples' cultural safety.
- c. Work with the Federal Government to ensure that First Peoples in prison have access to the Pharmaceutical Benefits Scheme (PBS) and the Medicare Benefits Schedule (MBS).
- d. Revise the system for auditing and scrutiny of custodial healthcare services, to ensure that there is a robust oversight of all providers of prison healthcare (both public and private) and public reporting of the outcomes.

Reform the prison complaints process to ensure that First Peoples' prison complaints, including complaints against private prisons and contractors, are handled by an appropriately resourced independent oversight body with sufficient powers to refer matters for criminal investigation. The body must be accessible to First Peoples in prison and complainants must have adequate legislative protection.

Chapter 32: Health and the Criminal Justice System

RECOMMENDATION 85

Led by First Peoples, the Victorian Government must:

- a. Develop a model for an equitable proportion of funding to ACCOs delivering health services immediately.
- b. According to a clear published plan and timeline, transition all Victorian Government departments' funding for ACCOs' service delivery (where those ACCOS are delivering health services) to outcomes-focussed recurrent funding that includes indexation.
- c. Establish an ACCO Perpetual Infrastructure Fund to provide long-term ongoing self-determined minor capital, maintenance, planning and management resources for ACCOs delivering health services across all holistic wrap-around services.
- d. Prioritise pay parity, training, upskilling and leadership development of all staff in the ACCO sector in accordance with the *Victorian Health Workforce Strategy* and ensure that ACCOs delivering health services have a self-determining role in how this is implemented.

Chapter 33: Aboriginal Community Controlled Healthcare

URGENT REFORMS: HOUSING

RECOMMENDATION 86

The Victorian Government must fully fund and implement *Mana-na woorn-tyeen maar-takoort: The Victorian Aboriginal Housing and Homelessness Framework* and the projects under the Framework, including in particular by:

- a. Addressing housing supply issues;
- b. Appropriately funding and supporting ACCOs to deliver housing solutions;
- c. Increasing support for private rental and home ownership;
- d. Delivering an Aboriginal-focused homelessness system;
- e. Fully funding and implementing the *Blueprint for an Aboriginal-specific Homelessness System in Victoria*; and
- f. Fully funding and implementing the recommendations arising from *Aboriginal private rental access in Victoria: Excluded from the Start*.

Chapter 35: Housing and First Peoples in Victoria

RECOMMENDATION 87

The Victorian Government must reduce First Peoples' overrepresentation on the Victorian Housing Register by making Aboriginal and Torres Strait Islander status a criterion for Priority Access to social housing.

Chapter 35: Housing and First Peoples in Victoria

RECOMMENDATION 88

The Victorian Government must urgently increase funding and support for Traditional Owner groups and ACCOs to provide homelessness services, transitional housing and a culturally safe housing model that meets the range of specific needs of First Peoples.

Chapter 35: Housing and First Peoples in Victoria

RECOMMENDATION 89

The Victorian Government must take steps to urgently increase First Peoples' housing supply, including by:

- a. Making equitable and stable investments to grow and maintain ACCO community housing supply;
- b. Providing funding to ACCOs to implement alternative models such as build and own, managed by private agent or partnership arrangements;
- c. Extending the Big Housing Build and increase targets from 10% to 25% funding allocation for First Peoples' housing over the next 5 years;
- d. Transferring fit-for-purpose public housing units to ACCOs and providing repair and refurbishment funding;
- e. Funding ACCOs to respond to barriers facing prospective First Peoples homeowners including expanding knowledge and education strategies on how to enter the home ownership market; and
- f. Developing new and innovative shared equity and rent-to-buy schemes for First Peoples in Victoria.

Chapter 35: Housing and First Peoples in Victoria

RECOMMENDATION 90

The Victorian Government must expand support for ACCOs and Traditional Owner groups to provide self-determined housing to First Peoples, including by:

- a. Providing feasibility and start-up costs;
- b. Facilitating community engagement and design of new housing projects; and
- c. Providing funding, resourcing and assistance to engage in and maintain registration as housing providers.

Chapter 35: Housing and First Peoples in Victoria

URGENT REFORMS: ECONOMIC PROSPERITY

RECOMMENDATION 91

The Victorian Government must:

- a. Revise the implementation timeline and proposed goals of the *Yuma Yirramboi Strategy*, including developing a publicly accessible monitoring and accountability plan for the strategy.
- b. Incentivise major corporations in Victoria's private sector to embed more First Peoples businesses in supply chains.
- c. Change procurement monitoring and targets from number of contracts to total dollars spent to accurately reflect investment.
- d. Develop, resource and implement an Indigenous Preferred Procurement Program.

Chapter 36: Economic Prosperity

RECOMMENDATION 92

The Victorian Government must assist recruitment, development, and retention of First Peoples in the workplace by:

- a. Amending the *Occupational Health and Safety Act 2004* (Vic) to include an obligation on employers and employees to take steps to ensure cultural safety and capability in Victorian workplaces.
- b. Creating a pipeline of First Peoples talent for identified industries with skills shortages, including bolstering access to education and vocational training for First Peoples to prepare them for high-value employment sectors.
- c. Monitoring and ensuring proper pay and conditions against defined targets for First Peoples in the public sector.
- d. Monitoring and ensuring proper remuneration for the cultural load borne by First Peoples in the workplace.
- e. Ensure the private sector develops recruitment, development, mentoring and retention strategies for First Peoples and support the private sector in developing such strategies.

Chapter 36: Economic Prosperity

RECOMMENDATION 93

The Victorian Government must take steps to ensure increased First Peoples representation on both company and government boards through improved accountability and transparency measures, including requirements to publicly disclose board diversity and report annually on First Peoples representation.

Chapter 36: Economic Prosperity

RECOMMENDATION 94

The Victorian Government must ensure that the Self-Determination Fund is adequately resourced on a guaranteed, ongoing basis to meet its current and future purposes.

Chapter 36: Economic Prosperity

RECOMMENDATION 95

The Victorian Government must negotiate with First Peoples to establish a capital fund, through the Self-Determination Fund or other means, to enable investment by First Peoples and First Peoples organisations in capital markets and other initiatives to promote economic prosperity.

Chapter 36: Economic Prosperity

URGENT REFORMS: POLITICAL LIFE

RECOMMENDATION 96

The Victorian Government must negotiate with First Peoples the establishment of a permanent First Peoples' representative body with powers at all levels of political and policy decision making.

Chapter 37: Political Life

URGENT REFORMS: ACCESS TO RECORDS

RECOMMENDATION 97

The Victorian Government must commit funding and resources to systemic reform to facilitate, embed and ensure Indigenous Data Sovereignty and Indigenous Data Governance in relation to First Peoples' records, including through treaty by funding, resourcing and supporting the establishment of a Victorian First Peoples-controlled statewide body for First Peoples' data, records and data governance expertise.

Chapter 38: Access to Records

RECOMMENDATION 98

The Victorian Government must:

- a. Provide ongoing and sustainable funding for existing First Peoples-controlled archives, including for operational costs;
- b. Increase resources for organisations supporting First Peoples to access their records;
- c. Prioritise the digitisation and searchability of First Peoples' records, including working with First Peoples to reframe how records are described; and
- d. Provide First Peoples with priority access to records and archives identified as relating to First Peoples.

Chapter 38: Access to Records

REDRESS

RECOMMENDATION 99

The Victorian Government must:

- a. Officially acknowledge the responsibility of its predecessors for laws, policies and practices that contributed to systemic injustices against Victorian First Peoples;
- b. Make official apologies to First Peoples in Victoria; and
- c. Negotiate with the First Peoples' Assembly of Victoria a form of words for official apologies to First Peoples individuals and communities.

Chapter 39: Redress

RECOMMENDATION 100

Through both Statewide and Traditional Owner treaties, the Victorian Government must provide redress for injustice which has occurred during and as a result of the colonial invasion and occupation of First Peoples' territories and all consequent damage and loss, including economic and non-economic loss for genocide, crimes against humanity and denial of freedoms.

In respect of the redress obligations for the taking of land, waters and resources from First Peoples, the Victorian Government must act consistently with the principles in UNDRIP Articles 8(2)(b) and 28, including the following:

- a. Redress for economic loss including past loss, loss of opportunities and loss to future generations;
- b. Interest on economic loss;
- c. Redress for non-economic loss including cultural loss, assessed as at the date of extinguishment; and

- d. Interest on non-economic loss.

Redress should take the form of:

- e. Restitution of traditional lands, waters and natural resources ownership rights to First Peoples;
- f. Monetary compensation;
- g. Tax relief; and
- h. Such other financial or other benefits as may be requested by the First Peoples' Assembly of Victoria or the local treaty bodies in treaty negotiations.

'Redress' does not, in principle, include equitable benefit-sharing of natural resources or the revenue or other benefits derived from the use or exploitation of natural resources. First Peoples have a separate right to equitable benefit-sharing from the exploitation or use of the natural resources on their territories. Notwithstanding this, the First Peoples Assembly of Victoria and local treaty bodies should not be prohibited from allocating additional benefit share to meet redress obligations for historical wrongs.

Chapter 39: Redress

APPENDIX 3: REFERENCES

TIMELINE OF COLONISATION IN VICTORIA: ENDNOTES

1. British Government, *Governor Phillip's Instructions (1787)* (The Library Committee of the Commonwealth Parliament, Sydney).
2. National Museum of Australia, 'Exile or opportunity? 1788: Captain Arthur Phillip establishes a convict settlement at Sydney Cove', *Digital Classroom* (Webpage) <<https://digital-classroom.nma.gov.au/defining-moments/first-fleet-arrives-sydney-cove>>.
3. National Museum of Australia, 'Exile or opportunity? 1788: Captain Arthur Phillip establishes a convict settlement at Sydney Cove', *Digital Classroom* (Webpage) <<https://digital-classroom.nma.gov.au/defining-moments/first-fleet-arrives-sydney-cove>>.
4. State Library of Victoria, 'Settlement at Sullivan Bay', *State Library of Victoria Blog* (Webpage, 22 June 2016) <<https://blogs.slv.vic.gov.au/such-was-life/settlement-at-sullivan-bay/>>.
5. State Library of Victoria, 'Settlement at Sullivan Bay', *State Library of Victoria Blog* (Webpage, 22 June 2016) <<https://blogs.slv.vic.gov.au/such-was-life/settlement-at-sullivan-bay/>>; Clare Land, *Tunnerminnerwait and Maulboyheenner: The involvement of Aboriginal people from Tasmania in key events of early Melbourne* (City of Melbourne, 2014) 30; Transcript of Professor Richard Broome, 26 March 2024, 22 [10]–[26]; Richard Broome, *Aboriginal Victorians* (Allen & Unwin, 2005) 4–5.
6. Australian Dictionary of Biography, 'Edward Henty (1810–1878)', *Australian Dictionary of Biography* (Webpage, 2006) <<https://adb.anu.edu.au/biography/henty-edward-2247>>; Richard Broome, *Aboriginal Victorians: A History Since 1800* (Allen & Unwin, 2nd ed, 2024) 10; Jan Critchett, *A Distant Field of Murder: Western District Frontiers 1834–1848* (Melbourne University Press, 1990) 21.
7. See Ian D Clark, 'The Convincing Ground Aboriginal massacre at Portland Bay, Victoria: fact or fiction?' (2011) 35(1) *Aboriginal History* 79, 109; Bill Pascoe, *Colonial Violence in Victoria* (Presentation to the Yoorrook Justice Commission, 28 March 2024); The University of Newcastle, 'Convincing Ground, Portland Bay', *Colonial Frontier Massacres in Australia, 1788–1930* (Webpage) <<https://c21ch.newcastle.edu.au/colonialmassacres/detail.php?r=503>>.
8. R Kenny, 'Tricks or Treats?' (2008) 5(2) *History Australia* 1; Penny Van Toorn, *Writing Never Arrives Naked: Early Aboriginal Cultures of Writing in Australia* (Aboriginal Studies Press, 2006).
9. Transcript of Associate Professor Katherine Ellinghaus, 26 March 2024, 39 [20]; Governor Bourke's Proclamation 1835 (UK), No 183, 2 September 1835, 627 <<https://www.foundingdocs.gov.au/item-sdid-75.html>>.
10. Transcript of Professor Henry Reynolds, 27 March 2024, 6 [20]; Richard Broome, *Aboriginal Victorians: A History Since 1800* (Allen & Unwin, 2005) 54; Witness Statement of the Premier Jacinta Allan MP, 18 March 2024, 11–12 [92].
11. Transcript of Professor Henry Reynolds, 27 March 2024, 7 [13]–[17].
12. Museums of History New South Wales, 'Convict Sydney: Limits of Location' *MH NSW* (Webpage, 5 July 2017) <<https://mhnsw.au/stories/convict-sydney/limits-location/>>.
13. Richard Broome, *Aboriginal Victorians: A History Since 1800* (Allen & Unwin, 2nd ed, 2024) 54.
14. The University of Newcastle, 'Mt Cottrell, Werribee' *Colonial Frontier Massacres in Australia, 1788–1930* (Webpage) <<https://c21ch.newcastle.edu.au/colonialmassacres/detail.php?r=504>>.
15. Parliamentary Select Committee, 'Report of the Parliamentary Select Committee on Aboriginal Tribes (British Settlements)' (Parliamentary report, 1837) <<https://apo.org.au/node/61306>>; Richard Broome, *Aboriginal Victorians: A History Since 1800* (Allen & Unwin, 2nd ed, 2024) 35–36.
16. The University of Newcastle, 'Mundy, Pyalong Station, Goulburn River', *Colonial Frontier Massacres in Australia, 1788–1930* (Webpage) <<https://c21ch.newcastle.edu.au/colonialmassacres/detail.php?r=505>>.

17. Rachel Standfield, "'The vacillating manners and sentiments of these people': Mobility, Civilisation and Dispossession in the Work of William Thomas with the Port Phillip Aboriginal Protectorate' (2011) 15(1) *Law Text Culture* 162.
18. Bill Pascoe, *Colonial Violence in Victoria* (Presentation to the Yoorrook Justice Commission, 28 March 2024) 24.
19. Richard Broome, *Aboriginal Victorians: A History Since 1800* (Allen & Unwin, 2nd ed, 2024) 40.
20. A G L Shaw, *A History of the Port Phillip District: Victoria Before Separation* (Melbourne University Press, 1996) 76.
21. The University of Newcastle, 'Faithfull Massacre, Benalla', *Colonial Frontier Massacres in Australia, 1788-1930* (Webpage) <<https://c21ch.newcastle.edu.au/colonialmassacres/detail.php?r=506>>.
22. The University of Newcastle, 'Darlington Station', *Colonial Frontier Massacres in Australia, 1788-1930* (Webpage) <<https://c21ch.newcastle.edu.au/colonialmassacres/detail.php?r=509>>.
23. The University of Newcastle, 'Barfold Station, Coliban River, Campaspe Plains', *Colonial Frontier Massacres in Australia, 1788-1930* (Webpage) <<https://c21ch.newcastle.edu.au/colonialmassacres/detail.php?r=520>>.
24. The University of Newcastle, 'Mount Mitchell', *Colonial Frontier Massacres in Australia, 1788-1930* (Webpage) <<https://c21ch.newcastle.edu.au/colonialmassacres/detail.php?r=510>>.
25. The University of Newcastle, 'Murdering Flat', *Colonial Frontier Massacres in Australia, 1788-1930* (Webpage) <<https://c21ch.newcastle.edu.au/colonialmassacres/detail.php?r=511>>.
26. Heather Le Griffon, *Campfires at the Cross: An Account of the Bunting Dale Aboriginal Mission 1839-1851* (Australian Scholarly Publishing, 1 December 2007); 'The Bunting Dale Mission', *Otway Life Magazine* (Webpage, 28 August 2014) 6-7 <https://issuu.com/otwaylifemagazine/docs/otway_life_spring14>.
27. The University of Newcastle, 'Maiden Hills', *Colonial Frontier Massacres in Australia, 1788-1930* (Webpage) <<https://c21ch.newcastle.edu.au/colonialmassacres/detail.php?r=512>>.
28. The University of Newcastle, 'Restdown Plains Station, Campaspe River', *Colonial Frontier Massacres in Australia, 1788-1930* (Webpage) <<https://c21ch.newcastle.edu.au/colonialmassacres/detail.php?r=508>>.
29. The University of Newcastle, 'Mt Emu Creek', *Colonial Frontier Massacres in Australia, 1788-1930* (Webpage) <<https://c21ch.newcastle.edu.au/colonialmassacres/detail.php?r=514>>.
30. The University of Newcastle, 'Blood Hole', *Colonial Frontier Massacres in Australia, 1788-1930* (Webpage) <<https://c21ch.newcastle.edu.au/colonialmassacres/detail.php?r=515>>.
31. Australian Dictionary of Biography, 'McMillan, Angus (1810-1865)', (Webpage) <<https://adb.anu.edu.au/biography/mcmillan-angus-2416>>.
32. See Margaret Anderson, 'Charles La Trobe and the Kulin: 'Protection' or exile from country?' *Agora*, (2022) 57(3) 11; Richard Broome, *Aboriginal Victorians: A History Since 1800* (Allen & Unwin, 2nd ed, 2024) 31.
33. The University of Newcastle, 'Tahara Station', *Colonial Frontier Massacres in Australia, 1788-1930* (Webpage) <<https://c21ch.newcastle.edu.au/colonialmassacres/detail.php?r=516>>.
34. The University of Newcastle, 'La Trobe Valley', *Colonial Frontier Massacres in Australia, 1788-1930* (Webpage) <<https://c21ch.newcastle.edu.au/colonialmassacres/detail.php?r=560>>.
35. The University of Newcastle, 'Wootong Vale', *Colonial Frontier Massacres in Australia, 1788-1930* (Webpage) <<https://c21ch.newcastle.edu.au/colonialmassacres/detail.php?r=1103>>.
36. The University of Newcastle, 'Fighting Hills', *Colonial Frontier Massacres in Australia, 1788-1930* (Webpage) <<https://c21ch.newcastle.edu.au/colonialmassacres/detail.php?r=517>>.
37. The University of Newcastle, 'Fighting Waterholes', *Colonial Frontier Massacres in Australia, 1788-1930* (Webpage) <<https://c21ch.newcastle.edu.au/colonialmassacres/detail.php?r=518>>.
38. The University of Newcastle, 'Mustons Station', *Colonial Frontier Massacres in Australia, 1788-1930* (Webpage) <<https://c21ch.newcastle.edu.au/colonialmassacres/detail.php?r=521>>.

39. The University of Newcastle, 'Mount Rouse', *Colonial Frontier Massacres in Australia, 1788–1930* (Webpage) <<https://c21ch.newcastle.edu.au/colonialmassacres/detail.php?r=519>>.
40. The University of Newcastle, 'Victoria Valley', *Colonial Frontier Massacres in Australia, 1788–1930* (Webpage) <<https://c21ch.newcastle.edu.au/colonialmassacres/detail.php?r=522>>.
41. The University of Newcastle, 'Grampians', *Colonial Frontier Massacres in Australia, 1788–1930* (Webpage) <<https://c21ch.newcastle.edu.au/colonialmassacres/detail.php?r=1096>>.
42. The University of Newcastle, 'Boney Point, Gippsland', *Colonial Frontier Massacres in Australia, 1788–1930* (Webpage) <<https://c21ch.newcastle.edu.au/colonialmassacres/detail.php?r=523>>.
43. The University of Newcastle, 'Connell's Ford', *Colonial Frontier Massacres in Australia, 1788–1930* (Webpage) <<https://c21ch.newcastle.edu.au/colonialmassacres/detail.php?r=524>>.
44. The University of Newcastle, 'Burrumbeep Station', *Colonial Frontier Massacres in Australia, 1788–1930* (Webpage) <<https://c21ch.newcastle.edu.au/colonialmassacres/detail.php?r=525>>.
45. Isabel Ellender and Peter Christiansen, *People of the Merri Merri: The Wurundjeri in Colonial Days* (Merri Creek Management Committee Inc, 1999) 94; Ian D Clark and Toby Heydon, *A Bend in the Yarra: A History of the Merri Creek Protectorate Station and Merri Creek Aboriginal School 1841–1851* (Aboriginal Studies Press, 2004) 2, 59, 78.
46. The University of Newcastle, 'Butchers Creek, Gippsland', *Colonial Frontier Massacres in Australia, 1788–1930* (Webpage) <<https://c21ch.newcastle.edu.au/colonialmassacres/detail.php?r=526>>.
47. The University of Newcastle, 'Mount Sturgeon Station', *Colonial Frontier Massacres in Australia, 1788–1930* (Webpage) <<https://c21ch.newcastle.edu.au/colonialmassacres/detail.php?r=527>>.
48. The University of Newcastle, 'Woodlands', *Colonial Frontier Massacres in Australia, 1788–1930* (Webpage) <<https://c21ch.newcastle.edu.au/colonialmassacres/detail.php?r=528>>.
49. The University of Newcastle, 'King River, above Oxley Plains (Wangaratta)', *Colonial Frontier Massacres in Australia, 1788–1930* (Webpage) <<https://c21ch.newcastle.edu.au/colonialmassacres/detail.php?r=559>>.
50. The University of Newcastle, 'Tambo Crossing', *Colonial Frontier Massacres in Australia, 1788–1930* (Webpage) <<https://c21ch.newcastle.edu.au/colonialmassacres/detail.php?r=546>>.
51. The University of Newcastle, 'Caramut Station', *Colonial Frontier Massacres in Australia, 1788–1930* (Webpage) <<https://c21ch.newcastle.edu.au/colonialmassacres/detail.php?r=532>>.
52. The University of Newcastle, 'Eumeralla', *Colonial Frontier Massacres in Australia, 1788–1930* (Webpage) <<https://c21ch.newcastle.edu.au/colonialmassacres/detail.php?r=533>>.
53. The University of Newcastle, 'Tarrone Station', *Colonial Frontier Massacres in Australia, 1788–1930* (Webpage) <<https://c21ch.newcastle.edu.au/colonialmassacres/detail.php?r=531>>.
54. The University of Newcastle, 'Hollands Landing, Gippsland', *Colonial Frontier Massacres in Australia, 1788–1930* (Webpage) <<https://c21ch.newcastle.edu.au/colonialmassacres/detail.php?r=535>>.
55. Henry Reynolds, 'The Mabo Judgement in the Light of Imperial Land Policy' (1993) 16(1) *UNSW Law Journal* 27, 32.
56. The University of Newcastle, 'Warrigal Creek, Gippsland', *Colonial Frontier Massacres in Australia, 1788–1930* (Webpage) <<https://c21ch.newcastle.edu.au/colonialmassacres/detail.php?r=537>>.
57. The University of Newcastle, 'Warrigal Creek Mouth', *Colonial Frontier Massacres in Australia, 1788–1930* (Webpage) <<https://c21ch.newcastle.edu.au/colonialmassacres/detail.php?r=538>>.
58. The University of Newcastle, 'Bruthen Creek, Gippsland', *Colonial Frontier Massacres in Australia, 1788–1930* (Webpage) <<https://c21ch.newcastle.edu.au/colonialmassacres/detail.php?r=1121>>.
59. The University of Newcastle, 'Freshwater Creek, Gippsland', *Colonial Frontier Massacres in Australia, 1788–1930* (Webpage) <<https://c21ch.newcastle.edu.au/colonialmassacres/detail.php?r=539>>.

60. The University of Newcastle, 'Gammon Creek, Gippsland', *Colonial Frontier Massacres in Australia, 1788-1930* (Webpage) <<https://c21ch.newcastle.edu.au/colonialmassacres/detail.php?r=540>>.
61. The University of Newcastle, 'Victoria Range', *Colonial Frontier Massacres in Australia, 1788-1930* (Webpage) <<https://c21ch.newcastle.edu.au/colonialmassacres/detail.php?r=542>>.
62. The University of Newcastle, 'Budj Bim', *Colonial Frontier Massacres in Australia, 1788-1930* (Webpage) <<https://c21ch.newcastle.edu.au/colonialmassacres/detail.php?r=543>>.
63. The University of Newcastle, 'Clunie, Glenelg River', *Colonial Frontier Massacres in Australia, 1788-1930* (Webpage) <<https://c21ch.newcastle.edu.au/colonialmassacres/detail.php?r=545>>.
64. James Boyce, 1835: *The Founding of Melbourne and the Conquest of Australia* (Black Inc, 2011) 215.
65. The University of Newcastle, 'Mt Arapiles/ Dyurrite', *Colonial Frontier Massacres in Australia, 1788-1930* (Webpage) <<https://c21ch.newcastle.edu.au/colonialmassacres/detail.php?r=548>>.
66. The University of Newcastle, 'Aire River Estuary, Cape Otway', *Colonial Frontier Massacres in Australia, 1788-1930* (Webpage) <<https://c21ch.newcastle.edu.au/colonialmassacres/detail.php?r=743>>.
67. The University of Newcastle, 'Snowy River', *Colonial Frontier Massacres in Australia, 1788-1930* (Webpage) <<https://c21ch.newcastle.edu.au/colonialmassacres/detail.php?r=550>>.
68. State Library Victoria, 'Victoria's Early History, 1803-1851' (Webpage, 18 October 2024) <<https://guides.slv.vic.gov.au/Victoriasearlyhistory/timeline>>.
69. The University of Newcastle, 'Mt Eccles', *Colonial Frontier Massacres in Australia, 1788-1930* (Webpage) <<https://c21ch.newcastle.edu.au/colonialmassacres/detail.php?r=552>>.
70. The University of Newcastle, 'Beveridge Island', *Colonial Frontier Massacres in Australia, 1788-1930* (Webpage) <<https://c21ch.newcastle.edu.au/colonialmassacres/detail.php?r=553>>.
71. State Library Victoria, 'Land Administration' (Webpage, 2024) <<https://ergo.slv.vic.gov.au/explore-history/land-exploration/land-management/land-administration>>.
72. Rachel Standfield, 'The vacillating manners and sentiments of these people': Mobility, Civilisation and Dispossession in the Work of William Thomas with the Port Phillip Aboriginal Protectorate' (2011) 15 (9) *Law Text Culture* 162, 162; E J B Foxcroft, 'The New South Wales Aborigines' Protectorate, Port Phillip District, 1838-50' (1941) 1(3) *Australian Historical Studies*, 157-167, 162-163.
73. The University of Newcastle, 'The Slaughterhouse', *Colonial Frontier Massacres in Australia, 1788-1930* (Webpage) <<https://c21ch.newcastle.edu.au/colonialmassacres/detail.php?r=554>>.
74. The University of Newcastle, 'Murderers Flat, Darlot's Creek, Lake Condah Mission', *Colonial Frontier Massacres in Australia, 1788-1930* (Webpage) <<https://c21ch.newcastle.edu.au/colonialmassacres/detail.php?r=556>>.
75. State Library Victoria, 'Victoria's Early History, 1803-1851' (Webpage, 18 October 2024) <<https://guides.slv.vic.gov.au/Victoriasearlyhistory/timeline>>.
76. Richard Broome, *Aboriginal Victorians: A History Since 1800* (Allen & Unwin, 2nd ed, 2024) 120.
77. The University of Newcastle, 'Milly, Brodribb River', *Colonial Frontier Massacres in Australia, 1788-1930* (Webpage) <<https://c21ch.newcastle.edu.au/colonialmassacres/detail.php?r=555>>.
78. Richard Broome, *Aboriginal Victorians: A History Since 1800* (Allen & Unwin, 2005) 46.
79. Darren Palmer, 'A new police in Victoria: conditions of crises or politics of reform?' (2003) 74(2) *Victorian Historical Journal* 167, 167.
80. University of Melbourne, 'Our history', *We have a rich and fascinating past spanning 160 years* (Webpage) <<https://about.unimelb.edu.au/strategy/our-history#:~:text=Founded%20in%201853%20by%20an.a%20vision%20of%20its%20future>>.
81. The University of Newcastle, 'Apsley, Western Wimmera', *Colonial Frontier Massacres in Australia, 1788-1930* (Webpage) <<https://c21ch.newcastle.edu.au/colonialmassacres/detail.php?r=558>>.
82. Richard Broome, *Aboriginal Victorians: A History Since 1800* (Allen & Unwin, 2nd ed, 2024) 120.

83. Department of Transport and Planning, *Response to NTP-003-003 – 'The role of land titling and land surveying in the historical dispossession of Traditional Owners from land and overview of contemporary land administration'*, 2, produced by the State of Victoria in response to the Yoorrook Justice Commission's Notice to Produce dated 8 November 2023.
84. Uncle Roy Patterson and Jennifer Jones, *On Taungurung Land: Sharing History and Culture* (ANU Press, 2020) 17-8, 32-3; Giordano Nanni and Andrea James, *Coranderrk: We Will Show the Country* (Aboriginal Studies Press, 2013) 6-7.
85. Felicity Jensz, *German Moravian Missionaries in the British Colony of Victoria, Australia, 1848-1908* (Leiden, 2010) 103; Richard Broome, *Aboriginal Victorians: A History Since 1800* (Allen & Unwin, 2nd ed, 2024) 121.
86. Department of Transport and Planning, *Response to NTP-003-003 – 'The role of land titling and land surveying in the historical dispossession of Traditional Owners from land and overview of contemporary land administration'*, 2, produced by the State of Victoria in response to the Yoorrook Justice Commission's Notice to Produce dated 8 November 2023.
87. Commonwealth of Australia, *Bringing Them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families* (Report, 1997) 50.
88. Department of Transport and Planning, *Response to NTP-003-003 – 'The role of land titling and land surveying in the historical dispossession of Traditional Owners from land and overview of contemporary land administration'*, 3, produced by the State of Victoria in response to the Yoorrook Justice Commission's Notice to Produce dated 8 November 2023.
89. Department of Transport and Planning, *Response to NTP-003-003 – 'The role of land titling and land surveying in the historical dispossession of Traditional Owners from land and overview of contemporary land administration'*, 3, produced by the State of Victoria in response to the Yoorrook Justice Commission's Notice to Produce dated 8 November 2023.
90. Central Board Appointed to Watch over the Interests of the Aborigines in the Colony of Victoria, *Second Report of the Central Board Appointed to watch over the interests of the Aborigines in the Colony of Victoria* (Report, 1862) 18; Janet F Critchett, *A History of Framlingham and Lake Condah Aboriginal Stations, 1860-1918* (MA Thesis, University of Melbourne, 1980) 57-8, 60-3, 65.
91. Phillip Pepper, *The Kurnai of Gippsland* (Hyland House, 1985) 121; Richard Broome, *Aboriginal Victorians: A History Since 1800* (Allen & Unwin, 2005) 126.
92. Felicity Jensz, *German Moravian Missionaries in the British Colony of Victoria, Australia, 1848-1908* (Leiden, 2010) 38.
93. Richard Broome, *Aboriginal Victorians: A History Since 1800* (Allen & Unwin, 2005) 126.
94. Diane Barwick, *Rebellion at Coranderrk* (Aboriginal History Inc, 2024) 79, 84; Jessica K Weir, *Gunditjmara Land Justice Story* (AIATSIS, 2009) 10.
95. History Matters, *Indigenous Stolen Wages Preliminary Investigation: Stage One* (Final Report to Aboriginal Affairs Victoria & Public Record Office Victoria, September 2009) 4, 23; Victorian Aboriginal Legal Service, Submission 569 to the Yoorrook Justice Commission (Economic Prosperity), 9.
96. Central Board Appointed to Watch over the Interests of the Aborigines in the Colony of Victoria, *Second Report of the Central Board Appointed to watch over the interests of the Aborigines in the Colony of Victoria* (Report, 1862) 18; Janet F Critchett, *A History of Framlingham and Lake Condah Aboriginal Stations, 1860-1918* (MA Thesis, University of Melbourne, 1980) 57-8, 60-3, 65.
97. Richard Broome, *Aboriginal Victorians: A History since 1800* (Allen & Unwin, 2005).
98. Royal Commission on the Aborigines (Vic), *Final Report* (1877).
99. Richard Broome, *Aboriginal Victorians: A History Since 1800* (Allen & Unwin, 2005) 147.

100. Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation, Submission 344 ('Summary of Past and Ongoing Land Injustice') 2; Transcript of Uncle Andrew Gardiner, 29 April 2024, 3 [36]–[42]; Witness Statement of Ngarra Murray, Co-Chair of First Peoples' Assembly of Victoria, 11 April 2024, 6 [16]. See also First Peoples State Relations, 'William Barak: An Ambassador to His People' (Webpage) <<https://www.firstpeoplesrelations.vic.gov.au/william-barak>>; National Museum Australia, 'Defining Moments: Coranderrk' (Webpage) <<https://www.nma.gov.au/defining-moments/resources/coranderrk>>; Witness Statement of Premier Jacinta Allan MP, 18 March 2024, 5–6 [40]–[45]; Mati Keynes et al., '3 Key Moments in Indigenous Political History Victorian School Students Didn't Learn about', *The Conversation* (Webpage, 12 October 2023) <<https://theconversation.com/3-key-moments-in-indigenous-political-history-victorian-school-students-didnt-learn-about-213756>>; Diane Barwick, *Rebellion at Coranderrk* (ANU Press, 2024) 114, 118, 122, 130, 141–3, 152–3, 155–7, 159, 161, 165–87; Giordano Nanni and Andrea James, *Coranderrk: We Will Show the Country* (Aboriginal Studies Press, 2013); *Coranderrk Aboriginal Station* (Report, 1882).
101. Diane Barwick, *Rebellion at Coranderrk* (Aboriginal History Inc, 2024) 255.
102. Clare Land, 'Law and the Construction of "Race": Critical Race Theory and the Aborigines Protection Act, 1886, Victoria, Australia', in Penelope Edmonds and Samuel Furphy (eds), *Rethinking Colonial Histories: New and Alternative Approaches* (RMIT Publishing, 2006), 137, 139–40.
103. *Aborigines Protection Act 1886* (Vic); Victorian Aboriginal Community Controlled Health Organisation, Submission 445 (Health, Education, Housing) 31; Richard Broome, *Aboriginal Victorians: A History since 1800* (Allen & Unwin, 1st ed, 2005) 185–7. See also Clare Land, *Shifting Definitions: The 1886 Aborigines Protection Act, 'Race' and 'Half-Castes'* (Thesis, The University of Melbourne, 2001) 20–1.
104. Janet F Critchett, *A History of Framlingham and Lake Condah Aboriginal Stations, 1860–1918* (MA Thesis) (University of Melbourne, 1980) 136, 151–3, 156, 159, 163–4, 168, 171.
105. Diane Barwick, *Rebellion at Coranderrk* (Aboriginal History Inc, 2024) 275; *Crown Lands Reserves Act 1893* (Vic); Guy Featherstone, 'Village Communities in Victoria: A Re-assessment of the 1893 response to Depression' (2012) 83(2) *Victorian Historical Journal*, 215–234, 216–7, 224, 228.
106. *Immigration Restriction Act 1901* (Cth).
107. Richard Broome, *Aboriginal Victorians: A History Since 1800* (Allen & Unwin, 2005) 194.
108. Richard Broome, *Aboriginal Victorians: A History Since 1800* (Allen & Unwin, 2005) 195.
109. Diane Barwick, *Rebellion at Coranderrk* (Aboriginal History Inc, 2024) 273; David Rhodes, *The History of Ramahyuck Aboriginal Mission and a Report on the Survey of Ramahyuck Mission Cemetery* (Aboriginal Affairs Victoria, 1996) 30–1, 70; Richard Broome, *Aboriginal Victorians: A History Since 1800* (Allen & Unwin, 2005) 195.
110. Phillip Pepper, *Kurnai of Gippsland* (Hyland House, 1985) 229.
111. Clare Land, 'Law and the Construction of "Race": Critical Race Theory and the Aborigines Protection Act, 1886, Victoria, Australia', in Penelope Edmonds and Samuel Furphy (eds), *Rethinking Colonial Histories: New and Alternative Approaches* (RMIT Publishing, 2006) 137–56.
112. *Aborigines Act 1915* (Vic); Richard Broome, *Aboriginal Victorians: A History Since 1800* (Allen & Unwin, 2005) 202–3.
113. Diane Barwick, *Rebellion at Coranderrk* (Aboriginal History Inc, 2024) 276.

114. Framlingham residents protested any forced relocation in a manner similar to their successful efforts to remain at Framlingham in the 1890s, by getting the local community to support them through petitions and contacting local politicians: Lake Tyers Aboriginal Trust, 'Bungyarnda: A Pictorial History of Lake Tyers Aboriginal Station' (Webpage) <https://laketyersaboriginaltrust.com.au/index.php?option=com_content&view=article&id=19&Itemid=23>; Board for the Protection of Aborigines, *Forty-ninth Report of the Board for the Protection of Aborigines* (Report, 1922) 3–4; Board for the Protection of Aborigines, *Fiftieth Report of the Board for the Protection of Aborigines* (Report, 1923) 3–4; Board for the Protection of Aborigines, *Fifty-first Report of the Board for the Protection of Aborigines* (Report, 1925) 4; Jessica K Weir, *Gunditjmara Land Justice Story* (AIATSIS, 2009) 10; Phillip Pepper, *Kurnai of Gippsland* (Hyland House, 1985) 242–3, 248, 250; Diane Barwick, *Rebellion at Coranderrk* (ANU Press, 2024) 276–7, 279–80; John Maynard, 'The rise of the modern Aboriginal political movement, 1924–1939', in Joan Beaumont and Alison Cadzow (eds) *Serving Our Country* (NewSouth Publishing, 2018) 113, 122–4; Board for the Protection of Aborigines, *Twenty-sixth Report of the Board for the Protection of Aborigines* (Report, October 1890) 4; Diane Barwick, 'Equity for Aborigines? The Framlingham Case' in Patrick N Troy (ed.), *A Just Society? Essays on Equity in Australia* (George Allen & Unwin, 1981) 173, 191; Jane Lydon, *Fantastic Dreaming: The Archaeology of an Aboriginal Mission* (AltaMira, 2009) 176, 178.
115. Department of Transport and Planning, *Response to NTP-003-003 – 'The role of land titling and land surveying in the historical dispossession of Traditional Owners from land and overview of contemporary land administration'*, 4, produced by the State of Victoria on 15 November 2023 in response to the Yoorrook Justice Commission's Notice to Produce dated 8 November 2023.
116. Phillip Pepper, *Kurnai of Gippsland* (Hyland House, 1985) 250; Jessica Horton, "'Willing to fight a man': The First World War and Aboriginal activism in the Western District of Victoria' (2015) 39 *Aboriginal History* 203, 213–4.
117. Diane Barwick, *Rebellion at Coranderrk* (Aboriginal History Inc, 2024) 279.
118. Kaiela Institute, Submission 668 (Economic Prosperity), 27. See also William Cooper and the Australian Aborigines' League, 'The League (1933–1936)' (Webpage) <<https://williamcooper.monash.edu/collection/the-league/>>; Gary Foley and Crystal McKinnon, 'Civil Rights and Indigenous People', in Peter Cane, Lisa Ford and Mark McMillan (eds), *The Cambridge Legal History of Australia, V – Social Organisation* (Cambridge University Press, 2022) 523, 524; Margaret Tucker, *If Everyone cared enough: Her voice reclaimed* (National Library of Australia Publishing, 2024) 167.
119. Victorian Aboriginal Community Controlled Health Organisation, Submission 905 (Political Life), 11; Australian Institute of Aboriginal and Torres Strait Islander Studies, 'The 1938 Day of Mourning' (Webpage) <<https://aiatsis.gov.au/explore/day-of-mourning>>; Richard Broome, *Fighting Hard: The Victorian Aborigines Advancement League* (AIATSIS, 2015) 9; Wayne Roderick Atkinson, "'Not one iota": The Yorta Yorta struggle for land justice' (PhD Thesis, La Trobe University, 2000) 84; William Cooper and the Australian Aborigines' League, 'The Petition to the King (1933–1935)' (Webpage) <<https://williamcooper.monash.edu/collection/the-petition-to-the-king/>>.
120. Wayne Roderick Atkinson, "'Not One Iota": The Yorta Yorta Struggle for Land Justice' (PhD thesis, La Trobe University, 2000) 84–5; Deadly Story, 'Cummeragunja Residents Protest Against Cruel Treatment', *History* (Webpage, 2025) <https://deadlystory.com/page/culture/history/Cummeragunja_residents_strike_in_protest_of_cruel_treatment#:~:text=The%20Walk%20Off,station%20they%20had%20set%20up>.
121. *Soldier Settlement Act 1945* (Vic). See also Rosalind Smallwood, *Hard to go bung: World War 2 Soldier Settlement in Victoria, 1945–1962* (Australian Scholarly Publishing, 2011) 25–6, 92, 94–5.
122. Diane Barwick, *Rebellion at Coranderrk* (ANU Press, 2024) 280. See also Yoorrook Justice Commission, '100 Years Ago – The legacy and Closure of Coranderrk Station, 1924' (Webpage, 6 December 2024) <<https://yoorrook.org.au/history/victorias-history-to-now/coranderrk-aboriginal-reserve-story-map>>; Jessica K Weir, *The Gunditjmara Land Justice Story* (AIATSIS, 2009) 10–11; Jessica Horton, 'Willing to Fight a Man: The First World War and Aboriginal Activism in the Western District of Victoria' (2015) 39 *Aboriginal History* 203, 213–4.

123. Cole K, *The Lake Condah Aboriginal Mission* (KCP, 1984); Diane Barwick, *Rebellion at Coranderrk* (Aboriginal History Inc, 1998).
124. Richard Broome, *Fighting Hard: The Victorian Aborigines Advancement League* (AIATSIS, 2015) xi, 39–41; Outline of Evidence of Aunty Jill Gallagher, 28 March 2024, 3 [27]; Aborigines Advancement League, 'About AAL' (Webpage) <<https://aal.org.au/>>.
125. *Aborigines Act 1957* (Vic). See also Department of Health and Human Services (Vic), 'Aborigines Welfare Board' (Webpage) <<https://www.findingrecords.dhhs.vic.gov.au/collectionresultspage/Aborigines-Welfare-Board>>; Public Record Office Victoria, 'Aboriginal Affairs' (Webpage) <<https://prov.vic.gov.au/archive/VF175>>; Corinne Manning, 'The McLean Report: legitimising Victoria's new assimilationism' (2002) 26 *Aboriginal History* 159, 173.
126. Robert Hudson and Shannon Woodcock, "'People Come and Go, but This Place Doesn't': Narrating the Creation of the Krowathunkooloong Keeping Place as Cultural Resurgence' (2022) 46(1) *Aboriginal History* 53, 62–64; Melbourne Law School, 'Pastor Doug Nicholls Leads Aboriginal People from Lake Tyers to Parliament House in Melbourne, 23 May 1963' (Webpage) <<https://law.unimelb.edu.au/iljh/research/mls-classroom-photo-mural-initiative/classroom-photos/lake-tyers>>.
127. Lake Tyers Aboriginal Trust, 'Bungyarnda: A Pictorial History of Lake Tyers Aboriginal Station' (Webpage) <https://laketyersaboriginaltrust.com.au/index.php?option=com_content&view=article&id=19&Itemid=23>.
128. Gary Foley, *A Short History of the Australian Indigenous Resistance* (Essay, 2010) 7 <<https://kooriweb.org/foley/resources/pdfs/229.pdf>>; Gary Foley and Crystal McKinnon, 'Civil Rights and Indigenous People' in Peter Cane, Lisa Ford and Mark McMillan (eds), *The Cambridge Legal History of Australia: V – Social Organisation* (Cambridge University Press, 2022) 523–535, 532.
129. *Aboriginal Lands Act 1970* (Vic); Robert Lowe, *The Mish* (University of Queensland Press, 2002) 69; Robert Hudson and Shannon Woodcock, "'People Come and Go, but This Place Doesn't': Narrating the Creation of the Krowathunkooloong Keeping Place as Cultural Resurgence' (2022) 46(1) *Aboriginal History* 53, 62–64.
130. First Peoples' Assembly of Victoria, Submission 378 (Land, Sky, Waters), 42, citing Richard Broome, *Aboriginal Victorians: A History since 1800* (Allen & Unwin, 1st ed, 2005) 348; Gary Foley and Crystal McKinnon, 'Civil Rights and Indigenous People', in Peter Cane, Lisa Ford and Mark McMillan (eds), *The Cambridge Legal History of Australia, V – Social Organisation* (Cambridge University Press, 2022) 523, 533–4; Scott Robinson, 'The Aboriginal Embassy: an account of the protests of 1972' in Gary Foley, Andrew Schaap and Edwina Howell (eds), *The Aboriginal Tent Embassy: Sovereignty, Black Power, Land Rights and the State* (Routledge, 2014) 3, 5–21.
131. Jack Charles and Namila Benson, *Jack Charles: Born-again Blakfella* (Penguin Random House Australia, 2019) ch 9; Rachael Maza, 'Uncle Jack Charles' Generosity and Wit Leave a Lasting Legacy', *The Sydney Morning Herald* (Webpage, 14 September 2022) <<https://www.smh.com.au/culture/celebrity/uncle-jack-charles-generosity-and-wit-leave-a-lasting-legacy-20220914-p5bi2f.html>>.
132. Elizabeth Sommerlad, 'Homes for Blacks: Aboriginal Community and Adoption' in C Picton (ed), *Proceedings of First Australian Conference on Adoption* (The Committee of the First Australian Conference on Adoption, 1976) 161; cited in *Bringing Them Home Report* 58.
133. Penny Tripcony, 'Towards Aboriginal Management of Aboriginal Rental Housing, Melbourne, 1960–89' in Peter Read (ed), *Settlement: A History of Australian Indigenous Housing* (Aboriginal Studies Press, 2000), 144, 149.
134. Victorian Aboriginal Health Service, 'About VAHS' (Webpage) <<https://www.vahs.org.au/about/>>; Shannon Woodcock et al., 'Black Power Education in Melbourne: Koori Kollij in Historical Context' (2023) *Histories of People and Place* 1, 6; Witness Statement of Alma Beryl Thorpe, 4 May 2022, 28 [176].
135. Victorian Aboriginal Child and Community Care Agency, Submission 472 (Health), 4; Mollie Dyer, *Room for one more: the life of Mollie Dyer* (Aboriginal Affairs Victoria, 2003) 121, 123, 135; Julie Andrews, *Where's all the community? Kinship, mobility and identity revisited in Aboriginal Melbourne* (PhD thesis, 2015) 251.
136. Victorian Aboriginal Education Association Inc, 'History' (Webpage) <<https://www.vaeai.org.au/history/>>.
137. First Peoples' Assembly of Victoria, Submission 378 (Land, Sky, Waters), 9–10, 42; First Peoples – State Relations, 'Henry "Banjo" Clarke' (Webpage) <<https://www.firstpeoplesrelations.vic.gov.au/henry-banjo-clarke>>.

138. See Aboriginal Housing Victoria, 'About AHC: Self-Determination in Action' (Webpage) <<https://www.ahvic.org.au/about>>.
139. Jessica K Weir, 'The Gunditjmara Land Justice Story', (2009) *Australian Institute of Aboriginal and Torres Strait Islander Studies* 14.
140. Letter from Jim Kennan (Minister responsible for Aboriginal Affairs) to Clyde Holding (Minister for Aboriginal Affairs [Cth]), 4 December 1986, quoted in *Victoria, Parliamentary Debates, Legislative Council*, 4 December 1986, 1592 (Jim Kennan, Minister for Planning and Environment).
141. Victorian Aboriginal Community Services Association Ltd (VACSAL), 'Who We Are' About Us (Webpage) <<https://www.vacsal.org.au/about-us/>>.
142. *Mabo v Queensland (No 2)* (1992) 175 CLR 1.
143. *Native Title Act 1993* (Cth).
144. *Members of the Yorta Yorta Aboriginal Community v Victoria* (2002) 214 CLR 422.
145. *Aboriginal Heritage Act 2006* (Vic).
146. *Traditional Owner Settlement Act 2010* (Vic).
147. Uluru Statement from the Heart, 'Voice FAQs' (Webpage), <<https://ulurustatement.org/the-voice/faqs/#:-:text=The%20Uluru%20Statement%20calls%20for.%3A%20Voice%2C%20Treaty%2C%20Truth>>.
148. Victorian Treaty Advancement Commission, 'About the Commission' (Webpage) <<http://victtreatyadvancement.archive.vic.gov.au/node/3.html>>; Victorian Treaty Advancement Commission, 'Publications' (Webpage) <<http://victtreatyadvancement.archive.vic.gov.au/node/31.html>>.
149. Witness Statement of Minister Gabrielle Williams MP, 3 May 2022, 13 [96]; *Advancing the Treaty Process with Aboriginal Victorians Act 2018* (Vic).
150. First Peoples Victoria, 'Inaugural Assembly Members 2019-2023' (Webpage) <<https://www.firstpeoplesvic.org/inaugural-members-2019-2023/>>.
151. Yoorrook Justice Commission, 'About Yoorrook' (Webpage, 2024) <<https://yoorrookjusticecommission.org.au/about/>>.
152. Victorian Aboriginal Community Controlled Health Organisation, Submission 905 (Political Life), 7.
153. Parliament of Australia Jonathan Mills, Sally McNicol and James Houghton, 'Constitution Alteration (Aboriginal and Torres Strait Islander Voice) 2023' (Webpage, 19 May 2023) <https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/bd/bd2223a/23bd080>; Australian Electoral Commission, '2023 Referendum National Results' (Webpage, 2 November 2023) <<https://results.aec.gov.au/29581/Website/ReferendumNationalResults-29581.htm>>.
154. Victorian Aboriginal Community Controlled Health Organisation, Submission 905 (Political Life), 12.

REFERENCES

FIRST PEOPLES’ EVIDENCE TO YOORROOK

Aboriginal Housing and Homelessness Forum, Submission.

Aboriginal Housing Victoria, Submission (Criminal Justice); Submission (Land, Sky and Waters).

Adam Reilly, Executive Director, Wimmera South Region Department of Families, Fairness and Housing, Transcript of Hearing, 15 May 2023.

Alan Brown, Transcript of Hearing, 4 June 2024.

Alan Coe, Submissions.

Anonymous 485, Submission.

Aunty Alma Thorpe, Transcript of Hearing, 4 May 2022; Witness Statement, 4 May 2022; Witness Exhibits: Clare Land, ‘Shifting Definitions: The 1886 Aborigines Protection Act, “Race” and “Half-Castes” (BA [Hons] Thesis, University of Melbourne, October, 2001); Michael Hemingway, ‘A History of the Victorian Aboriginal Health Service’ in Michael Hemingway, ‘Community Control: Aboriginal Self-Determination and Australian Settler Democracy – A History of the Victorian Aboriginal Health Service’ (PhD Thesis, University of Melbourne, 2012); ‘Life Story of Edna Brown and covering letter from Margaret McGregor and Annette Street’; Onus, Meriki, *Interview with Alma Thorpe: ‘I Want to Be Known as a Gundijtmara Activist’*, IndigenousX (Webpage, 6 May 2021) <<https://indigenoux.com.au/i-want-to-be-known-as-a-gundijtmara-activist/>>.

Aunty Charmaine Clarke, Transcript of Hearing, 8 December 2022.

Aunty Daphne Milward, Submission.

Aunty Denise Lovett, Transcript of Hearing, 25 March 2024.

Aunty Diane Kerr, Submission.

Aunty Donna Wright, Transcript of Hearing, 25 March 2024; Donna, Tina, Joanne and Sonny Wright, Transcript of Hearing, 1 March 2023; Witness Outline, 14 February 2023.

Aunty Dr Jill Gallagher, Transcript of Hearing, 6 December 2022; Transcript of Hearing, 28 March 2024; Witness Outline, 28 March 2024; Transcript of Hearing, 27 May 2024.

Aunty Dr Lois Peeler, Transcript of Hearing, 4 June 2024 (Video).

Aunty Eileen Maude Alberts, Submission; Transcript of Hearing, 9 October 2024.

Aunty Eva Jo Edwards, Transcript of Hearing, 5 December 2022; Witness Statement, 4 December 2022.

Aunty Evon Barker (nee McDonald), Submission and Video Submission <<https://yoorrookjusticecommission.org.au/document-library/submission-aunty-evon-baker-video/>>.

Aunty Fay Carter, Transcript of Hearing, 2 May 2022; Witness Statement, 29 April 2022; Witness Exhibits (various, tendered 2022).

Aunty Geraldine Atkinson, Transcript of Hearing, 13 December 2022; Witness Statement, 12 December 2022.

Aunty Glenys Watts, Transcript of Hearing, 6 December 2022; Witness Outline, 5 December 2022.

Aunty Marjorie Thorpe, Transcript of Hearing, 15 April 2024; Witness Outline, 14 April 2024.

Aunty Muriel Bamblett, Transcript of Hearing, 6 December 2022.

Aunty N’arweet Carolyn Briggs, Submission (Video Submission) <<https://yoorrookjusticecommission.org.au/document-library/submission-carolyn-briggs/>>.

Aunty Nellie Flagg, Transcript of Hearing, 14 June 2024.

Aunty Rieo Ellis, Transcript of Hearing, 7 December 2022.

Aunty Tina Saunders, Transcript of Hearing, 25 March 2024.

Aunty Vickie Roach, Transcript of Hearing, 15 December 2022; Witness Statement, 15 December 2022.

Bangerang Aboriginal Corporation, Transcript of Roundtable, 7 December 2023.

Braydon Saunders, Transcript of Hearing, 25 March 2024.

Calita Murray, Submission.

Dallas Widdicombe, Transcript of Hearing, 5 June 2024.

Damien Bell, Transcript of Hearing, 25 March 2024.

Damien Murray, Submission.

VOORROOK TRUTH BE TOLD

Darren Smith, Transcript of Hearing, 5 June 2024.

David Griffiths, Submission.

Dja Dja Wurrung Clans Aboriginal Corporation, Transcript of Roundtable, 25 November 2023.

Dr Aunty Vicki Couzens, Transcript of Hearing, 28 March 2024; Witness Outline, 28 March 2024.

Dr Jacynta Krakouer, Transcript of Hearing, 8 December 2022.

Dr Nikki Moodie, Associate Professor, Transcript of Hearing, 5 June 2024; Submission.

Federation of Victorian Traditional Owner Corporations, Submission 566 (Economic Prosperity).

First Nations Legal and Research Services, Submission.

First Peoples' Assembly of Victoria, Submission (Land, Sky and Waters); Submission (Education, Health and Housing).

Gavin Brown, Submission.

Hayley McQuire, Transcript of Hearing, 5 June 2024.

Ian Hamm, Witness Outline, 7 December 2022.

Isobel Paipadjerook Morphy-Walsh, Transcript of Hearing, 20 May 2022.

Jarvis Atkinson, Submission (Video Submission) <<https://voorrookjusticecommission.org.au/document-library/submission-jarvis-atkinson/>>.

Kaiela Institute, Submission (Land, Sky, Waters); Submission (Economic Prosperity).

Karen Jackson, Transcript of Hearing, 15 April 2024.

Katherine Mullet, Submission.

Keicha Day, Submission; Transcript of Hearing, 25 March 2024.

Marcus Stewart, Co-Chair First Peoples' Assembly of Victoria, Transcript of Hearing, 5 May 2022; Witness Statement, 29 April 2022.

McDonald Family of Tae Rak (Lake Condah), Submission.

Michael Graham, Transcript of Hearing, 27 May 2024.

Mick Harding, Submission (Video Submission) <<https://voorrookjusticecommission.org.au/document-library/submission-mick-harding/>>.

Minda Murray, Transcript of Hearing, 25 April 2024.

Mungabareena Aboriginal Corporation, Submission.

Nakia Firebrace, Witness Outline, 3 February 2023.

National Indigenous Youth Education Coalition, Submission.

Nerita Waight, Transcript of Hearing, 14 December 2022; Transcript of Hearing, 27 May 2024; Transcript of Hearing, 13 June 2024.

Ngarra Murray, Co-Chair First Peoples' Assembly of Victoria, Transcript of Hearing, 17 April 2024; Witness Statement, 11 April 2024; Transcript of Hearing, 28 May 2024.

Ngaweeyan Maar-oo, Submission 907 (Political Life).

Nindi-Ngujarn Ngarigo Monero, Transcript of Roundtable, 13 November 2023.

Owen Butler, Submission.

Professor Julie Andrews, Transcript of Hearing, 26 March 2024.

Professor Marcia Langton, Transcript of Hearing, 27 March 2024.

Professor Raymond Lovett, Transcript of Hearing, 28 May 2024.

Rueben Berg, Co-Chair First Peoples' Assembly of Victoria, Transcript of Hearing, 17 April 2024; Transcript of Hearing, 28 May 2024.

Sandy Barber (nee Rowe), Submission.

Simon Flagg, Transcript of Hearing, 5 June 2024.

Tati Tati Kaiejin Aboriginal Corporation, Transcript of Roundtable, 6 December 2023.

Taungurung Land and Waters Council Aboriginal Corporation, Submission (Land, Sky, Waters).

Troy McDonald, Submission.

Uncle Andrew Gardiner, Transcript of Hearing, 29 April 2024.

Uncle Brendan Kennedy, Transcript of Hearing, 24 April 2024; Witness Outline, 23 April 2024.

Uncle Colin Walker, Transcript of Hearing, 27 May 2022; Witness Statement, 27 May 2022; Witness Exhibit: 'Reminiscences of the Aboriginal Station at Cummeragunja and its Aboriginal People'.

Uncle Dr Wayne Atkinson, Submission ('Truth Justice Submission, 2024'); Submission (Attachment, 'Balancing the scales of Indigenous Land Justice in Victoria, 2006'); Submission ('Moira Swamp Massacre, 1843').

Uncle Gary Murray, Transcript of Hearing, 26 April 2024.

Uncle Graham Atkinson, Submission (The Victorian Traditional Owner Land Justice Group); Submission ('How we got there: The Traditional Owner Settlement Act' speech); Transcript of Hearing, 15 April 2024.

Uncle Henry Atkinson, Submission.

Uncle Jack Charles, Transcript of Hearing, 26 April 2022; Witness Statement, 26 April 2022; Witness Exhibit: Jack Charles, *Jack Charles: A Born-Again Blakfella* (Penguin Books, 2020).

Uncle Jim Berg, Submission and Video Submission <<https://yoorrookjusticecommission.org.au/document-library/submission-jim-berg-2/>>.

Uncle Johnny Lovett, Transcript of Hearing, 28 and 29 April 2022; Witness Statement, 27 April 2022; Witness Exhibits (various, tendered 2022); Transcript of Hearing, 25 March 2024; Claudette and Johnny Lovett, Submission.

Uncle Kevin Coombs, Transcript of Hearing, 26 May 2022; Witness Statement, 24 May 2022; Witness Exhibit: Kevin Coombs, *A fortunate accident: a boy from Balranald* (Aboriginal Affairs Victoria, 2005); National Library of Australia, 'Kevin Coombs interviewed by Robin Poke in the Australian Centre for Paralympic Studies oral history project' (Oral History Transcript, 4 August 2009).

Uncle Larry Walsh, Transcript of Hearing, 20 May 2022; Witness Statement, 19 May 2022; Witness Exhibit: 'Ward index card'.

Uncle Paul Briggs, Transcript of Hearing, 24 June 2024.

Uncle Ricky Baldwin, Submission.

Uncle Robbie Thorpe (Djuran Bunjilinee), Transcript of Hearing, 27 March 2024.

Uncle Ross Morgan, Transcript of Hearing, 6 March 2023.

Uncle Talgium 'Choco' Edwards, Submission.

Uncle Vincent Peters, Submission (Video Submission) <<https://yoorrookjusticecommission.org.au/document-library/submission-vincent-peters/>>.

Victorian Aboriginal Child and Community Agency, Submission (Economic Prosperity); Submission (Criminal Injustice).

Victorian Aboriginal Community Controlled Health Organisation, Submission (Land, Sky, Waters); Submission (Education, Health and Housing); Submission (Political Life).

Victorian Aboriginal Education Association Inc., Submission (Economic Prosperity).

Victorian Aboriginal Health Service, Submission (VAHS Fitzroy Group 1); Submission (VAHS Fitzroy Group 2); Submission (VAHS Preston Group); Witness Exhibits: Submission for Yoorrook Justice Commission, Victorian Aboriginal Health Service Submission to support panel member evidence – June 2024; Presentation to the Yoorrook Justice Commission – June 2024.

Victorian Aboriginal Legal Service, Submission (Child Protection); Submission (Economic Prosperity).

Victorian Alcohol and Drug Association, Submission.

Wamba Wemba Aboriginal Corporation, Submission.

Wilfred Carter, Submission.

Wollithiga Clan Aboriginal Corporation, Transcript of Roundtable, 5 December 2023.

Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation, Submission (Land, Sky, Waters); Submission (Economic Prosperity); Transcript of Roundtable, 10 November 2023.

OTHER EVIDENCE TO YOORROOK

Andrew Gunstone, Submission: Attachments including Andrew Gunstone and Sadie Heckenberg, *The Government Owes a Lot of Money to Our People: A History of Stolen Wages in Victoria* (Australian Scholarly Publishing, 2009); Andrew Gunstone, 'Indigenous Peoples and Stolen Wages in Victoria, 1869-1957' in Natasha Fijn et al. (eds), *Indigenous Participation in Australian Economies II: Historical Engagements and Current Enterprises* (ANU E Press, 2012); Andrew Gunstone, 'Indigenous Stolen Wages and Campaigns for Reparations in Victoria' (2014) 8(12) *Indigenous Law Bulletin* 3-7.

Anglican Church: Bishop Richard Treloar, Transcript of Hearing, 1 May 2024; **Anglican Dioceses of Melbourne, Bendigo, Wangaratta and Gippsland**, Submission to the Yoorrook Justice Commission, produced by the Anglican Dioceses of Melbourne, Bendigo, Wangaratta and Gippsland in Response to the Commission's Request for Information dated 13 March 2024.

VOORROOK TRUTH BE TOLD

Anonymous 537, Submission.

Anonymous 586, Submission (Note this submission is an attachment of the following publication: Diane E. Barwick, *An Assessment of the Cultural and Historical Significance to the Present Aboriginal Community of the Land Reserved at Framlingham in 1861* [Report, 1979]).

Associate Professor Katherine Ellinghaus, Transcript of Hearing, 26 March 2024.

Brianna Young, Submission.

Centre for 21st Century Humanities and University of Newcastle, Colonial Frontier Massacres in Australia, 1788-1930 (Webpage) <<https://c21ch.newcastle.edu.au/colonialmassacres/>>.

City of Melbourne, Submission.

Colonial Office of the British Government, 'Proclamation of Governor Bourke' (26 August 1835).

Craig Sandy, Surveyor-General of Victoria, Transcript of Hearing, 15 April 2024.

D'Arcy Molan, Submission.

Department of Premier and Cabinet, 'Historical Timeline: State Laws, Policies, and Practices that Drove Dispossession in Victoria', produced by the Department of Premier and Cabinet, in response to the Commission's Request for Information.

Dr Alison Markwick, Submission.

Dr Beth Marsden, Submission; Submission Attachments including: Beth Marsden, 'Tally Ho Boys' Training Farm, Aboriginal Children and the Intersection of School, Welfare and Justice Systems, 1950s-1960s' (2021) 50(2) *History of Education Review* 166.

Dr Bill Pascoe, Submission; Transcript of Hearing, 26 March 2024; Witness Exhibit ('Colonial Violence in Victoria').

Dr Erin O'Donnell, Transcript of Hearing, 15 April 2024.

Dr Joseph Toscano, Submission.

Dr Katie O'Bryan, Transcript of Hearing, 15 April 2024.

Dr Katrina Kell, Transcript of Hearing, 4 September 2024; Witness Outline, 17 August 2024.

Dr Mati Keynes, Submission; Transcript of Hearing, 5 June 2024.

Elizabeth Balderstone, Transcript of Hearing, 4 September 2024; Witness Outline, 24 August 2024.

Elizabeth Nelson, Sandra Smith and Patricia Grimshaw (eds), *Letters from Aboriginal Women of Victoria 1867-1926* (University of Melbourne, 2002).

Hamish McPherson, Submission.

Ian D Clark, *Scars in the Landscape: A Register of the Massacre Sites in Western Victoria, 1803-1859* (AIATSIS, 1995).

James Gordon Barrett, Submission.

Jenny Atta, Secretary of Department of Education, Transcript of Hearing, 6 June 2024.

Jessica Horton, Submission (Attachment: Jessica Horton, "'Willing to Fight to a Man": The First World War and Aboriginal Activism in the Western District of Victoria' (2015) 39 *Aboriginal History* 203).

Kate Houghton, Secretary Department of Justice and Community Safety, Transcript of Hearing, 2 May 2023.

La Trobe University Group, Submission.

Lee Borraddale, Submission.

Len Smith et al. 'Fractional Identities: The Political Arithmetic of Aboriginal Victorians' (2008) 38(4) *Journal of Interdisciplinary History* 551.

Martin Williams, Submission.

New Message Tree Alliance Inc., Submission.

Patricia Franklin, *Ebenezer A New Song* (1984).

Patrick Walsh, Submission.

Peta McCammon, Secretary, Department of Families, Fairness and Housing, Transcript of Hearing, 7 June 2024.

Peter Bakker, Submission.

Peter Sharp, Transcript of Hearing, 4 September 2024; Witness Outline, 2 September 2024.

Professor Henry Reynolds, Transcript of Hearing, 27 March 2024.

Professor Libby Porter, Submission.

Professor Richard Broome, Transcript of Hearing, 26 March 2024.

Rainer Mathews, Transcript of Hearing, 16 April 2024.

Ryan Phillips, Acting Associate Secretary, Corrections and Justice Services, Department of Justice and Community Safety, Transcript of Hearing, 3 May 2023.

Shane Patton, Chief Commissioner of Victoria Police, Transcript of Hearing, 8 May 2023; Witness Statement, 31 March 2023.

The Hon Ben Carroll MP, Deputy Premier and Minister for Education, Transcript of Hearing, 14 June 2024.

The Hon Enver Erdogan MP, Minister for Corrections, Youth Justice and Victim Support, Transcript of Hearing, 15 May 2023; Witness Statement, 31 March 2023.

The Hon Gabrielle Williams MP, Minister for Aboriginal Affairs, Witness Statement, 3 May 2022.

The Hon Harriet Shing MP, Minister for Water and Minister for Housing, Witness Statement, 12 March 2024; Transcript of Hearing, 24 April 2024; Transcript of Hearing, 24 June 2024.

The Hon Ingrid Stitt MP, Minister for Mental Health and Minister for Ageing, Transcript of Hearing, 17 June 2024.

The Hon Jacinta Allan MP, Premier of Victoria, Transcript of Hearing, 29 April 2024; Witness Statement, 18 March 2024.

The Hon Jaclyn Symes MLC, Attorney-General, Transcript of Hearing, 5 May 2023; Witness Statement, 31 March 2023.

The Hon Lily D'Ambrosio MP, Minister for Energy and Resources, Transcript of Hearing, 22 April 2024; Witness Statement, 22 April 2024.

The Hon Lizzie Blandthorn MP, Minister for Child Protection and Family Services, Transcript of Hearing, 12 May 2023.

The Hon Mary-Anne Thomas MP, Minister for Health, Witness Statement, 14 June 2024.

The Hon Natalie Hutchins MP, Minister for First Peoples and Treaty, Transcript of Hearing, 18 April 2024; Witness Statement, 18 March 2024.

The Hon Steve Dimopoulos MP, Minister for Environment, Transcript of Hearing, 16 April 2024; Witness Statement, 8 March 2024.

The Hon Vicki Ward MP, Then Minister for the Prevention of Family Violence, Transcript of Hearing, 20 June 2024.

The Pavilion School, Submission.

State Library of Victoria, 'The Hentys at Portland', *Ergo* (Webpage, 2025) <<https://ergo.slv.vic.gov.au/explore-history/land-exploration/pastoral-practices/hentys-portland>>.

Suzannah Henty, Transcript of Hearing, 28 March 2024; Witness Outline, 27 March 2024.

Tony Kelly, Transcript of Hearing, 16 April 2024.

Uniting Church in Australia: Reverend David Fotheringham (Uniting Church in Australia), Transcript of Hearing, 1 May 2024; **Uniting Church in Australia Synod of Victoria and Tasmania**, Submission to the Yoorrook Justice Commission, produced by the Uniting Church in Australia Synod of Victoria and Tasmania in Response to the Commission's Request for Information dated 4 April 2024.

University of Melbourne Law School, Submission.

University of Melbourne, Submission (Ross L. Jones, James Waghorne and Marcia Langton [eds], *Dhooimbak Goobgoowana: A History of Indigenous Australia and the University of Melbourne. Volume 1: Truth* [2024]).

Wally Franklin, Submission.

YOORROOK JUSTICE COMMISSION PUBLICATIONS

Yoorrook Justice Commission, *Yoorrook with Purpose* (Interim Report, June 2022).

Yoorrook Justice Commission, *Yoorrook for Justice: Report into Victoria's Child Protection and Criminal Justice Systems* (Interim Report, 31 August 2023).

Yoorrook Justice Commission, *Yoorrook for Transformation* (Interim Report, June 2025).

Yoorrook Justice Commission, 'One of the Most Significant Land Rights Cases in Victoria's History: Onus v Alcoa' (Online Video, 2024) <<https://yoorrookjusticecommission.org.au/video/one-of-the-most-significant-land-rights-cases-in-victorias-history-onus-vs-alcoa/>>.

SECONDARY SOURCES

Aboriginal Health Council of Western Australia, 'Remembering the 1946-1949 Pilbara Aboriginal Stockmen's Strike' (Webpage, 1 May 2025) <<https://www.ahcwa.org.au/2025/05/01/remembering-the-1946-1949-pilbara-aboriginal-stockmens-strike/>>.

Alan Lester, 'British Settler Discourse and the Circuits of Empire' (2002) 54 *History Workshop Journal* 24.

Alastair H Campbell, *John Batman and the Aborigines* (Kibble Books, 1987).

Alick Jackomos and Derek Fowles, *Forgotten Heroes: Aborigines at War from the Somme to Vietnam* (Victoria Press, 1993).

Attorney-General Jaclyn Symes, *Keeping Young People out of the Criminal Justice System* (Media Release, 26 April 2023) <<https://www.premier.vic.gov.au/sites/default/files/2023-04/230426-Keeping-Young-People-Out-Of-The-Criminal-Justice-System.pdf>>.

Aunt Dawn Lee, *Daughter of Two Worlds* (Aboriginal Affairs Victoria, 2002).

Australian Human Rights Commission, *Bringing Them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families* (Australian Human Rights Commission, 1997).

Bain Attwood and Andrew Markus, *The Struggle for Aboriginal Rights: A Documentary History* (Allen & Unwin, 1999).

Bain Attwood and Andrew Markus, *Thinking Black: William Cooper and the Australian Aborigines' League* (Aboriginal Studies Press, 2004).

Bain Attwood and Helen Markwood, *Telling the Truth About Aboriginal History* (Allen & Unwin, 2005).

Bill Gammage, *The Biggest Estate on Earth: How Aborigines Made Australia* (Allen & Unwin, 2011).

Board for the Protection of the Aborigines, *Eleventh Report of the Board for the Protection of the Aborigines in the Colony of Victoria* (Government Printer, 1875).

Board for the Protection of the Aborigines, *Twelfth Report of the Board for the Protection of the Aborigines in the Colony of Victoria* (Government Printer, 1876).

Board for the Protection of the Aborigines, *Thirteenth Report of the Board for the Protection of the Aborigines in the Colony of Victoria* (Government Printer, 1877).

Board for the Protection of the Aborigines, *Fourteenth Report of the Board for the Protection of the Aborigines in the Colony of Victoria* (Government Printer, 1878).

Board for the Protection of the Aborigines, *Fifteenth Report of the Board for the Protection of the Aborigines in the Colony of Victoria* (Government Printer, 1879).

Board for the Protection of the Aborigines, *Sixteenth Report of the Board for the Protection of the Aborigines in the Colony of Victoria* (Government Printer, 1880).

Board for the Protection of the Aborigines, *Seventeenth Report of the Board for the Protection of the Aborigines in the Colony of Victoria* (Government Printer, 1881).

Board for the Protection of the Aborigines, *Eighteenth Report of the Board for the Protection of the Aborigines in the Colony of Victoria* (Government Printer, 1882).

Board for the Protection of the Aborigines, 'Report of the Board for the Protection of the Aborigines 1884' in *Victoria Parliamentary Papers* (Government Printer, 1884).

Board for the Protection of the Aborigines, *Annual Report of the Board for the Protection of the Aborigines for the Year 1887* (Government Printer, 1888).

Board for the Protection of the Aborigines, *Annual Report of the Board for the Protection of the Aborigines for the Year 1888* (Government Printer, 1889).

Board for the Protection of the Aborigines, *Twenty-sixth Report of the Board for the Protection of the Aborigines in the Colony of Victoria* (Government Printer, 1890).

Christine Stewart, 'A Message', in *Putting It Together* (Aboriginal Advancement League, 1983).

Clare Land, *Tunnerminnerwait and Maulboyheenner: The involvement of Aboriginal people from Tasmania in key events of early Melbourne* (City of Melbourne, 2014).

Clare Land, 'Law and the construction of "Race": Critical Race Theory and the Aborigines Protection Act, 1886, Victoria, Australia', in Penelope Edmonds and Samuel Furphy (eds), *Rethinking Colonial Histories: New and alternative approaches* (RMIT Publishing, 2006) 137.

Daryl Tonkin and Carolyn Landon, *Jackson's Track: Memoir of a Dreamtime Place* (Viking, 1999).

Deadly Story, 'Creation of the Reserve System', *History* (Webpage) <https://deadlystory.com/page/culture/history/Creation_of_reserve_system>.

Doug Nicholls, *Our Historic Day of Mourning & Protest* (Australian Institute of Aboriginal and Torres Strait Islander Studies, 1938).

Edward Stone Parker *Aborigines of Australia: A Lecture* (Hugh McColl, 1854).

Eunice Ina Wright Foster, 'The End of the Mission', in *Putting It Together* (Aboriginal Advancement League, 1983) 23.

First Peoples-State Relations, Henry 'Harry' Thorpe (Webpage, 30 September 2019) <<https://www.firstpeoplesrelations.vic.gov.au/henry-harry-thorpe>>.

First Peoples-State Relations, Joyce Johnson (Webpage, 26 September 2019) <<https://www.firstpeoplesrelations.vic.gov.au/joyce-johnson>>.

First Peoples-State Relations, The Lovett Brothers (Webpage, 26 September 2019) <<https://www.firstpeoplesrelations.vic.gov.au/lovet-brothers>>.

First Peoples-State Relations, William Reginald Rawlings (Webpage, 30 September 2019) <<https://www.firstpeoplesrelations.vic.gov.au/william-reginald-rawlings>>.

First Peoples' Assembly of Victoria and the Victorian Government, *Treaty Negotiation Framework* (Framework, 2022).

First Peoples' Assembly of Victoria, *Journey to Treaty* (Webpage, 2024) <<https://www.firstpeoplesvic.org/treaty/the-journey-to-treaty/#:-:text=The%20First%20Peoples%20Assembly%20of,journey%20to%20Treaty%20in%20Victoria>>.

Friedrich A Hagenauer, Letter to Akeroyd, 1 June 1897, Correspondence, Framlingham Station, 1890-1899, Series B313, Item 60, National Archives of Australia.

Garry Linnell, *Buckley's Chance* (Penguin Random House, 2019).

Gary Presland, *First People: The Eastern Kulin of Melbourne, Port Phillip & Central Victoria* (Museum Victoria Publishing, 2010).

Geoffrey Serle, *Golden Age: A History of the Colony of Victoria, 1851-1861* (Melbourne University Press, 1977).

Giordano Nanni and Andrea James, *Coranderk: We Will Show the Country* (Aboriginal Studies Press, 2013).

Gloria McHenry, 'My Story', in *Now and Then* (Aboriginal History Program, 1986).

Great Britain, Appendix F in No. 18, Samuel Lettsom to Governor Gipps, 23rd October 1840, in *Papers Relative to the Aborigines* (House of Commons Paper No 627, 1844) 93-4.

Great Britain, No. 4 in No. 44, J Blair to Superintendent La Trobe, 15th January 1842, in *Papers Relative to the Aborigines* (House of Commons Paper No 627, 1844) 184.

Great Britain, Parliament, House of Commons, *Papers Relative to the Aborigines in the Southern or Australian Colonies* (House of Commons Paper No 627, 9 August 1844) 217-19 ('No 52, George Gipps to Lord Stanley, 16 May 1842').

Great Britain, Parliament, House of Commons, *Papers Relative to the Aborigines in the Southern or Australian Colonies* (House of Commons Paper No 627, 9 August 1844) 255 ('Enclosure No 11 in No 64, George Augustus Robinson to Superintendent La Trobe, 14 December 1842').

Great Britain, Parliament, House of Commons, *Papers Relative to the Aborigines in the Southern or Australian Colonies* (House of Commons Paper No 627, 9 August 1844) 262-72 ('No 68, George Gipps to Lord Stanley, 11 September 1843').

Gunditjmarra People with Gib Wettenhall, *The People of Budj Bim: Engineers of Aquaculture, Builders of Stone House Settlements and Warriors Defending Country* (Em PRESS Publishing, 2022).

Henry Reynolds, *Fatal Contact: How Epidemics Nearly Wiped Out Australia's First Peoples* (NewSouth Publishing, 2021).

Henry Reynolds, *The Other Side of the Frontier: Aboriginal Resistance to the European Invasion of Australia* (UNSW Press, 2006).

Henry Reynolds, *Truth-Telling: History, Sovereignty and the Uluru Statement* (NewSouth Publishing, 2021).

Henry Reynolds, *Why Weren't We Told?* (Penguin Books, 1999).

House of Commons, *Report of the Parliamentary Select Committee on Aboriginal Tribes* (British Settlements) 1837.

Jack T Patten, 'Opening Address at the Day of Mourning Protest, Australian Hall, Sydney (1938)' in *Academy of the Social Sciences in Australia, Australians 1938: Chapter 3* (2013).

Jeff Kennett, Parliament of Victoria, 'Apology to Aboriginal people' (Extract from Parliamentary Debates, 1997).

Jessica K Weir, *The Gunditjmara Land Justice Story* (Australian Institute of Aboriginal and Torres Strait Islander Studies, 2009) 15; 'Gunditjmara: People, Country and Justice', in Melissa Castan and Heather Douglas (eds) *Land Justice: Aboriginal Claims in the Australian Context* (Federation Press, 2015) 65.

John Harris, *One Blood: 200 Years of Aboriginal Encounter with Christianity: A Story of Hope* (Albatross Books, 1990).

Kristin Otto, *Yarra: A Diverting History* (Text Publishing, 2005).

Leader, 'Death of Mr James Henty (Melbourne)', 14 January 1882, 21 <<http://nla.gov.au/nla.news-article198489589>>.

Legislative Council Select Committee on the Aborigines, *Report of the Select Committee of the Legislative Council on the Aborigines: Together with the Proceedings of Committee, Minutes of Evidence, and Appendices* (Government Printer, Melbourne, 1859).

Lyndall Ryan, *Tasmanian Aborigines: A History Since 1803* (Allen & Unwin, 2012); *The Aboriginal Tasmanians* (Allen & Unwin, 1996); 'Settler Massacres on the Port Phillip Frontier, 1836-1851' (2010) 34(3) *Journal of Australian Studies* 257.

Major Thomas Mitchell, *Three Expeditions into the Interior of Eastern Australia: With Descriptions of the Recently Explored Region of Australia Felix, and of the Present Colony of New South Wales* (T & W Boone, 1839).

Margaret Tucker, *If Everyone Cared* (Ure Smith, Sydney, 1977).

Marguerita Stephens with Fay Stewart-Muir, *The Years of Terror Banbu-Deen: Kulin and Colonists at Port Phillip 1835-1851* (Australian Scholarly Publishing, 2023).

Marguerita Stephens (ed), *The Journal of William Thomas: Assistant Protector of the Aborigines of Port Phillip & Guardian of the Aborigines of Victoria, 1839 to 1867, Vol 1* (Victorian Aboriginal Corporation for Languages, 2014).

Maude Smith, 'Granny Mag' in *Special People*, (Aboriginal History Programme, Collingwood, 1985).

Melbourne International Exhibition, *The Official Catalogue of the Exhibits*, vol 1, 2nd edition (Mason, Firth & McCutcheon, Melbourne, 1880) 54.

Michael Anson and Michael D Bennett, *The Collection of Slavery Compensation, 1835-43* Bank of England, Staff Working Paper No 1006 (25 November 2022) <<https://www.bankofengland.co.uk/working-paper/2022/the-collection-of-slavery-compensation-1835-43>>.

Michael Bell, 'Indigenous Service in Australia's Armed Forces in Peace and War', *Australian War Memorial* (Webpage, 2021) <<https://www.awm.gov.au/articles/indigenous-service/report-executive-summary>>.

Michael Hoare, 'Robert Brough Smyth (1830-1889)', *Australian Dictionary of Biography* (Webpage) <<https://adb.anu.edu.au/biography/smyth-robert-brough-4624>>.

Michael F Christie, 'Lettsom Raid', eMelbourne: *The Encyclopedia of Melbourne Online* <<https://www.emelbourne.net.au/biogs/EM00849b.htm>>.

Mollie Dyer, *Room for One More: The Life of Mollie Dyer* (Aboriginal Affairs Victoria, 2003).

Museums of History NSW, *Myall Creek Massacre* (Webpage) <<https://www.nma.gov.au/defining-moments/resources/myall-creek-massacre>>.

National Archives of Australia and Public Record Office Victoria, *Footprints: The Journey of Lucy and Percy Pepper* (2008).

National Archives of Australia, 'Petition to King George V by Aboriginal Inhabitants of Australia' (Webpage) <<https://www.naa.gov.au/students-and-teachers/learning-resources/learning-resource-themes/first-australians/rights-and-freedoms/petition-king-george-v-aboriginal-inhabitants-australia>>.

National Archives of Australia, 'William Cooper Petition' (Cabinet Paper, 1938) (Webpage) <<https://www.naa.gov.au/students-and-teachers/student-research-portal/learning-resource-themes/first-australians/politics-and-advocacy/william-cooper-petition-cabinet-paper-1938>>.

NJB Plomley (ed), *Friendly Mission: The Tasmanian Journals and Papers of George Augustus Robinson 1829-1834* (Tasmanian Historical Research Association, 1966).

Old Treasury Building Museum, *History of the Old Treasury Building* (Webpage) <<https://www.oldtreasurybuilding.org.au/about-us/history-old-treasury>>.

Parliament of Victoria, *Parliamentary Debates*, Legislative Assembly, 15 December 1886, 2912 (Mr Alfred Deakin, Chief Secretary and Minister of Water Supply).

Patrick Wolfe, *Settler Colonialism and the Transformation of Anthropology: The Politics and Poetics of an Ethnographic Event* (Cassell, 1999).

Paul Daley, 'Colonial Australia's Foundation Is Stained with the Profits of British Slavery', *The Guardian* (Webpage, 21 September 2018) <<https://www.theguardian.com/world/2018/sep/21/colonial-australias-foundation-is-stained-with-the-profits-of-british-slavery>>.

Penelope Edmonds, 'The Intimate, Urbanising Frontier: Native Camps and Settler Colonialism's Violent Array of Spaces around Early Melbourne' in Tracey Banivanua Mar and Penelope Edmonds (eds), *Making Settler Colonial Space: Perspectives on Race, Place and Identity* (Palgrave Macmillan, 2010) 129.

Penny van Toorn, 'Hegemony or Hidden Transcripts?: Aboriginal Writings from Lake Condah, 1876–1907' (2001) 7(1) *UTS Review* 44.

Peter Beveridge, 'A Few Notes on the Dialects, Habits, Customs, and Mythology of the Lower Murray Aborigines' in Thomas E Rawlinson (ed), *Transactions and Proceedings of the Royal Society of Victoria*, vol VI (Wilson & McKinnon, 1865) 14.

Phillip Pepper and Tess De Araugo, *The Kurnai of Gippsland: What Did Happen to the Aborigines of Victoria* (Hyland House, 1985).

Phillip Pepper and Tess De Araugo, *You Are What You Make Yourself to Be: The Story of a Victorian Aboriginal Family, 1842–1980* (Hyland House, 1980).

Port Phillip Gazette, 'Dog Nuisance' (14 May 1845) <<https://trove.nla.gov.au/newspaper/article/228063832>>.

Premier of Victoria, *Keeping Young People out of the Criminal Justice System* (Media Release, 26 April 2023) <<https://www.premier.vic.gov.au/keeping-young-people-out-criminal-justice-system>>.

Public Record Office Victoria, 'Board for the Protection of Aborigines correspondence' (Webpage) <<https://prov.vic.gov.au/explore-collection/explore-topic/aboriginal-victorians-1830s-1970s/board-protection-aborigines>>.

Public Record Office Victoria, VA 511 Town of Melbourne, VPRS 3622 Correspondence Inward, Miscellaneous Letters, item 1, letter 72/1384 George Augustus Robinson to John King, 28th November 1844.

R Standfield, "'The Vacillating Manners and Sentiments of These People': Mobility, Civilisation and Dispossession in the Work of William Thomas with the Port Phillip Aboriginal Protectorate' (2011) 15 *Law Text Culture* 167.

Rachel Perkins and Marcia Langton (eds), *First Australians* (Miegunyah Press, 2008).

Richard Broome, *Aboriginal Victorians: A History Since 1800* (Allen & Unwin, 2nd ed, 2024).

Richard Broome, 'Aboriginal Victims and Voyagers, Confronting Frontier Myths' (1994) 18 (42) *Journal of Australian Studies* 70.

Richard Broome, 'Aboriginal people and government in Victoria' in Public Record Office Victoria and National Archives of Australia, *Walata-tyamateetj: A Guide to Government Records about Aboriginal People in Victoria* (North Melbourne, 2014).

Rolf Boldrewood, *Old Melbourne Memories* (Macmillan, 1896).

Rosalie Simkin and Lyn Loger, *Double ID: Life Story of Hilton Hamilton Walsh* (Prominent Press, 2001).

Royal Commission Appointed to Inquire into the Killing and Burning of Bodies of Aborigines in the East Kimberley, *Report of Royal Commission, Including Notes of Evidence* (Government Printer, 1927).

Royal Commission into Aboriginal Deaths in Custody, *National Report* (Australian Government Publishing Service, 1991).

Samuel Furphy, 'Aboriginal Protection and the Politics of Assimilation in Colonial Victoria' (2006) 8 *Journal of Australian Colonial History* 1.

Samuel Furphy, 'They Formed a Little Family as It Were: The Board for the Protection of Aborigines (1875–1883)' in Leigh Boucher and Lynette Russell (eds) *Settler Colonial Governance in Nineteenth-Century Victoria* (ANU Press and Aboriginal History Inc, 2015).

Shane Maloney and Chris Grosz, 'Truganini & George Augustus Robinson' *The Monthly*, (Webpage, May 2012) <<https://www.themonthly.com.au/may-2012/encounters/truganini-george-augustus-robinson>>.

Shannon Woodcock et al., 'Black Power Education in Melbourne: Koori Kollij in Historical Context' (2023) 18 (1–2) *Histories of People and Place*.

Shawana Andrews, Ngarra Murray and Craig Torrens, *Billibellary's Walk* (University of Melbourne, 2013).

Shirley W Wiencke, *When the Wattle Blooms Again: The Life and Times of William Barak, Last Chief of the Yarra Yarra Tribe* (S W Wiencke, 1984).

State Library of Victoria, 'Early Exploration into Port Philip', *Ergo* (Webpage, 2025) <<https://ergo.slv.vic.gov.au/explore-history/land-exploration/exploration/early-exploration-port-philip>>.

State of Victoria, *Report of the Board Appointed to Enquire Into, and Report Upon, the Present Condition and Management of the Coranderrk Aboriginal Station, Together with the Minutes of Evidence* (Government Printer, 1882).

State of Victoria, 'William Cooper' (Webpage, 29 September 2019) <<https://www.firstpeoplesrelations.vic.gov.au/william-cooper>>.

Sue Taffe, *Black and White Together: FCAATSI, the Federal Council for the Advancement of Aborigines and Torres Strait Islanders, 1958-1973* (University of Queensland Press, 2005).

Sydney Daily Telegraph, 'The Aborigines' *Sydney Daily Telegraph* (5 July 1881) <<https://trove.nla.gov.au/newspaper/article/238309689>>.

The Age, 'Maloga Petition', *The Age* (Melbourne, 2 July 1881).

The Argus, 'Parliamentary Intelligence', *The Argus* (Melbourne, 27 October 1858), 6-7 <<http://nla.gov.au/nla.news-article7303454>>.

The Argus, 'The Aborigines Board', *The Argus* (Melbourne, 19 August 1882) <<http://nla.gov.au/nla.news-article11550404>>.

The Australian, "'Vox Populi Vox Dei": Expedition of Discovery', *The Australian* (Sydney, 8 November 1836).

The Horsham Times, 'A Plea for the Aborigine', *The Horsham Times* (30 September 1947) 3 <<http://nla.gov.au/nla.news-article72686242>>.

The Sydney Morning Herald, 'Maloga', *The Sydney Morning Herald* (Sydney, 14 July 1882) 5 <<https://trove.nla.gov.au/newspaper/article/13489565>>.

Thomas Francis Bride, *Letters from Victorian Pioneers* (Government Printer, 1898).

Thomas McCombie, *The History of the Colony of Victoria* (Sands and Kenny, 1858).

Tim Lee, "'They Were Back to Being Black": The Land Withheld from Returning Indigenous Soldiers' *ABC News* (Webpage, 14 April 2019) <<https://www.abc.net.au/news/2019-04-14/land-withheld-from-indigenous-anzacs/10993680>>.

Tony Wright, 'The Lost Souls of Condah Who Joined the Anzacs', *Sydney Morning Herald*, 18 April 2015.

Tracey Banivanua Mar, 'Imperial Literacy and Indigenous Rights: Tracing Transoceanic Circuits of a Modern Discourse' (2013) 37 *Aboriginal History* 1.

Victoria, *Letters Patent Establishing the Yoorrook Justice Commission* (14 May 2021).

Victoria, *Parliamentary Debates*, 1st Parliament, 3rd Session, 1858-1859, vol IV (W Fairfax & Co, Melbourne) 748.

Victoria, *Parliamentary Debates*, Legislative Assembly, 28 March 2018, 846 (The Hon Natalie Hutchins MP, Minister for Aboriginal Affairs).

Victoria, *Parliamentary Debates*, Legislative Council, 18 February 2025 (The Hon Sheena Watt).

Victoria, *Report of The Royal Commission on the Aborigines* (Government Printer, 1877).

Victorian Government, *Advancing the Victorian Treaty Process Annual Report 2023-24* (Report, 2024).

Victorian Government, *Pathway to Treaty* (Webpage, 2024) <<https://www.firstpeoplesrelations.vic.gov.au/treaty-process>>.

Victorian Government, *Treaty for Victoria* (Webpage, 2024) <<https://www.firstpeoplesrelations.vic.gov.au/treaty>>.

Vivienne Rae-Ellis, 'Robinson, George Augustus (1791-1866)', *Australian Dictionary of Biography* (National Centre of Biography, Australian National University, published 1967) <<https://adb.anu.edu.au/biography/robinson-george-augustus-2596>>.

Wayne Atkinson and Tracey Banivanua Mar, 'Indigenous Mobilities and Resistance: The Activism of Coranderrk and Cummeragunja' (2007) 10(4) *Journal of Australian Indigenous Issues* 3.

Wayne Atkinson, 'Historical Overview of Aborigines' experience', in *Aboriginal Health: The Ethical Challenges Conference Proceedings*, (Caroline Chisholm Centre for Health Ethics East Melbourne, 6 August 1998) 17.

Wayne Atkinson, "'Not One Iota" of Land Justice: Reflections on the Yorta Yorta Native Title Claim, 1994–2001' (2001) *Indigenous Law Bulletin*.

William Cooper, Letter to Mr Stevens, Premier of New South Wales, 20 February 1939, Australian Aborigines' League <<https://williamcooper.monash.edu/wp-content/uploads/2022/02/189.-1.pdf>>.

William Thomas, *Journal Entry*, 20 August 1844, vol 3, item 3, *William Thomas Journal*, 16 May 1844–31 December 1845, William Thomas Papers, State Library of New South Wales.

William Thomas, *Journal Entry*, 14 May 1845, vol 3, item 3, *William Thomas Journal*, 16 May 1844–31 December 1845, William Thomas Papers, State Library of New South Wales.

Yaraan Couzens-Bundle, 'Whale Dreaming: SOPEC, Birthing Trees, and the Resistance of Healing Country' (2023) 146 *Chain Reaction* 24.

Zoe Laidlaw, "'Aunt Anna's Report": the Buxton Women and the Aborigines Select Committee, 1835–1837' (2004) 32(2) *The Journal of Imperial and Commonwealth History* 1.

LEGISLATION AND CASES

Aborigines Act 1915 (Vic).

Aborigines Protection Act 1869 (Vic).

Aborigines Protection Act 1886 (Vic).

Aborigines Protection Act 1890 (Vic).

Advancing the Treaty Process with Aboriginal Victorians Act 2018 (Vic).

Children's Welfare Act 1958 (Vic).

'Dog Act' (*An Act for abating the nuisances occasioned by Dogs in the Streets of certain Towns and Highways in New South Wales*) (25 August 1835).

Federal Defence Act 1910 (Cth).

Immigration Restriction Act 1901 (Cth).

Inquiries Amendment (Yoorrook Justice Commission Records and Other Matters) Act 2024 (Vic).

Land Act 1862 (Vic).

Land Act 1869 (Vic).

Land Act 1884 (Vic).

Mabo v Queensland (1992) 175 CLR 1.

Members of the Yorta Yorta Aboriginal Community v Victoria (2002) 214 CLR 422.

Native Title Act 1993 (Cth).

Sale of Crown Lands Act 1860 (Vic).

Traditional Owner Settlement Act 2010 (Vic).

Treaty Authority and Other Treaty Elements Act 2022 (Vic).

