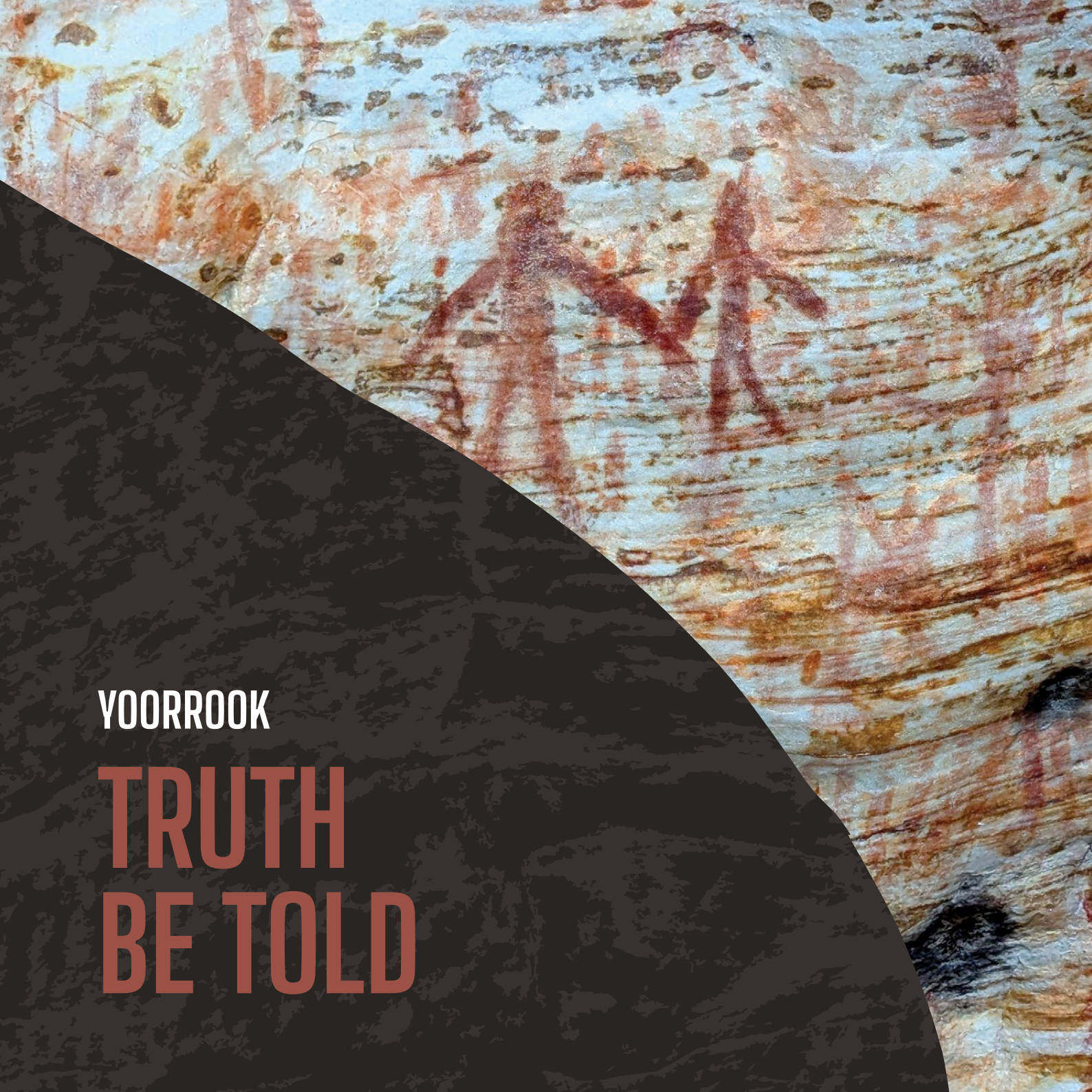




VOORROOK

TRUTH BE TOLD

**THE YOORROOK JUSTICE
COMMISSION (YOORROOK)
ACKNOWLEDGES THE TRADITIONAL
OWNERS OF COUNTRY OF THE
LANDS AND WATERS CURRENTLY
KNOWN AS VICTORIA, AND
PAYS RESPECT TO THEM, THEIR
CULTURES AND THEIR ELDERS
PAST AND PRESENT.**

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ISBN Electronic version: 978-0-64552-19-4-8

This report should be cited as *Yoorrook Justice Commission, Yoorrook: Truth Be Told (2025)*.

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19 June 2025

Your Excellency, Ms Murray and Mr Berg,

In accordance with the amended Letters Patent dated 4 April 2023, we are pleased to present to you the final report of the Yoorrook Justice Commission. This report includes an official public record based on First Peoples’ experiences of systemic injustice since the start of colonisation, First Peoples’ testimonies published in accordance with the relevant information and data sovereignty protocols, and the Commission’s final findings and recommendations in satisfaction of clause 7(d) of the Letters Patent.

Yours sincerely,



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The Hon Tony North KC
Commissioner

THE CLOAK AND THE MIRROR

We were told this land was empty. A myth stitched into maps and laws, into classrooms and monuments. But the truth was always here—in the earth, the rivers, the sky. In culture forbidden but not forgotten. In the whispers that survived when language was punished.

The history of this land is bound by two cloaks. One is warm, woven from fibres of care and culture, wrapped close around Country and kin. The other is a heavy cloak of forgetting and silence: truth draped in denial. This second cloak was meant to smother. But even under its weight, memory moved; quiet but alive.

What is now called Victoria existed long before its name. It was held, sung, walked and remembered. Knowledge was carried in story and ceremony; in hands that lit fires the right way, that harvested without greed. This was not emptiness. It was presence, deep and abiding.

The hatted strangers came from all directions under the southern sun. For half a century, word of their arrival had spread along ancient songlines. The moment of contact may not have been a surprise—but it was seismic. The forever-point.

Tracing the history of this place post-colonisation reveals a tangled, jagged line. To follow it is to witness survival in the face of squattocracy, poverty in the face of struck-gold wealth, and endurance in the face of attempted elimination.

From Gunditjmara Country in 1834, and every place before and since, the conflict never ended. It simply changed shape—from musket to manager, from protector to policy. It lives in soil turned by boots and bulldozers; in absences and archives; in laws that still speak over First Peoples.

Today, Victoria hums with a different kind of energy. Not because of what happened here, but in spite of it. Walk its streets and you'll hear Woi Wurrung beside Vietnamese, Dja Dja Wurrung alongside Arabic. From Fitzroy to Shepparton, cultures mix, meals are shared, and stories once buried are now told with pride. It is not perfection, not yet justice, but it is movement.

Early settlers presented the Wurundjeri with a gift: a mirror, smooth and foreign. But it didn't reflect the dignity and sovereignty of those who received it. It showed only what the colonisers wanted to see: a passive, vanishing people.

By now, we've all had a chance to look into the mirror. It's time to let in the light—mirrors don't work in the dark—and meet our reflection square-on, so that we might look to the future with clear eyes.

We don't need permission to tell the truth. And we don't need to wait to imagine something better. Victoria has been presented with an opportunity to take the lessons from our past and apply them to a shared future: a new line of history where guilt and shame are not our concern, but what happens next is. The shroud can be lifted. A new chapter can begin.

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FOREWORD

Until now, official histories of Australia were written by the colonisers, the oppressors, the ‘victors’. The stories about First Peoples’ occupation of this land for thousands of years were ignored, distorted and covered up; written out of history—as was the devastating impact of British colonisation from 1788.

When I was elected Premier in 1999, I appointed three respected Elders to a Premier’s Aboriginal Advisory Committee so I could get direct, first-hand advice about what we needed to do to improve the lives of First Peoples. I encouraged my government colleagues to listen and learn. Most, if not all, of us had received limited formal education about Aboriginal people’s histories and experiences.

Little appears to have changed over the last few decades: indeed, in her evidence to the Yoorrook Justice Commission, the Premier Jacinta Allan acknowledged that, like many Victorians, she was unaware of the true scale and costs of colonisation, including massacres that had taken place near her home on Dja Dja Wurrung Country.

The Yoorrook Justice Commission is the first truth-telling process in Australia’s history. *Truth Be Told*, the Commission’s final report and official public record, will go a long way towards remedying this for present-day readers and future generations alike.

For nearly four years, the Yoorrook Justice Commission listened to First Peoples’ stories in formal hearings, during visits to massacre sites, and ‘in testimony offered beside rivers and aquifers and smoking trees’.

In the words of the Commission: ‘It has created a space where oral testimony stands alongside written record; where the law listens to lore; where the rivers, and skies, and scarred landscapes of Victoria speak again through the voices of those who have always known them.’

I grew up in Ballarat, a regional city that became rich during the gold rush in the 1850s. This chapter of history was a core part of the school curriculum, and was embedded in the cultural life of the city.

But as the Yoorrook Justice Commission tells it, for First Peoples, the gold rush was not a story of fortune or progress—‘it was a catastrophe’. Sacred sites were desecrated. Land was excavated and exploited. And the profits reaped would never flow to the very people who had cared for and stewarded the land for centuries.

History is indeed written by the victors.

Truth Be Told tells us that the version of Australian history taught in our schools was a fiction. It presents us with a new, expanded history of Victoria, and makes for reading at once distressing and inspiring.

Distressing because it shows, through powerful, emotional storytelling, the devastating impact of colonialism on Australia’s First Peoples.

It documents how concepts of terra nullius and aqua nullius were used to justify British colonisation across Australia. It illustrates the rapid, lawless and catastrophic establishment and expansion of the colony by squatters in western Victoria. It demonstrates the devastating effects of the State’s attitude towards First Peoples, characterised by notions of ‘protection’ and assimilation. This was legally sanctioned destruction of culture, language, family and connection to Country. Children taken from families. Aboriginal people of mixed descent forcibly removed from reserves and their loved ones. Theft of land, stolen wages and slavery leaving First Peoples excluded from economic opportunity. For decades, every aspect of Aboriginal life—housing, employment, marriage, culture, community—was regulated and surveilled by a government body with the Orwellian name ‘Aboriginal Protection Board’.

Despite the horrors it unearths, however, the report is also inspiring. It highlights First Peoples’ unique and inherent connection to Country; the strength of their cultural practices and traditional knowledges. Not only are we told the incredible stories of survival and resistance, but we also see the admirable efforts of Aboriginal leaders reshaping their communities with programs and initiatives that create pride and prosperity from First Peoples’ knowledge and culture.

It is a source of shame that many of the colonial policies outlined in *Truth Be Told* were first developed in Victoria. Perhaps more shameful still is that many were adopted by New South Wales, and later by other states, too.

While the stories and the histories brought to light by Yoorrook are often heartbreaking, the fact that they are now being shared on the public record opens the door to understanding and transformation. They offer a path forwards. *Truth Be Told* also documents many heartfelt apologies from the Premier, Ministers, the Police Commissioner, Department Heads, churches and settler families.

These apologies are sincere. They cannot undo historic damage, but they can give us hope for a better future—a future in which we acknowledge the truth; the voiceless have a voice; and all Victorians, including First Peoples, are bound together by justice and our shared humanity.

We cannot change the past. There is no easy fix. But we can be proud that First Peoples’ enduring strength, resilience and activism have coalesced to initiate a historic commitment from the Victorian government: we are now the first state to embrace Voice, Treaty and Truth. And it’s my sincere hope that the rest of the country will follow our lead with reason and compassion.

Steve Bracks

Hon Steve Bracks AC



MESSAGE FROM THE CHAIRPERSON

It is with great pleasure that I invite you to read the Yoorrook Justice Commission’s final report, *Yoorrook: Truth Be Told*.

The purpose of *Truth Be Told* is unique. It has been written so that Victoria’s First Peoples—those who gave evidence to the Commission, and the broader community—can recognise themselves in its pages. It ensures that First Peoples’ truths about colonisation will sit on the public record alongside the colonial narrative that has, until now, been the dominant account of the past.

Truth Be Told tells the history of Victoria through the voices of First Peoples who testified before the Commission. Part I, ‘The Jagged Line’, illustrates the rapid change forced upon sovereign peoples of this beautiful country as the British empire tore across its landscape. It tells us how colonial systems persist exactly as they were designed—to exclude First Peoples from society.

Part II, ‘The Silence and the Telling’, then takes readers behind the scenes at Yoorrook to understand a more recent journey through history that has given First Peoples greater hope for the future.

I have lived through many of the policies described in these pages. I have worked in both the public service and education sectors for decades. I know that change cannot be guaranteed. However, First Peoples in Victoria now know that the truth of our history and our stories are on the public record.

As Chairperson of the Yoorrook Justice Commission, I am proud to have shared this experience with so many First Peoples, other Victorians and many who have come to live here from elsewhere.

Victoria has led Australia by completing the first truth-telling commission. This is a testament to the hard work and advocacy of generations of Aboriginal Elders, many of whom I have stood alongside. For the dignified contributions of our cultural leaders and for those who have staunchly affirmed that our sovereignty was never ceded, this work is in your honour.

If it were not for the intellectual and cultural leadership of Jill Gallagher as the former Treaty Advancement Commissioner, we would not be on the journey to Treaty. I would also like to acknowledge the inaugural Co-Chairs of the First Peoples Assembly of Victoria, Geraldine Atkinson and Marcus Stewart, for leading Victoria in this unprecedented space.

I would like to thank all my fellow Commissioners who have led the work of Yoorrook: Deputy Chair Commissioner Lovett, Deputy Chair Commissioner Hunter, Commissioner Walter, Commissioner North and former Commissioners, Commissioner Bell and Commissioner Atkinson. A special thank you to my family and friends for their support.

It is my hope that *Yoorrook: Truth Be Told* is the first chapter of our new shared future. It is now up to all Victorians to learn a more complete history of colonisation.



Professor Eleanor A Bourke AM
Chairperson, Yoorrook Justice Commission



INTRODUCTION

This is the final report of the Yoorrook Justice Commission. It is not a typical Royal Commission report because it answers a different call. When Yoorrook was established in May 2021 by the State Government and the First Peoples Assembly of Victoria, it was given a unique and important mandate. Beyond the normal inquiry functions of a Royal Commission, Yoorrook was also tasked with creating an official public record based on First Peoples’ experiences of systemic injustice since the start of colonisation. This has never been done before.

For over four years, Yoorrook has engaged with thousands of First Peoples across Victoria to uncover the truths of our colonial past. It received oral testimonies, family histories, books, poetry, story and song from those who have come to trust the Commission with their custody and care. Representatives of the State, churches, and non-First Peoples have also come forward to reckon with their past.

Truth Be Told is a compilation of Yoorrook’s work and official public record. Contained in these pages are some of the missing pieces of our state’s jagged history. They are the words of First Peoples that will finally be granted admission to the public record alongside the version of history long accepted as definitive. None of this is done to deepen the wounds of colonisation, nor to create a sense of shame. It is done in the hope that by finally coming to terms with the past, all Victorians may develop a shared understanding of our history and a common aspiration for a future built on truth, justice and pride in the First Peoples of Victoria.

The Letters Patent and Terms of Reference of the Commission dated 14 May 2021 can be found at Appendix 1. Amendments to the Letters Patent can be found on Yoorrook’s website.

ABOUT THIS REPORT

Yoorrook: Truth Be Told has been divided into four main sections.

Part I, ‘The Jagged Line’, draws on evidence given to Yoorrook in addition to secondary sources to provide a detailed account of the history of the State of Victoria from the start of colonisation. Written in the tradition of First Peoples’ approach to storytelling, it blends oral history, collective memoir and rigorous research to offer a new perspective on colonial history—a reclamation of Victoria’s past that privileges voices and stories previously overlooked or deliberately suppressed.

Part II, ‘The Silence and the Telling’, examines the story of the Commission from its inception and earliest days to its conclusion—from the ceremonial opening and early roundtables to hearings on Country and at Yoorrook’s Collingwood precinct. It highlights some of Yoorrook’s key moments, including unprecedented apologies from government ministers.

Part III, ‘Selected Testimonies’, comprises extracts of evidence from twenty-two key witnesses, spanning a range of themes and historical periods. The Commission engaged with more than 9,000 First Peoples, held sixty-five public hearing days with 208 witnesses and received more than 1,300 submissions. The evidence selected and summarised in this chapter offers an insight into the breadth and depth of the truths shared with Yoorrook.

Part IV, ‘Key Findings’, summarises ten key findings about the history of colonisation in Victoria made by Yoorrook, based on consistent themes identified in the evidence presented to the Commission across all areas of its inquiry. These key findings serve as important markers for setting the record straight and empowering all Victorians to move forwards with a shared understanding of our history.

An extensive bibliography (Appendix 3) has also been provided to help guide readers through the primary evidence received by Yoorrook, which formed the basis of this historical account, as well as many secondary sources. Combined, these references provide an excellent starting point for anyone wishing to learn about Victorian history in greater depth.

CONTENT WARNING

Aboriginal and Torres Strait Islander people should be aware that this book may contain images, voices or names of deceased persons in photographs, film, audio recordings or printed material.

This book covers the history of Victoria from the start of colonisation to the present day. It features stories from both historical and contemporary sources, and discusses racism, violence, forced relocation and institutionalisation, physical and sexual abuse (including that of children and young people), family violence, and substance and alcohol use, and may be distressing for some readers.

The following numbers offer free and confidential support if you or a loved one need help:

- Lifeline:** 13 11 14
- First Peoples’ Health and Wellbeing:** 03 9070 8181 (dial 4)
- 13YARN:** 13 92 76
- Beyond Blue:** 1300 22 4636

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Yoorrook’s status as a Royal Commission means it does not have legal personality independent of the State of Victoria. One result of this is that copyright over its written products, including this report, is held by the State. This highlights the challenges associated with ensuring Indigenous Data Sovereignty (IDS) over information about First Peoples, even when collected or produced in the context of a First Peoples-led process such as Yoorrook. To the maximum extent permitted by law, Yoorrook claims copyright over its written work, including this report (whilst acknowledging the State of Victoria’s separate interest). Permission must be sought from First Peoples to use their data or evidence for any secondary purpose.

TERMINOLOGY

Yoorrook uses the term ‘First Peoples’ to include all Traditional Owners of a place in the state of Victoria (including family and clan groups) and their ancestors, as well as Aboriginal and/or Torres Strait Islander persons who are living or have lived in Victoria before or since the start of colonisation. This definition is provided in Yoorrook’s Letters Patent. Where appropriate, Yoorrook may also use other terms such as ‘Traditional Owners’ or ‘custodians’, ‘Aboriginal people’, ‘Indigenous’ or ‘Koorie’ to describe First Peoples, especially where they have identified themselves in this way.

In certain contexts, Yoorrook and/or persons engaging with its processes may refer to Aboriginal and Torres Strait Islander peoples elsewhere in Australia as also being ‘First Peoples’, without those communities or individuals necessarily having a connection to Victoria.

Wherever possible, Yoorrook uses First Peoples’ words and ways of speaking. Yoorrook’s commitment to language revitalisation includes respecting the right of First Peoples individuals and communities to identify themselves through their use of language.

When citing submissions, consultations, evidence, research or data, Yoorrook adopts the terminology used in the original document; this includes using terms such as ‘Aboriginal’, ‘Aboriginal and Torres Strait Islander’, ‘Indigenous’, ‘Koori’ and ‘Koorie’.

Some of the historical material quoted in this book contains content and language that is racist or otherwise discriminatory, derogatory and offensive, reflective of the prevailing attitudes towards First Peoples at the time of these sources’ writing. Such language is in no way representative of the views of the Commission.

THE COMPLETE OFFICIAL PUBLIC RECORD

Yoorrook’s complete official public record is made up of all its published records and can be found online at yoorrook.org.au and at State Library Victoria.

OTHER REPORTS

Yoorrook has prepared three interim reports: *Yoorrook with Purpose* (June 2022), *Yoorrook for Justice* (September 2023), and *Yoorrook for Transformation* (June 2025). These are the responses to the seventeen areas of inquiry into past and ongoing systemic injustices experienced by First Peoples in Victoria.

These are available to read and download via the Yoorrook website: yoorrook.org.au

ACKNOWLEDGEMENTS

Our deepest gratitude to the Elders, community leaders and all First Peoples who provided evidence, offered guidance, or otherwise participated in the Commission—from the earliest roundtables to formal written evidence; and from public hearings to intimate submissions made in confidence. Your willingness to share your truths and lived experiences—often painful—was an act both courageous and generous. Your stories have proven vital in creating a more honest and complete picture of Victoria’s history. Yoorrook acknowledges, too, all other Victorians who contributed to this fuller picture by giving evidence.

Thank you to all Yoorrook staff who assisted in this process of truth-telling—whether by providing culturally safe, trauma-informed support for witnesses and colleagues or by wrangling deadlines, contractors and stakeholders. Thank you, too, for combing through, analysing and synthesising evidence; helping bring Yoorrook’s work to a broader audience; sharing professional expertise and cultural knowledge; or by other means of contribution. A special thank you to Yoorrook’s CEOs, past and present, for steering the ship in uncharted waters.

Yoorrook would like to thank Karen Jackson, Associate Professor Nikki Moodie, Dr Michael Maguire, Mark Kulkens and Jidah Clark for their valuable insights while serving on the Expert Advisory Committee.

Yoorrook wishes to extend its gratitude to Counsel Assisting Tony McAvoy SC (Wirdi), Fiona McLeod SC, Tim Goodwin (Yuin), Sarala Fitzgerald and Sarah Weinberg for their roles in helping bring these stories to light with profound care and sensitivity.

Solicitors Assisting King & Wood Mallesons (KWM) played a critical role, providing expert legal advice and preparing evidence with care in order to capture the voices and stories of their narrators with compassion.

Yoorrook would like to thank the Minister for Treaty and First Peoples, a portfolio held by both the Hon Gabrielle Williams MP and the Hon Natalie Hutchins MP during the Commission’s term, for their stewardship of the truth-telling process through Government. To the Government employees and lawyers that spent their time responding to Yoorrook’s processes, we are grateful for your commitment to truth-telling.

Special thanks to Daniel James (Yorta Yorta), Jennifer Down, Amanda Lourie and Lauren Hodes for their work writing, researching and editing this report, and to Martin Hughes for his expert advice on publication.

Thank you to Grindstone for their patience, flexibility, speed and care in all matters design, and for helping bring this book to life.

Yoorrook’s logo and other design elements were created by artist Dixon Patten (Gunnai, Gunditjmara and Yorta Yorta artist with bloodlines from Dhudhuroa/Jaithmathang, Djab Wurrung, Monaro, Wemba Wemba, Barapa Barapa, Wadi Wadi, Yuin and Wiradjuri).

Finally, Yoorrook would like to acknowledge the First Peoples’ Assembly of Victoria and its members and Co-Chairs since 2021, who brought Yoorrook to life in partnership with the Government of Victoria. While the Commission’s work has drawn to a close, the First Peoples’ Assembly continues to shepherd the work—and shape the future—of truth, treaty and voice in Victoria.

TIMELINE OF COLONISATION IN VICTORIA

1787

British Government issues instructions to Governor Arthur Phillip for the establishment of the first colony in Australia. These include a direction to treat the ‘Savages Natives’ with ‘amity and kindness’, and to punish settlers that harm them.¹

1788

Captain Arthur Phillip establishes a convict settlement at Sydney Cove with the arrival of the First Fleet.² This is the beginning of the European colonisation of Australia.³

1803

Convict settlement established at Sullivan Bay (near present-day Sorrento).⁴ Disbanded after seven months due to Bunurong/Boon Wurrung resistance and lack of water.⁵

1834

Henty brothers illegally invade Gunditjmara Country in Portland Bay, beyond the areas approved by colonial authorities.⁶
Convincing Ground massacre.⁷

1835

Kulin Country invaded by John Batman, who claims to sign a treaty with Kulin Elders to purchase sizeable tracts of land. Kulin Elders say it is a ‘Tanderrum’ that provides temporary access to their land.⁸
Governor Richard Bourke issues a proclamation voiding the Batman Treaty, reiterating the British Crown’s sole right to land.⁹

1836

Port Phillip declared a legal settlement, leading to the ‘squatting rush’.¹⁰
Governor Bourke introduces ten-pound ‘squatting licences’¹¹ that permit squatters to reside lawfully on the land.¹²
New South Wales Surveyor General Major Thomas Mitchell sets out to trace the course of the Murray River, naming the western plains of Victoria ‘Australia felix’ (‘happy south land’).¹³
Mount Cottrell, Werribee massacres.¹⁴

1837

Report of the Parliamentary Select Committee on Aboriginal Tribes (‘Buxton report’) recommends that the government assume responsibility for the protection of ‘the natives’.¹⁵
Mundy, Pyalong Station, Goulburn River massacre.¹⁶

1838

Port Phillip Protectorate established (1838–49) to ‘protect’ First Peoples.¹⁷ George Augustus Robinson appointed ‘Chief Protector’.¹⁸ By 1841, stations established at Narre Warren, the Goulburn River, Mount Rouse and Franklinford.¹⁹
Governor Bourke establishes armed mounted police in Port Phillip.²⁰
Faithfull massacre, Benalla.²¹
Darlington Station massacre.²²
Barfold Station, Coliban River, Campaspe Plains massacre.²³
Mount Mitchell massacre.²⁴
Murdering Flat massacre.²⁵

1839

Buntingdale Aboriginal Mission established near Colac, operated by Wesleyan Methodist Missionary Society.²⁶
Maiden Hills massacre.²⁷
Restdown Plains Station, Campaspe River massacre.²⁸
Mount Emu Creek massacre.²⁹
Blood Hole massacre.³⁰

1840

Angus McMillan invades Gunaikurnai Country (present-day Gippsland).³¹
Governor La Trobe instructs protectors to remove Aboriginal people from Melbourne.³²
Tahara Station massacre.³³
Latrobe Valley massacre.³⁴
Wootong Vale massacre.³⁵
Fighting Hills massacre.³⁶
Fighting Waterholes massacre.³⁷
Mustons Station massacre.³⁸
Mount Rouse massacre.³⁹
Victoria Valley massacre.⁴⁰
Grampians massacre.⁴¹
Boney Point, Gippsland massacre.⁴²
Connell’s Ford massacre.⁴³
Burrumbeep Station massacre.⁴⁴

1841

Merri Creek Protectorate Station established.⁴⁵
Butchers Creek, Gippsland massacre.⁴⁶
Mount Sturgeon Station massacre.⁴⁷
Woodlands massacre.⁴⁸
King River, above Oxley Plains (Wangaratta) massacre.⁴⁹

1842

Tambo Crossing massacre.⁵⁰
Caramut Station massacre.⁵¹
Eumeralla massacre.⁵²
Tarrone Station massacre.⁵³
Hollands Landing, Gippsland massacre.⁵⁴

1843

Grazing licences introduced to ‘preserve the rights of the Crown to the lands’.⁵⁵
Warrigal Creek, Gippsland massacre.⁵⁶
Warrigal Creek Mouth massacre.⁵⁷
Bruthen Creek, Gippsland massacre.⁵⁸
Freshwater Creek, Gippsland massacre.⁵⁹
Gammon Creek, Gippsland massacre.⁶⁰
Victoria Range massacre.⁶¹
Budj Bim massacre.⁶²
Clunie, Glenelg River massacre.⁶³

1845

After just over a decade of colonisation, less than 240 male European colonists hold all of the pastoral leases then issued.⁶⁴
Mount Arapiles/Dyurrite massacre.⁶⁵

1846

Aire River Estuary, Cape Otway massacre.⁶⁶
Snowy River massacre.⁶⁷

1847

City of Melbourne proclaimed.⁶⁸
Mount Eccles massacre.⁶⁹

1848

Beveridge Island massacre.⁷⁰

1849

Victoria formally mapped and surveyed. The colonial government starts to record the sale and transfer of land.⁷¹
Port Phillip Protectorate is abolished.⁷²

1850

The Slaughterhouse massacre.⁷³
Murderers Flat, Darlot’s Creek, Lake Condah Mission massacre.⁷⁴

1851

Official establishment of the colony of Victoria after the Port Phillip District separates from the colony of New South Wales.
Gold discovered, leading to population growth and the rapid accumulation of colonial wealth.⁷⁵
Moravians (German Protestant Church) establish a mission at Lake Boga (south-east of Swan Hill).⁷⁶
Milly, Brodribb River massacre.⁷⁷

1853

Native Police Corps disbanded.⁷⁸
Victoria Police Force established.⁷⁹
University of Melbourne founded.⁸⁰

1854

Apsley, Western Wimmera massacre.⁸¹

1855

Anglican mission established at Yelta.⁸²

1856

Between 1856 and 1860, approximately 850,000 acres of land in Victoria are surveyed annually.⁸³

1859

Acheron Station established. In 1860, residents are relocated to Mohican Station.⁸⁴
Ebenezer Mission (also known as Lake Hindmarsh) established on Wotjobaluk Country by the Moravian Church.⁸⁵

1860

The Central Board Appointed to Watch Over the Interests of Aborigines established (operational from 1860–69).⁸⁶
By 1860, the settler population has grown to 538,000 (from 76,000 in 1850).⁸⁷
By 1860, approximately 4.5 million acres (or about eight per cent of the total area of the colony of Victoria) has been sold.⁸⁸ Between 1860 and 1862, nearly six million acres are made available for sale, and around two million acres alienated to private landowners.⁸⁹

1861

Framlingham Mission established on Kirrae Whurrung (Girai wurrung) Country, on the Hopkins River.⁹⁰

1862

Lake Tyers Aboriginal Reserve established by the Church of England at Bung Yarnda on Gunaikurnai Country.⁹¹

1862

Ramahyuck Mission established by German Moravian missionaries and Presbyterians on Gunaikurnai Country at a known massacre site (Boney Point).⁹²

1863

Coranderrk Aboriginal Reserve established.⁹³

1867

Lake Condah Mission established on Kerrupjmara Country, supervised by the Church of England.⁹⁴

Framlingham Mission closed. Residents resist Board attempts to move them to Lake Condah.

1869

The *Aborigines Protection Act 1869* (Vic) is passed as ‘an Act to provide for the Protection and Management of the Aboriginal Natives of Victoria’.

The Board for the Protection of Aborigines established (previously the Central Board Appointed to Watch Over the Interests of Aborigines).⁹⁵

Framlingham Mission reopens after residents resist attempts to move them off.⁹⁶

1871

The *Aborigines Protection Act* creates regulations for the Board to remove ‘any Aboriginal child neglected by its parents or left unprotected’ to a reserve, industrial school or reformatory.⁹⁷

1877

The Royal Commission on the Aborigines is established to consider the conditions of First Peoples and ‘the best means of caring for and dealing with them in the future’.⁹⁸

The 1877 census estimates there are approximately 1,067 Aboriginal people in the state, 486 living on a mission or reserve.⁹⁹

1881

The Maloga Petition, jointly authored by forty-two men from the Maloga mission, is submitted to the New South Wales governor. It requests that land be granted to the community, and highlights the scarcity of native game and other food sources due to the presence of settlers and their sheep.

Parliamentary Inquiry into Coranderrk.¹⁰⁰

1884

Coranderrk Station made a permanent reserve.¹⁰¹

1886

The *Aborigines Protection Act 1886* (Vic) is introduced, commonly—and offensively—known as the ‘Half-Caste Act’, changing the definition of Aboriginality and creating two legal categories of ‘full-bloods’ and ‘half-castes’.¹⁰² First Peoples between the ages of fourteen and thirty-five who are of mixed parentage are expelled from reserves and missions.¹⁰³

1888

Cummeragunja Reserve established on Yorta Yorta/Bangerang Country, along the banks of the Murray River.

1890

The *Aborigines Act 1890* (Vic) (also known as the *Aborigines Protection Act 1890*) extends powers to remove First Peoples’ children from their families.

Framlingham Mission closed. Some residents resist and stay at Framlingham.¹⁰⁴

1893

The Government cancels 2,400 acres of the Coranderrk Aboriginal Reserve.¹⁰⁵

1901

Federation: *Commonwealth of Australia Constitution Act 1901* (Cth) passed. The colony of Victoria becomes a state of Australia.

The Australian Government passes the *Immigration Restriction Act 1901* (Cth) (the White Australia Policy).¹⁰⁶

Victorian census records 653 First Peoples—a thirty-nine per cent drop from the 1877 census total of 1,067, tallied prior to the introduction of the *Aborigines Protection Act 1886* (Vic).¹⁰⁷

1904

Ebenezer Mission (Lake Hindmarsh Aboriginal Reserve) closes and the land, except the cemetery, is returned to the Victorian Lands Department to make available for selection.¹⁰⁸

1908

Ramahyuck Mission closed.¹⁰⁹

Lake Tyers Aboriginal Reserve transferred to Board control.¹¹⁰

1910

The Victorian Government passes the *Aborigines Act 1910* (Vic), which brings First Peoples of mixed parentage under Board control again.¹¹¹

1915

The *Aborigines Act 1915* (Vic) repeals the *Aborigines Protection Act 1890* and *Aborigines Act 1910*. Regulations are issued in 1916 to extend Board control of Aboriginal people’s lives.¹¹²

1917

The Board illegally sells part of the permanent reserve at Coranderrk.¹¹³

The Board attempts to close reserves and ‘concentrate’ First Peoples at Lake Tyers. Some First Peoples refuse to move and remain at Lake Condah, Antwerp, Coranderrk and Framlingham.¹¹⁴

The *Discharged Soldiers Settlement Act 1917* (Vic) provides land for returned soldiers following World War I.¹¹⁵ The Board offers First Peoples’ reserve land to the government for the scheme.¹¹⁶

1918

Lake Condah Mission closed. Gunditjmara people continue to use the site.

1924

Coranderrk is closed. Residents protest, with some remaining at Coranderrk.¹¹⁷

1933

The Australian Aborigines’ League (AAL) established by William Cooper, Sir Pastor Doug Nicholls, Margaret Tucker, Bill and Eric Onus and others in Melbourne.¹¹⁸

1937

William Cooper sends a petition to the Prime Minister to be forwarded to King George VI, requesting action ‘for the preservation of our race from extinction and to grant representation to our race in the Federal Parliament.’¹¹⁹ The petition is not forwarded to the King.

1938

On 26 January, William Cooper, Pastor Doug Nicholls, Margaret Tucker and others protest the invasion of Australia in a Day of Mourning.

1939

Cummeragunja walk-off: residents at Cummeragunja Mission protest poor living conditions, mismanagement of land and harsh treatment.¹²⁰

1945

The *Soldier Settlement Act 1945* (Vic) allows for the compulsory acquisition of land for soldier settlement following World War II, including much of the land from the former Lake Condah Mission site.¹²¹

1948

Lake Condah and Coranderrk land provided to the Soldier Settlement Commission.¹²² No returning Aboriginal servicepeople are recorded as having been granted blocks at either of these locations.¹²³

1957

Pastor Doug Nicholls and others establish the Victorian Aborigines Advancement League.¹²⁴

The *Aborigines Act 1957* (Vic) establishes the Aborigines Welfare Board (operational 1957–68). The Act formally adopts policies of assimilation and broadens the definition of Aboriginality to ‘any person of Aboriginal descent’, bringing people previously outside of the Board’s control back under its surveillance.¹²⁵

1963

Pastor Doug Nicholls marches with Lake Tyers/Bung Yarnda representatives and others to protest the closure of Lake Tyers Aboriginal Reserve.¹²⁶

1965

Lake Tyers Aboriginal Reserve declared a permanent reserve.¹²⁷

1967

National referendum on Indigenous recognition in the Australian Constitution. More than ninety per cent of the electorate votes to amend the Constitution to allow the Commonwealth Government to make laws with regard to First Peoples and to count them in the census.¹²⁸

The *Constitution Alteration (Aboriginals) 1967* (Cth) is enacted.

1970

The *Aboriginal Lands Act 1970* (Vic) grants freehold title to some residents at Lake Tyers and Framlingham.¹²⁹

1972

Aboriginal Tent Embassy established outside Parliament House on Ngunnawal/Ngambri Country (Canberra).¹³⁰

Uncle Jack Charles and Bob Maza set up Australia's first Aboriginal theatre company in 1972 in Melbourne and name it 'Nindethana'.¹³¹

1973

Victorian Aboriginal Legal Service (VALS) established.¹³²

Establishment of the Victorian Aboriginal Cooperative Limited (VACL) to 'enable Aboriginal people to satisfy their need for adequate housing'.¹³³

The Victorian Aboriginal Health Service (VAHS) established.¹³⁴

1976

Victorian Aboriginal Child and Community Agency (VACCA) established.¹³⁵

Victorian Aboriginal Education Consultative Group established (later the Victorian Aboriginal Education Association Incorporated).¹³⁶

1979

Framlingham residents protest to secure land rights.¹³⁷

1980

First Peoples establish the Aboriginal Housing Board of Victoria (which became Aboriginal Housing Victoria, still in operation today).¹³⁸

High court case *Onus v Alcoa of Australia Ltd* in which Sandra Onus and Christina Frankland challenge the proposed construction of an aluminium smelter, which, they argue, would damage Gunditjmara cultural heritage. Negotiations lead to legal action against Alcoa being withdrawn in exchange for the Victorian government's transfer of the former Lake Condah Mission and cemetery to the Gunditjmara.^{139 140}

1984

Victorian Aboriginal Community Services Association Limited established.¹⁴¹

1988

Aboriginal people and supporters hold protests across Australia against the bicentenary celebration of colonisation and dispossession.

1992

The High Court of Australia in *Mabo v Queensland [No 2]* rejects the idea that at the time of colonisation Australia was 'terra nullius' (land belonging to no one). Consequently, native title can be recognised in Australia on Crown land.¹⁴²

1993

The Commonwealth passes the *Native Title Act 1993* (Cth) to provide for the recognition and protection of native title, including a mechanism for a group to seek a determination as to whether its native title rights still exist and can be recognised.¹⁴³

2002

The High Court confirms on appeal that the native title rights of the Yorta Yorta Aboriginal community cannot be recognised.¹⁴⁴

2006

Victoria passes the *Aboriginal Heritage Act 2006* (Vic), which provides for the protection of Aboriginal cultural heritage places and objects.¹⁴⁵

2010

Victoria passes the *Traditional Owner Settlement Act 2010* (Vic) as an alternative to the *Native Title Act 1993* (Cth), for Traditional Owner groups to negotiate a Recognition and Settlement Agreement with the state to provide formal recognition of and rights and interests in land.¹⁴⁶

2017

The Uluru Statement from the Heart called for Voice, Treaty and Truth as a path forwards for First Nations' self-determination in Australia.¹⁴⁷

2018

Victorian Treaty Advancement Commission established.¹⁴⁸

Victoria passes the first Treaty legislation (*Advancing the Treaty Process with Aboriginal Victorians Act 2018* [Vic]).¹⁴⁹

2019

First Peoples' Assembly of Victoria established following elections by First Peoples.¹⁵⁰

2021

Yoorrook Justice Commission formally established.

2022

Victoria passes legislation (the *Treaty Authority and Other Treaty Elements Act 2022* [Vic]) to create the Treaty Authority to oversee Treaty negotiations between the First Peoples' Assembly of Victoria and the Victorian Government.

Yoorrook releases its interim report *Yoorrook with Purpose*.¹⁵¹

2023

Yoorrook releases *Yoorrook for Justice: Report into Victoria's Child Protection and Criminal Justice Systems*.

The 2023 referendum on the Australian Indigenous Voice to Parliament.¹⁵² Sixty per cent of the Australian population and 54.2 per cent of the Victorian population votes 'no' to a proposed law 'to alter the Constitution to recognise the First Peoples of Australia by establishing an Aboriginal and Torres Strait Islander Voice'.¹⁵³

2024

Victorian Treaty negotiations begin.¹⁵⁴

2025

Yoorrook releases its final interim report on land injustice, health, education and other social injustice issues and its Official Public Record.

PART I: THE JAGGED LINE

THE JAGGED LINE: TRUTH-TELLING ABOUT VICTORIA'S PAST

We walk on stolen land: a truth etched into the soil, in the rivers that have carried stories of a people for millennia, and in the skies that have witnessed it all. The scars of colonial invasion—its massacres, violence and relentless erasure—are not confined to the past. They reside in the present, shaping the lives of First Peoples in Victoria today. The land that once nurtured the Gunditjmara, Wurundjeri, Yorta Yorta, Latji Latji and all of the nations that knew home in this place now called Victoria is crisscrossed with legacies of injustice; a painful inheritance that refuses to fade.

This is not merely history; it is a living reality.

Colonial systems have shapeshifted but never relinquished their grip. From the first footsteps of invaders to the halls of contemporary power, the machinery of dispossession persists. Its imprint is visible in land stolen and sold, in laws that segregated and silenced, in families torn apart, and in systems that dehumanised and oppressed.

This is more than an account of history—it is a reclamation. For the first time, the voices of Victoria's First Peoples are entering the public record on their own terms, with oral testimony accorded the same authority as the colony's written archives. You will hear from some of those who testified before Yoorrook, unearthing their own pasts and the stories passed down through generations to help assemble a new historical perspective: fragmented, often impressionistic, but no less vital. This work traces the threads that bind past and present, revealing how historical injustices continue to manifest today—perpetuating harm, deepening inequity, and guiding the unfinished story of this place.

THIS IS MORE THAN AN ACCOUNT OF HISTORY—IT IS A RECLAMATION.

SOVEREIGNS, SQUATTERS AND SETTLERS

For more than 1,600 generations, First Peoples have lived upon, shaped and been shaped by these lands and waters now called Victoria. Long before the British Empire turned its gaze southward, this place was home to nations with complex societies, intricate trade networks, and vast ecological knowledge. Its people had adapted and thrived through shifting climates, surviving two ice ages. They had left records of their existence in places like Budj Bim's lava flows, among the dunes at Lake Mungo and down the long stretch of beaches to the east. Their stories were inscribed in stone and soil, in the curves of riverbanks, and in the pathways of the winds.

Yet Victoria's fate was decided by British authority, without reference to the First Peoples who had stewarded the land for millennia. By the late eighteenth and early nineteenth centuries, the British Empire was expanding at an unprecedented rate. The Whig government of the 1830s, driven by economic liberalism and reformist ideals, sought to extend its influence through a careful mix of benevolence and control. The empire framed its expansion in the language of 'civilisation', even as it dispossessed the very peoples it claimed to uplift.

Victoria was not part of Britain's original gambit in Australia. The empire's resources were pumped into the settlement at Sydney Cove during the colonial outpost's infancy.

Unlike New South Wales, which was claimed in 1770 and settled in 1788 as a penal colony, Victoria's invasion occurred later, driven by opportunistic settlers rather than convicts. It was an extension of empire, not a prison. Its purpose was profit, not exile. The fertile plains south of the Murray River, so carefully managed by First Peoples for thousands of years, were seen as a prize waiting to be claimed.

Despite the rhetoric of humanitarianism, which saw the British government instruct Governor Arthur Phillip to treat First Peoples with 'amity and kindness', the reality was starkly different. The Bank of England grew fat on the profits of sugar and slavery, and directives of the colonial office were more pragmatic than principled. 'Kindness' towards Indigenous people was preached but rarely practised.

Port Phillip District, as it would be known by the British, remained beyond their reach for decades after 1788. Its far-flung location and the imperial decree that restricted settlement to designated areas initially delayed expansion southward. But ambition outpaced policy. Major Thomas Mitchell's explorations in the 1830s revealed to the colonial elite what First Peoples had known forever: the landscapes of the south-east were rich; their plains fertile, their rivers abundant.

As he travelled through the western districts, beyond the scope of his sanctioned expedition, Mitchell's reports ignited a frenzy. Pastoralists in New South Wales and lutruwita/Tasmania—then known as Van Diemen's Land—did not wait for official authorisation. They moved swiftly, their herds and homesteads carving deep scars into Country long before the ink dried on any papers of legal decree.

Prior to European invasion, the place now called Victoria was the most densely populated region on the continent. An estimated 60,000 First Peoples lived across its diverse landscapes—wooded highlands, volcanic plains, coastal inlets, and sprawling river systems. Each nation was deeply tied to Country through lore, language and custom.

Victoria's history did not begin with the arrival of sheep and cattle. The Gunditjmara people had been farming eels long before the first Europeans laid claim to agriculture on

this land. The people of Budj Bim, with their vast aquaculture systems of stone weirs and channels, had cultivated food in ways that sustained people and place alike. Meanwhile, the lands of the Gunaikurnai in the east, rich with forests and waterways, held their own stories of survival, adaptation and deep connection.

Victoria was not a blank canvas. Its history did not begin with European arrival: it was interrupted by it. It was, and remains, a place of ancient sovereignty. The soil beneath Melbourne, Ballarat, Geelong and Portland had already been worked by human hands long before the settlers arrived.



INVASION DIDN'T BEGIN
WITH CANNON FIRE, THE
WHIRLING OF A BLADE OR A
BATTLE CRY OF *CHARGE!*

It began with an anchor dropping, a creaking of an oar, and the winds that had brought the strangers here.

There was a current of tension among the people who witnessed the approach of the ship, then the boat, and finally the people. These strangers heaved themselves over waters and towards land that did not belong to them.

The unease provoked by the creaking of the oar and the distant mutterings of an alien language on that morning in 1834 has remained the baseline. To this day, the tension rises and falls. And yet, what was about to unfold would unleash more devastation on a people and their

civilisation than that innocuous yet portentous incursion onto the lands of the Gunditjmara could ever foretell.

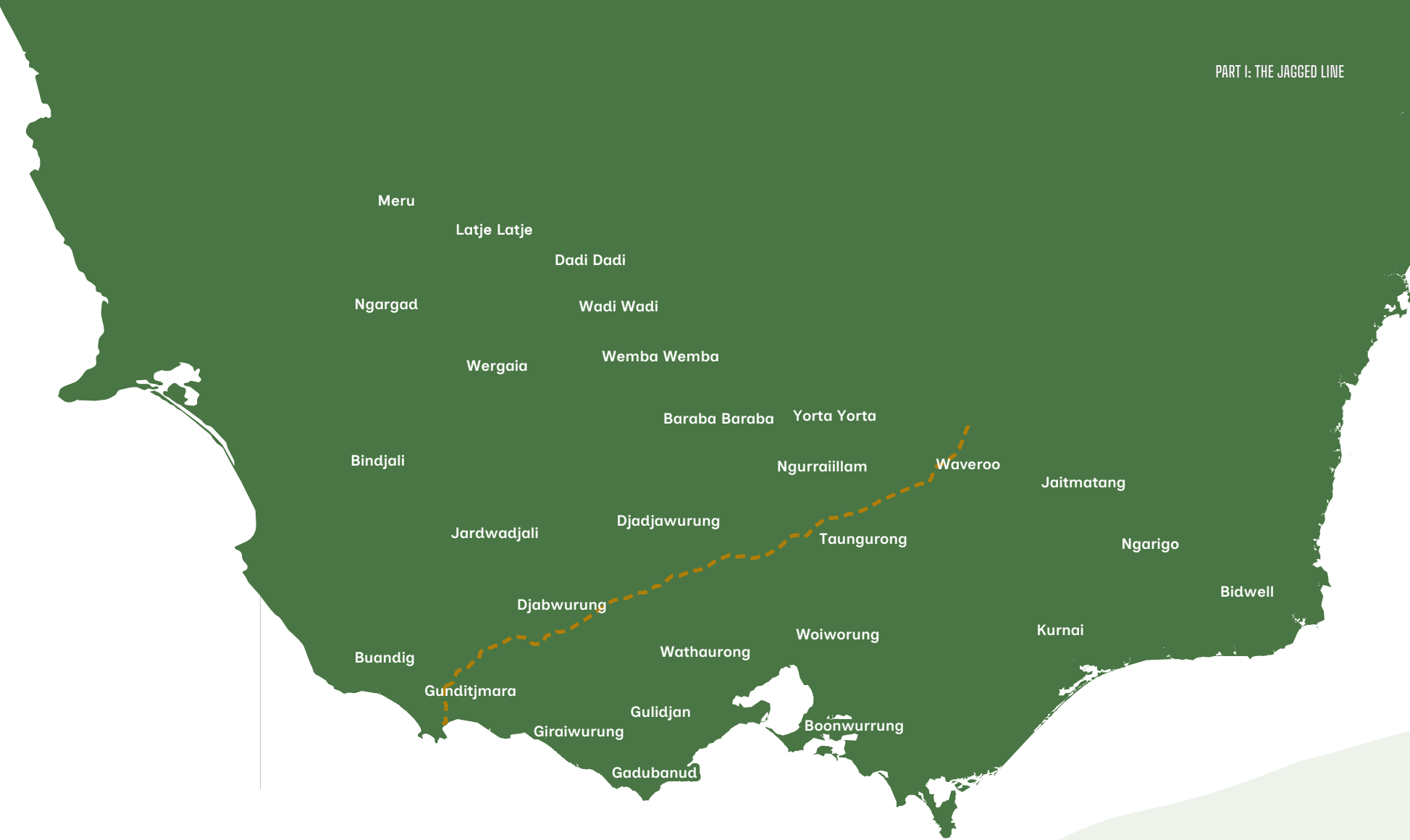
Long before that morning's horizon was punctured by foreign salt-crusted sails, the people of this place had heard rumours of strangers. Sealers and whalers drifted along the perilously beautiful coastlines of their Country, their presence a disturbance; an unfamiliar ripple against the currents of time that had flowed uninterrupted for millennia.

These early encounters were not mere curiosities—they were tremors, warnings of the storm to come. Along the Murray, Wadi Wadi people bore scars left by smallpox, the disease arriving as a silent harbinger of devastation even before the invaders themselves. The Dja Dja Wurrung people shared stories of the Mindi, a serpentine shadow whose arrival brought death and presaged the violence that would soon follow.

These accounts, shared in the hushed cadence of lore, spread across trade routes and songlines, connecting communities like veins carrying lifeblood across the body of the continent. The tales spoke of strange men and their alien customs creeping ever closer. They were stories of resistance and caution, but also of the inevitability of collision.

As far back—or as recently—as 1803, mariners traced the edge of the southern continent, casting their sights upon the lands of the Bunurong/Boon Wurrung.

A military outpost was established near what we now call Sorrento. An isolated instalment of the British Empire's military apparatus, intended to stave off any attempted incursions from arch foes the French, who, it was feared, would use Bass Strait as a point to steal land to which neither they nor the British had any legitimate claim.



VICTORIA PRIOR TO
COLONISATION IN 1834

Australian Institute of
Aboriginal and Torres
Strait Islander Studies
Language names

Major Mitchell's Track

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

The land resisted from the start. Fresh water eluded the settlers. Food was scarce. The Bunurong/Boon Wurrung stood firm in their defence of Country and, helped by the elements, forced the invaders back onto the waters on which they had arrived. By 1804, the camp was abandoned and moved south to the River Derwent: a brief flicker in the timeline of Victoria’s invasion, but an opening moment in the dispossession of the Palawa of lutruwita/Tasmania.

BUT EVEN IN RETREAT, THE SEEDS OF DISPOSSESSION WERE SOWN.



The arrival of the long ships marked a rupture; a point from which there was no return. They came bearing foreign flags, weapons, and a hunger for land that could not be sated. Yet they carried no understanding of the people they sought to dominate and eliminate.

The invaders did not see the profound connections that bound the First Peoples to the land, their intricate knowledge of its rhythms, or the spirituality held in every tree, river and stone. They saw only a vast landscape ripe for exploitation.

On Gunditjmara Country, the first chapter of invasion was written in blood.



The Gunditjmara people are renowned for their engineering prowess, having constructed one of the world’s oldest and most sophisticated

aquaculture systems. Long before European settlement, the vast interconnected networks of stone channels, weirs and holding ponds at Budj Bim sustained communities and economies through a carefully managed system of eel farming. This aquaculture infrastructure predates the Egyptian pyramids and Roman roads. It is a testament to the advanced hydrological knowledge and environmental stewardship of the Gunditjmara. These systems, now recognised as part of the Budj Bim World Heritage area, were not simply tools for survival—they were central to a thriving cultural landscape. The Gunditjmara built permanent stone dwellings, establishing some of the earliest recorded village-style settlements in Australia. Their mastery of fire-stick farming helped to maintain the land’s productivity, fostering ecosystems that supported abundant plant and animal life.

Sustainability was at the heart of this knowledge system. The Gunditjmara understood the beat of Country. They harnessed the seasonal flows of lava channels and wetlands to ensure a reliable food source for generations. Their aquaculture was not about taking from the land—it was about working with it; maintaining a balance that ensured prosperity without depletion. This knowledge, carried through songlines, ceremony and lived practice, speaks to a legacy of innovation that continues today.

The land had sustained the Gunditjmara people for millennia. Its volcanic plains bore the imprint of ancient engineering—stone aqueducts, eel traps, channels woven into Country with purpose and precision. But these systems, perfected over countless generations, were soon trampled beneath hooves.

In 1834, Edward Henty came ashore at Portland Bay, his ships heavy with livestock and the weight of colonial ambition. The Henty

family brought sheep, cattle and machinery. They carved a sheep run into Gunditjmara Country, naming it ‘Merino Downs’. They built a homestead and scattered outstations across the landscape. In doing so, they superimposed a foreign order upon an ancient one.

When settlers came to the lands now known as Victoria, pastoral huts and sheep folds were erected from felled trees and bark, waterways fouled and trampled by sheep whose hooves were like jackhammers. Sacred sites, once places of ceremony and care, were desecrated or buried beneath sheep pens and ploughs.

Keicha Day (Gunditjmara, Yorta Yorta), spoke about the oft-celebrated mechanisms of colonisation, describing the anguish felt by First Peoples:

‘There’s nothing pioneering about genocide. There’s nothing pioneering about raping and murdering First Nations people. There’s nothing pioneering about killing people over a whale that was beached, and not only killing them, but massacring, like, torturing [...] That is absolute colonial violence, and it was perpetrated by people that we name streets after.’

The violence was not incidental; it was foundational. Suzannah Henty is a sixth-generation descendant of one of the earliest colonisers of Gunditjmara Country. Speaking to Yoorrook about her forebears, she did not hide or soften the truth. ‘The process of establishing Victoria’s first settlement was a war,’ she said.

Gunditjmara people were suddenly threatened on the very stations that claimed their land. In June 1838, one Gunditjmara person was shot dead by a hut-keeper at Merino Downs. In October of that same year, three more were killed.

In 1840, the number grew. Dozens of Aboriginal people were murdered by one of the Hentys’ overseers. These were not isolated incidents. They formed part of a broader pattern of violent dispossession, one marked in the dirt not designated on official maps. ‘There are hundreds of unmarked sites of conflict in which members of the Henty family were likely involved,’ Suzannah Henty stated.

The cost of this invasion was not just the loss of land—it was the fracturing of a sovereign people’s right to exist on their own Country, according to their own law. It was a war waged not just on bodies, but on memory, spirit and continuity.

The Gunditjmara resisted, but the violence of invasion was relentless. It was not just the killing of people; though that was horrific and indiscriminate. It was the killing of Country itself. Land was gouged, exploited, and left to bleed. Patches of bare earth were eroded by the impact of flocks of sheep that pounded the ground.

Despite the destruction, the spirit of Gunditjmara Country endured. Its rich soil whispered ancient stories. Its waters carried the memories of those who fought to protect it. This resistance was not merely physical; it was spiritual, cultural, and deeply rooted in the knowledge that to harm the land is to harm the people.

Over the coming decades, the colonisers, sanctioned and unsanctioned, would use the same contours of land as its original inhabitants. They sank their picks into vulnerable valley floors shaped by careful hands, dredged waterways that had carried stories for millennia, and tore into plains once tended with meticulous care. Their advance was an encroachment that set two worlds hurtling towards collision.

Songlines turned into stock routes; and routes into roads, which led to ‘settlements’, which

turned into towns—patches of consolidated wealth in the vastness of the land from which that very wealth was torn. It was a reconstitution so total that it displaced and, in some cases, obliterated everything that was there before. It was unrelenting, terrifying, but most of all exhausting for the First Peoples of the place that later came to be known as Victoria.



INVASION IN THE SOUTH-EAST OF THE CONTINENT HAPPENED ON MANY FRONTS AND UNDER MANY GUISES.

In lutruwita/Tasmania, or Van Diemen's Land, as it was then known, British settlers had waged a campaign of terror against the island's First Peoples throughout the early 1830s. The brutal frontier conflict would come to be known as the 'Black War'. Between 1828 and 1832, martial law was imposed, bounties were placed on Aboriginal heads, and military patrols swept across lutruwita/Tasmania to capture Palawa people. Few were caught, but their resistance was ultimately broken.

Following negotiations led by Aboriginal Protector George Augustus Robinson, the people were banished to Flinders Island, and lutruwita/Tasmania was open to unrestricted exploitation. The colonists named it a 'war' not to dignify their opponents, but to cloak their killing in the language of legitimacy.

As the Henty brothers seized Gunditjmara land, another wave of colonisers set their sights on Kulin Country, drawn by the fertile plains surrounding the bay.

In June 1835, John Batman, representing the Port Phillip Association from Van Diemen's Land (lutruwita/Tasmania), sailed across the Bass Strait to Indented Head on the Bellarine Peninsula. Outside the bounds of 'legal' settlement and without the imprimatur of the Crown, Batman sought to carve out his own claim on Port Phillip—then still part of the colony of New South Wales.

His expedition moved like a shadow across the bay, stalking the curves of its shoreline, the bends of its rivers, the rise and fall of Country that had long been known to others. These lands were neither unclaimed nor empty. They held stories of lore and memory—all threaded into the land by the Kulin Nations, whose people had walked those paths since time immemorial.

Along the way, the expedition's members met with people of the Kulin Nations. The encounters were brief, weighted, expectant. Goods passed between the outstretched palms. Blankets, sugar, mirrors and trinkets from foreign hands; in return, baskets woven tight with knowledge of generations, spears honed by the land itself. It was an unequal exchange. One side measured the other's worth in objects. The other saw something deeper. An omen, a shift; the prelude to something that could not be undone.

For, in fact, beneath the surface of these meetings—gestures of trade, the illusion of goodwill—lay the darker intentions of a man with blood on his hands. As Associate Professor Katherine Ellinghaus testified, Batman arrived in Kulin Country as a man who had been involved in the violence that happened in lutruwita/Tasmania. 'His party killed an estimated fifteen

people and captured others, including keeping a two-year-old boy.'

Shortly before setting foot on Kulin land, Batman had led a raid in the cold, mist-draped country near the foothills of Ben Lomond, in the northeast of lutruwita/Tasmania. This was the homelands of the Plangermaireener people, where forests met the winding curves of the South Esk River and the highlands stood like sentinels over the plains below. In a gully not far from the river, a camp of fifty or sixty Aboriginal men, women and children lay sleeping. Batman and his armed party moved in silence beneath the trees. The camp was alerted to the trespassers' presence, and made for their lives, running away from the looming danger. While the Aboriginal people had posed no threat, Batman ordered his men to open fire.

When the sun rose, at least fifteen people lay dead. The survivors—those not felled by musket or blade—were captured and marched away. Among them, a two-year-old boy. In cold, clinical terms, Batman described how he felt obliged to shoot dead two wounded survivors who were unable to keep pace on the return to his farm.

It was the architect of this raid, a man who saw death as conquest and capture as success, who would soon arrive on Kulin Country, carrying a so-called treaty in one hand and the unrepentant legacy of the Black War in the other.

On Kulin land, Batman was outnumbered. There would be no reinforcements riding over the horizon, no easy path to victory. The old method—muskets at dawn, fire in the undergrowth—was beyond his reach. Batman had to reconsider his approach. And in any case, the world was changing. In London, the weight of moral reckoning had brought down the slave trade. The voices of evangelicals pressed the Crown to see its subjects as human beings, no matter their colour. The language of justice was

beginning to creep into the works of empire. Brute force alone would not suffice here; not after the British Government had begun, at least on paper, to acknowledge the rights of Indigenous peoples.

Batman knew this. He adapted.

Where violence might fail, another weapon would take its place: ink on paper. A lie dressed as law.

He framed his claim as a lawful agreement. In doing so, he hoped to swindle an empire with the same sleight of hand that would soon steal a continent.

Despite his role in bloodshed, Batman recognised that the land he sought belonged to the Kulin Nations. In a meeting with Kulin Elders near Merri Creek, Batman signed two deeds that he framed as treaties, claiming 500,000 acres of land in and around Port Phillip Bay and an additional 100,000 acres around Geelong and Indented Head.

These deeds, written in English, bore no trace of Aboriginal cultural lore or understanding. There was also no sanction from the Crown. Batman instead ordained himself in what he saw as his own kingdom. He moved with intent, his motives sharp as the edge of a freshly whetted blade. He understood the delicate balance between conquest and conscience.

Batman's 1835 'treaty' is often mistaken for an early recognition of First Peoples' sovereignty. In reality, it was a deception.

That so-called treaty—understood by some as a transaction; by others as trespass—reverberated across generations. What the Kulin Elders understood as an agreement for temporary access—akin to a Tanderrum, or visitor's visa—was manipulated into a claim to the land. Batman effectively assumed the role of the colony's first property developer.

Uncle Andrew Gardiner (Wurundjeri) traces his lineage back to that moment. ‘My ancestry is through my mother, Waria Terrick Gardiner,’ he told Yoorrook. ‘My grandmother [was] Jessie Jemima Wandin Terrick; my great-great-grandfather Robert Wandin; my great-great-grandfather, Bebejan, head man of the Wurundjeri Woi Wurrung clan of the Wurrung people back in the 1830s. He was around in the time when Batman tried to introduce the treaty.’

New South Wales Governor Richard Bourke nullified Batman’s claim with the 1835 Proclamation, declaring all land property of the Crown. But this was not an act of protection—it was an assertion of British sovereignty. The Crown could not allow even the *suggestion* that Aboriginal people had the right to negotiate over land. To do so would threaten the legal fiction on which the entire colony rested: that the land belonged to no one.

Bourke’s ruling reinforced the Crown’s absolute authority, ensuring that land was taken through occupation and government-sanctioned sale, not through agreements with those who had lived on it for millennia.

Batman’s professed treaty did not mark a moment of mutual recognition—it marked a collision between two worldviews: one rooted in reciprocity, the other in conquest. What the Kulin people offered was ceremony and conditional hospitality; what Batman claimed was possession.

Governor Bourke’s swift rejection of the treaty was not a repudiation of Batman’s methods. Rather, it was a reinforcement of the colonial project’s foundations: dispossession by decree, not negotiation. In this way, the events of 1835 crystallised the mechanics of invasion—where Indigenous law was not misunderstood, but deliberately overwritten; where sovereignty was not shared, but denied.



By the mid-1830s, a squatting rush swept across the land. Wealthy settlers, drawn by the promise of even greater prosperity, laid claim to vast tracts, transforming fertile soil into sprawling sheep runs. Reports from explorers like Major Thomas Mitchell, who praised the western plains as ‘Australia Felix’, fuelled the rush.

Squatters claimed these territories with little or no regard for their existing inhabitants. They saw First Peoples not as custodians, but as obstructions: barriers to be torn down in pursuit of their own desires. On horseback, with muskets in hand, the weight of colonial law at their backs, and the silent sanction of empire, they set about clearing the land. But it was not only people who bore the cost.

This stampede created a relentless cycle of displacement and destruction. As pastoral runs expanded, First Peoples were pushed from their homes and stripped of resources essential for survival.

The settlers’ hunger for more land created fierce competition that left Aboriginal communities facing starvation, disease and violence. The transformation of the landscape disrupted long-standing ways of life, replacing equilibrium with exploitation.

The squatting rush was a defining force in the colony’s development, marking a moment when settlers began to assert control on an unprecedented scale. For First Peoples, it signalled a deliberate effort to diminish their presence—an attempt to remake both the land and the society that grew upon it.

IT IS NOW KNOWN THAT AT LEAST FIFTY MASSACRES HAPPENED IN VICTORIA. PRISING THE TRUTH ABOUT THESE MURDEROUS ACTS FROM BENEATH THE CLOAK OF SILENCE HAS NOT BEEN EASY. IT WAS NEVER GOING TO BE.



VICTORIA'S COLONISATION STANDS AMONG THE MOST BRUTAL CHAPTERS IN AUSTRALIA'S HISTORY.

Years of painstaking research have helped to pass on stories almost lost. It is now known that at least fifty massacres happened in Victoria. Prising the truth about these murderous acts from beneath the cloak of silence has not been easy. It was never going to be.

We will never know the full toll of the reprisals; the opportunistic killings; the quiet, calculated murders carried out under the cover of settlement. Much of the violence was never recorded. Instead, it was concealed by those who committed it, and forgotten by those who benefited from it. But thanks in large part to the research of Dr Lyndall Ryan and Dr Bill Pascoe, we do now know that those fifty documented massacres claimed the lives of more than 978 Aboriginal people.

The violence was not random. There is a striking and undeniable connection between massacre sites and land stolen for pastoral expansion during the same period. In her evidence to the land injustice hearings, Distinguished Professor Marcia Langton (Yiman and Bidjara) highlighted this dark relationship: 'There is a correlation between the squatters taking up their runs and the [...] killings that this database refers to. But [...] the massacre records are the tip of the iceberg. It is unlikely that most of the killing was recorded, because if the killings were executed by, say, shepherds and

the workers for the squatters, then they likely couldn't read and write. So we don't know what they did because they wouldn't have been able to write it down.'

The bloodshed began early, and its memory and trauma has endured. People still mourn. On Gunditjmara Country, the Convincing Ground massacre marked the first atrocity in Victoria. European whalers, jealously guarding a whale carcass, turned their weapons on the Kilcarer Gundidj people, who had harvested resources from this coastline for countless generations.

Around 60 to 200 Gunditjmara men, women and children were killed in 1834. Chief Protector George Augustus Robinson, visiting the area in 1841, documented chilling accounts. Edward Henty and Police Magistrate Blair, settlers whose words carried authority, described Gunditjmara survivors as 'wild' and 'a bad set'.

The western districts of Victoria became a graveyard for countless Aboriginal lives. Gunditjmara, Djab Wurrung, Jardwadjali, Peek Wurrung, and Keeraywoorrong peoples faced repeated massacres. The Whyte family and other accomplices of Konongwootong station killed over sixty Wulluwurrung/Nundadjali people at the Fighting Waterholes and Fighting Hills massacres in early 1840; at Frederick Taylor's Glenormiston station, near Lake Terang—also known as Mount Emu Creek—settlers killed thirty-five Aboriginal people; fourteen Wulluwurrung/Nundadjali people were killed at Murdering Flat; a further fifteen at Connell's Ford, and a further fifteen at Wootong Vale.

Aboriginal communities were devastated—massacred and scattered as their land was taken. With the hope of colonial-measured prosperity came a tide of frontier violence that turned sacred Country into theatres of war. Yet the toll was not one-sided. There was resistance:

it was war and there were battlegrounds, but there were killing fields, too.



To this day, the Gunditjmara people are defined by their spirit of resistance. During the 1840s, they waged the Eumeralla Wars, fighting fiercely to defend their Country. The war was fought in the dense scrub and rolling plains of Gunditjmara Country, where resistance ran as deep as the lava flows beneath; and along the eponymous Eumeralla River.

Marcus Stewart (Taungurung) spoke of this history as an enduring story of defiance. 'A key example of resistance in the nineteenth century is the Eumeralla Wars in the south-west of what we now call Victoria,' he told Yoorrook, 'between British colonists and Gunditjmara people. The conflicts occurred from the mid-1830s to the 1860s and were particularly intense between 1834 and 1844. The Gunditjmara employed guerrilla tactics and economic warfare against the livestock and property of the British colonists, occasionally killing colonists.'

This was not just survival—it was a campaign, and a refusal to surrender Country. It was a war remembered in the bones of the land, in the stories passed from Elder to child. And it is still remembered today; not only in words, but in the continued fight for recognition, justice and truth.

The arrival of Europeans laid the foundation for a colonial economy that would feed off stolen land. Their livestock flattened eel traps and scarred the intricate aquaculture systems at Budj Bim, disrupting food sources that had sustained the Gunditjmara for thousands of years.

In response, the Gunditjmara fought back—strategically targeting settler infrastructure, destroying crops, and driving off sheep and

cattle, a tactic that struck at the occupation's economic nerve.

As 'settlement' spread, so too did the resistance. The Gunditjmaras' knowledge of the landscape allowed them to mount ambushes, evade capture and withstand counterattacks. They fought with spears, wit and an intimate understanding of the land's natural defences. The colonisers, unable to control the frontier through force alone, escalated their efforts, deploying the Native Police Corps and Border Police under the command of men like Captain Foster Fyans. These forces, composed partly of Aboriginal men from outside the region, were tasked with hunting down and 'pacifying' their Gunditjmara counterparts. Their methods were merciless—burning villages, poisoning waterholes, and executing people on sight.

By the 1840s, the conflict had reached a fever pitch. Massacres punctuated the landscape, from Fighting Hills to Murdering Flat, where entire families were wiped out. The Gunditjmara, however, fought on. The Eumeralla River ran red, but it did not run silent.

The war did not end with a treaty, nor with a decisive battle. It faded under the speed of relentless colonial expansion, yet its echoes remain. The Gunditjmara survived. Their land, though bruised, still carries their story. And today, through song, ceremony, and truth-telling, they continue to resist, ensuring that all they fought for will never be forgotten.



Colonial dispossession relied on a deadly combination of brute force and legal manipulation. Central to this was the doctrine of 'terra nullius', which denied the existence of First Peoples' sovereignty and their custodianship of the land. This fiction allowed British authorities

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to claim ownership of all land in the colony, nullifying First Peoples' complex systems of governance and law.

Terra nullius was more than a legal concept: it was a cultural weapon that facilitated erasure. It stripped First Peoples of their status as landowners and reduced them to non-entities in the eyes of the law. Distinguished Professor Marcia Langton described terra nullius as a cornerstone of the colonial project, legitimising theft while dehumanising those whose land was stolen.

Governor Richard Bourke's 1835 Proclamation, which declared Batman's deeds invalid, reaffirmed the Crown's claim over all land. Yet this proclamation also emboldened settlers, providing a framework for large-scale land acquisition under the guise of legality. Land that had been cultivated for thousands of years was surveyed, divided, leased and later sold off without consultation or consent.

The ink on Batman's deeds had barely dried when others followed. The lure of land and wealth proved irresistible. The frontier pressed forwards with a ruthless inevitability.

By 1834, British colonisers had set foot on Gunditjmara Country. By 1835, Kulin Country had been claimed. What began as tentative incursions soon hardened into permanent settlements, marking the opening chapter of a deeper conquest.

The early infiltrations were carried out in defiance of colonial laws, designed to ensure that the wealth of plunder found its way back to the Crown.

These were actions that ignored the sovereignty of First Peoples—and, for a time, even bypassed the authority of the British Crown itself. They took place without any formal approval from the monarchy, revealing the

entitlement and audacity that characterised the colonial approach.

The squattocracy was a hand that took without hesitation. It measured worth in acres and profit, never in stories—and certainly never in the truth or in First Peoples' sovereignty. Squattocracy was the belief that the land was waiting to be tamed, that its people were drifting towards oblivion, that history began with the arrival of the stranger. This mindset endures—stitched into systems, echoed in courtrooms, embedded in maps from which old names have been scrubbed clean. It is a lie told so often that it has begun to believe itself.

With this mindset, the colonial government, seeking to impose its control over the burgeoning settlement, began to develop systems to regulate and manage land use.



In 1836, the Port Phillip District was declared open for settlement by the Governor of New South Wales, setting in motion a series of colonial processes designed to strip First Peoples of their lands.

Squatting licences and leasehold systems were introduced under the pretext of regulating land use and returning some money to the Crown, but their true purpose was to legitimise dispossession and strengthen the colonial claim to ownership. These measures disrupted intricate, millennia-old bonds between First Peoples and Country. Clerks began to make their presence known—an ominous sign of the creeping interference that would eventually come to regulate First Peoples' lives for generations.

Surveyors became central figures in this process. Their work was not neutral or benevolent. It was instrumental to the colonial agenda. By marking land as property, they redefined it as European space, ready to be carved up and exploited; its ageless rhythms broken into neat calculations.

Rivers once flowing with story and ceremony were reduced to water systems, bent to serve the invaders’ will. Sacred grounds became pasture, the soft tread of bare feet replaced by the relentless march of hooves. The land, once alive with its own law, its own breath, was forced into grids and parcels, leased, bought and sold as if its spirit could be owned. In the wake of this transformation, the land itself was made a stranger to its own seasons, its own heartbeat.

There was no forethought—nor afterthought—given to what the lines on the maps meant for people that lived here. It was going to happen and whatever was in the way was either seen as an obstacle or an enemy. The transformation was swift and deliberate.

By 1837, Robert Hoddle’s grid of Melbourne was inscribed on Wurundjeri and Bunurong/Boon Wurrung Country. Interred beneath the cobbled streets, the land would never see daylight again. Its connection to all was cloaked in the stiff starch of the colony.

The grid symbolised the beginning of a new order: one that redefined stolen land as property and subjected it to a system of auction and speculation. This speculative frenzy laid the foundation for Melbourne’s growth, but its cost was borne by the First Peoples who were forcibly removed from the land that was central to their cultural, spiritual and physical wellbeing.

Colonial authorities were relentless in enforcing exclusion, but they did not always succeed in keeping the Kulin people off their own

Country. Aboriginal people continued to move across Country, defending and caring for it.

Land that was once open and connected became fenced, divided and closed off. Areas of great cultural and spiritual significance, such as the northern banks of the Birrarung/Yarra, were restricted or repurposed. Policies were enacted to expel First Peoples from Melbourne entirely, targeting not only their presence but also their livelihoods and practices.

Dogs belonging to Kulin Nation people in naarm/Melbourne were killed. During the 1840s, the Melbourne Town Council directed the police to enforce the 1839 ‘Dog Act’ (*An Act for abating the Nuisance occasioned by the great number of Dogs which are loose in the Streets of the Towns of Sydney Parramatta Liverpool and Windsor in the Colony of New South Wales*) against the Kulin Nation. Aboriginal people’s dogs—companions, protectors, hunters—were systematically slaughtered.

The killings were not incidental; they were deliberate acts of displacement. The Council believed that by eliminating the dogs, they could drive Aboriginal people from the streets of the growing city. At the same time, new by-laws forbade bathing in the river and its tributaries—practices central to hygiene, ceremony and cultural continuity.

These waterways, once living arteries, were transformed into drains for the colony’s waste. The people were cut off from their lifeblood, and it was replaced by putrid run-off from the burgeoning colony.

The river would never run clear again.

The lower reaches of the Birrarung/Yarra became inhospitable and uninhabitable. Life that had provided bounty for people on its banks since the dawn of memory was now suffocated.

It took mere decades. By the 1860s, almost all land in Victoria had been claimed and sold in parcels to settlers, and the Crown’s process of dispossession was largely complete. Then came the reserve system to move First Peoples to fragments of their own land, denying them the space to practise culture, care for Country, or maintain their way of life. This happened so swiftly that by 1884, *all* land in the colony had been divided and categorised and First Peoples were confined to smaller and smaller segments of land through the reserve system. The rapid pace of this transformation left little room for resistance or recovery, and yet the people of the continent did not lay down.

This is the history of Victoria. This is the truth of what happened. It is a story of removal, denial and exclusion that metastasised throughout the colony.

MASSACRES AND THE DAWN OF INJUSTICE

By the time British ships arrived at Port Phillip Bay, the Empire had long been reaching further into the world's oldest soils. Colonisation in Victoria was not an isolated act, but part of a broader imperial design—a restless hunger for land, labour and capital that reached from the Caribbean to India, and from West Africa to Australia's southern shores.

In 1833, just one year before the Henty brothers landed at Portland Bay, Britain passed the *Slavery Abolition Act*. It marked the formal end of slavery across much of the Empire, a moment many greeted as moral progress. But the reality was layered with contradiction. While enslaved people were nominally freed, the British government paid out vast sums of over £20 million (the equivalent of £18–20 billion, or AUD \$37–41 billion, in today's money); not to the formerly enslaved, but to the slave owners as compensation for the 'loss' of their human property. It was one of the largest state-sanctioned wealth transfers in British history, and it enriched the very classes who would go on to invest in new frontiers, including the Port Phillip District.

As ships arrived in what would become Victoria, they carried not only sheep and steel but also the profits of dispossession already earned elsewhere. Among the passengers was Charles Edward Bright, who settled in Melbourne in 1854 and became a prominent businessman and civic leader. His family's wealth included £8,384 in compensation for 404 enslaved people in Barbados, received under the *Slavery Abolition Act* of 1833. The end of slavery was not the end of the Empire's violence—it was a recalibration.

On Kulin land, that violence took a different shape: not chains and sugar plantations, but fences, rifles, and the myth of an empty land. Reports of cruelty drifted back across the seas,

carried on pages smudged with sorrow. In Britain's drawing rooms and chambers of power, whispers turned to speeches, and speeches to outrage. From Australia came stories of massacres left unpunished, of women stolen, of hunger hollowing out once-thriving nations.

Victoria's frontier delivered its own horrors. As the Eumeralla Wars were being waged in the west, across in the east pastoralist Angus McMillan and his men—the self-appointed 'Highland Brigade'—left a trail of blood in a series of massacres in Gippsland from 1843 onwards, in which hundreds of Gunaikurnai people were killed.

From the Campaspe Plains to Barmah Lake, mounted police and settlers enacted retribution, killing dozens of Aboriginal people in coordinated attacks.

These atrocities formed the backdrop to the 1837 *Report of the Parliamentary Select Committee on Aboriginal Tribes (British settlements)*, also known as the Buxton Report, which declared that 'every law of humanity and justice has been forgotten and disregarded'. While the committee's scope reached across the Empire, the evidence it heard from Van Diemen's Land of the Black War and early violence in the Port Phillip District sharpened its focus on the settler violence erupting in Victoria.

Yet these massacres are not merely historical footnotes. They are remembered today in oral histories, in paintings, in the rhythm of dance, in the scars of Country. As Marcus Stewart reflected, frontier massacres 'have a traumatic and enduring impact on Aboriginal communities and are remembered to this day'.

Among those who took notice were evangelical reformers—men and women who had waged a fight against slavery and won, only to find themselves staring at another abyss: the unchecked brutality of colonial rule. They urged

Britain to reckon with the contradictions of its moral posturing, to see the truth behind the banners of progress and civilisation.

The Buxton Report did not merely observe colonial violence, but indicted it. Page after page laid bare the reality of empire: the floggings, the forced removals, the deliberate poisoning of waterholes, the systematic dismantling of whole societies. It talked of Traditional Owners’ rights to land. It was a report that, for a moment, forced Britain to look at itself.

In response, the Colonial Office turned its gaze to the Port Phillip settlement, proposing a protectorate—a bureaucratic salve for a moral wound too deep to heal with policy alone. The Protectorate was designed to oversee and ‘protect’ Aboriginal people under British law. In practice, however, it served to monitor, control and assimilate them, embedding surveillance where there should have been justice. In truth, it was little more than a thin veil draped over the machinery of expansion. The dispossession would continue. The land would still be taken, the rivers dammed, the people displaced. The only difference was that now it would be documented.

What began as a promise to safeguard First Peoples soon became a policy of attempted isolation and power. Protectorates, and later missions and reserves, were plotted out across Victoria, their boundaries restrictive.

Here, Aboriginal people were put away, hidden from view so as not to inconvenience the settlers’ dreams of dominance.

The Port Phillip Protectorate was established in 1839, with George Augustus Robinson named as Chief Protector. He was no stranger to Aboriginal people, having presided over the removal of Palawa communities in lutruwita/Tasmania to the Wybalenna Aboriginal Establishment on Flinders Island, where broken hearts and broken

spirits meant death often came quickly to those exiled from their homelands.

Alongside Robinson were four Assistant Protectors—William Thomas, Edward Stone Parker, Charles Sievwright, and James Dredge, all tasked with implementing this misguided vision. The Protectorate was funded by the leasing of stolen Country; a cruel irony embedded in its very foundation. It spoke of *protection* while overseeing dispossession; of *civilisation* while dismantling culture. It was a ledger in which lives and land were accounted for, recorded, and erased all at once.

During the decade-long existence of this fragile and flawed enterprise, the colony was kindled by violence. Frontier lawlessness was not an aberration but an extension of the colonial mindset in practice. Marauding settlers prowled across the lands, spreading massacres like bushfires; ember attacks razing lives and cultures.

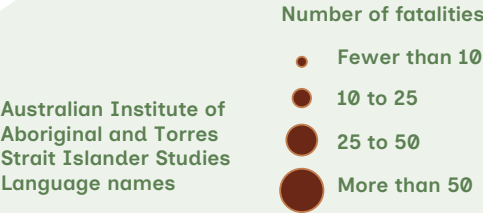
The justice system offered no justice: Aboriginal people were hanged or imprisoned for acts of resistance, while settlers who murdered with impunity walked free, shielded by juries of their peers. In the colony and its system of justice, First Peoples were peerless.

Stations were established on Aboriginal Country—at Narre Warren and Merri Creek for the Bunurong/Boonwurrung, at Loddon for the Dja Dja Wurrung, on the Goulburn River at Murchison for the Taungurung, and at Mount Rouse for the Djab Wurrung.

For the settlers, they were places to corral and control, stripping away the autonomy and mobility that defined Aboriginal life. For Aboriginal people, they became tenuous havens amidst the violence and chaos. Here, on these fragments of land, rations could be secured when hunting grounds were stolen.



MASSACRE SITES BETWEEN 1834 AND 1860



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

But the land could not be forgotten. Despite the Protectors’ efforts to tether Aboriginal people to these stations, movements across Country continued. Wurundjeri and other Kulin Nation peoples still gathered at Bolin Bolin swamp for the eel season, holding fast to tradition even as fences closed in around them. Connection to Country was not a habit to be broken. It was a lifeline, and it could not be dissolved.

The Protectorate’s focus often turned to children, who were seen as vessels for acculturation. Education and religion were used as tools to separate young people from their families and traditions. In their reporting, the Protectors lamented parents’ refusal to leave their children behind, blind to the unbreakable bonds of kinship that anchored Aboriginal life. Though they collected words and fragments of culture, translating Christian texts into Aboriginal languages, their efforts came hand-in-hand with a relentless suppression of spiritual and cultural practices—the first chapters of a campaign of cultural erasure.

Even among the Protectors, prejudice and violence simmered.

Robinson documented atrocities, his journeys revealing the depth of the colony’s cruelty. Settlers slaughtered kangaroos, which they saw as being in competition with sheep and cattle, and advocated military retaliation against acts of resistance. Yet Robinson, too, was complicit. His fellow ‘Protector’ William Thomas wielded threats of police force to impose his will on Kulin people, while Edward Stone Parker celebrated his suppression of cultural ceremonies among the Dja Dja Wurrung.

The Port Phillip Protectorate was never what it claimed to be. Promises of shelter and safety cloaked its true purpose—it was not a shield, but a gear in the great colonial machine, designed to pave the way for settler expansion under

the guise of benevolence. Its stated aims of protecting Aboriginal people were incompatible with the colony’s relentless hunger for land and labour. By 1849, its contradictions could no longer be concealed.

The Protectorate was closed—not because the need for protection had lessened, but because its existence interfered with the colony’s economic ambitions. Land hunger triumphed over moral posturing. Aboriginal people, the colony decided, were better left unprotected if protection stood in the way of profit.

In the end, the Protectorate became just another chapter in the ragged, tangled story of invasion—a system that ruminated on notions of humanity while inflicting unspeakable harm.

But even as these structures bore down, First Peoples held fast. They held on to one another, to their languages, to Country. In a time when the world around them insisted on their disappearance, survival became the ultimate resistance. To deny the weak expectations of the colonisers—those who saw no future for First Peoples beyond annihilation or assimilation—was, in itself, a powerful act of defiance. And there was nothing passive about it.

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The violence left no region untouched. On Gunaikurnai Country, the Warrigal Creek massacres wiped out as many as 150 lives, while fifteen were lost at Milly Creek. On Wadawurrung/Wathaurong Country, Mount Cottrell became the site of another massacre, with ten killed. The Murray River and its surrounds carried their own burden of tragedy. At Moira Swamp, twenty-six Yorta Yorta people were murdered, and seventy were killed where the Murrumbidgee and Murray rivers meet. In its submission to Yoorrook on land injustice, the Victorian Aboriginal Community Controlled Health Organisation (VACCHO) noted how the very vocabulary of these sites is haunted to this day: ‘We are continually reminded of the atrocities committed against our people in the pursuit of land and the establishment of the colony by places bearing name of what happened: Convincing Ground, Skull Creek, Murdering Gully, Poison Creek, Butchers Ridge, Butchers Creek.’ As Uncle Rob Hudson (Gunai Kurnai, Monero Ngarigo) explained in VACCHO’s submission, most of these sites are named after what happened there.

The record of individual brutality is no less chilling. Rolf Boldrewood, a colonist and author, wrote with casual candour that ‘for one reason or other the gun was rarely a day out of our hands’. Gippsland colonist Agnes Buntine whipped Gunaikurnai people and forced them into the sea. Patrick Coady Buckley put a rope around a Gunaikurnai man’s neck and made him run into the surf for four hours. Cannons were fired into camps. Bungelene, another Gunaikurnai man, was chained to a tree outside Native Police headquarters. In the Wimmera, Sundays became days of leisure-time hunting, only the prey was not kangaroo or wallaby, but

human. CB Hall wrote of being shown the body of an Aboriginal person in a waterhole, shot in the back of the head. Near the same site, he found other bodies burned and left beneath a log. At Lake Boga, AM Campbell recounted how colonists Curlewis and Cowper invited Aboriginal people on a duck-hunting trip as a ruse. Far from accompanying the hunters as peers or guides, they were being summoned to their own murder.

These were not the acts of rogue outliers. They were the workings of a system that sanctioned violence as a means of stamping out resistance; of opening land to settlers and stock. The landscape became the ledger of loss, with the full score only known to a small few.



Some survived the horrors to bear witness. Alice Dixon escaped one of the massacres at Konongwootong. Billy Thorpe carried the memory of Warrigal Creek. Charlie Hammond, a child captured after the Milly Creek massacre, was taken to Buchan and forced into labour on a station. Their lives, shaped by unimaginable grief, ensured these atrocities would not be lost to time.

Aboriginal women and children were the most vulnerable to frontier violence. In 1842 at Caramut Station, six Gai wurrung/Djab Wurrung people were shot as they slept, including four women, one of whom was pregnant, and a child. Two survivors sought refuge nearby at Mount Rouse and reported the incident to Assistant Protector Charles Sievwright. The perpetrators faced trial for one count of murder only. A jury swiftly declared them not guilty.

Rape and abduction were rampant. Colonisers ignored official orders prohibiting the kidnapping of women. In Portland, whalers sought to seize Gunditjmara women, while on Gunaikurnai

Country, the kidnapping and assault of a young woman sparked violent retribution. The banks of the Birrarung were not safe, with women attacked in their camps. Children, too, were targeted—whipped with bullock lashes, taken from their families, and forced into servitude. Poison became another weapon in the war on First Peoples. Flour and damper, the new staples of survival, were laced with arsenic or plaster of Paris and handed out as rations. Entire unsuspecting families ate, trusting in the most fundamental act of hospitality: bread given in hunger. A short time later, they were dead.

Afterwards, their bodies were discarded without ceremony. ‘They were pretty ruthless,’ Uncle Johnny Lovett (Gunditjmara, Boandik) recalled. ‘Mix things up when they came to the stations for their handouts [...] when they died, they just picked them up and chucked them in the river or burned them.’

Phillip Pepper wrote of Christian de Villiers’s inn on Dandenong Road, which fed weary travellers by day and carried out quiet executions by night. There, the damper served to Aboriginal people was a fatal sentence. Those who consumed it suffered slow, agonising deaths. De Villiers’s hotel came to be known as the ‘No Good Damper Inn’. The epithet turned atrocity into anecdote; murder into legend. The killings became folklore shared over drinks, stripped of their horror.

Protectors recorded the grim toll, but government officers fought to deny settler violence. Reverend Benjamin Hurst of the Buntingdale Mission reported massacres on Gunditjmara Country, as detailed to him by coloniser Robert Tulloh. But Police Magistrate James Blair gathered subpoenas from a number of colonisers, including Stephen Henty, to discredit Hurst’s claim. Superintendent La Trobe and Governor Gipps told British authorities that Reverend Hurst had been ‘taken in’ by Tulloh. La

Trobe also recommended that Tulloh’s licence not be renewed, which Gipps was happy to approve—a stark warning to those who dared to speak out.



THE KILLINGS ON THE OXLEY PLAINS, SOUTH OF WANGARATTA, REMAIN ONE OF THE BLOODIEST CHAPTERS IN VICTORIA’S HISTORY—BUT ALSO AMONG THE LEAST-KNOWN.

Today, its site is bereft of markers and monuments. There is scant acknowledgement of the event among the historical societies of Benalla and Wangaratta. At the site of coordinates -36.52,146.391, you will find no memorial to what happened by the river. Perhaps what happened on the Oxley Plains brings too much shame.

Anywhere between 150 and 300 Aboriginal lives were taken in the years that followed, part of an ongoing cycle of reprisal for alleged cattle and sheep theft—and in retaliation for what became known as the Faithfull Massacre, which occurred just days after first contact in the region in April 1838. It remains the only recorded massacre of white settlers in Victoria at the hands of Aboriginal people.

Ten stockmen were overlanding cattle for William and George Faithfull when they camped at Broken River, unaware that they had made their fire on a significant Yorta Yorta meeting-place. A few days later, nine more of the Faithfulls’ shepherds arrived with 4,000 sheep, reportedly harassed Yorta Yorta women, and later claimed that sheep were missing.

At dawn on 11 April, as the stockmen prepared to leave, around twenty Yorta Yorta warriors launched a coordinated attack, killing eight shepherds while several others escaped. It was not a random act of violence. It was a ritual act of justice—likely in response to earlier killings of Yorta Yorta people by settlers along the Ovens River. What followed, however, was not justice, but slaughter: punitive expeditions sanctioned by the settler colony, in which dozens—and by some accounts, hundreds—of Aboriginal people were hunted and killed in reprisal, their deaths largely unrecorded, their names erased. We will never know their identities or their number.

The events served as a clarion call to all the invaders to follow. When it comes to the blood-drenched Oxley Plains, though, the cloak is once again lowered and memory is shrouded.

But the river remembers. It carries the weight of what was done there, whispering its grief through the reeds. The Oxley Plains had been a battleground long before the rifles and horses returned that day; long before the settlers scrawled their names across Country they would never understand. The people of the Waveroo/Waywurru had pushed back again and again, standing firm against those who demanded what was not theirs.

The Waveroo/Waywurru people fought with knowledge passed down through time itself, reading the land, moving unseen through the trees, striking where they could. They refused to surrender to the hunger of empire. For years,

the settlers had tried to break them. Poison in the flour, ambushes in the night, burning camps while the people slept. But still, they endured.

Dawn on the day of the massacre probably broke like any other—soft, golden, the air alive with birdsong of cormorants overhead. But the stillness did not last. A band of settlers, hut-keepers, shepherds and stockmen, armed and on horseback, swept through like a storm, the gallop of the beasts rumbling the ground, their masters’ rifles piercing flesh and air alike. There was nowhere to run. The river, once a place of refuge, turned to a graveyard.

Men, women, children: none were spared.

The earth swallowed the dead. The trees bore silent witness. And when the killing was done, the land itself seemed to hold its breath. The settlers would call it victory, would tell themselves the land was now theirs: emptied, tamed. But the river knows better. It knows that this was not conquest, only cruelty. That the fight did not die with those who fell, but was carried on in memory and story.

The Oxley Plains massacre was not an ending. It was the breaking point of a war waged in the shadows of empire—a war that has never truly ended.

The cycle of retribution sparked by the killings of settlers was utterly out of proportion to the original event. The ensuing violence swept through the region for years, indiscriminate and unrelenting. Aboriginal men, women and children were hunted down, shot, poisoned; their communities fractured and scattered. These were not isolated bursts of frontier panic. They were calculated acts of terror designed to clear the land for settler occupation. Reprisals became a language of control, teaching any who remained the cost of resistance. Loss of stock was answered with loss of human life. And with each new killing, the settler hold on

the land tightened, while the truths of what occurred were buried deeper beneath the myth of peaceful settlement.

Today, we write this not just as history, but as truth-telling; as reckoning. To remind those who have forgotten—or who never knew—that the land has not forgotten. That the resistance did not vanish with the dead. That their voices still echo, and have made their way through time to reach these pages.



To understand the roots of injustice in Victoria, we must return to the point where law and violence first converged on this land—when the apparatus of the State was not designed to protect First Peoples, but to pacify and contain them.

From the earliest years of invasion, policing in Victoria was informed by the needs of a settler colony intent on taking land and crushing resistance. As Dr Bill Pascoe told Yoorrook, these were not chaotic or accidental clashes resulting from frontier panic—they were killings by design. The colonial authorities, he explained, made a deliberate choice in the creation of their police forces. ‘The role of the police in this is quite important,’ Pascoe explains. ‘At the time, there were two models for the police to be based on. One was the London Bobbies [...] the other model was the Irish mounted police.’

The latter—a force specifically trained for repression and restraint—was the archetype chosen for the colonies. In Australia, ‘the main risks that they saw at the time were convict insurrection, bush ranging [...] and Indigenous insurgents,’ Dr Pascoe testified. These were not urban populations to be protected, but rural populations to be subdued. ‘So clearly the model

they were following was the Irish mounted police, designed to suppress.’

In other words, the task was not to uphold peace but to enforce dispossession. Aboriginal people were not seen as citizens to be protected, but as obstacles to be subdued. From the reprisals at Broken River to the widespread operations of the Native Police Corps, policing in Victoria emerged as a martial structure. This was not the failure of an otherwise fair system. It was the system, right from the start. Its legacy would ripple through generations.

From the very beginning of invasion, then, the policing of Aboriginal people in Victoria was never neutral. It was martial in form and colonial in function, trained to extinguish resistance. That legacy would echo well beyond the reprisals at Broken River.



Far from haphazard, the colonisers’ violence was often sanctioned by authority. Government officials, soldiers and police led expeditions of death and destruction. In 1840, Governor Gipps issued orders to Major Lettsom of the 80th Regiment. There had been conflict on Taungurung Country, and Lettsom was sent to restore order; not for the sake of peace—such directives were never for peace—but to enforce settler rule. He and four soldiers travelled the Sydney Road towards naarm/Melbourne, searching for those the colonisers had branded as troublemakers. Finding none, they pressed on, arriving in the shadow of the town, where Kulin Nations people had gathered.

There were no warrants, no charges—only Lettsom’s determination to make an example of them. His authority was soon legitimised by Superintendent La Trobe, who granted him permission to launch the raid.

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Lettsom, having returned to naarm/Melbourne, summoned reinforcements: Lieutenant Russell of the Mounted Police; twenty-seven soldiers of the 28th Regiment; and another twelve or thirteen mounted troopers. It was a force swelled by numbers, by power, by the certainty that whatever they did would go unpunished.

They found the gathering and struck. Around 200 Kulin men, women and children were estimated to have been captured and forced into submission. Wurundjeri leader Winberri stood against them, refusing to surrender his people. He was murdered for his defiance.

That night, some managed to escape. But not all. As a man named Narrokemulloke ran for freedom, a shot rang out.

Another life taken. Another body left behind.

In the chaos that followed the raid, men were taken by force—their presence in naarm/Melbourne transformed from a sacred meeting into a crime scene. These were the Goulburn River clans, Djilamatang, Ngurai-illam Wurrung, and Taungurung men who had travelled south for ceremony and to maintain kinship ties, as they had done for generations before the colony rose around them. Now, they were cast as trespassers on their own land.

Assistant Protector Edward Stone Parker managed to secure the release of all but thirty of the captured Goulburn men, yet ten were dragged before the court on 6 December 1840 and made to sit before a judge who would decide their fate—not as men upholding ancient law, but as criminals beneath colonial rule.

In the courts, *justice* was swift and indifferent. No lawyer to argue their case, no interpreter to explain the accusations laid against them, no support from the gallery. Nine of the accused were sentenced to ten years' transportation—not for violence, but for theft.

The trial made a mockery of British law, which claimed to extend its protections to all subjects. Aboriginal people were expected to obey the law, but were denied its rights. The raid and its aftermath revealed the truth: in the colony's eyes, their guilt was assumed and their defence was irrelevant. It was clear that to be Aboriginal was to have suspicion cast upon you.

Governor Gipps, receiving news of the events, acknowledged that Lettsom had 'departed in some degree from the instructions given to him'. But there was no reprimand, no inquiry, no consequence. The Crown's law was not meant to serve First Peoples. It was meant to remove them.

To this very day, not one law enforcement official has been charged over the death of an Aboriginal person. The colony started as it meant to go on.

This was how control was maintained. Not just by the mounted police or the gun, but by the quiet, bureaucratic sanctioning of violence. A poisoned meal, a raid at dawn, a report filed away whose careful phrasing obfuscated the reality. Aboriginal lives were statistics; their deaths inconveniences noted in passing. The colony moved forward, indifferent to the blood that greased its wheels.

In the twenty-four years since Henty and Batman had staked their respective claims on Gunditjmara and Kulin land, so much had changed. By the time of the colony's founding as Victoria in 1851, its First Peoples numbered just 2,000, their population having been 15,000 at the point of contact in 1834.

THROUGH A CONCERTED CAMPAIGN OF MASSACRES, VIOLENCE AND NEW DISEASES, AN ENTIRE PEOPLE HAD BEEN TAKEN TO THE BRINK.



The Aboriginal Native Police was first formed in 1837 under Captain Christan de Villiers, but it was under the command of Henry Edmund Pulteney Dana that the unit became one of the most effective and brutal devices of colonial control. Dana, a former British Army officer, understood what was required of him: discipline, efficiency and results. He enlisted Aboriginal men from outside the districts that they would be tasked with 'policing', exploiting existing cultural divisions and ensuring that his recruits had no allegiance to the people they would be ordered to hunt.

The Native Police were not a force of law; they were a weapon. They operated at the shifting edges of settlement, ensuring that the frontier moved in only one direction—forwards. Their purpose was neither to protect, nor mediate, nor serve justice. Their training was swift, their instructions clear. The rifle was their language. The boot was their law. Their role was simple: to break resistance.

Their patrols stretched across Victoria's interior, moving ahead of settlement like a blade through the land. They escorted surveyors, protected squatters, and executed reprisal raids with cold

precision. Where settlers were inconvenienced by Aboriginal resistance, the Native Police were sent to remove the problem. These were not arrests. They did not take prisoners. Their methods were final and silent. Encampments were ambushed at dawn. Shots rang out in the dark. Bodies were left where they fell. There were no reports, no trials, no names recorded.

Dana himself admitted as much. In 1843, he wrote to the Colonial Secretary, acknowledging that his troopers' work was conducted 'in so remote a district and under such circumstances that I could not, even if I wished, give a detailed report'. This was not an oversight. It was the strategy. The absence of records was not neglect but a policy of plausible deniability.

Even their uniforms carried a message. Dressed in British military-style jackets, the Native Police were a pantomime of legitimacy. The British could claim that this was not invasion, but order; not war, but governance. The Native Police made it appear as though Aboriginal people had consented to their own destruction.

There is some conjecture among historians as to why Aboriginal men enlisted. Some did so under coercion. Some sought protection. Others sought survival. Still others volunteered, perhaps to expand their own cultural power. What we do know is that the original twenty-two Native Policemen were heads of clans around Melbourne. It was a horrific episode in Victorian history. Those who tried to leave were hunted down. Some were executed by their own commanders for disobedience. Others died nameless, buried in unmarked graves by the very colony they had been forced to serve.

When Dana died in 1852, the Native Police began to fade, its use diminishing as settler numbers swelled and white militias took up their work. Its existence was no longer necessary.

The frontier had been secured. And like all tools, once it had served its purpose, it was discarded.

No monument stands to the Native Police. Their legacy is written in the land, in the empty spaces where people once lived, in the quiet redactions of history books. They were the blade in the dark; the invisible hand of colonial rule.

AND WHEN THEIR WORK WAS DONE, THE COLONY BURIED THEIR MEMORY ALONG WITH THEIR DEAD.



From Caramut Station to courtrooms across the colonies, justice for Aboriginal victims was not just rare—it was designed to be impossible. The violence inflicted on First Peoples was never an aberration, never a matter of rogue actors or isolated incidents. It was systematic. It was embedded in the very scaffolding of colonisation. Protectors might have reported the atrocities. Survivors might have spoken out. But the system turned its back—again and again.

When settlers stood trial for murder, the outcomes were predictable. Jurors, drawn from the same settler class as the accused, absolved their peers of guilt, no matter the evidence. At Myall Creek on the Liverpool Plains in NSW, in June 1838, a group of settlers mercilessly killed a group of Wirayaraay (Gamilaraay) people—mostly defenceless women, children and the elderly. Their bodies were unceremoniously piled up and burned. Later, the remains of at least twenty-eight people were found, though the actual toll was likely higher and will never be known.

Myall Creek became one of the few instances where settlers were convicted and executed for killing Aboriginal people. Eleven of the twelve men were arrested and charged with murder, and seven were convicted and executed. The backlash from the colonial public was so fierce that similar prosecutions became unthinkable. In Victoria, time and again, even the most brazen acts of violence—massacres, poisonings, rapes—went unpunished. Justice, as meted out by the colony, existed to protect settlers; not hold them to account.

For Aboriginal people, that same justice system has always been a weapon. From the earliest days, when the first arrests were made and ceremonies criminalised, the law was wielded to surveil, control and remove. Aboriginal men, women and children became targets of the legal system. This legacy continues; evinced in the grim statistics that remain largely unchanged. Today, First Peoples are overrepresented in every corner of the justice system in Victoria and across the continent, from child protection to youth detention to adult imprisonment; yet they remain the least protected from harm.

The scars of this system are not just physical. They linger in the stories of Country, in the whispered memories passed down through families, in the absence of justice that echoes across generations. They are written into the unfinished reckoning of a nation still reluctant to face its past. Until these truths are acknowledged—until justice is not only promised but delivered—that reckoning remains incomplete.

GOLD-DIGGERS AND THE ‘ABORIGINAL PROBLEM’

In 1851, the discovery of gold in Victoria unleashed a transformation that the land and its people were never meant to endure. The promise of fortune drew an estimated 900,000 people to Victoria’s goldfields of Ballarat, Bendigo, Beechworth and beyond. They flocked to the lands of the Wadawurrung/Wathaurong, Waveroo/Waywurru, Dja Dja Wurrung and countless other nations, digging and dredging without invitation.

Gold irreversibly reshaped Victoria, making it one of the richest colonies in the world. Wealth flowed outwards, paving streets, founding towns, and marking the land with fences that divided and excluded. Forests were felled, hills were levelled, rivers and creeks dammed. The patterns of the landscape were rewritten to serve colonial ambitions. Farms sprawled across Country, cementing townships that would claim permanence. Every act of settlement was another layer of eradication, imposing a new order on the land.

For First Peoples, the gold rush was not a story of fortune or progress—it was a catastrophe. The upheaval it wrought was swift and brutal. Tens of thousands of miners flooded onto Aboriginal lands, tearing through Country that had been cared for across countless generations. Campsites became diggings. Sacred sites were desecrated; their meaning scraped away along with the earth.

On Wadawurrung/Wathaurong Country, waterways once teeming with life were choked with sludge, poisoned with mercury and other mining run-off. The rivers that had sustained communities turned toxic. Hunting grounds disappeared beneath sluices and tailings.

Food sources dwindled. The web of life—of culture, ceremony, and sustenance—was ripped apart, buried beneath the slag heaps and waste of the new occupiers. First Peoples, once the

custodians of these lands, were driven to the outer margins, cast beyond even the fringes of the society that had consumed their land. Aboriginal people had virtually no legal recourse against the theft, exploitation and destruction of Country. They would fare no better when they tried to stave off the hordes of gold-greedy prospectors. The influx of miners escalated existing disputes over land and resources, with settlers willing to enforce their claims through bloodshed.

The gold rush did more than unearth precious metals—it rebuilt Victoria in the image of the Empire. It was a force that tore through landscapes and lives, stripping riverbanks, gutting forests, and carving deep wounds into the earth. But the destruction was not just environmental; it was social, political and cultural. The frenzied incursion of miners did not just escalate frontier violence; it entrenched it, turning disputes over land into open war. For First Peoples, there was no negotiation, no recognition—only elimination.

In the wake of the gold rush, Victoria’s newfound wealth was poured into the foundations of empire. Lavish monuments to colonial ambition—Parliament House, the State Library, the University of Melbourne, Pentridge Prison and the Melbourne Museum—rose in bluestone and sandstone. Their facades, carved from rock quarried across the colony, were hewn from lands long cared for by the Gundjitmara, Dja Dja Wurrung, Wurundjeri and Taungurung.

While precise records of the quarries used for each site are fragmentary, stones for Melbourne’s early public buildings were sourced from places like Bacchus Marsh, Malmsbury and the You Yangs. The extraction, like that of the gold that funded the buildings, was enacted without consent.

Knowledge was hoarded as ruthlessly as land, housed in grand structures that collected the stories, artefacts and even the remains of those they sought to stamp out.

For First Peoples, the gold rush was not just a theft of land but of narrative, too. Aboriginal voices were absent from the institutions that gold had built; their histories locked away in cabinets and archives, their knowledge dismissed even as it was studied. Museums and universities collected Aboriginal cultural belongings without consent, often removing sacred tools and objects from Country to display them as curiosities of a vanishing race.

Even more disturbing was the collection of Aboriginal human remains, especially human skulls. Dug up from burial grounds or taken from massacre sites, they were measured and catalogued to support racist theories of hierarchy and evolution. Aboriginal people were turned into specimens in the buildings gold had built.

Sovereignty was not just ignored. It was trampled beneath pickaxes and progress. What had rested in the earth's crust, in Aboriginal land, was now stripped, panned and smelted into selectively distributed wealth.

For the Traditional Owners of the goldfields, the seasonal cycle had changed. It was now either hot and dusty, or cold and muddy. Aboriginal people lived in the winds between these two worlds.



In 1858, politician Thomas McCombie stood before the Victorian Parliament and proposed a Select Committee to investigate the 'condition' of Aboriginal people. He framed it as a matter of inquiry and improvement, but beneath this veneer of concern lay motivations that were far more calculating.

At its core, the Committee was not purely about justice or restitution; it was bound up in control. The gold rush had transformed Victoria into a booming colony, but with this prosperity came unease. The enduring presence of Aboriginal people posed a challenge to the colonial order. They were supposed to fade into history. They were an awkward reminder that the land had not been freely given.

McCombie believed in racial hierarchies and that 'higher races' had a 'duty of care' to 'inferior races'. He and his peers set out to find solutions to what they saw as an *Aboriginal problem*. They did not question the legitimacy of colonisation itself, nor did they seek to return what had been taken. Instead, the Committee's focus was on how best to manage, contain, and, if necessary, assimilate Aboriginal people into the colonial system. It was an exercise in policymaking—a means to reinforce the structures of power while appearing to act in the interests of the dispossessed.

The Committee, composed of seven men from the Legislative Council, was steeped in colonial interests. All but one, Daniel Tierney, had deep investments in pastoral stations—a prerequisite for membership of the Council at the time. The requirement that members be property owners meant, perversely, that Aboriginal people were never intended to walk through the corridors of power, their voices never to be heard in the bellowing chambers of authority. Astonishingly, among the members of the committee was James Henty, a member of the influential Henty family, whose diaries chronicled hostile encounters with Aboriginal people. He would now assist in reporting on Aboriginal peoples' 'condition'.

The Committee's methods were as revealing as its composition. It sent out circular letters to settlers deemed to have 'engagement' with



THE ESTABLISHMENT OF GOLD MINES AND MISSIONS AND RESERVES FOLLOWING THE FOUNDING OF THE COLONY OF VICTORIA IN 1851

- Victoria
- Land mapped and taken by the Crown
- Missions and reserves
- Gold mines

Aboriginal people and invited witnesses to testify. Not a single Aboriginal voice was heard. First Peoples, whose lives and lands were the subject of this inquiry, were rendered invisible within its proceedings; no more substantial than the white spaces between words and ink splotches.

When the Committee’s final report was delivered, it offered page after page of testimony that blamed alcohol for the devastating loss of Aboriginal life since colonisation. Alcohol made it easier to fault the victim.

Its recommendations—to create small reserves to ‘civilise’ and ‘Christianise’ Aboriginal people—echoed proposals made decades earlier by a British Select Committee. The solutions were stale and paternalistic, repeating a colonial narrative that reduced dispossession and violence to a problem of morality and behaviour rather than systemic exploitation.

The report met with resistance in Parliament. Politician John Pascoe Fawkner dismissed the idea of further investment. Aboriginal people, he argued, had been a lost cause from the moment they encountered settlers. ‘Wherever they [Aboriginal people] came in contact with [white men], they died off,’ he claimed, basing his justification on his experience in lutruwita/ Tasmania. Yet despite his objections, Parliament passed measures to set aside land, provide basic resources, and fund missionaries to oversee reserves—policies that reflected colonial magnanimity only in appearance.

By May 1860, the Governor of Victoria, Sir Henry Barkly, set these measures in stone with the creation of the Central Board Appointed to Watch Over the Interests of the Aborigines (later the Board for the Protection of Aborigines). Its name suggested a guiding hand, but its configuration told a different story. Seated around the table were politicians, businessmen and landowners—

men who had carved their fortunes from stolen earth, whose prosperity was built upon the displacement they now claimed to oversee. This was an extension of the same apparatus that had torn through Country, now sharpening its focus on the people left standing.

The Central Board delegated much of its authority to Honorary Correspondents, settlers stationed in areas where Aboriginal people were most frequently encountered. These correspondents, far from neutral observers, included men like Angus McMillan and Horatio Ellerman, both known to have taken part in massacres. The individuals who had participated in the violent displacement of First Peoples now held positions of oversight and framed their control as governance. They paid their way in blood, but not their own.

The work of the Central Board preceded the first government Act specific to Aboriginal people in the colony of Victoria. *The Aborigines Protection Act* (Vic) was passed in 1869. Over the next 130 years, seventy-four Acts about Aboriginal people would be passed.

Under the 1869 Act, the Central Board became the Board for the Protection of Aborigines (known as ‘the Board’). The Board was empowered to exercise far-reaching control: deciding where Aboriginal people could live, who they could marry, whether they could work and, crucially, whether children would remain with their families. It was bureaucracy weaponised, paternalised and enshrined in policy.

No one embodied this violence more than Robert Brough Smyth, who would become the Board’s long-serving Secretary. He did not wield a rifle, nor lead a raid, but his work served the same end—documenting and collecting; reducing a living culture to something that could be catalogued and owned. From the Board’s correspondents, he gathered weapons no longer

thrown in battle, baskets no longer filled with gathered murnong (yam daisy), and ceremonial objects robbed of their meaning.

Smyth took notes and made sketches, assembling his findings in *The Aborigines of Victoria* (1878)—a book that laid out an entire world as if it were already gone; as though the people who had shaped it were footnotes to their own history.

Smyth’s work was steeped in the dominant colonial thinking of the time, shaped by the widespread belief in the so-called ‘inevitable’ decline of Aboriginal people. From the 1860s onward, the myth of the ‘last tribe’ had taken hold.

IT WAS AN IDEA CLOAKED IN SETTLER GUILT AND ROMANTICISM, AND FED BY EMERGING THEORIES OF RACIAL HIERARCHY.



The Select Committee and the Central Board exemplified the cold logic of colonial rule. Through reports, votes and circulars, they stripped away humanity, reducing Aboriginal lives to problems to be managed and catalogued. Their recommendations smothered violence in administrative language; sterilising the crime scene, cauterising the wounds with a pen.

The result was a system of control that maintained the supremacy of settlers while

pretending to act in the interest of those they displaced.

It was called *protection*. It was everything but. It was bureaucracy harnessed to perpetuate harm. And the voices that might have contested it, belonging to First Peoples themselves, were excluded, leaving decisions about their lives to be made by those who had profited from their suffering.

The mechanisms of power had been set in motion, their purpose clear: to tighten control while masking its intent. Policies, written in ink but enforced in silence, replaced the open brutality of the frontier. The language of protection gave cover to dispossession, and those who administered it spoke in the measured tones of governance, as if care and control were one and the same. Aboriginal voices remained stifled, their exclusion not an oversight but a necessity. Indeed, the system depended on their silence.



Where brute force had once been the state’s primary tool of control, by the late 1850s, a new system had emerged under the guise of ‘protection’: missions and reserves.

From 1857, over thirty missions were established across Victoria. Ebenezer Mission—also known as Lake Hindmarsh Aboriginal Reserve—was already in place on Wotjobaluk Country at a place known as Gurru, near Antwerp, in 1857. It was followed by the Church of England-backed Lake Tyers Aboriginal Reserve, sometimes called Lake Wellington, at a place known as Bung Yarnda, and the Presbyterian–Moravian backed Ramahyuck Mission; both established on Gunaikurnai Country in 1861 and 1863 respectively. Coranderrk was established in 1863, Framlingham in 1865,

and Lake Condah (Tae Rak) in 1867. These last two were backed by the Church of England.

The reserves were framed as offering refuge and stability in a rapidly changing world. In reality, they were places of restriction as much as protection. Life within their boundaries was carefully regulated—movement restricted, traditions discouraged, autonomy diminished. While the settlements provided food and shelter, they also imposed new rules and expectations, reshaping daily life in ways that profoundly altered the connection between people, culture and Country.

As Uncle Dr Wayne Atkinson (Yorta Yorta, Dja Dja Wurrung) observed: ‘Victoria is an interesting case study in Aboriginal affairs because it has the rather dubious distinction of being the first state to introduce a comprehensive scheme to govern the lives and movements of Aboriginal people, which became the forerunner for other states.’

Missions like Lake Condah, established on Gunditjmara Country, and Coranderrk, on Wurundjeri land near Healesville, were not places of refuge designed by or for First Peoples. They were tools of colonial control; for the moulding of Aboriginal lives to fit European ideals. These missions were overseen by both the state and churches, who worked hand in hand. At Lake Condah, the Church of England managed daily operations under the shadow of government policy, while at Coranderrk, Presbyterian and Moravian missionaries imposed strict rules that dictated every aspect of life.

Families were uprooted from their homelands and transported like commodities, severed from the lands that had nourished them for millennia. Once-vibrant kinship networks were fragmented, ceremonies suppressed, languages forbidden. In their place, a rigid order was imposed upon communities—a regime of European morality,

Christian doctrine, and government regulations, as if such structures could overwrite tens of thousands of years of cultural lore and knowledge. These missions became sites of survival and resistance, but also of profound loss, where the architecture of colonial power reached into the most intimate spaces of Aboriginal life.

Life on the reserves swung between episodes of joy, appreciation, sorrow and resentment. Underpinning it all was an unrelenting tension.

These spaces offered refuge from the frontier’s worst violence, but they demanded that First Peoples leave much of themselves behind. Traditional practices, languages and ceremonies were not just discouraged, but banned outright. The *Aborigines Protection Act 1869* (Vic) formalised these constraints, granting the state sweeping authority over every facet of life on missions and reserves. Missions became places of relentless surveillance, where Indigenous identities were systematically suppressed. Leaving the reserve required permission. Resources were rationed under the watchful eye of superintendents. Families were torn apart as children were either moved to dormitories or placed in institutions designed to strangle their ties to culture. The promises made to the people of the missions may have been genuine, but they would never come to fruition in a world where the colonial mentality was stronger than the voice of divinity.

The reserve system presented an impossible choice: to remain outside and risk the violence and uncertainty of the colonial world, or to seek refuge and survival at the cost of culture, language and autonomy. These were institutions designed to reshape First Peoples into colonial subjects.

Even within the confines of these institutions, however, First Peoples found ways to resist. They fought to retain threads of connection

THE STATIONS WERE ALSO PLACES OF REBIRTH—NOT IN THE BIBLICAL SENSE, BUT IN THE CONTINUED EVOLUTION OF CULTURE. CULTURE HAD ADAPTED IN ORDER TO SURVIVE AND REASSURE THOSE WHO HAD LIVED THROUGH ALL THE TUMULT THAT THERE JUST MAY BE A WAY FORWARDS.

to the lands from which they were removed. Their defiance carried forward a strength that not even the most strident colonial structures could extinguish.

On missions, First Peoples found ways to continually connect and reconnect. The stations were also places of rebirth—not in the biblical sense, but in the continued evolution of culture. Culture had adapted in order to survive and reassure those who had lived through all the tumult that there just may be a way forwards.

By the mid-1870s, a little over one third of the Aboriginal population of the colony of Victoria resided on reserves or missions. For generations of First Peoples, mission life would come to be all they would know. Love would be found and lost. From time to time, happiness outweighed the sadness. The joy of living with loved ones, surrounded by community to raise new generations, meant life could go on.

Those on reserves were expected to be productive; to work for their rations, rather than for a wage. If wages were paid, they were lower than what an Aboriginal person would receive if employed elsewhere. Yet residents worked hard. Children were doing well in their education, with Ramahyuck school students topping the colony in their results in one year. Those on the reserves, especially Coranderrk, Lake Tyers and Ramahyuck, showed great skill in their farmwork, wining prizes at colonial and international exhibitions and fetching top prices at the Melbourne sales. Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation told Yoorrook the community at Coranderrk were well-respected for their hops growing. At Cummeragunja, Henry Harmony Nelson and his wife successfully ran an ice cream shop, with

Maggie Nelson making the ice cream and ginger beer sold on site. Residents of the reserves worked together, and many understood that the land they lived on would be theirs, never to be taken away, because this was what they had been told by authorities.

PARENTS WHO RESISTED
THE REMOVAL OF THEIR
CHILDREN FOUGHT
MANAGERS WHO CITED THE
1869 ACT TO JUSTIFY THEIR
DECISIONS. THE COLONY’S
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FOR DEFIANCE.

In Gunaikurnai Country, some Aboriginal families survived by picking beans, stooping in the fields for meagre pay. Others were forced into the steam and drudgery of laundries, their hands raw and cracked from endless scrubbing. Yet even this back-breaking work, when it could be found, was never secure.

Across Victoria, First Peoples who sought employment were often turned away outright—not because they lacked the skill or the motivation, but because racism barred the door. As Uncle Johnny Lovett told Yoorrook, the truth was plain: ‘Some people just didn’t

want to employ Aboriginal people.’ When work was offered, it was on the worst terms—exploitative, casual and always under the thumb of those who saw Aboriginal labour as cheap and expendable. For many, survival meant enduring hardship in a system that locked them out by design.

By 1877, the colony was confident in its power and drenched in wealth, but not inclined to share it. The overt violence of the early decades had, to some extent, given way to policy-driven control: missions, reserves, the quiet encroachments of administration. The guns may have fallen silent, but they were increasingly replaced by pens, ledgers and the tightening clutches of bureaucracy.

It was in this climate that the Royal Commission into the Aborigines in the Colony of Victoria was convened in 1877. The Commission focused on Coranderrk, Lake Condah, Lake Tyers, Framlingham, Ramahyuck and Ebenezer missions. Ultimately, its function was not to reckon with the harm inflicted upon First Peoples, but to formalise and refine the state’s control over their lives. Aboriginal people were seen as a problem to be managed—a people whose existence troubled the colony’s conscience, but not its ambitions.

The Commission did not hear from many Aboriginal witnesses. Instead, it relied on missionaries, officials, and station managers—those already complicit in the systems of segregation and dispossession—to support its conclusions. The Commissioners recommended a continuation of the stations and missions for Aboriginal people, noting ‘that their absorption in the general population may be looked forward to; but, judging from the past, so long a period must first elapse, it is unnecessary now to enter into the consideration of the subject.’ The

Aborigines Protection Act 1886 (Vic) empowered the state to remove so-called ‘half-castes’ from reserves, breaking families and severing kinship ties. In this way, the Commission helped transform the colony’s frontier war into a quieter, bureaucratic violence—no less devastating, just less visible.

And so the men who sat in judgement were the same men who had reaped the rewards of invasion. They were landowners, magistrates, men of influence—figures who had built their wealth on stolen ground and now claimed the right to decide the fate of those they had dispossessed. Their report painted the missions and stations as places of stability, where Aboriginal people could be moulded into subjects of the colony.

But not all Aboriginal people remained under the eye of the missions. Some continued to live outside their prescribed boundaries, sustaining themselves as best they could. Living off the land, collecting pay for working for pastoralists, and refusing to bend to the ways of the white man was the ultimate act of defiance. Unfortunately, however, it rendered those who clung onto life on their own terms all the more vulnerable.

The mission system had little patience for anyone who refused its oversight. In her book *A Distant Field of Murder: Western District Frontiers 1834–1848*, historian Jan Critchett included the words of an Aboriginal man, most likely from Ebenezer Mission in the Wimmera, who spoke candidly: ‘We prefer this place; we get a bag of flour, a bag of sugar, and have nothing to do for it, and enjoy ourselves.’ His words, stripped of performance and pretence, were an affront to the colonial mind. However limited the choices had become for Aboriginal people who rejected mission life, they challenged the narrative that their survival depended on white intervention.

The recommendations from the 1877 Royal Commission revealed the long game of colonial governance. The Commissioners spoke of a distant future where Aboriginal people would be ‘absorbed’ into the wider population. The process, they reasoned, would take time—so long, in fact, that it was not yet necessary to plan for it. In the meantime, they advocated for the continued use of stations and missions, ensuring Aboriginal people remained under colonial control: no chance to become uppity or to organise within the fledgling white society. Even those who had been apprenticed out, removed from their communities and placed into settler households were not granted entry into colonial society on equal terms. Racism, the Commissioners admitted, prevented such ‘absorption’, but they accepted it as an immovable fact rather than something to be challenged.

The Board for the Protection of Aborigines, which oversaw Aboriginal affairs, was described in the 1877 Royal Commission report as a ‘philanthropic labour’, not a matter of government priority. The Commissioners recommended that at least one politician with an interest in Aboriginal people be included on the Board. But this was no act of reform—it was an opening for pastoralists like Frederick Race Godfrey, Edward M Curr, and AAC Le Souef; men who had long sought the closure of Coranderrk. This campaign by surrounding landholders was driven by spite.

More broadly, the report itself was a tangle of contradictions. It acknowledged that the soil on some reserves was too poor to sustain crops, yet insisted Aboriginal people should be self-sufficient through agriculture. It recommended wages for Aboriginal labourers, but only under the strict supervision of station managers, who would also decide how and when payments were made. Every proposal carried the illusion of

progress, but beneath the language of reform, the truth was clear. Power would remain with those who had carved their fortunes from stolen earth. The system was solidifying.

The 1877 Royal Commission made the State’s intentions plain when it handed down its report in 1877: Aboriginal people were to remain segregated. The government, they argued, should have the authority to force those Aboriginal people living off the reserves back onto stations and cutting off rations to those who lived beyond them. Settlers, too, would have a role to play. The Commissioners suggested that the white population be authoritatively instructed not to interfere with the gathering of Aboriginal people. Where friendships had formed, where Aboriginal people had found some support within non-Aboriginal communities, these connections were now a threat.

This was the apparatus of control: laid out in careful language, presented as governance. Land had been stolen. Lives had been taken. And now, policies were refined to complete the destruction—not with muskets or chains, but with paperwork and parliamentary votes.

ABORIGINAL PEOPLE WERE TO BE CONTAINED, MONITORED, AND, OVER THE COMING GENERATIONS, DISAPPEARED. THE COLONY CALLED IT PROGRESS. HISTORY KNOWS IT FOR WHAT IT WAS.



One place, however, subverted the narrative: Coranderrk.

In 1863, the Wurundjeri—along with other Kulin people—relocated to the site on the Birrarung’s upper reaches. The government recognised First Peoples’ right to settle there, gazetting Coranderrk Aboriginal Station as a 2,300-acre reserve the same year. The station’s area was soon expanded to encompass almost 5,000 acres.

Coranderrk became a thriving settlement. Its residents grew crops, including award-winning hops, and raised cattle. They welcomed visitors with displays of traditional activities, and sold handicrafts and artefacts. But colonisers resented the station’s achievements. Neighbouring settlers envied the fertile land. The government was displeased by the residents’ independence and capacity for self-management, and by their willingness to stand up to overbearing managers and restrictive, paternalistic policies.

Unlike other stations, Coranderrk was not held up as a model of progress. Though its housing, land and industries were detailed in the 1877 report, the final paragraph delivered the verdict: its residents had not made the progress ‘that might have been fairly expected.’ Their ‘bearing and demeanour’, the report observed, stood in contrast to those of Aboriginal people on other stations. In these words lay an unspoken judgement. Where the residents of Coranderrk saw dignity and self-determination, the state saw defiance. And that defiance was treated not as a strength, but as a defect.

The Commissioners did not attribute this defiance to the leadership of figures like William Barak, nor to the deep-rooted resilience of those

who had fought to hold onto their land. Instead, they found a simpler explanation.

The people of Coranderrk, they concluded, were being fed too well. A diet too generous had fostered independence where there should have been gratitude, strength where there should have been submission. Food was no longer just sustenance; it was a means of control and a measure of obedience. Coranderrk’s ability to sustain itself, its refusal to conform to the expectations of dependence and passivity, marked it for punishment.

Yoorrook heard that even when Aboriginal communities managed to endure and adapt—when they forged lives under the weight of these systems, as they did at missions like Acheron—their survival was met with further hostility. Acheron Station was established in 1859 on Taungurung Country at a place known as Nyagaroon, and became a place where First Peoples could maintain kinship and culture despite the confines imposed on them. But its very success became a threat. Pastoralists, eager for the rich lands along the Goulburn, lobbied for its closure. Among them was Hugh Glass, one of the colony’s most powerful squatters, whose influence in parliament ensured that Aboriginal people were once again displaced to make way for grazing.

In the end, the closure of missions like Acheron had little to do with policy or protection. It was always about land. Where Aboriginal people remained, the settler economy saw only untapped resources. Their continued presence was a barrier to expansion. And so even the fragile footholds that communities built were torn away, again and again, to satisfy the demands of pastoral empires.

LETTERS, PETITIONS AND DEPUTATIONS

Resistance took many forms. It wasn't all wars and reprisals. In the early days of the new and alien world, holding on was a means of resistance. Connection with one another and cultural practices was, and is, the crucial mainstay of life and society. For the blood spilt by warriors defending their Country, the blood that remained intact, flowing through the veins of those who endured, was also blood spent in the name of survival. Resistance in all its forms and in all its complexity would define First Peoples' struggle through the generations.



Survival was never passive. Aboriginal people moved across Country, between stations, into towns, refusing to be confined by the fences and regulations of the colony. The cruelly misnamed Board for the Protection of Aborigines and station managers reaffirmed their control, issuing orders, demanding passes, insisting that no one leave without permission.

But letters arrived at their desks—polite in tone, desperate in substance, and unyielding in purpose. Mothers sought to be with their daughters through birth and hardship. Friends longed to see one another. Louisa Briggs begged for permission to visit her daughter, writing 'Please Mr Page, will you be so kind enough to send a pass for me to go down to see my daughter as you promised that I could go down to be with her at her confinement.'

Alice Murray penned a similarly modest request: 'Please Mr Bedge, send me a pass as I want to see Pompy at Coranderich.' The Board saw these movements as a threat. In 1884, Secretary Captain Page made it plain: Aboriginal people should *not* be allowed to come and go as they pleased. Warnings were issued,

orders given—leave without permission, and there would be consequences.

Years earlier, in 1873, the residents of Coranderrk were officially warned about the dangers of stepping beyond its bounds. The following year, even playing cricket became an act of defiance, with the Secretary of the Yarra Flats Cricket Club ordered to stop 'inducing' Aboriginal players to leave the station for matches. By 1874, the Board moved to cut off all travel 'for the purpose of meeting their friends'. But no decree, no bureaucratic ruling, could erase the need for connection. Movement was life. And life would not be surrendered.

In 1874, the Board removed John Green as manager of Coranderrk. He had lived there from the beginning, trusted by residents. He had earned their respect by being fair and open-minded.

The Board saw him as a problem. Coranderrk's people saw his removal as an attack.

The following year, Wurundjeri man William Barak led a deputation of Kulin men to the Board. Barak was the *ngurungaeta*—the head of Woiwurrung clans, and a respected leader among the Kulin Nation. His envoy demanded answers. They were met with silence and indifference. That colonial cloak was drawn closed again and darkened any prospect of progress for the people of Coranderrk. By August 1875, the Board voted to close Coranderrk entirely.

But Coranderrk was not simply a place. It was home, community, resistance. Its people refused to be erased. Alliances were forged with politicians and supporters willing to listen.

In 1881, a petition was presented to the government. 'We want the Board and the Inspector, Captain Page, to be no longer over us,' it declared. 'We want only one man here, and that is Mr. John Green, and the station to

be under the Chief Sec; then we will show the country that the station could self-support itself.’ The campaign forced an official inquiry into the management of Coranderrk—the 1881 Parliamentary Coranderrk Inquiry. Twenty-one Aboriginal residents testified before nine commissioners. It should have been an opportunity for truth. Instead, the chair of the inquiry, Ewan Hugh Cameron, who had sat on the 1877 Royal Commission, censored the minutes, attempting to removing testimony that did not serve colonial interests. The fountain pen’s nib cut deeper than any sword.

Even so, the evidence was undeniable. Five commissioners dissented from the final report, calling for Coranderrk to be permanently reserved for its residents and for the Board to be removed from its management. The Inquiry demonstrated the punitive, petty cruelty of the system that governed Aboriginal people’s lives. Residents testified to their hardships: food and clothing were rationed unevenly, wages withheld, and medical care denied.

Virtually all residents at Coranderrk gave evidence at the Inquiry. Among those who spoke truth to power was Annie Hamilton, remembered as ‘Grannie Annie’ for her courage and care. Uncle Larry Walsh (Daung Whurrung) told Yoorrook about his great-grandmother: ‘Grannie Annie was recorded as helping a lot of the Aboriginal women on Coranderrk write their submissions [...] Those that couldn’t write—and Grannie Annie also testified at the Coranderrk inquiry.’ Uncle Larry’s daughter Isobel Paipadjerook Morphy-Walsh (Daung Whurrung) recalled the cost of that testimony before Yoorrook: ‘She was really brave, actually. She testified not just about herself, but about our Great Uncle David [Barak’s son]—he was sick [with tuberculosis] and she didn’t have enough food rations, and she was requesting extra blankets.’

Annie Hamilton gave evidence to the 1881 Inquiry, carrying her grief into the public record so that the brutality could not be denied. Her voice, like so many others at Coranderrk, refused to be silenced, even when the system tried to isolate and bury the truth.

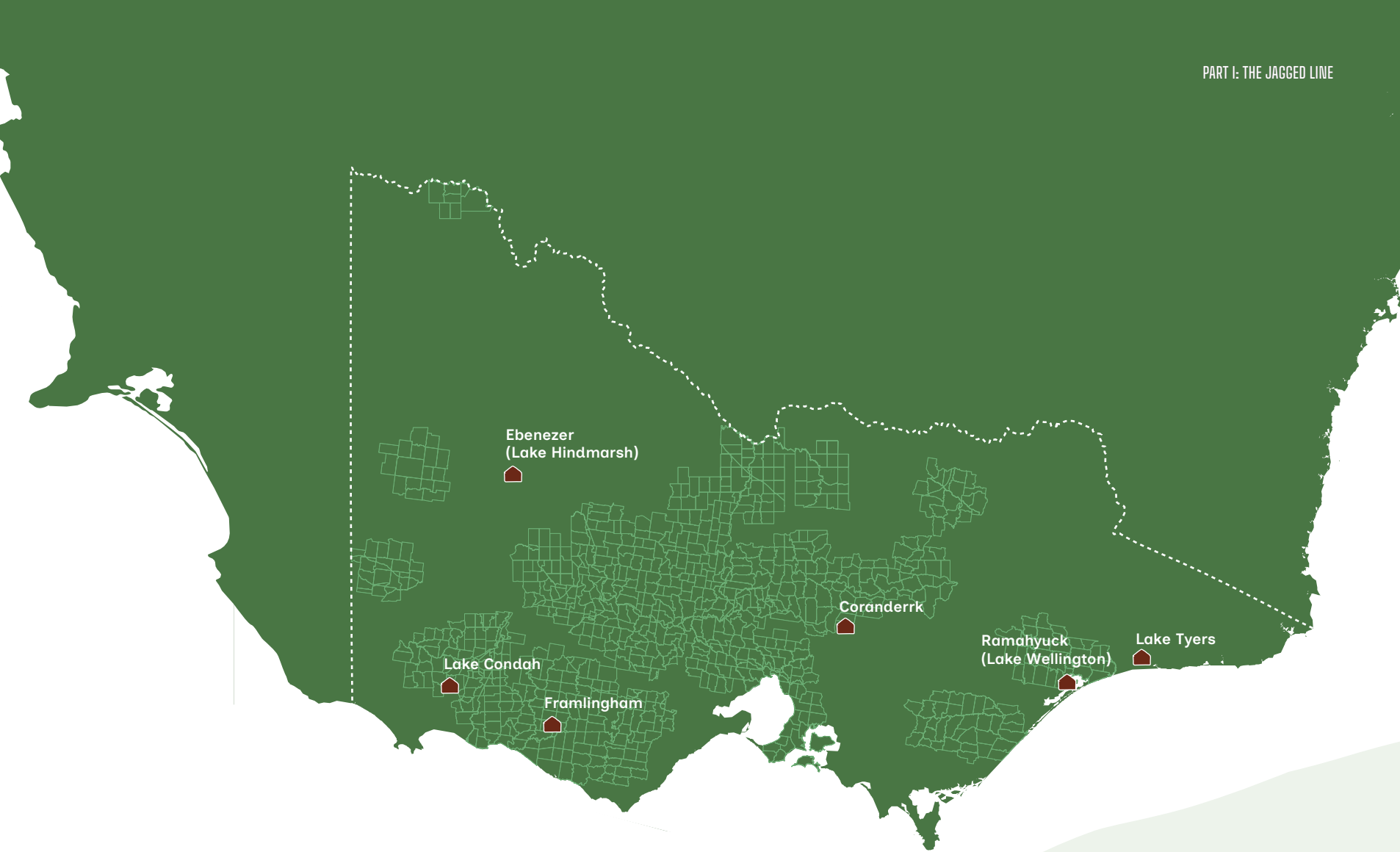
Alick Campbell’s testimony at the Coranderrk Inquiry further revealed the everyday malice of colonial authority. When his wife fell ill with rheumatic fever, Campbell pleaded with the station manager, Reverend Strickland, for the use of a buggy to take her to Melbourne for treatment. Strickland refused—he needed the buggy for his own family’s leisure trip to the Black Spur.

Denied even this basic decency, Campbell then asked for money to make the journey himself. Again, Strickland turned him away, claiming to have no government funds available. ‘How am I to do?’ Campbell asked. ‘I do not know,’ Strickland replied. In the end, Campbell was forced to borrow from his neighbours—those who had little, but still offered more than the state’s so-called protectors.

Campbell’s story was one of many that revealed how policies designed to protect Aboriginal people were often little more than tools of control. His testimony captured in stark relief the everyday indignities imposed on Aboriginal people, where even the right to care for a sick wife was made conditional on the whims of those in power. It was this kind of quiet, pervasive cruelty that the Coranderrk residents resisted—not just with petitions and letters, but with their refusal to be silenced.



The fight for justice did not slow. It moved; it rose; it gathered in voices across Victoria. Resistance lived wherever First Peoples stood their ground. In 1876, at Tae Rak/Lake Condah,



ONGOING MAPPING AND TAKING OF LAND BY THE CROWN BETWEEN 1855 AND 1869

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

Robert Sutton carried that fight into the courtroom, taking Reverend Johann Heinrich Stähle to answer for assault.

The law, of course, was not made to serve men like Sutton. The magistrate did not weigh the charge; he turned his gaze on Sutton and his witnesses instead, twisting justice into a warning. Try again, and it would not be the Reverend who faced punishment—it would be *them*.

But they did not stop. Sutton’s father, John Sutton Senior, alongside Thomas Green and others, sent letters, petitions, complaints—every method they could find to be heard. When ignored, they sought out allies among settlers who might amplify their voices. It was not *white interference*, as the Board claimed; it was strategy. Aboriginal people had long known how to navigate the systems imposed upon them.



When Aboriginal people at Ramahyuck wrote a letter of complaint in 1887, Reverend Friedrich August Hagenauer, the mission manager, reacted with fury.

The protest was spearheaded by John Briggs Senior, a respected ploughman born around 1825, who took a stand against the stringent control and cultural suppression imposed by Hagenauer.

Retaliation was swift: the identified ‘ringleaders’, including Briggs, were forcibly removed from the mission, with their children deliberately left behind as a punitive measure. Other participants in the protest faced banishment for six months and were coerced into signing pledges of good behaviour as a condition for their return. Some apologised, desperate to stay. They were permitted to return. The ringleaders were still sent away.

Many learned to endure. The bell would ring, and people would walk up to the manager’s quarters with their small jars, collecting their rations of sugar, flour, tea, meat, and dripping that had already begun to turn rancid. You took what you were given.



The managers, the Board, the officials—they saw this resistance as insolence. Aboriginal people were supposed to be grateful for what little they were given. Reverend John Bulmer, a mission manager at Lake Tyers, complained that ‘They take all that is given them as their due, as we have got their country, and they get what is given as rent [...] All this makes it difficult to deal with them’.

In 1888, Joseph Shaw, former manager at Lake Condah and member of the Board, wrote that Aboriginal people were no longer passive: ‘When the natives were less enlightened there was little or no need of regulations, as they never thought of calling in question the authority of a manager; but now they are ready enough to do so.’

Messages travelled across reserves, stations and missions. The events at Coranderrk and a visit by William Barak and his son David to Maloga Mission inspired more activism. In 1881, forty-two men submitted a jointly authored petition to New South Wales Governor Augustus Loftus requesting land. The Maloga Petition, as it became known, was taken to Sydney and published in the *Sydney Morning Herald* on 2 July 1881. It read, in part: ‘all the land within our tribal boundaries has been taken possession of by the Government and white settlers; our hunting grounds are used for sheep pasturage, and the game reduced and in many places exterminated, rendering our means of subsistence extremely precarious’.

Maloga residents wrote another petition in July 1887 to Governor Lord Carrington requesting that Queen Victoria grant land to the community. In November of that same year, residents again wrote requesting for land near Maloga, this time to their local member of parliament.

From 1888, residents moved to Cummeragunja Reserve (*cumeroogunga* meaning *our home*), and twenty men were granted blocks of land. For many years, conditions at Cummeragunja were good—it was a place of sanctuary. Residents had a level of autonomy and worked a productive farm.

However, conditions at Cummeragunja slowly deteriorated in the 1900s with increasing control from the New South Wales Protection Board. Residents eventually walked off Cummeragunja in 1939 to an area known as The Flats near Mooroopna/Shepparton. The historic walk-off was the first major strike by First Peoples in Australia.

Communication networks stretched beyond fences, beyond regulations, beyond the control of those who thought they could govern Aboriginal lives.

This was resistance: a refusal to be contained. Every step taken without permission was an act of defiance. Every demand for justice a rejection of the colony’s authority. Aboriginal people were not passive recipients of charity or control.

THEY KNEW WHAT WAS OWED TO THEM. THEY FOUGHT FOR IT. THEY TOOK IT.



In March 1882, as the fallout from the Coranderrk Inquiry continued, the Board moved to tighten its control. A motion, led by AAC Le Souef and seconded by Dr Alexander Morrison, called for a conference of mission managers to refine the administration of Aboriginal lives. Managers Reverend Friedrich August Hagenauer, Reverend Johann Heinrich Stähle, John Bulmer, Wilhelm Kramer and William Goodall gathered to construct a more efficient system of control, classification and removal.

The agenda was clinical, its language stripped of humanity. The managers were to consider amendments to the *Aboriginal Protection Act 1869*, the legislation that governed every facet of First Peoples’ lives. They discussed the utility of apprenticing boys into trades; the hiring-out of Aboriginal girls as domestic servants; and the most ‘suitable’ fate for orphans. Rations were another point of discussion: how much should be allocated to those who worked, how little to those who refused, and how best to punish those deemed ‘refractory’ or ‘disobedient’. The cruelty was methodical. Behind every bureaucratic term lay a real act of violence.

The managers delivered their recommendations with the detached precision of those who saw their subjects not as people, but as a population to be managed. Boys could be apprenticed from the age of fourteen or fifteen, but not girls because previous attempts, they noted, had failed. The risk was left unstated, but its meaning was clear: white men had abused Aboriginal girls in service, and so the managers believed the only way to ‘protect’ them was to keep them on missions, away from the colonial households that exploited them.

For orphans, the colonial policy was that they should remain on reserves—unless deemed ‘exceptional cases’. In this context, *exceptional* did not mean requiring

additional care, but described children considered to have the greatest prospect of being assimilated into white society, often because they were lighter-skinned. These children were sent to orphanages. It was a deliberate act of separation, designed to sever cultural ties and stamp out identity.

Older people, children, and the sick were entitled to rations, but these, too, were wielded as means of control. Any able-bodied person who refused to work, according to the standards imposed by station managers or government agents, could have food withheld until they submitted. Those who resisted entirely, who rejected authority or defied the system, would be ‘banished’ to another station or otherwise ‘dealt with’, the language vague enough to conceal the savagery of such punishment. In this way, even basic survival—food, shelter, family—became conditional, granted only to those who complied.

Control was not just enforced through rules and rations; it was carved into the bodies and fates of those deemed manageable and those deemed expendable. The question was never whether Aboriginal people should have a say in their own lives. It was all about how they should be handled, divided and diminished. Work or starve. Obey or be cast out. Live under watchful eyes or be obliterated. Even the nature of survival was dictated by colonial powers. And when it came to whether First Peoples should be absorbed or contained, the debate was not over justice, but method.

Station managers such as Reverend Friedrich Hagenauer and Wilhelm Kramer supported a policy of racial separation and absorption: children deemed to be ‘full descent’ would remain confined to reserves. They were to be managed until, as the Board put it, ‘only a few pure blacks’ would remain under government care. A missionary at Lake Condah echoed this

view, writing, ‘as the blacks are dying out [...] finality is greatly facilitated and will doubtless be attained in a few years’.

The recommendations were extensive and cruel. Aboriginal men who left stations for work would have to provide for their families or risk losing them. Petitions and complaints could no longer be made directly to government officials; only to the Board. No ‘outside interference’ would be tolerated. Work certificates, issued by station managers, would be required before any Aboriginal person could seek employment elsewhere. Travel to towns would require written permission, and police were to have the authority to remove or arrest anyone found without it.

What little remained of Aboriginal independence was to be dismantled piece by piece. First Peoples would own nothing: not the land beneath their feet, not the cattle they raised, not even the wages they earned. Every coin would pass through foreign hands before it ever reached their own. Even then, it was payment not for labour but for obedience.



By 1884, the Board for the Protection of Aborigines had begun drafting legislative changes that would further cement its control. This period saw ongoing legislation aimed at ‘finality’—that is, the end of Aboriginal people. To achieve this, the Board encouraged legislation to ‘merge’ Aboriginal people with mixed parentage into white society. Historian Clare Land noted that once Aboriginal people had been ‘largely brought under control by physical violence and coercion, racial distinctions became a “key feature of policy” in the strategies for maintaining dominance’.

Families and communities were separated. Those forced off reserves faced racism, impacting their ability to secure housing and

employment. Children were forcibly taken from families. The Board closed stations and missions, attempting to concentrate Aboriginal people at Lake Tyers on Gunaikurnai Country. It was a time of mean, increasingly authoritarian measures and punitive action against Aboriginal people who challenged the authority of managers and the Board.

The central objective was the expulsion of anyone of mixed descent between the ages of fifteen and thirty-five deemed ‘capable of earning a living’. Boys and girls alike would be apprenticed out. All children of mixed parentage would be declared orphans, no matter their circumstances, and sent to industrial schools or orphanages. The intent was not hidden. These children, the Board insisted, should be denied their Aboriginality.

By the early twentieth century, the Board had made its position unmistakably clear: remove the children, and time would do the rest. In internal communications, a Lake Condah Mission manager wrote that as ‘the blacks are dying out’, the removal of ‘half-caste’ boys and girls to the Industrial Schools Department would ensure that ‘finality [was] greatly facilitated and will doubtless be attained in a few years’. It was not a hidden agenda. The strategy was simple, administrative and devastating: disappearance by design, framed as inevitability.

A system that had begun with the violent theft of land now sought to erase its people through policy and law.

THE END RESULT WOULD BE THE SAME.

PROTECTION, ASSIMILATION AND THE STOLEN GENERATIONS

The colony's preoccupation shifted from Aboriginal land to Aboriginal blood. Once the land had been fenced, surveyed and renamed, attention turned inwards, to the bodies and lineages of those who remained. Clerks, with their ledgers and laws, decided who belonged.

In 1886, the *Aborigines Protection Act* (Vic) was introduced as a mechanism for the disappearance of Aboriginal people under the ongoing pretence of a regime of 'protection'. The colony had decided that First Peoples would need to be made to vanish. This was premeditated cultural elimination.

The 1886 Act—or so-called 'Half-Caste Act'—redefined who could legally be considered Aboriginal. Those of 'mixed parentage' were ordered off missions and reserves; no longer entitled to rations after a transition period, nor government support unless they were granted a licence to live at a prescribed residence. The government would decide who belonged and who did not. Aboriginal people had no means with which to resist the labels imposed upon them. It was the torture of not being allowed to be yourself.

The government called this a path to independence. It was, in fact, a sentence of abandonment. Those expelled from reserves were expected to support themselves in a society that did not want them. As Aunt Alma Thorpe (Gunditjmara) told Yoorrook, it was 'a different type of death'.

The effects of these policies reverberated far beyond the immediate loss of land. Families were scattered, often with little hope of reunion. Communities fractured under the strain. Intricate ties to Country frayed under this relentless pressure.

The 1886 Act was crafted to dismantle the cohesion of Aboriginal life. And its consequences

are not confined to history. The dispossession and disruption it caused have left deep imprints on the lives of First Peoples, shaping both the intergenerational grief and resilience that endure today.

Writing in 1980, Phillip Pepper reflected on the lasting wounds inflicted by the government's racial policies in his memoir *You Are What You Make Yourself to Be*. Notable as one of the earliest memoirs written by an Aboriginal person, it captured a time almost lost through the eyes of someone who had survived it. His words offer a window into the heartbreak endured by families torn apart by the Board for the Protection of Aborigines and its rigid classifications. 'They said anyone with white blood had to go out and fend for themselves, get jobs and houses,' Pepper recalled. 'When boys and girls with mixed blood reached fourteen, out they went to work for settlers as servants and farm hands. Only full-blood could stay [...] It broke a lot of people's hearts, that rule did.'

Pepper's memoir speaks to a system that didn't just divide people by appearance—it separated them from their kin, their communities, and their lands.

These were the everyday cruelties of a system designed to fragment Aboriginal lives, one rule at a time. It still does.

The *Aborigines Protection Act 1886* (Vic) expanded the Board's powers. Orphans (as defined by the government, whether or not they had living relatives) were handed to the Department of Neglected Children or placed in orphanages.

There was little pretence of care. The 1886 Act allocated rations to those of mixed descent for three years, clothing for five, blankets for seven. After that, they would be abandoned entirely. Alfred Deakin, in moving the Bill, made the colony’s intentions clear. The provision of temporary support, he argued, would ensure that ‘the half-castes would gradually cease to be a burthen [sic] upon the State’.

The work of elimination was methodical. Dr Beth Marsden explained that from 1871, the Board gained the power to remove Aboriginal children it labelled as ‘neglected’ and place them in industrial schools, mostly run by churches or charities, originally set up for non-Aboriginal children. Once placed in them, Aboriginal children were often sent out to work under the Board’s supervision.

Inquiries and research into these institutions have shown that the education provided was minimal. Children were trained for domestic or low-paid labour, with little chance to access academic learning or skilled trades. The system was retrofitted not to empower, but to discipline and exploit.

Policies were crafted not to understand Aboriginal people, but to disassemble them—to catalogue and contain them within rigid racial hierarchies. ‘Full-bloods’ were to be managed. ‘Half-castes’ were to be assimilated. Families were split by clerks as a matter of administration. Children who had known nothing but the embrace of their kin were torn away at fourteen, thrust into a world that had stolen everything from them and now demanded their labour in return.

This was not education. Aboriginal children on missions were rarely taught beyond grade three. Formal schooling ended just as young people were beginning to think for themselves—to read the world with their own eyes. Instead of books,

they were handed brooms and boots, aprons and axes. Girls were sent to white households as domestic servants. Boys were apprenticed to farms and stations. Their value lay not in their potential, but in their obedience.

This was a system not designed to uplift, but to erase culture, to strip children of their language, their families, and their future and shape them into something more palatable to the colonial eye. These were not policies of care, but of disappearance—slowly enacted, silently endured, and generational in their impact.



In Victoria, the communities on reserves and missions were weakened after the 1886 Act removed most residents between the ages of fourteen and thirty-four, forcing the communities into a diminishing population and economic spiral in the absence of their fittest workers.

The missions became places of greater and greater contradiction. They were built to contain, yet they offered a fragile kind of shelter. The walls that confined also protected, in a sense. The same hands that doled out punishment also provided rations. Children were taken from their families, then fed and clothed by the very system that had fractured their lives. Prayers were forced upon those who already carried their own sacred words—ancient, rooted in the land, carried through bloodlines older than the Bible itself. Faith became another tool of discipline.

The numbers told the story. By 1890, 186 people had been ‘merged’ into the settler population. Twenty-eight Aboriginal girls worked in service for settler families. ‘Several’ boys were apprenticed, six orphans forcibly placed in institutions. By the following year, another thirty-eight Aboriginal people had been removed from reserves.



ALMOST ALL OF VICTORIA
IS MAPPED AND CLAIMED
BY THE CROWN BY 1891

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

The government did not just dictate how Aboriginal people lived, but *where* they lived. An Order-in-Council could remove a person from one station to another at a moment's notice, like pieces being shuffled on a chessboard. In 1898, Bessie and William Rawlings were uprooted from their home and sent to Lake Condah. There was no reason given, no justification offered—only an order from a faceless bureaucracy.

By 1899, the hand of the state had a tighter clutch and a wider reach. No longer did it need justification or proof. Any Aboriginal child could be torn from their parents' arms on nothing more than the word of a manager or a government officer.

This was erasure at work. It scattered families and turned love into something that had to be hidden; clung to in the dark. The ties that had bound generations to one another, to Country and to story, were cut with the stroke of a pen, the closing of a door; with the vanishing of a child who would grow up calling strangers *mother* and *father*, their parents' real names buried in a place they were never meant to find.

For those who remained on missions, life was lived under constant surveillance and control. Freedoms that others might take for granted were tightly restricted. First Peoples had to ask permission for things no one ever should: to visit a sick relative, to walk beyond the mission boundary, to fish in the rivers where their ancestors had fished for millennia.

There was no justice to appeal to; no higher power that would intervene when a mission manager ruled unfairly.

At Lake Condah Mission, one Aboriginal man wrote of how he had asked three times for permission to take his daughter fishing. Each time, the mission manager refused. And when the man asked why, the answer was

clear enough: 'If I went against him, I would be punished.'

This account, preserved in *Daughter of Two Worlds* by Aunty Dawn Lee and cited in the submission from the McDonald Family of Tae Rak (Lake Condah) to Yoorrook, reveals the extent of the power wielded by mission managers. They controlled not just rations and residence, but daily life—deciding who could gather food, who could visit family, who could leave the mission grounds. The missions were not places of protection, but a means of confinement, where Aboriginal people were treated more like prisoners of the state than residents. And yet, even under these suffocating conditions, the act of asking—of insisting on the right to fish, to care for family, to live with dignity—became its own form of resistance.



THE SURVEILLANCE, CONTROL AND REGULATION OF THE LIVES OF ABORIGINAL PEOPLE ON MISSIONS AND RESERVES WAS AKIN TO INCARCERATION.

Speaking language and practising Aboriginal culture and lore was punished.

Uncle Johnny Lovett recalled how families were penalised simply for holding on to language—for resisting erasure. 'They punished families by cutting their rations when they learnt their children language or when they spoke

language,' he said. 'And they'd lock them up in the dormitory down at the mission and things like that and wouldn't give the kids back to the families unless they stopped them learning.'

Language—the very breath of culture, identity, and memory—became a site of discipline. Hunger and separation were tools to force compliance. What was written in ledgers and minutes translated into silence at the table, absence in the home, and the dissolution of intergenerational bonds.

The late Uncle Kevin Coombs (Wotjobaluk, Wemba Wemba, Wiradjuri) remembered how even language, the soft connective tissue of identity, was punished. 'When my parents were living on the mission, they all had to attend church on Sundays,' he told Yoorrook. 'One Sunday, my parents were talking to each other in language, and both were struck by a churchgoer, who screamed at them: "You will not speak that heathen tongue in this place".'

English was demanded. Culture was made into something dangerous, something to be beaten out of people word by word.

And yet even within these contradictions, resistance endured. Language survived in whispers. Ceremony went underground. The sacred held on, passed quietly between generations, waiting for a time it could be spoken aloud again.

Many eventually gave into the ways of God, finding hope and a sense of salvation in the teachings of Christ just as billions had the world over.

They were told it was for their own good—that this was a place of salvation and care. But salvation came only through submission, and care was always conditional. With no legal recourse, no voice in the system, people could disappear from the official record—reduced

to numbers, subject to orders, or written out entirely.

Every moment of life was controlled. A curfew rang out at dusk, warning that no one was to be on the paths after dark. A child could be taken without warning or explanation.



Forced removals did not just happen in Victoria. Yoorrook heard that young girls were taken from Cummeragunja and sent to homes such as the Cootamundra Girls' Home. The late Aunty Fay Carter (Yorta Yorta, Dja Dja Wurrung) told Yoorrook about this, as did Ngarra Murray (Wamba Wamba, Yorta Yorta, Dhudhuroa, Jupagulk, Baraparapa, Wiradjuri, Dja Dja Wurrung). Others have written about this including Maude Smith, and Rosalie Simkin and Lyn Loger, who quoted Uncle Hilton Walsh. He described a 'time of snatching the young Aboriginal girls from the mission [Cummeragunja] to go and work for station hands'.

Aunty Margaret Tucker, the first Aboriginal woman to publish a memoir, recalled in her biography *If Everyone Cared*: 'I overheard my grandmother talking with my mother about the so-called Aborigines Protection Board, which had the policy of taking all the girls who reached the age of twelve or thirteen to the Domestic Training Home for Aboriginal Girls at Cootamundra [...] Our Aboriginal families lived in constant fear, especially the parents.'

For many who later testified before Yoorrook, Tucker's words were more than memory—they were a call to truth-telling. Her leadership and honesty carved a space for others to speak of fear, loss and endurance.

Forcing families off reserves and missions not only separated families, but also compelled them to support themselves in a racist society.

Aunty Alma Thorpe’s mother was forced to leave Framlingham at the age of fourteen under the 1886 Act.

Forced off reserves, many Aboriginal girls and women worked as domestics. Aunty Di Kerr (Wurundjeri) told Yoorrook about her grandmother, Martha Nevin (nee Wandin).

‘Our grandmother was born on Coranderrk Mission. When she was old enough, she became a maid for the mission manager. When she turned eighteen, they sent her to Toorak to be a maid. She didn’t have any money, get any wages. She had one day off a month.’

Martha’s understanding of the world was shaped by what the mission taught her—and by what it denied her. Aunty Di explained: ‘She didn’t know any better, because she grew up on it. She would say “Oh no, I had a pretty good life,” but some of the things [...] You would read about what they did, or what she talked about, and you would get angry and sad, or maybe just laugh a bit.’

Even as dementia took hold in her later years, the mission never left Aunty Di’s grandmother. ‘She would still remember the mission. Sometimes she said “Don’t look at them. Don’t let them see you upset”, and that stayed with [my sister] Irene and me all our life. Just hold your head high and don’t look at them and don’t listen. Whenever something traumatic happens to us, that’s what we do.’

In a world where obedience was demanded and emotion was dangerous, Aunty Di’s grandmother passed on something precious: the quiet strength of dignity held in the face of power—and a lesson in survival that endures.



Aunty Alma Thorpe described the system with brutal clarity in her evidence to Yoorrook. It was

the Board for the Protection of Aborigines that determined who was entitled to food, shelter, and even family, and who was not. The *Aborigines Protection Act 1886* (Vic) gave them the power, but it was the Board’s decisions that tore through the lives of people like Aunty Alma’s maternal grandfather, George Clarke, and his brothers. As the Board enforced the racial classifications set down in law, so-called ‘full-blood’ Aboriginal people were provided rations, but those deemed ‘half-caste’ were left to fend for themselves. Aunty Alma explained ‘there was no provisions for the people under the Half-Caste Act [...] the “full-blood Aboriginal”, they got food and all that type of thing. But under the Half-Caste Act, you didn’t get it.’

Frank Clarke, Aunty Alma Thorpe’s paternal grandfather, was forced to chop wood for six months just to earn a roof over his head. And even when those on rations wanted to share, the Board forbade it. A so-called ‘full-blood’ who offered food to kin classified as ‘half-caste’ could be punished for a mere act of generosity. ‘You weren’t allowed to share,’ Aunty Alma told Yoorrook, ‘even though it did happen’.

The Board’s control, of course, extended beyond food. It redrew the map of family and community. Aboriginal people were made to carry identification cards—a constant reminder that their very right to exist on their own land was subject to authorisation. ‘You had to carry a card to say who you were, and you could not walk off the mission without permission,’ Aunty Alma recalled—as if identity could be reduced to paperwork, as if family ties and culture could be regulated by the state.

Aunty Alma remembered Lake Condah and Lake Tyers not just as places of hardship, but as something far worse. ‘I seen the missions as concentration camps [...] under those terms of living on a mission [...] you weren’t allowed to

visit anybody.’ At Lake Condah, even culture itself was outlawed. ‘Aboriginal people wanted to have corroborees and all that type of thing, but [...] the ministers or the preachers, they were very strict, and if they did a corroboree, they were worshipping the devil,’ Aunty Alma said. ‘So that was cut out’.

This was the regime of control: bureaucratic, moralistic and racialised—where the right to eat, to speak, to gather and to remember was regulated and withheld at will.

THE MISSIONS DID NOT NEED WALLS. THE MANAGERS WERE THE WALLS.



And yet resistance thrived in the hours between prayer and punishment. Women smuggled scraps of language into lullabies as they rocked their babies to sleep. The young men forced to labour in the fields worked slowly on purpose, refusing to be made into machines. And the older men, who’d seen the world before the mission fences, traced their stories into the dirt with sticks, teaching the children how to read the land beneath their feet.

Kindness that slipped through the cracks in the walls. A look between two people could communicate a whole conversation. Aunty Margaret Tucker remembered the rare days when someone found reason to smile—a joke told under their breath, a game played behind turned backs. She remembered the old women who knew how to soften hardship, pressing

warm hands to children’s cheeks, whispering that they were loved and still belonged.

The old ways weren’t gone—not completely. They survived in the people, in the stolen hours of the night, in the careful passing of knowledge, in the stubborn refusal to forget. No law, no mission, no decree could ever truly take away who they were. The Board sought to regulate every movement, breath and gesture. But control was never total. Resistance lived in hands that wove baskets by firelight; in footsteps that pressed against Country long after curfew; in the voices of those who refused to forget.



Throughout this time, Aboriginal people continued to move—across Country and to one another. Between Coranderrk and Cummeragunja, Lake Condah and Framlingham; between missions, towns and the growing Koorie community in naarm/Melbourne. These journeys were more than practical—they were acts of kinship, memory and resistance. They mirrored the old patterns of movement, kept knowledge alive, and carried stories, support and resources from one place to the next. Community moved with the people, and with it, the strength of refusal.

At Cummeragunja, the people slipped away into the bush, beyond the reach of watchful eyes, where they could practise culture in secret. On missions, women like Aunty Connie Hart taught others to weave, passing knowledge from hand to hand despite the threat of losing their rations. To be caught meant punishment. Still, they wove.

Aunty Glenys Watts (Gunaikurnai) said that some were made to feel shame; that fear was wrapped around culture like a wire fence. But fear did not erase knowledge—only forced it underground, where it waited.

Some resisted in words, refusing to let government authorities quietly remove them from their lands and dissolve the connections their families had forged over generations. When the state moved to close Lake Condah Mission in the early twentieth century, Gunditjmara man Ernest Mobourne stood firm. In 1912, as officials prepared to displace the residents of the mission—people whose parents and grandparents had built homes, fenced land, and cared for Country—Mobourne wrote to the authorities, challenging the injustice of their plans.

‘Our fathers were brought here some forty years back to form a mission station here and were then informed that if they built houses, fenced in and cleared the reserve, the mission station would remain theirs for them and their children’s children [...] Our fathers have passed peacefully to rest, and we would wish to live and work and be buried beside them.’

Mobourne’s words cut through the polite veneer of government policy to reveal its true intent—to displace, to dispossess, to disrupt. His testimony speaks not only to Gunditjmara resilience but to the ongoing fight to remain on Country, to uphold the promises made by colonial authorities and broken whenever they stood in the way of settler expansion. Mobourne’s plea was not just for land, but for the right to continue living where his ancestors lay, to maintain connection, community, and cultural continuity in the face of relentless interference. It did not matter. The mission was closed, the land thieved. Still, the people stayed. At Framlingham when the mission was closed, the people refused to leave. They lived in the nearby forest under poor conditions, but close to Country. The same happened when Ebenezer closed, with the Wotjobaluk moving to nearby Antwerp.

Others resisted with movement.

The Board dictated who could travel, issuing railway passes like a master granting leave. In 1916, Dinah Young requested permission to take her family from Coranderrk to Lake Condah. ‘Poor old Granny White has asked me to take the children down to see her in every letter she has written to me,’ she pleaded. The manager decided not all family members needed to go. The Board ruled it ‘not an urgent case’.

Dinah Young went anyway.

Aunty Margaret Tucker’s cherished biography summed up life on the missions: ‘Even in those places, where they tried to take everything from us, we found ways to hold onto ourselves. We sang in whispers. We remembered in silence.’



ABORIGINAL PEOPLE ON THE MISSIONS QUICKLY LEARNED THAT THEIR SURVIVAL DEPENDED ON THE WHIMS OF THOSE IN CHARGE.

A kind word, a compliant attitude, a willingness to obey without question: these could mean the difference between being granted or denied even the smallest freedoms.

When Agnes Carter wrote to the Board in 1917 asking for an empty house at Lake Condah, she pleaded her case as though standing trial, knowing that her behaviour and compliance would determine the outcome: ‘I have craved

for years to have a house of my own and not one word can be said against me or my family for bad behaviour.’

Even then, there was no guarantee.

The mission managers used forced relocation as a punishment. Emily Stephen, née Wood, was a Gunaikurnai woman sent from Lake Tyers to Lake Condah for three months. She was transported under police guard, an act of a forced relocation with no recourse. Aboriginal families were still chased on horseback like fugitives on their own Country.

When Emily asked to return home, she was denied. Her behaviour, the Board decided, warranted another three months’ exile.

The managers’ disdain for their charges was barely concealed. In 1913, Captain RW Howe lamented that there was no law to ‘compel those strong able-bodied half castes to work & support their wives or else go to gaol’.

The most basic requests were treated with contempt. In 1917, a former resident of Lake Condah asked for her bed to be sent to her. The request was denied. The manager, WL Galbraith, wrote smugly: ‘No end to the wants of natives.’

Aboriginal people were spoken about as though they were not people at all.

Life on reserves and missions was an exercise in endurance. Managers ruled over Aboriginal residents with unchecked authority, meting out punishment at will. Even letters were controlled. The Board intercepted correspondence, reading and censoring messages between family members. Mothers who wrote to their daughters in institutions found their letters confiscated. ‘I asked if I could go home to my mother as I am feeling unhappy here and very lonely for my mother,’ Winnie Austin wrote in 1916. ‘I have been away for nine months.’ Her request was refused without explanation.

Permission to visit family. A few extra rations. A less punishing job. The line between subsistence and punishment was drawn not by law, but by the mood of the mission manager, the missionary, the white authority who held the keys to food stores, gates and the right to belong.

Uncle Colin Walker (Yorta Yorta) recounted this control at Cummeragunja in his submission to Yoorrook: ‘The mission manager walked around in the night. If your grandmother sent you somewhere, to your aunties’, for a bit of flour or sugar and tea, they would ask you what you were doing and tell you to go back or they would kick you up the backside.’ What began in childhood as a vague awareness deepened into painful clarity with age. He reflected: ‘In the young days, it was good being a child. But when you grow up to be an adult, you’re thinking of the things that happened.’

Visiting family was not a right: it was something to be negotiated, documented, permitted. ‘If you came to stay with your parents on the mission,’ explained Uncle Colin, ‘you had to go to the manager’s quarters and sign a paper to say you are staying with your mum and dad—how degrading that was. It was breaking up the families, the extended families.’

Uncle Colin recalled, ‘You couldn’t be close to your families while you had the white managers on the mission, unless you lived there on Cummeragunja as a family. But if family came to visit, you knew there was a time limit on their stay.’

The memories of this cruelty linger long after the dissolution of official policies, as Uncle Colin observed: ‘We have been through that—that is gone now. But it will never be gone from our minds for those who are still alive.’



THE BOARD FOR THE PROTECTION OF ABORIGINES ENSURED ITS CONTROL EXTENDED DEEP INTO THE PRIVATE LIVES OF ABORIGINAL PEOPLE.

In 1897, Reverend Friedrich Hagenauer, who had become secretary of the Board, wrote to a local police officer, asking him to investigate a Framlingham man who planned to marry an Aboriginal woman of mixed descent. The problem? According to the law, the woman was classified as 'white'. And if a black man married a 'white' woman, even if both were Aboriginal, she would lose all access to government rations.

Hagenauer made the consequences plain: 'A black man marries a half-caste woman, who is in the eyes of the Law, as a white woman, the same must leave the reserve and cannot any longer receive Government Supplies.' This was not simply about ration cards—it was about severing people from their communities, their lands, and their supports.

Under this system, marriage across these manufactured racial lines could mean exile, turning kinship into a battleground where government policy dictated who could live where, with whom, and under what conditions.

Historian Jan Critchett uncovered the story of Julia Russell, a woman who sought to adopt a relative's child. Russell, who was non-Aboriginal,

made a simple and heartfelt appeal: 'The father of the child is a relative of my husband's. As I have no child of my own.'

Yet the Board refused. The child, they argued, was 'almost white'—and therefore not under its jurisdiction.

This refusal was not an act of kindness or liberation: it was abandonment. The Board's decision meant the child was cast adrift, denied connection to family and community, without protection from either the Board's oversight or the settler society that refused to accept Aboriginal people.

This story, documented in Critchett's *Our Land Till We Die: A History of the Framlingham Aborigines*, stands as a stark example of how the Board weaponised racial categories, controlling Aboriginal lives until they no longer wanted responsibility—until a child was deemed white enough to discard.

Parents married young to prevent their children from being taken. Some made the agonising decision to move off reserves entirely, knowing that to stay meant forced separation—families pulled apart by the Board's policies.

But leaving was not easy. To step beyond the bounds of the mission meant giving up the rations, the housing, and the fragile stability that accompanied the Board's control. It meant venturing into a settler world where Aboriginal people were met with hostility and exclusion from employment. There was no safety net outside the missions—only the hope of staying together as a family, even as poverty and racism closed in.

The authorities did not just remove people from the land; they worked to dismantle the bonds between them altogether. To leave the mission was to gamble with survival, to trade the known confines of control for the uncertainty of freedom. And yet, so many chose it. The fear

THE AUTHORITIES DID NOT JUST REMOVE PEOPLE FROM THE LAND; THEY WORKED TO DISMANTLE THE BONDS BETWEEN THEM ALTOGETHER. TO LEAVE THE MISSION WAS TO GAMBLE WITH SURVIVAL, TO TRADE THE KNOWN CONFINES OF CONTROL FOR THE UNCERTAINTY OF FREEDOM. AND YET, SO MANY CHOSE IT.

of losing teenage children, of watching them taken and scattered, outweighed even the fear of destitution.

This control left marks that stretched far beyond the missions. In conversation with her granddaughter, Meriki Onus, Aunty Alma Thorpe reflected on how the *Aborigines Protection Act 1886* (Vic), which she and others refer to as the ‘Half-Caste Act’, had shaped her life. ‘The Act was designed to assimilate the Black people,’ Aunty Alma said. It gave the Board the power to decide where people lived, where they worked, and who they married.

The policy of the 1880s infiltrated the following century. Reflecting on her life in the 1930s in Victoria, Aunty Alma recalled that ‘there was a lot of pressure for me to marry white [...] but I married Black,’ she said. ‘I was determined that my family would be Aboriginal.’ In Fitzroy in the 1930s, ’40s and ’50s, most of the Black men were her cousins, so she had to be intentional. Deliberate in who she chose as her partner. She met her husband, Gunnai man Alister Thorpe, at a Sir Pastor Doug Nicholls event in Fitzroy. In defying the pressure to assimilate, she kept the line of her people strong.



The meaning of *ownership* was always slippery—a concept that shifted depending on who was asking and who was being told. For Aboriginal people living under the shadow of the Board for the Protection of Aborigines, ownership was a fiction. They were made to understand that they possessed nothing. The houses they built, the land they cleared and cultivated, the tools they used to work or mend—none of it belonged to them. It was all claimed by the state. Even the clothes on their backs were not truly theirs, but issued,

logged in ledgers, and liable to be withdrawn at any moment.

This control even encompassed their own bodies. Aboriginal people were legally classified as wards of the state, but the language often used made the reality starker: they were considered ‘property of the Queen’. This meant their movements could be restricted, their labour controlled, their families shattered—all under the guise of legal authority. The connection to home, to family, to Country was never secure. What little they had could be stripped away at any moment.

This was not just about denying land; it was about denying belonging. The state held the power to define who could remain, who could be moved on, and who was permitted even the smallest comforts of ownership.

At the same time, First Peoples were told to be grateful. To cherish what was never really theirs. To sweep the floors of houses they did not own, to mend fences on land that had been stolen from them, to work for rations as if they were wages.

It was control dressed up as charity. It was possession denied and then enforced. The land belonged to the Queen. But when the state no longer wanted it—when the soil had been depleted and the fences fell—it was never handed back, but sold. And once again, Aboriginal people were left with nothing but the memory of what had always been theirs.

In 1884, Captain Page, Secretary of the Board, wrote with exasperation to Reverend Kramer at Ebenezer Mission. Rose Kennedy had asked to inherit the home of her late uncle and aunt, believing, as she had been told, that the house would pass down to family, just as it did for white people: ‘The house was built by my Uncle when the first missionaries were here; when the house was built and finished the missionaries

made them understand that the house was their own and when they die it was to be for their children after them (the same as white people).’

But this, Captain Page made clear, was not the case. No matter who built them, no matter who lived and died within their walls, the houses remained station property. He lamented the ‘trouble and annoyance’ caused by Aboriginal people who believed they had rights.

In 1895, Albert Coombes was given seed and horse feed by the Board to grow wheat—but when harvest time came, he discovered the truth: the crop was not his. He was granted only a ‘reasonable share’, with the rest belonging to the Board. His land could not be used as collateral for a loan; could not be leased or sold. He had worked the earth, but the colony held the deed.

Even those granted land in their own name found it was a tenuous possession. In 1926, Jessie Alberts believed she had secured land for herself at Framlingham. Then, without warning, the Board moved to lease it out for grazing. She offered to rent the land she thought was hers. The Board’s response was cold: if she wanted it, she would have to ‘submit a tender like everyone else’.

Anything given could be revoked at a moment’s notice.

Death offered neither certainty nor dignity: the state even withheld post-mortem return to Country. Aunty Glenys Watts spoke to Yoorrook of her great-aunt Lucy, who died while her family played her favourite hymn on the organ at their home in Koo Wee Rup. Lucy had asked to be buried at Lake Tyers with her ancestors. But the state refused. ‘They said no, because if she was buried up there, that meant that the whole family would want to go and visit her,’ Aunty Glenys recalled. ‘So they decided no, she wasn’t allowed to be buried at Lake Tyers. So she was buried

at Pakenham.’ Others, including community members and even a non-Indigenous supporter named Mrs Bon, petitioned for Lucy to be laid to rest at Lake Tyers, but the government denied them all. ‘Upon Lucy’s death,’ Aunty Glenys said, ‘she was not allowed to go back to Lake Tyers to be buried, even though all of my old ancestors were buried there.’

Land was never just about property. It was about belonging, memory and the right to be laid to rest with your people. And even that, they tried to take.



FOR THOSE WHO LIVED OUTSIDE THE MISSION FENCES, POLICE BECAME THEIR WARDENS.

The Board was distant, its offices tucked away in Melbourne—but the police hovered; arbiters of survival.

George and Emily Edwards were among a number of Aboriginal families who, despite their meagre means, provided shelter for others, including a Mrs Alberts and her children. In 1897, when Constable J Akeroyd informed the Edwards that they would no longer receive food or clothing from the government, they faced an impossible choice: evict Mrs Alberts and her children, or go hungry themselves. ‘They said they would not turn Mrs Alberts and the children out in the cold and I could stop the rations. They said they could beg for their living.’ Akeroyd stopped the rations.

Uncle Brendan Kennedy (Tati Tati) recounted to Yoorrook what it meant to be at the mercy of the police for food. ‘My mum and aunties were starved and given rations from the police. How oppressed and demoralising is that, to have to go to the police to collect coupons to go to the store and present those coupons to the store owner,’ he said. ‘There were only certain things they were allowed to have. I remember them saying that when they were kids, they would take it in turns to have the egg from their chicken.’

THIS WAS THE COST OF DEFIANCE. CHILDREN HIDING UNDER TREES AS THEIR ELDERS TOOK THEIR LAST BREATHS BESIDE THEM.

When Aboriginal people were removed from reserves, police escorted them from the premises. And when they resisted, it was the police who hunted them down.

Uncle Brendan Kennedy told the Commission of a police pursuit. His ancestor, Maggie Farrant, was a child when she fled with her grandmother through floodwaters. ‘They were being chased on horseback by the police through the floodwaters and had to hide under the log of a fallen tree. Granny Farrant’s grandmother died there, and she was laying there with her. The little girl was laying there with her grandmother.’

This was the cost of defiance. Children hiding under trees as their Elders took their last breaths beside them.



New Victorian Acts in 1910 and 1915 maintained the earlier controls over reserve residents. In 1916, these were subsequently extended through a series of regulations. The *Aborigines Act 1915* (Vic) codified biological definitions of Aboriginal identity by restoring the distinction between ‘half-caste’ and ‘full blood’.

The rules were set by those in charge. And those in charge were men like Bruce Ferguson, the manager at Lake Tyers, who seemed to take pleasure in keeping families apart. In 1917, Eliza O’Rourke, a resident of Lake Condah, wrote to the Secretary of the Board for the Protection of Aborigines, pleading for assistance. She had saved enough to purchase a small cottage and land in Heywood and was preparing to leave the mission, striving for some measure of independence. Yet even this modest hope was subject to the Board’s approval.

Eliza’s letter reveals the layers of control she faced. Although she was receiving her son’s military allotment while he served in World War I, she still needed the Board to continue her rations—not just for herself, but for another woman who would be living with her. Her request was simple, but in the paternalistic system that governed Aboriginal lives, nothing was guaranteed.

Behind this bureaucratic process stood Ferguson, who made no secret of his willingness to exploit the system to inflict further harm. As Eliza wrote, ‘Do try your best to help me, as Mr Ferguson seemed to delight in the thought of keeping my son away when he knows very well that it worries me so.’

In those few lines, the reality of the mission system comes into sharp focus—where even a mother’s right to be near her son could be

withheld, used as leverage, another thread in the long history of government-sanctioned cruelty.

The missions were purportedly places of protection, yet those who lived there called them something else—prisons, camps, places where freedom was not just taken away, but mocked. Aunty Alma Thorpe called them ‘death camps’ and ‘concentration camps’.



With the *Aborigines Act 1915* (Vic), the Board for the Protection of Aborigines was granted sweeping new powers. For those on missions, it no longer needed to prove that a child had been abandoned or mistreated to justify their removal. The Board could, at its own discretion, separate children from their families, severing the sacred bonds of kinship that had endured for generations.

This was not care, but legislated conquest. It rendered Aboriginal children wards of the state, ripped from their communities, placed in institutions or sent to work as servants and labourers.

This law formalised a practice already in place—the systematic removal of children. It gave the state legal cover to do what it had done for decades: tear apart families in the name of assimilation. The impact of this amendment was profound and harrowing. Children were placed into institutions or foster homes, often far from their ancestral lands and cultural heritage. The rationale for these forced removals was couched in terms of protection and assimilation; yet the reality was an organised effort to erase Aboriginal identity and amputate the transmission of cultural knowledge.

Some who were taken never returned. At Cummeragunja, young Aboriginal girls were removed from their families and taught to cook, clean and care for white families, often under

harsh and isolating conditions. As Aunty Fay Carter recalled, this was not unusual: girls were taken from missions across the country. Their removal was part of a wider pattern—what many have come to remember as a time of profound grief and loss.



From the late 1880s to the early 1920s, missions and reserves were progressively closed down. The Board could no longer justify their cost, and by the turn of the century, the Victorian Government had grown increasingly reluctant to fund them. The land they sat on was becoming more desirable to settlers, and Aboriginal resistance, whether expressed through quiet refusal or organised protest, was seen as an administrative burden.

The first attempt came in 1889, when Framlingham was targeted for closure. Settlers in Warrnambool wanted the land for an agricultural college, and the Board—always eager to serve their interests—agreed without hesitation. But the people of Framlingham refused to go quietly. They fought back, organising through local newspapers, lobbying politicians, and even travelling to Melbourne to make their case in person. They spoke with Chief Secretary Alfred Deakin, and argued their right to stay. Deakin dismissed them, citing costs and government efficiency. But they did not give up.

In the end, the people of Framlingham won. The Board withdrew its oversight, removing the mission manager but allowing residents to remain. They were no longer under government control, but they remained on their land. It was a victory—hard-won, but fragile. And it did not set a precedent. Ebenezer Mission was shut in 1904, and Ramahyuck in 1908.

Others were shuttered in 1917, after the Board directed that Lake Tyers remain as the only

reserve, far from the eyes of white society. Some residents were allowed to see out their days at Coranderrk and others went to live on Country nearby their old reserve.

In 1919, Lake Condah was officially closed, though the people remained, clinging to the land until the 1950s, when it was finally sold off and carved into blocks for Soldier Settlement. No land at the former Lake Condah mission site was given to the Gunditjmara men who had served.

In his evidence to Yoorrook, Uncle Jim Berg (Gunditjmara) described how this was experienced on the ground: ‘They just shuffled them off to other missions via Coranderrk down to Lake Tyers. Coranderrk was one of the most successful missions because they grew hops and they wanted more land, and the government says, “That’s it. No more land. Missions closed.”’ At Lake Tyers, people from all over Victoria were thrown together. ‘We talk about the Stolen Generation,’ he said. ‘We don’t talk about the “Lost Generation”. The missions and the reserves are nothing but prisons.’

Hospitals turned away Aboriginal patients, or treated them on verandahs. Women gave birth outside—not in beds, but on cold wooden boards, their pain echoing from walls that did not welcome them.

Pushed to the fringes, Aboriginal families built lives where they could. Many came to Melbourne, to Fitzroy, where the hard streets offered more opportunity than the open antagonism of the country. Others moved to the city’s western suburbs—Footscray, Yarraville and beyond, where factories and industry along the Maribyrnong River offered a meagre foothold. Families moved between city and country, following seasonal work, clinging to what they could.

With no place to call home and no recognised status in the eyes of the state, Aboriginal people were rendered easy targets for the law. First

Peoples had become outsiders. And outsiders could be charged with vagrancy. No home, no job, no rations—and yet the fact that these circumstances were the government’s doing, not their own, was immaterial. They were seen not as the consequence of policy, but as personal failings.

Police waited to pounce. A man who had once been jailed, even for something as desperate as taking food, could now be charged with consorting. The law was designed to prevent criminals from gathering. In practice, it was wielded against Aboriginal families trying to survive. Sitting on a street corner, talking to a cousin, meeting outside a shop—all could be grounds for arrest.

The government had stolen their land, restricted their movement, taken their children, and pushed them into poverty. And then, when they tried to exist outside that system—to survive it—they were sometimes arrested.



Though the government tried to disperse them, to scatter families and break their bonds, Aboriginal people found one another again. They gathered and shared what little they had, forming new communities in the face of displacement. After the Cummeragunja walk-off, families settled at an area along the banks of the Goulburn River near Mooroopna and Shepparton known as ‘The Flats’ and nearby Daish’s Paddock, refusing to return to the New South Wales mission that had denied them dignity. The late Aunty Fay Carter spoke of growing up in that community woven together by resilience and care. ‘I was raised there,’ she told Yoorrook, ‘and I’m so privileged.’

To the east of Melbourne, in the bushland near Drouin in Gippsland, Aboriginal people came together again at Jackson’s Track—a place

of refuge for those who had been pushed out of Lake Tyers.

In places like The Flats and Jackson’s Track, where the state sought to dissolve Aboriginal identity, people rebuilt—creating spaces where culture could survive, and where family could remain family. Aunty Fay recalled: ‘Even though it was hard times, I’m privileged to have had that experience of being raised in that situation and learning and understanding just what racism does to a people. And learning how we survived. And we survived because, you know, they say Aboriginal people are a sharing, caring people. Let me tell you, they were the true days of sharing and caring. That’s how we survived, because we shared and we cared for one another.’



THE UNIVERSITY OF MELBOURNE, LIKE MANY INSTITUTIONS OF ITS TIME, DID MORE THAN OBSERVE THE COLONIAL PROJECT—IT PROPAGATED THE IDEAS THAT SUSTAINED IT.

Within its lecture halls and journals, the University taught and promoted theories that were not only racist but devastating in their reach and consequence. Among these were eugenics, Darwinian evolution, and assimilationist doctrines—pseudo-scientific

frameworks that sought to rank, categorise, and ultimately diminish First Peoples.

In 2024, the University turned its gaze back on this history with the publication of *Dhooimbak Goobgoowana: A History of Indigenous Australia and the University of Melbourne*. The collection offers a scholarly reckoning with the institution’s role in entrenching these harmful ideologies.

It documents, for example, the work of Wilfred Agar—a geneticist, professor of zoology, and Dean of Science, who championed eugenics throughout his tenure. From 1936 to 1945, Agar served as President of the Eugenics Society of Victoria, advocating for policies that promoted the sterilisation of those deemed ‘unfit’, restrictions on immigration, and the perpetuation of racist myths about First Peoples.

Agar was not alone. Richard Berry, professor of anatomy from 1906 to 1929, took these ideas further, measuring Aboriginal skulls in an attempt to construct a hierarchy of intelligence based on head size. His work, thinly disguised as science, gave ammunition to others, including Professor Frank Tate, who used it to argue that the number of students from poorer suburbs should be limited. First Peoples were barely considered in these equations; their potential dismissed before it could even be imagined.

The research these men produced was widely read, taught to generations of students. It helped cement the social and scientific legitimacy of policies that harmed Aboriginal people as biologically inferior. The legacy of these ideas ripples through time, echoing in the structures and assumptions that continue to shape the world First Peoples are forced to navigate. It supported the idea that a colony without Aboriginal people was not just a thought experiment, but something to be actively pursued. And it would lay the foundation for what would become known as the ‘White Australia Policy’.



THE WHITE AUSTRALIA POLICY WAS THE NATION’S FIRST DECLARATION OF SELFHOOD—WHO IT WAS FOR, WHO IT WAS AGAINST, AND WHO WOULD BE MADE TO FADE INTO HISTORY.

Enshrined in the *Immigration Restriction Act 1901* (Cth), it was framed as a border policy; a way to keep the young federation racially pure.

There was an inherent irony in the federation of 1901 that resulted in Victoria becoming a state. It was an act of unity and nationhood, a refusal to accommodate *outsiders*, yet an act that continued to deny its true first inhabitants of their most basic rights. The contradiction sits at the heart of this country to this very day. But the policy’s boundaries did not stop at the ports. Its logic reached inland; into laws and policies that sought to control, contain and erase Aboriginal people from the national identity.

For First Peoples, the intent was clear: they were not part of the future that White Australia imagined. The colony had long justified its expansion with the belief that Aboriginal people would either die out or be absorbed. When the former did not happen as quickly as expected, the latter was pursued with brutal determination.

The aforementioned *Aborigines Protection Act 1886* (Vic) had already begun this work in Victoria, forcibly removing Aboriginal people of mixed descent from reserves. At around the same time, the idea of the White Australia Policy was spawned by the ironically named Australian Natives’ Association (established for and by native-born white men). Many politicians and prime ministers were members of the Australian Natives’ Association, including Alfred Deakin. At its core was the notion that those who could not be removed from the land must be divested of their identity instead.

These policies shaped Aboriginal life in almost every way imaginable. Citizenship was denied, wages withheld. Under the cover of assimilation, entire generations of children were taken from their families, placed into institutions where their language was forbidden and their culture erased. The goal was to ensure that Aboriginal people, as a distinct group, would cease to exist—not by force of arms, but by force of policy.

The White Australia Policy would remain in place for most of the century, until it was no longer culturally tenable for Australia’s reputation abroad. But it seeped into the very bones of the nation. As Dr Jacynta Krakouer (Mineng Noongar) told Yoorrook: ‘We didn’t want a future white Australia at the time, when we had the 1901 White Australia Policy in place—we didn’t want future White Australia to look like how Aboriginal people raise their families, we didn’t want Aboriginal people. We wanted to eliminate Aboriginal people. That’s something that’s hard to sit with, but that’s how assimilation links into this logic of elimination. Child removal was the policy that was used to enforce that assimilation and that logic.’



The Board became stronger and more brazen. By 1922, it had expanded its authority over First Peoples via a bureaucracy of exclusion. It wielded blood quantum as both a measure of identity and a tool of control. To be deemed too *white* was to be denied rations, housing and community, forced instead into a settler world that had little room for Aboriginal people beyond the margins. To be too *Aboriginal* was to remain under the strict surveillance of station managers and government officials.

It was in this climate that Bruce Ferguson, manager of Lake Tyers Aboriginal Reserve, wrote to the Board about Mrs J Connolly and her family. His letter, clinical in tone but heavy in implication, exemplifies the cruel arithmetic of racial classification:

‘Sir,

I have to report with reference to:—
(1) Colour of Mrs J Connolly :- Mrs Connolly, her husband and child, age about 3 yrs, are almost white in appearance. They call themselves half-caste, but there is no family so nearly white as they are residing on the Aboriginal station.

(2) Whether I think provision should be made for them on the Aboriginal station. In view of the Boards instructions that no one – nearer white than half-caste is to receive assistance, the visits of this family to the station have not been encouraged. They usually appear after dark and seek permission to remain until morning, but it very rarely happens that they leave next day. If they were half castes I would recommend that provision should be made for them here, but being so nearly white they should be able to do better off the station...

Yours faithfully,
BRUCE FERGUSON mgr’

This dark chapter in history contributed significantly to what is now known as the Stolen Generations: an era marked by grief, loss and the enduring resilience of Aboriginal communities striving to preserve their heritage against the tides of assimilationist policies. This period ran from the late nineteenth century all the way through until the 1970s.

The *Aborigines Act 1915* (Vic) survived in various guises and under various amendments until 1969. If you were Aboriginal and born before 1970, you arrived on earth with the Protection Acts hanging over your head.



They came in the night. They came at dawn. They came when mothers were at work, when fathers were away, when a grandmother stepped out for water. They came with papers and uniforms and the cold authority of the state. They came with lies and force and the silence of neighbours who turned their faces.

And they took the children away.

For as long as the colony had existed, Aboriginal children had been ripped from the arms that had cradled them; from the land that had sung them into being. At first, the colonists called it ‘civilising’. Later, they called it ‘protection’. Then they justified it by invoking ‘neglect’. The vocabulary changed, but the intent remained the same: total elimination of the native.

Aboriginal children were taken to missions, to foster homes, to orphanages where the walls were high and the rooms chilly. They were placed with white families who told them their mothers were dead, who scrubbed their skin raw and forbade them to speak their ancestors’ words. They were told they were lucky; that they had been saved from their own people.

But they knew. Deep inside, they knew.

They were stolen from hospitals. Their mothers lay sick, recovering from illness, from childbirth, from the wounds of poverty and grief. Welfare officers promised temporary care, promised the children would be returned. But they lied. The mothers went home with empty arms. Their children had been given away.

Many of these children were delivered to ‘reception centres’—one in many out-of-home care models adopted by the state over the years. At reception centres, children were effectively criminalised under the *Children’s Welfare Act 1958* (Vic) with a conviction often documented as being ‘in need of care and protection’.

Uncle Larry Walsh was two-and-a-half years old when he was taken. A toddler standing before a magistrate, made a criminal before he had even learned to speak his own name. A child marked by the law, sentenced to a life without family, without the certainty of knowing where he belonged.

He recalled the day his life was changed: on 24 May 1956, while his mother was in hospital giving birth to his younger brother, he and his two sisters were taken from their home. Later, he learned that authorities had come and taken not only them, but a group of other children—all at once, like a sweep. As Melbourne prepared for its glittering turn in the spotlight as the host city of the Olympics, children were being snatched with impunity from loving families. Their stories would remain largely unheard for decades.

Uncle Larry knew he had two sisters, Patsy and Joylene, but they were separated early. Patsy, still a baby, was seen as adoptable. Joylene and Larry remained together for a short time in the Cardinia Orphanage, but by age five they too were split up. ‘The orphanage started separating us at the age of five,’ he remembered in his testimony

to Yoorrook. ‘They said: “You’re going to a boys’ home, and you’re going to a girls’ home.”’

Still, they tried to remain close. They wrote letters, requested photographs, pleaded for visits. Most of these requests were denied. And yet, despite the barriers, they held on to each other however they could. Uncle Larry’s sister kept a photo of him, aged eight, until he was in his sixties. Her son finally gave him a copy.

The trauma of separation was deepened by deception. Each time Uncle Larry was placed in foster care, it was in non-Aboriginal homes, where he was told again and again that he was not Aboriginal. That he was unwanted by his parents. That no one had ever come looking for him. But he knew that wasn’t true. The lie lived alongside his instincts.

It wasn’t until adulthood, when Uncle Larry finally gained access to his government file, that the truth was confirmed. His mother had written countless times. She had asked for updates, pleaded to see him and his sisters, requested information. All of it was refused. ‘They even discuss it callously in my files,’ he said. ‘There were decades of time where I knew they were lying—before proof was handed to me.’

For Uncle Larry and so many others, the system that claimed to protect Aboriginal children in fact criminalised them from infancy. It punished them for being poor, punished their families for surviving outside of state control, and then punished them again for trying to come home.

When Aunty Eunice Wright (Gunditjmara) was nine years old, she and her siblings Gloria and Ronnie were taken into police custody while their mother, Lyall, was hospitalised with tuberculosis. Seven years passed before Eunice and her siblings saw their mother again.

The late Uncle Jack Charles (Taungurung, Boon Wurrung, Dja Dja Wurrung, Woiwurrung,

Yorta Yorta, Palawa) was taken, too; dragged through a cycle of foster care, of institutions that swallowed children whole and spat them out broken. He grew up knowing only absence, knowing that his mother had carried eleven babies into the world but not been allowed to keep a single one. ‘I think about how Mum would’ve suffered’ he said, ‘having all eleven of her babies forcibly taken away from her.’

Police cells became holding-pens for the stolen. They would sit on the hard floors, small arms wrapped around their knees, waiting for a court that had already decided their fate. Gloria McHenry was locked away in a Heywood police cell before being sent to Royal Park. At the train station, the police were waiting. Siblings were separated. Their only remaining comfort—one another—gone in an instant.

And for those who had mothers who were able to fight, who hid their children, who fled across borders, who pulled them out of school to keep them safe, the fear was unrelenting. The knock at the door. The welfare car on the street. The knowledge that, at any moment, the state could reach in and take everything.

Families lived in a state of constant siege. Police and welfare officers made their rounds, inspecting cupboards, counting tins of food, deciding whether a child would be taken. Mothers learned to keep empty tins on the shelves, arranged neatly as proof that there was enough to eat.

Professor Julie Andrews (Wurundjeri Woiwurrung, Yorta Yorta, Wiradjuri) remembered how, when the social workers arrived, she had to hide in the bedroom, silent and invisible. But when white men came to Framlingham, forcing their way into homes in search of young girls, the same welfare officers turned away.

Their concern was never for Aboriginal children.



**THEY WERE TOLD THEY
WEREN’T ABORIGINAL.
THAT THEIR PEOPLE DIDN’T
WANT THEM. THAT THEY HAD
BEEN ABANDONED.**

They were told that Aboriginal people were bad. That they should be ashamed of where they came from, that their blood carried something unworthy. Christine Stewart’s white adoptive family loved her. But when she was taunted at school, called names, made to feel small and ugly because of her skin, she could not talk to them about it. They had never known what it was to be hated for the body they were born into.

The damage lasted far beyond the end of this phase of removals. Unanswered questions carried on. The late Uncle Kevin Coombs described the anguish of not-knowing to Yoorrook: ‘Family is so important. People need to know where they come from, to have an identity and cultural connection they can be proud of and have. So many still don’t know where they belong—it all goes back to the Stolen Generation.

‘If you ask any Aboriginal family about the Stolen Generation, nearly every family has been affected by the removal of our kids, through this injustice.’

THINKING BLACK, FIGHTING BACK

During World War I, Aboriginal men signed up to fight for the empire that had stolen their lands. They had been told they were not citizens; refused the right to vote; pushed to the margins of society. Still they volunteered. Many were motivated to fight in international conflicts in the hopes of improving their circumstances at home.

They marched in boots issued by a government that refused them citizenship. They saluted a flag that had flown over their dispossession. They stood shoulder to shoulder on foreign soil with the very settlers who, back home, had fenced off their Country.

Five Lovett brothers—Alfred, Leonard, Frederick, Edward, and Herbert—were among the Aboriginal men who enlisted. Others, like James Arden, were discharged as ‘unfit’. Some bore the scars of war—men like the late Uncle Kevin Coombs’s great-uncle, who was gassed. Some, like Reginald Rawlings, Harry Thorpe, and Daniel Cooper, son of William, never returned. And for what?

In the trenches of World War I there were no rations doled out by a mission manager, no curfews, no overseers to dictate their movements. For the first time, perhaps, they felt a kind of equality.

But when the war ended and the lucky ones made their way home, that fleeting sense of recognition was gone. The country for which they had fought did not fight for them. Their wages and pensions did not match those paid to white returned soldiers. First Peoples were denied entry to Returned Service Leagues (RSLs) and continued to be barred from other hotels and clubs, such as the Heywood Hotel. In Victoria, only two First Peoples are known to have received land under the Soldier Settlement schemes.

The promise of belonging had been a lie. They were expected to return to the shadows; to be grateful for whatever scraps the government saw fit to give.

The late Uncle Kevin Coombs described the paradox experienced by First Peoples who served, including members of his own family: ‘I think it’s wrong that Aboriginal soldiers like my grandfather and his brother went to war and fought for Britain, but weren’t given land like the other soldiers when they returned. Especially when this was their country in the first place.’

Families, too, remained subject to the whims of the Board.

‘It seems because we are black people, they can do what they like with us,’ wrote Ada Austin. Several young men from her family were on the frontlines. ‘They ought to treat us all alike, as we got relations fighting at the front, and they shouldn’t treat our children like this.’

The Board, indifferent, continued its exploitation, withholding wages, denying access to returned soldier and widower pensions, and docking rations. It petitioned the Department of Defence to stop payments altogether, believing the women were wasting the money. There was no proof; only contempt.

Those who survived returned to the same laws and restrictions that had dictated their lives before they left. They were soldiers—heroes, even—when they fought for the Empire, but Aboriginal men when they returned.

In the 1930s, Australia, like the rest of the world, stumbled through the Great Depression—and, unknowingly, towards another great war. This was a time of rising nationalism. But the movement was rigidly defined. It was for white Australians, steeped in loyalty to Britain and

determined to preserve a social order that excluded Aboriginal people from full citizenship.

Founded in the 1870s, the Australian Natives' Association (ANA) was a society for Australian-born white men. It positioned itself as the vanguard of a uniquely Australian nationalism: its members spoke of a nation forged by men who had been born on the sunburnt land, rather than those who had merely arrived upon it.

To the ANA, the future belonged only to those who could claim a lineage of colonial struggle. Aboriginal people were not seen as Australians, or even as a people with a future within the nation-state being forged. Instead, the ANA became one of the key architects of the very structures that denied Indigenous rights and helped to shape policies of exclusion, ensuring that Aboriginal people were written out of Federation in 1901.

The White Australia Policy; the constitutional exclusion of Aboriginal people; the framing of Australia as a land 'taken', rather than one still lawfully owned by First Peoples—these were ideas legitimised, if not actively championed, by the men of the ANA. Its members saw themselves as the rightful inheritors of the land. But their calls for self-determination were built on a foundation of dispossession.

In the twentieth century, Aboriginal leaders began to demand recognition, land rights and justice, and the ANA stood against them. Their nationalism was exposed for what it was: an assertion of white dominance. It retreated into the same anxieties that had built the settler state—fear that the land that settlers had claimed might one day be claimed back.

In the depths of the Great Depression, as Australia's streets swelled with jobless men and its politics tightened against the suffering of

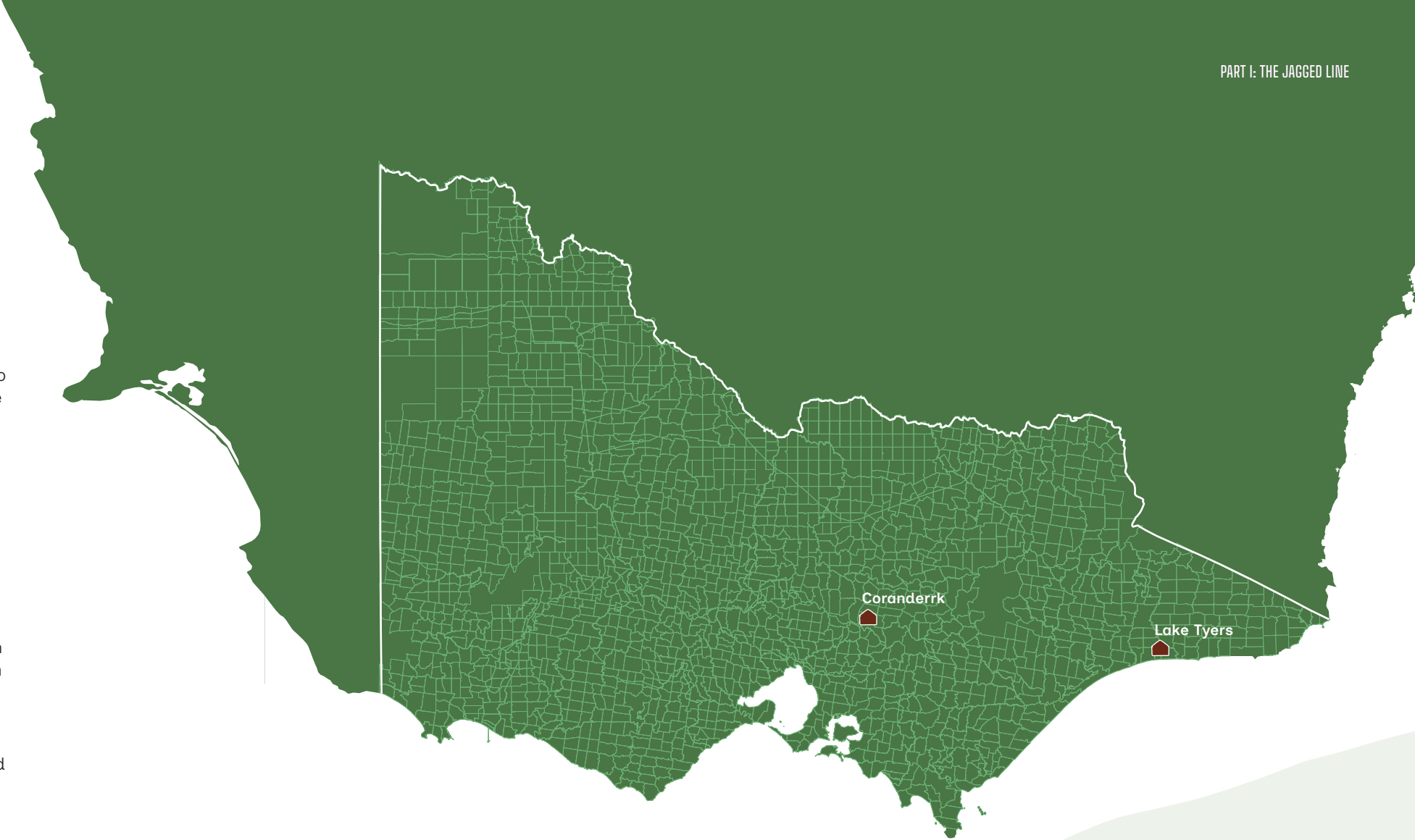
its most vulnerable, the question of who truly belonged in this nation loomed large.

But a quiet yet unyielding resistance to white Australian nationalism was taking shape. Not in government or in the parlours of polite society, but in the modest homes and gathering-places of Aboriginal leaders who refused to accept the terms of their dispossession.

At the heart of this movement stood William Cooper, a Yorta Yorta man of extraordinary determination—and one who understood how to forge ahead in a white world. Writing in 1937, he declared: 'The white man cannot "think black" but I submit that our chieftain, which is your particular position, and the Government, which is our guardian, should set themselves to learn to "think black".'

Where others may have turned inwards, Cooper turned to collective action. In the 1930s, he and a group of fellow Aboriginal activists across Victoria—including Thomas Shadrach James, Aunty Margaret Tucker, Bill Onus, and Pastor Doug Nicholls—established the Australian Aborigines' League. It was an organisation born of the imperative for Aboriginal people to speak for themselves; to demand justice not as a favour but as a right.

Meanwhile, the Great Depression had exposed the failures of capitalism and deepened inequality, leading to a surge of radical political movements across Australia. The Communist Party of Australia (CPA) gained traction among workers, unemployed Australians, and those who saw in its message a promise of justice where democracy had failed them. With its calls for workers' rights, land reform, and an end to racial discrimination, the CPA became one of the few political movements willing to engage with Aboriginal activists, offering solidarity in the fight against government oppression.



STATE OF VICTORIA WITH ALL LAND TAKEN BY THE CROWN

- Victoria
- Land mapped and taken by the Crown
- Missions and reserves

For many Aboriginal people, capitalism and colonialism were one and the same—a system that had stolen their land, exploited their labour, and kept them in poverty while enriching those who had taken everything from them. The communists spoke of class struggle, but for Aboriginal people, it was about more than class. It was about survival; about land; about breaking the chains of oppression that had bound them since invasion.

Aunty Margaret Tucker, a proud Yorta Yorta woman and lifelong activist, saw the brutal conditions Aboriginal workers endured—low wages, forced labour, no legal protections. She had lived through the degradation of domestic servitude and the crushing weight of policies engineered to expunge her people. The Communist Party, unlike the major political parties of the time, did not look away. It was willing to publicly denounce these injustices and work alongside Aboriginal people to fight them.

She was not alone. In New South Wales, Jack Patten, whose voice rang through the streets of Sydney in the lead-up to the 1938 Day of Mourning, found allies among the radicals of the left, the men and women who were unafraid to name Australia for what it was: a settler state built on theft and brutality. William Ferguson, the Wiradjuri man who built the Aborigines Progressive Association from the ground up, knew that the trade unions, many with deep ties to the CPA, were among the few institutions prepared to hear him.

It was a time of organising across the country and beyond the cities, the struggle played out on the red dirt of the north. In Western Australia Don McLeod, a white man who had aligned himself with the resistance of the Pilbara, worked alongside Aboriginal stockmen and station workers, urging them to demand fair wages and control over their own lives.

Back in Victoria, Pastor Doug Nicholls, ever the diplomat, worked carefully, weaving between movements, refusing to be bound by party lines. He did not join the communists, but he stood in rooms where their voices carried; worked beside those whose radicalism pushed the boundaries of possibility.

The CPA was far from perfect. It was still a party shaped by white men, many of whom failed to fully grasp the depth of Aboriginal sovereignty and culture. But for all its flaws, it was one of the few political movements that saw Aboriginal people not as a problem to be assimilated, but as comrades in a shared fight against exploitation and state violence.

Throughout the 1930s and 1940s, as governments worked tirelessly to silence Aboriginal voices, the Communist Party helped to amplify them. Communist-aligned newspapers printed exposés on the conditions in missions and reserves, documenting past massacres, stolen wages, and the enforced starvation of Aboriginal communities. They ran stories on the theft of children, the brutality of station owners, the hypocrisy of a government that claimed to protect while legislating control.

But the Australian state was watching. By the 1950s, as the Cold War advanced and anti-communist hysteria swept through the country, Aboriginal activists who had worked alongside the CPA found themselves under surveillance. It was not just their politics that marked them as threats, but their very existence as Black people demanding justice.

THE GOVERNMENT FEARED ABORIGINAL RESISTANCE, AND IT FEARED COMMUNISM. TOGETHER, THEY WERE SEEN AS A DIRECT CHALLENGE TO WHITE POWER.

Despite the political repression, the radical alliances formed during this period laid the foundations for the self-determination movements that would rise in the 1960s and '70s. The CPA's involvement in Aboriginal rights eventually faded, but it had helped to rekindle the fight. First Peoples' struggle for justice had begun long before the communists arrived, and it would continue long after they were gone.

Meanwhile, a right-wing paramilitary group called the New Guard sought to suppress leftist movements and uphold the racial and social order of the time.

The Labor movement itself was fractured, with figures like Jack Lang pushing for radical economic reforms, while mainstream unions navigated their own allegiances between socialism, nationalism and the status quo. For many Aboriginal people, excluded from citizenship and the political system entirely, the appeal of communism lay in its promise of equality—an alternative to a state that continued to treat them as less than human.

As another war loomed, Australian nationalism took on a new sense of urgency. The government of Joseph Lyons, leader of the United Australia

Party, was torn between loyalty to Britain and the need to strengthen Australia's own military defences. The Australian Natives' Association, once a leading advocate for national self-reliance, had little influence in these decisions. Its vision of an independent Australia had been supplanted by the realities of global conflict.

World War II presented both an opportunity and a cruel paradox for Aboriginal people. As in World War I, many enlisted, believing that wearing the uniform might finally earn them the respect and recognition long denied at home. World War II would change plenty—but not the place Aboriginal people held in their own country.

They fought alongside white soldiers as they had two decades earlier. But when the guns fell silent, the old barriers reappeared. The same racist policies remained, the same denial of land, wages, and the most basic rights of citizenship. They had stood on battlefields fighting for a nation that refused to fight for them. Homecoming only deepened the injustice.

The political environment of the 1930s had made one thing clear: Australian nationalism, as it was defined at the time, had no place for Aboriginal people.

The Australian Aborigines' League did not stand alone. The movement found its early footing with the help of a small but committed group of white allies—people who, despite the privilege of being untouched by Aboriginal suffering, worked with the league to try and fill the silent void.

White ministers, unionists and progressive intellectuals played key roles in the League's early campaigns. William Cooper was clear that Aboriginal voices must lead, but he also understood the brutal reality of Australian politics: Aboriginal people alone could not make the government listen. It was the presence of

white allies that forced politicians to take notice; that pried open doors long since slammed shut.

One of the earliest and most steadfast—if complicated—supporters of Aboriginal people was Reverend Ernest Gribble, a missionary whose career straddled both advocacy and paternalism. Gribble, shaped by the colonial paradigms of his era, believed in the ‘civilising’ mission of Christianity, but he also broke ranks with many of his peers by publicly condemning the brutal treatment of Aboriginal people. His most significant intervention came in the aftermath of the Forrest River massacre in Western Australia in 1926.

From his position as superintendent of the Forrest River Mission, Gribble helped bring the massacre to light, reporting the killings of Aboriginal people by police and settlers to authorities. These reports triggered a Royal Commission into the massacre—one of the few official investigations into frontier violence in Australia’s history.

Though deeply paternalistic in his approach, Gribble’s willingness to confront the violence inflicted upon Aboriginal people forced white Australia to reckon, however briefly, with the bloodshed carried out in its name. His legacy, like that of many historical figures, is complex—a reminder that the path to truth-telling has often been fraught with contradiction.

Another figure was Mary Bennett, an educator and activist who tirelessly campaigned against the forced removal of Aboriginal children. She worked alongside the League, using her writing and advocacy to demand land rights, citizenship, and equal wages for Aboriginal people. Her words carried into spaces from which Aboriginal voices were barred, challenging the myth that the colonial violence was a historical relic.

Trade unionists, particularly from the Melbourne Trades Hall, also lent their weight

to the movement, recognising the fight for Aboriginal rights as inseparable from the broader struggle of Australian workers. They helped to organise protests, print leaflets, and pressure politicians, offering the Australian Aborigines’ League access to union networks that could amplify its demands.

These white allies did not lead the movement. They did not dictate its demands, nor attempt to soften its anger. But their support gave the Australian Aborigines’ League something it desperately needed: a way to cut through government indifference. The League knew that white sympathy could not be mistaken for true justice; that real power could never come from borrowed voices. But in those early years, when Aboriginal demands were still met with deafening silence, it was the echoes of white dissent that bore their words into a broader arena—a place where they had never been welcome. The presence of white Australians in the movement forced the nation to confront what it had long tried to ignore.

The fight for Aboriginal rights moved forwards not because of white generosity, but because of Aboriginal determination—and it was supported by those who knew the price of their privilege and chose to use it in service of the truth.

For too long, Aboriginal affairs had been the remit of white politicians and *protectors* who neither understood nor cared about the true needs of the people they governed.

THE AUSTRALIAN ABORIGINES’ LEAGUE SOUGHT TO CHANGE THAT.

FIRST PEOPLES’ VOICES NEEDED AMPLIFICATION IN ORDER TO BE HEARD—AND SO THE LEAGUE SET ABOUT BUILDING ITS PLATFORM.



In 1933, Cooper had begun drafting a petition to King George V, seeking direct intervention in the plight of Aboriginal Australians. This petition did not beg for charity; it demanded justice. It called for Aboriginal representation in Parliament, for policies that would protect and uplift rather than oppress, and for the British Crown to acknowledge the urgent need for reform.

With the patience of a man who had spent decades fighting uphill battles, Cooper and the League set about gathering signatures. They walked the country, speaking with Aboriginal communities from Victoria to Western Australia, travelling by train, horse-drawn cart and foot—whatever means would take them to the people who had been written out of history, but were determined to be heard.

It was no easy task. Many of those approached had never been asked for their opinion on anything, let alone for their signatures on a document addressed to the King himself. Some were wary: what good had ever come from a piece of paper handed to a white man? Others were fearful, as signing their names, even with an ‘X’, meant drawing attention to themselves—and for many, attention from the authorities was a dangerous prospect.

The League members, exhausted but relentless, crisscrossed the continent. They stood before communities gathered under trees, by riverbanks, on mission verandas and in station yards, explaining what this petition could mean. They convinced people—many of whom had been denied literacy, who had been forced to live at the mercy of station managers and mission authorities—that their signatures were not just marks on a page, but weapons in the struggle for rights.

At each stop, they gathered names. Not the names of the powerful, nor those printed in law books or history texts, but of those who had endured. Names of men and women who had seen their lands taken, their children stolen, their freedoms stripped away. Many could not read or write: government policies had ensured that education for Aboriginal people was minimal, if it was provided at all. But the League remained undeterred. Cooper and his colleagues explained the petition in careful, patient words. And when people understood, they made their mark—signatures that carried the weight of generations of struggle.

The League gathered names from men who had to hide their wages from the government agents who controlled their every move. From women who had seen their children taken by authorities claiming to act in their best interests. From Elders who remembered when the land had not been carved up by fences and deeds, and still grieved the generations lost to disease, bullets and hunger.

More than 1,800 Aboriginal people from nations all over the continent signed the petition—an extraordinary feat given the barriers of distance, illiteracy and the everyday fight for survival.

The petition was ambitious in its simplicity. It called on King George V, the head of the British

Empire, to intervene on behalf of Aboriginal Australians; to grant them representation in the Australian Parliament; and to ensure that their rights were recognised under the law.

It was a bold act of resistance, led by an Elder who had spent a lifetime watching governments pass policies engineered to wipe out his people.

In Victoria, members of the Australian Aborigines' League visited places where Aboriginal families had been forcibly relocated and where protectionist policies dictated every aspect of daily life. They spoke to people at Cummeragunja Reserve, a place already brimming with political consciousness and resistance, where men and women who had suffered under government policies understood the urgent need for representation.

From Framlingham to Lake Tyers, from Echuca to Shepparton, the League carried the petition like a sacred object, its pages filling with the names of those who believed that if Britain still held authority over this land, then the King himself should be made to hear their voices.



FIRST PEOPLES KNEW THE SYSTEM WOULD NOT MAKE IT EASY.

Government officials, station managers, and mission authorities often saw William Cooper's efforts as subversive. In some places, the League was refused entry; in others, people were warned not to sign. The state-controlled Board for the Protection of Aborigines had spent years fostering dependency, discouraging political thought, and ensuring that Aboriginal

people remained subject to its control. A petition demanding parliamentary representation was a direct challenge to that authority.

In the end, the petition simply read:

PETITION.
of the Aboriginal Inhabitants of Australia to His Majesty, King
George V, by the Grace of God, of Great Britain, Ireland, and British
Dominions beyond the seas, King; Defender of the Faith; Emperor of India.
TO THE KING'S MOST EXCELLENT MAJESTY, IN COUNCIL
THE HUMBLE PETITION of the undersigned Aboriginal inhabitants of
the Continent of Australia respectfully sheweth:—
THAT WHEREAS it was not only a moral duty, but a strict injunction,
included in the commission issued to those who came to people Australia,
that the original inhabitants and their heirs and successors should be adequately cared for;
AND WHEREAS the terms of the commission have not been adhered
to in that —
(a) Our lands have been expropriated by Your Majesty's Governments, and
(b) Legal status is denied to us by Your Majesty's Governments;
AND WHEREAS all petitions made on our behalf to Your Majesty's
Governments have failed.
YOUR PETITIONERS humbly pray that Your Majesty will intervene on our behalf, and, through the instrument of Your Majesty's

Governments in the Commonwealth of Australia—will prevent the extinction of the Aboriginal race and give better conditions for all, granting us the power to propose a member of parliament, of our own blood or a white man known to have studied our needs and to be in sympathy with our race, to represent us in the Federal Parliament.

AND YOUR PETITIONERS will ever pray.

After penning the letter in 1933, Cooper had spent the following four years travelling and collecting signatures. King George V died in 1936; succeeded briefly by King Edward VIII before King George VI ascended to the throne. When the petition was finally submitted to the Commonwealth Government in 1937, it was met with silence. In March of the following year, the Australian Government elected not to send the petition to King George VI: a Cabinet paper coldly recommended that 'no action be taken', as though the voices of 1,800 people carried no weight. The government's refusal to act was a deliberate, calculated erasure of Aboriginal agency.



The Australian Aborigines' League was part of a growing web of Aboriginal activism that extended across the continent.

Aunty Margaret Tucker was a force within the League, bringing attention to the specific struggles faced by Aboriginal women. Bill Onus, who would later become a towering figure in Aboriginal cultural and political advocacy, was among those shaping the League's strategies.

By 1938, the Australian Aborigines' League had joined forces with the Aborigines Progressive Association in New South Wales to organise the first nationwide protest of the anniversary of British invasion.



On 26 January 1938, as white Australia celebrated the 150th anniversary of British colonisation with parades and pageantry, a different kind of gathering took place a few streets away. At Australian Hall in Sydney, a group of Aboriginal leaders and activists had assembled for what would become a landmark moment in the struggle for Indigenous rights: the Day of Mourning.

The irony of the setting wasn't lost on those gathered. In fact, the choice of venue was a statement: a place where Aboriginal people were usually allowed entry only to clear tables, never to take the floor. But that day, it was theirs.

Around a hundred people had travelled from across the country, from missions and reserves, from city fringes and country towns, arriving in their best suits and dresses. It was an assertion of dignity in the face of a system that treated them as less than citizens. They had come not to ask, but to demand.

The meeting began late, held up by the Sesquicentenary Parade winding through the streets outside. The contrast was stark. On one side of the city, white Australia cheered its own progress, blind to any suffering it had inflicted. On the other, Aboriginal leaders gathered in defiance of the lie that they were a fading people.

At 1.30 pm, Jack Patten called the meeting to order. A gifted orator and tireless activist, Patten was a leading voice in Aboriginal resistance, known for his sharp intellect and unwavering commitment to justice. As president of the Aborigines Progressive Association, he had spent years campaigning against government policies that kept his people impoverished and powerless. Now, standing before the

crowd in Australian Hall, he spoke with the clarity and conviction that had made him a formidable leader.

‘On this day, the white people rejoice,’ he began. ‘But we, as Aborigines, have no reason to rejoice on Australia’s 150th birthday.’

This was not just a protest against past injustices; it was a fight against the ongoing reality of exclusion, poverty, and state control. Those present had seen their families removed to reserves, their children taken, their wages stolen, and their lives regulated by laws that did not apply to the people who celebrated in the streets outside.

Seated in the hall were some of the most dedicated figures in the Aboriginal rights movement, including members of the Australian Aborigines’ League, the Melbourne-based organisation that had been relentlessly petitioning governments for change. William Cooper, now in his seventies, sat beside Pastor Doug Nicholls and Aunty Margaret Tucker, whose own experience of forced removal had rendered her a fierce advocate for mothers and children.

They had come from different places—missions, reserves, urban communities—but they were united by the same determination: to force the nation to reckon with its treatment of Aboriginal people, and to demand the rights that had been denied for too long.

The Australian Aborigines’ League had spent years petitioning for change. Letters had been written, delegations sent, appeals made to the so-called conscience of the nation. The government had ignored them and waited for their authors to disappear. But they had not disappeared. And they would not be ignored any longer.

Pastor Doug Nicholls, representing the Australian Aborigines’ League, declared: ‘On behalf of Victorian Aborigines I want to say that

we support this resolution in every way. The public does not realise what our people have suffered for 150 years. Aboriginal girls have been sent to Aboriginal reserves and have not been given any opportunity to improve themselves. Their treatment has been disgusting. The white people have done nothing for us whatever. Put on reserves, with no proper education, how can Aborigines take their place as equals with whites? Now is our chance to have things altered.’

Their demands were clear: full citizenship rights. The right to vote. The right to education. The right to equal wages. The right to live free from government-appointed *protectors* who decided where they could work, where they could live, and whether they could keep their own children.

As resolutions were passed, the weight of history hung heavy in the room. This was not the first time Aboriginal people had fought back. From the first moments of invasion, from the frontier massacres, from the advent of the missions and reserves, resistance had never stopped. The Day of Mourning was not a beginning. It was a continuation.

Outside, the parades marched on, oblivious. Inside, the words spoken would echo long after the ticker tape and confetti washed into the Gadigal Peoples’ harbour.

The movement was growing. The fight would not end here, and history would remember.



Later that same year, a small group of Aboriginal men and women walked with quiet purpose towards Collins Street in the centre of Melbourne. Few around them paid attention, and nobody could have guessed the enormity of what they were about to do.

IT WAS AN ACT WITHOUT
PRECEDENT: A PEOPLE PERSECUTED
ON THEIR OWN LAND, WHO LONG
BEFORE HAD BEEN DECLARED A
DYING RACE, STRIPPED OF THEIR
CHILDREN, THEIR WAGES, THEIR
FREEDOMS, STANDING IN DEFENCE
OF ANOTHER OPPRESSED PEOPLE ON
THE OTHER SIDE OF THE WORLD.

It was a warm December day. The city was bustling with Christmas shoppers and businessmen in crisp suits, the hum of trams rattling down Bourke Street.

At the head of the group was the Australian Aborigines' League, carrying a letter addressed to the German Consulate. In it, they condemned the Nazi persecution of the Jewish people, denouncing the horrors of Kristallnacht—the Night of Broken Glass—when Jewish homes, businesses, and synagogues across Germany had been smashed and burned; their people beaten, murdered, or dragged away to fates unknown.

It was an act without precedent: a people persecuted on their own land, who long before had been declared a dying race, stripped of their children, their wages, their freedoms, standing in defence of another oppressed people on the other side of the world.

There has been much speculation about whether William Cooper himself was physically present at the Consulate that day. Some accounts place him there, while others suggest that, due to his advancing years, he entrusted the task to younger League members. But the truth of his presence is secondary to the enormity of his vision. The protest had been born from his leadership; his unwavering belief that justice was not divisible: that to demand dignity for Aboriginal people was to demand dignity for all.

The German Consulate refused to receive the group or their letter. Officials would not permit these Aboriginal men and women to voice their protest against the Nazi regime that was committing crimes so vast that history itself would recoil at them. But it didn't matter.

The power of their action was not in whether the Consulate accepted the letter. It was in the fact that the League had written it at all.

By standing up for Jewish people in Europe, they forced Australia to confront its own hypocrisy. How could a country that prided itself on justice condemn the treatment of Jews in Germany while continuing to legislate the oppression of Aboriginal people at home? How could it call Hitler's policies *abhorrent* while enforcing its own policies of exclusion, control and racial hierarchy?

The event was largely ignored by newspapers and the government alike. And yet, decades later, this act would be remembered as one of the most remarkable statements of moral courage in Australian history. It was an assertion that Aboriginal people were not just victims of injustice, but fighters against it. They may have been denied their rights on their own land, but they would not be silent in the face of oppression elsewhere.

It was not the last time Aboriginal people would stand in solidarity with others; nor would it be the last time they used international struggles to shine a light on their own. Although the Consulate had closed its doors to them, history has never forgotten the day the most marginalised people in Australia marched through the streets of Melbourne—not for themselves alone, but for justice everywhere.

For all their efforts over the years, the Australian Aborigines' League and its leaders were met with sustained indifference from the Australian government. Its advocacy was seen as an irritation rather than a legitimate political movement.

Government policies remained mired in paternalism. Aboriginal people were still under the control of protection boards, denied full citizenship, and subjected to policies designed to

break up families and cultures. When they asked for justice, they were told to be patient. When they asked for representation, they were told they were not ready.

But Cooper, Tucker, Onus and their allies knew better. They knew that waiting meant extinction.

●

IN THE CRUCIBLE OF WORLD WAR II, A GLOBAL STRUGGLE AGAINST TYRANNY, ABORIGINAL AUSTRALIANS FROM VICTORIA ENLISTED TO DEFEND A NATION THAT HAD LONG MARGINALISED THEM.

Their service is a testament to resilience and patriotism, even in the face of systemic discrimination.

One of the most distinguished among them was Reginald (Reg) Walter Saunders, born on 7 August 1920 in Framlingham, Victoria. Coming from a lineage of military service, his forebears having served in the Boer War and World War I, Saunders enlisted in the Australian Army in 1940. He served with distinction in North Africa, Greece and Crete. In 1944, Saunders broke significant barriers by becoming the first Aboriginal Australian to be commissioned as an officer, leading his men through the treacherous terrains of New Guinea. His leadership extended into the Korean War, where he commanded a

company at the Battle of Kapyong. Post-war, Saunders continued to advocate for Aboriginal rights, working within the Department of Aboriginal Affairs.

While Saunders's story is well-documented, many other Victorian Aboriginal servicemen contributed valiantly during the war, though their narratives remain less visible in mainstream accounts. It is believed that up to 150 Aboriginal men enlisted to serve their country. Their motivations for enlistment were multifaceted: a profound sense of duty to protect their homeland, the pursuit of equality within the ranks, and the hope that their service might pave the way for broader civil rights upon their return.

Despite their willingness to serve, Aboriginal servicemen faced significant hurdles. Official policies initially barred or restricted their enlistment. However, as the war intensified, especially after Japan's entry into the conflict, these restrictions were relaxed. Yet even in uniform, it was not uncommon for Aboriginal men to encounter discrimination from fellow servicemen and superiors. Post-war, many Aboriginal veterans, including those from Victoria, struggled to receive the same benefits and recognition as their non-Indigenous counterparts. It wasn't until decades later that efforts were made to acknowledge and honour their sacrifices appropriately.

Their legacy is profound. Victorian Aboriginal servicemen challenged prevailing stereotypes and laid the groundwork for subsequent generations to fight for civil rights and recognition. Their stories continue to inspire and remind us of the diverse contributions to Australia's military history.

In remembering figures like Reg Saunders and his compatriots, we honour not only their wartime service, but also their enduring impact on the journey toward equality and reconciliation in Australia.



BY 1947, AUSTRALIA WAS IN THE MIDST OF REINVENTION.

The war was over, and the country was gripped by a fever of optimism. Returned soldiers were given land. The economy roared back to life. Politicians spoke of a *fair go*, of prosperity, of a nation stepping into its rightful place on the world stage.

But this golden future was not for everyone.

For the vast majority of Aboriginal people, there were no generous reconstruction schemes, no promises of a better life. Of all the Aboriginal service men that fought for their country, only two are recorded as having received servicemen's blocks. For the vast majority of Aboriginal servicemen, however, their lands were still taken, their wages still stolen, their children still removed. They were, in the eyes of the law, still uncounted among the nation's population. A country that had just fought a war for freedom still refused to recognise the sovereignty of its first peoples.

The Australian Aborigines' League continued, its torch carried by figures like Bill Onus and Pastor Doug Nicholls, who established the Victorian Aborigines Advancement League in 1957. The League laid the groundwork for the activism that would later drive the 1967 Referendum, the Land Rights movement, and the struggle for Treaty.

The fire lit in the 1930s is still aflame. It burns in every protest, every demand for justice, every act of resistance against a system that still seeks to silence First Nations voices. It burns in the knowledge that William Cooper's petition, though dismissed at the time, would be recognised decades later as a pivotal moment in Australia's long journey toward justice. It has led us to this moment, but along the way new generations would make their mark and instil their own legacies by adding to *our* collective heritage.

Members of the League travelled wherever they could. They stood before unmoved audiences, wrote countless letters to newspapers that *might* publish them, and carried petitions to governments that barely acknowledged their existence. They spoke to a country that did not listen, demanding rights from a government that had no intention of granting them.

In 1947, Thomas Shadrach James, William Cooper's nephew, walked into the Horsham Town Hall and spoke to the Country Women's Association (CWA). He was now Secretary of the Australian Aborigines' League, tirelessly working alongside his uncle and other members of the League.

His speech summarised the ongoing plight of his people. There were no microphones, no television cameras, no eager reporters waiting to publish his words. Just a room full of white women in pressed blouses and with quiet curiosity, watching as an Aboriginal man laid bare a truth they had never had to confront.

'The gradual extinction of the natives is almost sure,' he said. It was not a plea. It was a statement of fact.

He spoke of men and women left to die on missions where disinterest and disease had supplanted the bullets of the frontier. He spoke

of the hypocrisy of a nation that preached fairness while overseeing the slow destruction of its first peoples. He spoke of stolen wages and stolen land; of children torn from their families.

He did not ask for pity. He demanded action.

But how many in that room truly heard him? How many would return to their lives that afternoon, unchanged, as though his words were nothing more than an interruption to the gentle rhythms of post-war Australia?

Thomas Shadrach James, like William Cooper before him, knew that silence was the greatest enemy. And so the League refused to be silent.

It was backbreaking work. Writing hundreds of letters, signing thousands of names, walking miles to government offices only to be met with apathy—perhaps the worst kind of prejudice. Thousands of signatures delivered to a parliament that filed them away, unread.

And yet they did it again. And again. And again.

Pastor Doug Nicholls, ever the strategist, took the fight into spaces where it could not be ignored. He walked onto football fields, where white men respected his speed but not his humanity, and used his fame to turn small conversations into bigger ones. He moved through churches, trade unions, and backroom meetings where he knew he would never be truly welcome.

Aunty Margaret Tucker, who had lived through the brutal reality of the stolen wages system, carried that injustice with her into every speech, every letter, and every act of defiance. She never let the government forget that much of its prosperity had been built on the backs of Aboriginal labour, while the very people who cleared the land, picked the crops, and scrubbed the floors were left in poverty. Wages, when they were paid at all, were often withheld by the Board for the Protection of Aborigines,

funnelled into trust accounts that Aboriginal workers could rarely access.

This system of economic control wasn't a footnote to the policies of protection—it was central to them. Aboriginal people were expected to work—on pastoral stations, in domestic service, in factories—but they were denied the freedom to control their own earnings. Generations of Aboriginal families lived with this double burden: exploited for their labour, yet kept impoverished by design.

For Tucker, who was under the New South Wales Protection Board, this wasn't just history—it was lived experience. She had felt the sting of working for the benefit of others, all the while being told it was for her own good. And she made sure that the stolen wages remained part of the fight, a clear reminder that the state's theft extended beyond land and children—it reached into the very livelihoods of Aboriginal people, denying them the means to build a secure future for themselves and their families.

Bill Onus, sharp and unrelenting, stood in front of white audiences and made them see what they had spent their lives ignoring. He spoke of land that had never been ceded; of sovereignty that still existed despite the legal fiction of *terra nullius*.

And back in Melbourne, Christina Smith and Aunty Geraldine Briggs continued to organise, to care and to stand as examples for their own mob.

Together, they wrote. To the *Argus*, to the *Age*, the *Riverina Herald*—all of the major dailies. To any newspaper that would print them, and to those that wouldn't. They wrote not because they expected fairness, but because they knew that silence was another form of death.

This was what activism looked like in a country that had no place for it.

There were no grants, no funding, no offices. Everything was done in borrowed rooms, on borrowed time, by people who worked other jobs to survive. No microphones—only voices that strained to be heard over the disinterest of a nation that refused to listen. But they kept speaking. Because even if only ten people listened, that was enough. And even if only one carried that message beyond the walls of a meeting hall, then it had been worth the effort.

Because silence was defeat. And silence would not save them.

The AAL's defiance in the face of systemic repression exemplifies the resilience of Aboriginal political activism. They fought with words, signatures and peaceful protest—and though their victories were rare and hard-won, their resistance reshaped the landscape of Aboriginal rights in Australia.

AUTHENTICITY, EMPATHY AND THEIR LIVED EXPERIENCE WAS AT THE CENTRE OF EVERY WORD WRITTEN, EVERY SPEECH GIVEN AND EVERY FOOTSTEP TAKEN.



The Australian Aborigines' League had been the first formal organisation of its kind—an assertion of political will at a time when the colony still debated whether Aboriginal people would survive at all.

Pastor Doug Nicholls, who could hold a crowd in the palm of his hand, emerged as one of the League's strongest leaders and the person to take its work forward. He was a pastor, a footballer and an orator who knew how to make Black voices impossible to ignore. On the football field, he was electric. A small man by VFL standards—just 5'2"—but lightning over the ground, weaving past men who underestimated him. Crowds came to watch him play for Fitzroy, marvelling at his speed, his skill, his ability to turn a game in seconds. But on the field, he was still just a spectacle to them—a Blackfella in a white man's game; allowed to dazzle, but never to belong.

Off the field, he saw the truth of it. Racism followed him from the locker rooms and into the streets; into the homes that no landlord would rent to an Aboriginal man, no matter how many games he had won.

So he found another stage.

He took to the pulpit not just to preach scripture, but to speak of justice. He had the kind of voice that could shake a room; that could make the comfortable shift uneasily in their seats. He spoke with the rhythm of an old-time revivalist—but instead of salvation, he called for land rights, wages and an end to the so-called 'protection acts' that strangled Aboriginal lives.

By the 1960s, a new generation of Aboriginal leaders emerged, determined not to wait for justice. They had watched their parents and grandparents fight within the system, petition governments and appeal to courts. The 1967 Referendum—which saw more than ninety per cent of Australians vote to amend the Constitution and count Aboriginal people in the census and give the federal government the power to legislate for Aboriginal affairs—had been heralded as a turning point. But it

was a turning point that, for many, turned back on itself.

At Yoorrook, witnesses spoke of the Referendum as a moment of both hope and disappointment. It promised inclusion but delivered little substantive change. Aboriginal people still faced poverty, exclusion and systemic racism in their daily lives. Aunty Jill Gallagher (Gunditjmara) reflected that despite the overwhelming vote, she was nearly twelve years old before she was recognised as a person in her own country. Her mother was in her forties. Yet the Referendum did not grant land rights, self-determination or meaningful power. It did not stop the government from withholding wages or controlling Aboriginal lives through various protection acts. It did not shield communities from the ongoing erosion of their lands by mining, agriculture and government policy.

The era that followed the Referendum saw a rise in activism fuelled by disillusionment. The Black Power movement, arriving from the United States in the late 1960s, ignited a new kind of political fire among Aboriginal youth.

Yoorrook heard how young leaders, including those from the Victorian Aborigines Advancement League and the Federal Council for the Advancement of Aboriginal and Torres Strait Islanders, began to demand greater control over their organisations. No longer content with playing supporting roles in their own liberation, they claimed leadership, asserting the right to define their own goals and strategies.

Gary Foley played a pivotal role in shaping the Aboriginal rights movement in Victoria during the height of the Black Power movement. His activism stretched from Redfern to Melbourne, where he became a defining figure at the Victorian Aboriginal Health Service (VAHS) throughout the 1970s and '80s.

But Foley was not alone. The founding of VAHS was a community and collective effort led by Elders, including the late Aunty Edna Brown (Gunditjmara) and her daughter Aunty Alma Thorpe, who brought deep knowledge of the community's needs because they themselves were of the community. Together, they built a service grounded in the principle of Aboriginal control over Aboriginal affairs.

In Melbourne, Foley worked alongside Bruce McGuinness at VAHS, a service born from the community's refusal to accept substandard health care and government neglect. Foley, serving as Publicity Officer, became a vocal advocate who used his platform to challenge the state and rally support for Aboriginal-led initiatives. Together, Foley and McGuinness were a political force, defining the public and political face of VAHS. The service was more than a medical facility; it was a training ground for young Aboriginal leaders—many of whom grew up in its halls, absorbing the lessons of political advocacy and community care.

Foley's leadership was not limited to health care. His participation in the establishment of the Redfern Aboriginal Legal Service and his role in founding other community-controlled organisations across Victoria marked a shift in Aboriginal activism, from protest to institution-building. These organisations became lasting embodiments of Black Power philosophies, advocating for Aboriginal control of education, health care and legal services. Foley's influence, and that of his peers at VAHS, underscored a broader movement for sovereignty and self-determination that continues to resonate today.

IT WAS THE WOMEN WHO HELD THE COMMUNITY TOGETHER WHEN THE MEN WERE TAKEN—BY POLICE, BY THE SHEARING SHEDS, BY THE BOTTLE, BY THE PRISONS THAT SWALLOWED THEM WHOLE. IT WAS THE WOMEN WHO RAISED THE CHILDREN LEFT BEHIND, WHO ORGANISED, WHO TOILED; WHO MADE SURE THAT WHEN THE STATE CAME KNOCKING, IT WASN'T THE ONLY SIDE PREPARED TO FIGHT.

This was a period of ferment and frustration. Assimilation policies still informed government approaches, which sought to erode Aboriginal identities and cultures. Aboriginal people remained locked out of decisions about their lands. Wages were still stolen, and children were still taken. Mining operations sliced into Country without consent or compensation while governments profited from the exploitation of land that had never been ceded.

Had Australia faced its history more honestly—through a national truth-telling process like Yoorrook—perhaps the Referendum's outcome might have seeded real change. If the stories of frontier massacres, land theft, and stolen wages had been laid bare to the nation, Australians might have voted with a fuller understanding of what justice requires. But that reckoning never came. The nation embraced symbolic change, but recoiled from its substance.

WE WILL NEVER KNOW WHAT MIGHT HAVE BEEN. YET IN THESE TESTIMONIES—OF STOLEN LAND, BROKEN PROMISES AND ENDURING RESISTANCE—THE NEED FOR TRUTH-TELLING IS UNMISTAKABLE.



Before the city swallowed it, before gentrification smoothed its rough edges, before the cafés and boutiques, Gertrude Street in Fitzroy belonged to Blackfellas. It was the artery that pulsed with the lifeblood of a people who had been pushed from everywhere else. It was where feet landed when there was nowhere left to go, where voices rose in laughter and defiance, where families found one another again after generations of forced dispersal.

The streets smelled of damp stone and cigarette smoke, of old beer and the sweat of men looking for work. The boarding houses sagged under the weight of too many bodies crammed into too little space, but they were better than the reserves; better than the tin-walled humpies the government had called housing. Here, at least, no welfare officer could knock on your door and decide that your children would be better off somewhere else.

They came because the colony had made them landless. Because the stations and missions had stripped them of wages and freedom, because the old places where their people had lived for thousands of years had been fenced off, sold, poisoned with cattle hooves and wheat.

Fitzroy was never home in the way that Country had been, but it was a place to start over—a place where you might hear your language spoken; where you might catch sight of an uncle you hadn't seen since he was taken by the government; where you might, just for a moment, feel whole again.

By the 1940s, Fitzroy had become an Aboriginal enclave, but it was no sanctuary. The police patrolled the streets like predators, their vans trawling for Black bodies. Public drunkenness, loitering, offensive language—these were the crimes that kept people cycling in and out of the Russell Street cells; sometimes walking out

bruised and broken, sometimes not walking out at all. The state called it justice.

But justice had never been written for us. So we wrote our own.



The revolution was shaped by the hands of women.

It was the women who held the community together when the men were taken—by police, by the shearing sheds, by the bottle, by the prisons that swallowed them whole. It was the women who raised the children left behind, who organised, who toiled; who made sure that when the state came knocking, it wasn't the only side prepared to fight.

Women like Aunty Geraldine Briggs, Aunty Hyllus Maris, Aunty Alma Thorpe, and Aunty Margaret Tucker had lived through every phase of colonial brutality. They were the stolen children who grew into the warriors who would not let it happen again. If the government would not protect their people, then these women would build the institutions that did.

At VAHS, there were no white gatekeepers deciding who was worthy of care. It was a place that Elders could enter without fear; where children could be treated by people who understood them; where community health meant more than just medicine—it meant healing, in every sense of the word.

VAHS was created in this spirit of pragmatic defiance—not as charity, but as resistance. The doctors who worked there didn't do it for a wage: initially, there was no wage. They did it because Aboriginal people were dying in hospital corridors, because medical racism was just another extension of frontier violence,

and because self-determination meant saving our own.

The Victorian Aboriginal Legal Service (VALS), created a year earlier, was a fledgling service formed in direct response to police brutality, and to the endless cycle of over-policing and imprisonment. If the courts were designed to swallow up Black lives, then VALS would stand at the gates, demanding justice.



THE FIGHT WAS NEVER LIMITED TO THE STREETS. IT WAS IN THE HOMES, IN THE SILENCES, IN THE WOUNDS CARRIED ACROSS GENERATIONS.

Family violence was never part of our way. Lore was built on kinship and respect—on the understanding that to harm one person was to harm the whole community. It held people accountable not through fear, but through connection. But colonisation did not only take land. It dismantled culture. It disrupted structure. It tore apart the systems that once kept us safe.

All these things were broken into a million sharp and ragged pieces. Hard enough to see in the glare of full light; impossible to see in the dark.

The state engendered violence in the missions, in the boys' homes, in the institutions where Aboriginal children were beaten for speaking their language, where they grew into men who had never been given the space to grieve or heal.

The police were never there when women needed protection. They only arrived when there were handcuffs to be filled.

The system was never going to save us. So we built our own.



This is what self-determination really meant: creating the things that the government refused to give us, rather than waiting for them to deem us worthy.

VALS stood between our people and a justice system designed to break them. It defended those who the court treated as guilty before they'd spoken a word. It fought to stop another Stolen Generation in the making.

VAHS made sure Aboriginal people didn't have to walk into a hospital and wonder whether they would walk out again. It wasn't just a health service—it was a place where culture and medicine walked hand in hand, and where people could be treated by their own.

These services were more than buildings. They were shields. They were survival. They were proof that Aboriginal people would not just endure, but fight, build and reclaim.



Despite policies intended to smother Aboriginal voices, First Peoples found ways to speak louder. Sometimes it began with a single classroom; a lone voice refusing to be ignored or misunderstood. At other times, it began in the kitchen of a Fitzroy terrace, over billy tea and whispered dreams of control—of services, of systems, of story.

For a long time, education had been an apparatus of erasure. Children were taught not

to remember, but to forget. Culture was framed as a deficit. In schools across Victoria, Aboriginal children were made to feel absent no matter their presence. It was a curriculum built on denial, and its impact was devastating.

But the counterforce was forming. First in the streets of Fitzroy, in makeshift classrooms. Elders began to gather; not just to protest, but to create. They recognised that to truly change the future, they needed to teach it on their own terms.

Aunty Alma Thorpe was among the first to light the fire of this new thinking. Her work establishing the Koori Kollij drew from the barefoot doctors of China, planting the seed of culturally grounded health education that would later branch into the structure of VAHS and beyond. From the 1970s onwards, Aboriginal education became more than survival: it became strategy.

In 1976, the Victorian Aboriginal Education Association Incorporated (VAEAI) was formed to ensure that Koorie voices were not just heard, but also held authority within the education system. Born from a time of intense community organising, and led by Elders and activists who had long fought to be more than subjects of policy, VAEAI created space for Aboriginal parents, educators and communities to co-design schooling. It was not merely an advocacy body—it was an assertion of cultural and educational sovereignty. VAEAI worked to embed culture into curriculum, support Koorie education workers and transform the experience of schooling into something that could affirm rather than erase identity.

By the time the National Aboriginal and Islander Health Organisation took root, and later with the formation of the Victorian Aboriginal Community Controlled Health Organisation (VACCHO), health education had expanded into

something larger: a movement of knowledge reclamation. These were not just health services. They were living archives, where Elders passed on language, kinship systems, and the blueprints of community-controlled governance. Places where younger generations could look up from their desks and see a reflection that made sense.

The Institute of Koorie Education (later the NIKERI Institute) would carry that legacy into the academy, guided by Elders including Aunty Alma Thorpe. It was a gentle but unrelenting challenge to the colonial knowledge systems that had long dominated institutions like the University of Melbourne. These institutions were beginning—slowly, sometimes reluctantly—to reckon with the thefts upon which they were built. First Peoples began to appear in their archives and speak in their lecture halls.

These efforts culminated not in a single organisation, but in a network. The VACCHO, VAHS, the Australian Aborigines’ League, Aboriginal Community Elders Services Inc (ACES), Yappera Children’s Service Cooperative, Melbourne Aboriginal Youth Sport & Recreation (MAYSAR)—each a node of resistance, of resilience. Each one emerged from community, not government. Each one told the state: *You cannot serve us unless we are the ones serving.*

From classrooms to committees, from lecture halls to community halls, the story of Aboriginal education in Victoria is not one of access granted, but one of sovereignty asserted. It is not a story of inclusion, but of resurgence. These were not reforms gifted by the state, but pathways carved through it.

The state had once tried to teach First Peoples out of existence. First Peoples responded by teaching the state how to listen.



Fitzroy was more than just a gathering-place: it was the frontline. It was where First Peoples came after being pushed off Country, and where they found one another again. It was where Black Power met self-determination; where protest became policy. The movement that would change the future was born in rented houses and in the back-rooms of pubs, in legal offices run on overdrafts and in medical clinics run on hope.

The work begun in Fitzroy did not end there.

The generation that built VAHS and VALS paved the way for Treaty negotiations, land rights victories, and the survival of our people on our own terms. And though Fitzroy has changed, its history is still written in the bluestone, in the laneways, in the blood and breath of those who walked before.



By the late 1990s, a moral reckoning stirred the nation. The *Bringing Them Home* report, tabled in 1997, gave voice to what Aboriginal families had long known—that children were taken, families broken, and the state had sanctioned these removals in the name of assimilation. The testimonies spoke of wounds carried across generations, etched into bodies, silences, and lost names.

That same year, Premier Jeff Kennett stood in the Victorian Parliament and offered a formal apology. ‘This House apologises to the Aboriginal people on behalf of all Victorians for the past policies under which Aboriginal children were removed from their families,’ he said, ‘and expresses deep regret at the hurt and distress this has caused and reaffirms its support for reconciliation between all Australians.’

It was a symbolic act, yet potent—a moment where the machinery of government paused;

where those in power turned towards the dispossessed and expressed contrition.

This was the season of *sorry*. A dawning belief, perhaps, that truth-telling could effect repair.

During the same period, native title was emerging nationally as the legal answer to the protracted fight for land rights.

BUT IN VICTORIA, NATIVE TITLE WAS FRAUGHT FROM THE OUTSET. THE COLONY HAD SEEN TO THAT A LONG TIME AGO.



Native title was meant to be a solution. After the High Court’s 1992 *Mabo v Queensland (No 2)* decision, which found that Native Title ‘survives the Crown’s acquisition of sovereignty’, the government promised a path forwards—a mechanism through which Aboriginal people could reclaim what had been stolen.

The courts would recognise what had always been true: that the land had never been ceded. But in Victoria, native title was doomed from the outset. The colony had seen to that a long time ago.

By the time the *Native Title Act 1993* (Cth) was introduced, much of the land had already been carved up, fenced off, bought and sold.

Native title might exist in theory, but in Victoria, and in practice, there was very little land left to recognise it on.

More than that, the legal standard was almost impossibly high. The Court required that Native title was only available where Aboriginal people could prove an ‘unbroken connection’ to land—that law and custom had remained ‘substantially uninterrupted’ since the time of British invasion. But how could Aboriginal people meet that test when the state itself had spent nearly two centuries severing the very connections it now demanded?

These contradictions were laid bare in the case of the Yorta Yorta people.

In 1996, the Yorta Yorta brought their claim to the Federal Court, seeking recognition of what they had always known—that the land and waters were theirs, that it had never been ceded, and that their connection to it had never truly been broken. Their Country lies across the riverine plains of what is now known as the Goulburn Broken Catchment, spanning a vast area across north-eastern Victoria and into southern New South Wales. This landscape includes the confluence of the Goulburn and Murray rivers and reaches across lands from west of Cohuna to the east near Albury-Wodonga, extending northward past Finley and southward towards Nagambie. These are lands deeply connected to story, to water, to belonging—though today, some of these areas are also subject to overlapping claims and understandings of Country by different Traditional Owner groups; a sad legacy of colonial lines being imposed on sacred Country and sacred lore.

This was the ground that fed them, the waters that sustained them. A map of the places where their stories were made and remade.

But the court was not built to recognise Aboriginal sovereignty. It was built to destroy it.

Like many other Aboriginal nations in Victoria, the Yorta Yorta had been displaced from their

Country, confined to missions and reserves, regulated by protection acts. Their culture had been smothered, their movements restricted, their children taken. And still, they survived—holding ceremony in secret, keeping language hushed in corners, maintaining knowledge in forms the state refused to see.

The legal system did not consider this survival. It saw only interruption.

In 1998, Justice Howard Olney ruled that the ‘tide of history’ had ‘washed away’ the Yorta Yorta’s right to native title. Though he acknowledged their deep ancestral connection to Country, he relied heavily on the evidence of nineteenth-century squatter Edward Curr to conclude that the Yorta Yorta’s laws and customs had not remained continuous in a form recognisable to the court. In 2002, the High Court upheld the decision, applying these same laws.

The impact was devastating. Not just for the Yorta Yorta, but for Aboriginal claimants across Victoria where colonisation’s impact had been long, deep and disruptive. The case confirmed what many already knew: native title was not about returning land in all situations. It demanded restrictive tests of continuity where colonisation made for rupture.

The court privileged colonial records—settler diaries, police logs, government reports—while dismissing oral histories and cultural knowledge passed down through generations. It demanded perfection from people who had survived the very system that sought to destroy them.

The heartbreak of the Yorta Yorta decision lingers still. It was a legal loss, yes—but more than that, it was a denial of identity, of memory, of survival. ‘Not one iota,’ William Cooper had written in 1939: not one iota of land had been returned to his people. Sixty years later, the court had proven him right.

And yet the fight did not end there.

The Yorta Yorta instead turned towards negotiation, cultural renewal and land agreements. They gained recognition as ‘original owners’ in 2004 from the Victorian Government and became stakeholders in managing the land and waters of the region. They refused to let the settler state define who they were. The court had said the tide of history had washed them away. But the river still knew their names.

Ultimately, the Wotjobaluk, Jaadwa, Dadawadjali, Wergaia and Jupagulk peoples were the first to secure native title recognition in 2005. The Gunditjmara then followed in 2007, Gunaikurnai in 2010 and the Gunditjmara and Eastern Maar with a shared determination in 2011.

These landmark outcomes were rightfully celebrated: they had built important foundations for those communities, and opened the door for others to follow.

But the human and financial costs were high, with the process painfully slow and complex, and outcomes firmly on the settlers’ terms.



When the Gunaikurnai people won their native title determination in 2010, it was celebrated as a landmark—but even that victory came with limits. Their claim covered 22,000 square kilometres of Crown land in Gippsland, yet it excluded all land already held in freehold: the towns, farms and businesses that made up most of their Country.

Even where native title was recognised, it came with restrictions. Gunaikurnai people could hunt, fish, and perform ceremony—but they could not own the land in the way settlers could. They were required to co-manage their own Country under agreements with the state.

This was the best-case scenario.

For most Aboriginal nations in Victoria, even this limited recognition remained out of reach. Forced removals, missions, protection acts, stolen wages, child removal—none of these were accepted as legal justifications for the loss of connection. Instead, they were used as proof that connection had already been lost. If laws and customs had been ‘interrupted’, then native title could not exist. The people, the court said, were no longer there—even as they stood in the courtroom.

This is what native title became in Victoria: a legal sleight of hand. It acknowledged dispossession but offered very little in return. It promised land but delivered only protracted litigation.

IT DEMANDED PROOF OF CULTURAL SURVIVAL WHILE IGNORING THE SYSTEM DESIGNED TO DESTROY IT. AND SO THE FIGHT EVOLVED.



When it became clear that native title could not meet the needs of Victoria’s First Peoples, communities began to think outside the box. In 2010, the state introduced the *Traditional Owner Settlement Act 2010* (Vic)—‘TOSA’—allowing Aboriginal groups to negotiate directly with the government instead of relying on the courts; a process that had too often required First Peoples to litigate their own existence.

But this shift didn’t occur by accident. It was carried forward by the tireless work of the

Victorian Traditional Owner Land Justice Group—an unincorporated alliance of leaders and Elders, each representing their own nations, but united in a shared determination. Figures like Uncle Graham Atkinson (Yorta Yorta, Dja Dja Wurrung) and Uncle Gary Murray (Dhudhuroa, Yorta Yorta, Barapa Barapa, Dja Dja Wurrung, Wamba Wemba, Wergaia, Wiradjeri, Waywurru) helped lead this charge, building from the ashes of the Yorta Yorta decision—a decision that Atkinson described as a ‘deep wound’, felt personally, by his family, and across the Yorta Yorta nation.

The Land Justice Group was born out of that hurt, but also out of hope. Convened in 2005, the group became the voice through which Traditional Owners pressed the state government for something better—a process that could settle claims outside of the courtroom, in a way that honoured connection rather than erasing it. Their advocacy forced the state to the table. This began a long negotiation that culminated in TOSA delivered with the Brumby Government.

It wasn’t easy. The Land Justice Group’s vision was expansive: not just to secure land, but to reshape the process itself. They called for the transfer of culturally significant Crown land, recognition of hunting and fishing rights, frameworks for economic development, and the restoration of cultural heritage management to Traditional Owners. ‘We were determined,’ Atkinson told Yoorrook, ‘to continue the struggle of our ancestors in the hope our children wouldn’t need to fight for land justice.’

Their strategy was built on partnership and persistence. Negotiation, not litigation. Collaboration, not conflict. And the result—the Traditional Owner Settlement Act—stands as a testament to that work: a framework that recognises what native title could not. It recognises that the connection to Country

is not a relic of the past but a living, evolving relationship; not something to be measured against colonial expectations but honoured on its own terms.

It was still a compromise, but one shaped through negotiation rather than adversarial denial.

The first outcome under the TOSA was secured in October 2010, when the Gunaikurnai people negotiated a combined native title consent determination and a Recognition and Settlement Agreement (RSA) under the TOSA. The Dja Dja Wurrung followed, securing their own landmark RSAs in 2013 that included land transfers, financial compensation, and co-management of national parks. The Taungurung secured their RSA in 2018.

In 2022, the Barenji Gadjin Land Council signed an RSA with the State Government on behalf of the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk People of the Wotjobaluk Nations. And the Eastern Maar People secured further native title recognition in 2023, with work to secure an RSA ongoing.

More than thirty years on from the *Native Title Act 1993* (Cth), and fifteen years on from TOSA, many Victorian groups are still waiting—and fighting—for their claims to be prioritised, resourced, resolved. For recognition of what they have always known.

This is the lesson Victoria ought to have learned. Native Title was meant to be a recognition of sovereignty. Instead, it became another instrument of delay, denial and dispossession.

Still, Aboriginal people continue to push forwards. Not through the courts alone. Not through the same legal tricks that have been used against them for generations. But through persistence. Through negotiation. Through demands that cannot be ignored.

THE LAND WAS NEVER
CEDED. NATIVE TITLE COULD
NOT RETURN IT. BUT THE
STRUGGLE IS NOT OVER. IT
HAS ONLY CHANGED.

THE EDGE OF SOMETHING NEW AND ANCIENT

For centuries, the politics of the colony worked against First Peoples. The structures built around Aboriginal lives were never meant to serve Aboriginal people. They were designed to control, to exclude and to confine. The weight of words—and the promises they carried—had meant little. Treaties had been ignored. Agreements broken.

Today, the language has changed. There are forums, partnership agreements, frameworks, strategies, policies, action plans. There are taskforces and steering committees. Government speaks of co-design, of listening, of walking together. The apparatus of consultation is now so embedded that many young First Peoples have known nothing else. They've grown up inside a system that promises change, but rarely delivers it. Access to power is no longer the barrier: there's plenty of access via the ears of senior advisers and ministers' clerks. But still, outcomes flatline—or worse, go backwards.

And yet something else is happening, too.

If governments have failed to shift the material conditions of Aboriginal lives, First Peoples have shifted the culture. They have staked a claim on the air itself—through community radio, Aboriginal-led podcasts, and television. Voices once relegated to the margins now speak daily across the country: hosting, broadcasting, analysing, storytelling, correcting the record in real time. The media space, once wholly inhabited by settlers, is now a place of resistance and revival.

In literature, too, the mirror is being held aloft. A growing chorus of Aboriginal authors are telling their stories on their own terms; from the classroom to the courtroom, from the mission dormitory to the kitchen table. These writers are not just preserving memory—they are remaking the national narrative, one sentence at a time.

Authors like Alexis Wright, Tony Birch and Tara June Winch have pushed beyond the periphery, their words stitching the threads of ancient storytelling traditions into the fabric of contemporary life. Wright's *Carpentaria*, sprawling and mythic, reimagines place and belonging. Winch's *The Yield* gives voice to language itself, resisting the erasures of colonisation by reclaiming Wiradjuri words.

This chorus does not rise from literature alone. Across the arts, sport, and public life, First Peoples have carried culture forward, speaking truth to power, offering beauty, resistance and resilience. They have carved out spaces where none existed, created new languages in music, dance, film and poetry—languages that reach across the divides of this nation.

In music, Archie Roach's voice has been both lament and anthem, a reminder that the story of stolen children is not history—it is lived memory. His songs, like 'Took the Children Away', carry the weight of truth and the balm of connection. Artists like Briggs, Baker Boy, BARKAA and Mo'Ju Juju speak to younger generations, blending language and beats, pulling the oldest traditions into modern soundscapes.

In sport, Cathy Freeman's golden lap at the Sydney Olympics stands not only as a personal triumph but as a moment when the nation was asked to confront its own reflection. The image of Freeman, draped in both the Australian and Aboriginal flags, endures as a symbol of dual identity, of what this place might become.

Painters like Emily Kame Kngwarreye and Albert Namatjira carried Country onto canvas, translating landscape into texture and colour, teaching non-Indigenous Australia to see the land differently—to see it as already marked by millennia of knowledge and presence.

In film and theatre, the likes of Rachel Perkins, Warwick Thornton, Leah Purcell and the late

Uncle Jack Charles have turned the lens back, reframing histories too often told from outside.

These storytellers, singers, dancers, sportspeople and cultural leaders have brought First Peoples’ worlds into the wider public consciousness. They have been translators, but never on colonial terms. Their work does not ask for permission. It claims space.

They have remade the narrative not with the blunt tools of politics, but with the sharper instruments of art and truth.

For too long, Aboriginal people have been overrepresented in the statistics that shame the nation—incarceration, suicide, child removal, chronic illness. But they are also overrepresented in excellence. In academia, in science, in journalism, in the arts, in music, in sport. They dominate fields that were never designed for them to enter. They carry brilliance forged through struggle—and it shines.

There is power in this visibility, but also a caution: excellence should not be mistaken for justice. Success does not erase suffering. It does not restore dispossession. It does, however, defy the colonial narrative that was meant to render First Peoples invisible, voiceless and gone.

The limits placed on us by the state have had the opposite effect. They have made us limitless.

So while governments speak the language of reform, Aboriginal people continue to create the reality of change—through culture, through knowledge, through refusal. Not waiting for permission. Not waiting for the frameworks to deliver. But carving out new futures with tools that have always been theirs: story, song, survival and fire.

Victoria’s truth must be uncovered if people are to understand why so many of the descendants of those honoured in these pages are taking the next step: truth and Treaty.



It was never a gift. The promise of Treaty in Victoria did not fall from the sky or arrive neatly wrapped in the rhetoric of reconciliation. It was prised open, carved out by generations of resistance—by the ones who marched when it was dangerous, who stood firm when it would’ve been easier to step back, who held the stories and kept the fire burning.

By the time the Andrews Labor Government formally committed to Treaty, the ground had already been shifting beneath the colonial foundations for some time. First Peoples had long been building the architecture of a new future, plank by plank, out of truth and determination.

This was not a beginning, but a turning. At the heart of this shift was Auntie Jill Gallagher, appointed as Victoria’s first Treaty Advancement Commissioner. A Gunditjmara woman, survivor of the policies that once tried to erase her, she stepped into the role with clarity and purpose. Her task was not simple: to lay the groundwork for a Treaty process that would be led by Aboriginal people themselves. She travelled the state, meeting with communities, listening to hopes and hesitations, translating the enormity of Treaty into something tangible. Her leadership bridged generations—honouring the old people who had fought for land, rights and dignity, while making space for the young ones ready to take up the work.

Out of that labour, the First Peoples’ Assembly of Victoria was born in 2019—elected by and for Aboriginal people. It was a statement of sovereignty in action. Not granted. Not symbolic. But real. Political. Ongoing.

But Treaty, the Assembly knew, could not come without truth.



- Victoria
- Land taken by the Crown from 1920 onwards
- Australian Institute of Aboriginal and Torres Strait Islander Studies Language names

LAND MAPPED AND TAKEN BY THE CROWN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

UNCLE PAUL BRIGGS

PART II: THE SILENCE AND THE TELLING

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

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

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

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

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

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

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

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

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

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

INSIDE AUSTRALIA'S FIRST TRUTH-TELLING COMMISSION

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

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

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

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

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

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

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



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

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

In 2021, Yoorrook was formally established.



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

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

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

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

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

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

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

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

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

A SOLID FOUNDATION

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

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

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

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

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

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



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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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



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

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

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

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

This was truth-telling as ceremony. As care.

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

THE ARCHITECTURE OF TRUTH-TELLING

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

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

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

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

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

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



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

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

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

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

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



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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

SIGNIFICANT MOMENTS

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

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

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

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

THE CEREMONIAL COMMENCEMENT

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

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

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

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

ELDERS' VOICES

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

Among them were:

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

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

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

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

DIRECTIONS HEARINGS

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

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

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

RECKONING

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

What followed was unprecedented.

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

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

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

Because truth, once spoken, demands something more.

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

APOLOGIES

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

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

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

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

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

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

THE HON JACLYN SYMES MLC, ATTORNEY-GENERAL

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

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

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

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

CHIEF COMMISSIONER SHANE PATTON APM

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

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

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

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

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

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

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

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

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

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

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

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

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

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

KATE HOUGHTON, SECRETARY, DEPARTMENT OF JUSTICE AND COMMUNITY SAFETY

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

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

Source: Transcript of Kate Houghton, 2 May 2023.

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

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

Source: Transcript of Ryan Phillips, 3 May 2023.

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

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

Source: Transcript of Adam Reilly, 15 May 2023.

CRAIG SANDY, SURVEYOR-GENERAL OF VICTORIA

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

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

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

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

Source: Transcript of Craig Sandy, 15 April 2024.

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

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

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

JENNY ATTA, SECRETARY, DEPARTMENT OF EDUCATION

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

Source: Transcript of Jenny Atta, 6 June 2024.

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

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

Source: Transcript of Peta McCammon, 7 June 2024.

THE HON MARY-ANNE THOMAS MP, MINISTER FOR HEALTH

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

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

THE HON HARRIET SHING MP, MINISTER FOR WATER

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

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

THE HON HARRIET SHING MP, MINISTER FOR HOUSING

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

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

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

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

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

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

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

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

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

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

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

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

THE HON INGRID STITT MP, MINISTER FOR MENTAL HEALTH

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

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

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

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

VICTORIA POLICE ISSUES A STATEMENT OF COMMITMENT TO FIRST PEOPLES

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

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

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

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

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

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

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

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

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

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

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

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

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

Generations who had given evidence before Yoorrook in December 2022.

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

THE VOICE REFERENDUM

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

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

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

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

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

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

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

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

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

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

TERRA NULLIUS

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

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

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

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

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

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

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

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



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

Together, these figures set the historical record straight.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AQUA NULLIUS

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

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

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

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

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

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

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

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

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

CHURCHES

On 1 May 2024, something shifted.

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

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

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

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

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

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

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

CORANDERRK

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

BROKEN PROMISES

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

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

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



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

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

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

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

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

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

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

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

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

Chair Professor Eleanor Bourke described the reversal as deeply damaging.

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

KING CHARLES III

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

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

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

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

History, it seemed, was being repeated. The King did not take up the offer to meet with the Commission.

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

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

COLONIAL DESCENDANTS

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

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

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

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

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

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

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

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

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

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

That duty is now etched into the record.

OUTCOMES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TRUTH TOLD AND TRUTH HEARD

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

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

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

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

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

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

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



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



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



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



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



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



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

Commissioner Atkinson and Commissioner Walter at Framlingham, March 2022



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

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





Commissioner Hunter with Braydon Saunders at Lake Condah, April 2022



Yoorrook on a tour through Lake Condah, April 2022



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

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



Yoorrook at the Henty monument in Portland, April 2022





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



Yoorrook's visit to Shepparton, April 2022



Yoorrook hears from Uncle Colin Walker at Cummeragunja, April 2022



Commissioners on a visit
to Albury, April 2022



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



Yoorrook's visit to Cummeragunja, April 2022



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



Yoorrook's visit to Lake Tyers, April 2022



Yoorrook on a site visit at Lake Tyers, April 2022



Yoorrook's visit to Bairnsdale, April 2022



Roundtable at Bairnsdale, April 2022



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



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

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



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

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





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

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



Yoorrook Justice Commission’s custom-made shield





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



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



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



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



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



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



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



Yoorrook site visit to the Bangerang Cultural Centre, December 2022

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



Yoorrook on a site visit with Dardi Munwurro, February 2023

Former mission site at Lake Condah, February 2023





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



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



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



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



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



The Chair at the second directions hearing, April 2023



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



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



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

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



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





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



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



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



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

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



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





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



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



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



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



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



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



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

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





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

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



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





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



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



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



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



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

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



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





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



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



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



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



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



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



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



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



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



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



Commissioners hear evidence from colonial descendants, September 2024



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

PART III: SELECTED TESTIMONIES

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

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

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

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

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

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

UNCLE JACK CHARLES

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

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

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



Hearing details

Date: 26 April 2022

Focus area: Elders' Voices

Location: Charcoal Lane,
Wurundjeri Country, Fitzroy

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

‘I stayed with Mum for three weeks,’ he said.

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

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

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

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

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

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

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

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

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

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

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

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

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

‘I FOUND IT SO AMAZING TO LEARN HOW FAR BACK MY PEOPLE DID GO. MY STORY WAS LOST, BUT SLOWLY IT HAS BEEN FOUND AGAIN, AND I WAS PROUD TO LEARN I CAME FROM SO MANY RESILIENT PEOPLE.’

**LOOK AROUND YOU,
CAN'T YOU SEE
ABORIGINAL PEOPLE
JUST LIKE ME.
OUR COLOUR HAS FADED, OUR
FEATURES HAVE CHANGED,
BUT IN OUR HEARTS, OUR
CULTURE REMAINS.**

AUNTY FAY CARTER OAM

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

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



Hearing details

Date: 2 May 2022

Focus area: Elders’ Voices

Location: Charcoal Lane,
Wurundjeri Country, Fitzroy

Aunty Fay ‘Guka’ Carter

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

She passed the next morning.’

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

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

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

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

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

UNCLE KEVIN COOMBS OAM

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

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



Hearing details

Date: 26 May 2022

Focus area: Elders' Voices

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AUNTY EVA JO EDWARDS

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



Hearing details

Date: 5 December 2022

Focus area: Child Protection

Location: Yoorrook's

Hearing Room, Wurundjeri

Country, Collingwood

Aunty Eva Jo Edwards

is a Boon Wurrung, Mutti

Mutti and Yorta Yorta

woman. Born in 1963, she

is a Stolen Generations

survivor whose work and

advocacy has been shaped

by her own experiences.

She has had roles within the

Victorian Aboriginal Child

and Community Agency,

the Victorian Aboriginal

Health Service, the Koori

Courts, and the Victorian

Government's Stolen

Generations Reparations

Steering Committee. Aunty

Eva Jo is a respected

storyteller, public speaker

and educator. In 2022,

she was inducted into

the Victorian Aboriginal

Honour Roll.

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

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

She continued:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DAMIAN GRIFFIS

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



Hearing details

Date: 9 March 2023

Focus area: Child Protection and Criminal Justice

Location: Yoorrook Hearing Room, Wurundjeri Country, Collingwood

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHIEF COMMISSIONER SHANE PATTON APM

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

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



Hearing details

Date: 8 May 2023

Focus area: Criminal
Justice

Location: Yoorrook Hearing
Room, Wurundjeri Country,
Collingwood

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

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

He began by reading from his submission.

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

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

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

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

I recognise that there is [sic] still real and significant obstacles to this occurring. I consider it is necessary and appropriate to face up and accept responsibility for the times when Victoria Police has failed and done wrong. As Chief Commissioner, and on behalf of Victoria Police, I formally and unreservedly apologise for police actions that have caused or contributed to the trauma experienced by so many Aboriginal families in our jurisdiction.’

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

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

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

As a result of systemic racism, racist attitudes and discriminatory actions of police have gone undetected, unchecked, unpunished or without appropriate sanctions, and have caused significant harm across generations of Aboriginal families. [...]

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

I genuinely and formally apologise as Chief Commissioner and on behalf of Victoria Police. I am sincerely sorry that this has occurred to Aboriginal people. It should not have happened. I cannot undo past actions and decisions of Victoria Police. What I can, and will do, is ensure that we proactively review our policies and processes with community to address systemic racism, unconscious bias or unequal use of discretionary power in outcomes.’

‘I GENUINELY AND FORMALLY APOLOGISE AS CHIEF COMMISSIONER AND ON BEHALF OF VICTORIA POLICE. I AM SINCERELY SORRY THAT THIS HAS OCCURRED TO ABORIGINAL PEOPLE. IT SHOULD NOT HAVE HAPPENED.’

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

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

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

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

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

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

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

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

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

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

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

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

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

AUNTY CAROLYN BRIGGS AM

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



Hearing details

Date: 31 January 2024

Focus area: General
Submission

Aunty Carolyn Briggs

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

‘IT WAS A BLACKFELLA
THAT BROUGHT ME INTO
THIS WORLD. IT WAS
BLACKFELLAS THAT
INVESTED IN ME. [...]
THEY’VE ALL PLAYED A
ROLE IN MY EXISTENCE.
AND I HONOUR THEM.’

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

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

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

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

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

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

‘I TEACH MY STUDENTS—
I SAY, DISRUPT. YOU’RE
ALLOWED TO DISRUPT. NOT
EVERYTHING IS RIGHT OR
WRONG, YOU KNOW? GIVE
IT A NUDGE. DON’T ACCEPT
EVERYTHING WITH YOU.
CHALLENGE IT.’

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

AUNTY VICKI COUZENS

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

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



Hearing details

Date: 28 March 2024

Focus area: Land, Sky
and Waters

Location: Yoorrook Hearing
Room, Wurundjeri Country,
Collingwood

Aunty Vicki Couzens

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

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

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

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

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

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

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

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

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

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

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

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

She elaborated on this for Yoorrook during her testimony.

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

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

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

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

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

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

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

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

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

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

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

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

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

SUZANNAH HENTY

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

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



Hearing details

Date: 28 March 2024

Focus area: Land, Sky and Waters

Location: Yoorrook Hearing Room, Wurundjeri Country, Collingwood

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

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

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

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

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

Ms Henty, in return, expressed her gratitude:

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

She then proceeded to read from her statement.

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

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

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

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

‘I WAS NEVER TOLD WHEN I WAS GROWING UP THAT THE HENTY FAMILY WERE INVOLVED IN AN ORGANISED ETHNIC CLEANSING. YET, IF I NEEDED, I WAS TOLD AND I WAS ENCOURAGED TO DISTANCE MYSELF FROM THE HENTY LEGACY.’

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

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

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

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

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

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

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

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

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

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

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

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

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

AUNTY DI KERR OAM

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

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



Hearing details

Date: 28 March 2024

Focus area: General Submission

Location: Yoorrook Hearing Room, Wurundjeri Country, Collingwood

Professor Aunty Di Kerr is a Wurundjeri Elder.

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

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

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

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

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

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

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

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

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

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

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

‘IT’S IMPORTANT THAT WE KEEP OUR CEREMONIES. IT HELPS US HEAL. IT HELPS US CONNECT TO OUR COUNTRY.’

OUR WATER IS LIKE THE
BLOOD IN OUR BODIES.

UNCLE BRENDAN KENNEDY

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

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



Hearing details

Date: 24 April 2024

Focus area: Land, Sky
and Waters

Location: Margooya
Lagoon, Tati Tati Country,
Robinvale

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

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

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

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

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

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

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

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

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

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

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

**‘WE HAVE NEVER
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‘[THE LAND] IS CALLING
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SPIRIT OF COUNTRY [...] IS
UNDER DURESS.’

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

He continued:

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

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

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

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

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

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

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

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

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

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

‘MULTI-NATIONAL
COMPANIES [...] ARE
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ONLY BY HONESTLY
RECKONING WITH OUR
PAST CAN WE REACH
FOR A BETTER FUTURE.

PREMIER JACINTA ALLAN

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



Hearing details

Date: 29 April 2024

Focus area: Land, Sky
and Waters

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

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

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

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

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

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

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

‘Like many Victorians, my formal education of Aboriginal people’s histories and experiences was limited. To be clear, that limitation was not an accident, an oversight or absent-mindedness. It was part of a deliberate and systematic attempt to erase First Nations people from our State’s history, to somehow cross out tens of thousands of years of connection to Country, to blot away the bloody stains of colonisation.

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

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

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

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

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

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

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

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

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

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

She also emphasised the urgency of effecting systemic change:

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

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

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

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

THE RIGHT REVEREND DR RICHARD TRELOAR

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

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



Hearing details

Date: 1 May 2024

Focus area: Land, Sky
and Waters

Location: Yoorrook Hearing
Room, Wurundjeri Country,
Collingwood

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

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

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

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

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

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

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

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

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

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

**‘THERE IS NO QUESTION
THAT [...] OUR CHURCH
PARTNERED WITH THE
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‘THERE IS NO ESCAPING
THE FACT THAT THE
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FUNDAMENTALLY FLAWED.’

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

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

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

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

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

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

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

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

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

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

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

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

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

AUNTY JILL GALLAGHER AO

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



Hearing details

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PROFESSOR RAYMOND LOVETT

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

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

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



Hearing details

Date: 28 May 2024

Focus area: Health

Location: Yoorrook Hearing Room, Wurundjeri Country, Collingwood

Professor Raymond Lovett

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

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

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

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

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

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

‘PEOPLE FEELING
DISCONNECTED FROM
CULTURE IS A DIRECT
RESULT OF SETTLER
COLONIAL PROCESS.’

‘You could argue that when we’re talking about protection as a policy, it was protection [...] of the non-Indigenous settlers’ way of life. [...] You do not protect people by rounding them up en masse. And if you don’t shoot them or murder them, you then transport them miles away from their homelands, put them in segregated communities [...]

And a lot of the justification for that process, which is around the missions and reserves, was based on racist ideology used to justify elimination or removal of Aboriginal and Torres Strait Islander people from their land. They were moved long distances from where their homelands were, segregated, legally not allowed to leave that segregated area, all on the basis [...] [of] racist ideology that Aboriginal people were not intellectually capable of making decisions for themselves.’

The Mayi Kuwayu study has identified both direct (*proximal*) and indirect (*distal*) risk factors in poor health outcomes for Aboriginal and Torres Strait Islander people. In the context of Mayi Kuwayu, explained Professor Lovett, ‘proximal settler colonial risk factors [are] [...] the things that have been experienced by Aboriginal and Torres Strait Islander people in more contemporary times’, whereas ‘the distal component means it’s been in generations above you’.

So, for instance, someone who has experienced forced relocation can be said to have experienced a direct settler colonial risk: ‘People feeling disconnected from culture is a direct result of settler colonial process.’ Their descendants can be said to have experienced an indirect settler colonial risk. Professor Lovett stated that some forty per cent of the study’s participants are ‘unable to identify their tribal heritage [...] [as] a byproduct of forced relocation and removal’.

Importantly, indirect risk factors such as intergenerational trauma had a significant impact on the health and wellbeing of First Peoples. ‘These are people who have not even experienced that historical risk factor but there is still that association there.’

‘THE WIDELY HELD VIEW [...] IS THAT ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLE DON’T LOOK AFTER THEIR KIDS. SO ANY RISK TO WHAT A HEALTHY, WELL-ADJUSTED CHILD MIGHT BE FROM BIRTH, EVEN IN UTERO, IS [...] SCRUTINISED.’

Among those who reported exposure to any of the indirect factors, Professor Lovett said, there was a ‘twenty per cent increase in reporting of poor general health, which is a universal globally accepted indicator of health measurement’. He also cited ‘a thirty-three per cent higher level of reporting in low levels of life satisfaction—again, another global indicator—in that group’. These numbers increased dramatically with direct exposure.

The risk factors identified are not merely abstract, as Professor Lovett outlined:

‘If we are looking at features of the settler colonial project and risk, then this is a morphing of that system because [...] the widely held view [...] is that Aboriginal and Torres Strait Islander people don’t look after their kids. So any risk to what a healthy, well-adjusted child might be from birth, even in utero, is [...] scrutinised by these professions. And so you can imagine, if you’ve had your grandparents removed, your parents removed, the modelling of good parenting, that’s also a settler colonial process. And then you’re giving birth, you’re worried about removal already, you’ve had limited opportunity through the education and employment systems, and [we] still expect that person to be a model parent when you’ve had all these distal exposures flowing right through to your contemporary life.’

The previous day’s hearings had concluded with evidence pertaining to the Closing the Gap program. Launched in 2007, Closing the Gap is a national initiative launched ‘to address discrepancies in decreased life expectancy and increased morbidity rates amongst Aboriginal and Torres Strait Islander peoples compared to non-Indigenous peoples’. At the time of the program’s creation, Fiona McLeod SC noted, its aim was ‘to create equity in those statistics by 2030’. She asked Professor Lovett for his perspective on ‘the role that racism plays in health outcomes for Aboriginal and Torres Strait Islander peoples in this country’.

‘WE NEED TO DEAL WITH THE UNDERLYING ISSUE THAT STOPS US FROM INVESTING IN EQUITY, WHICH IS RACISM.’

Professor Lovett said that while the fundamental premise of Closing the Gap ‘in terms of creating equity of outcomes’ was valuable, the program was flawed and significantly under-funded.

The ‘standard for outcomes’, as he saw it, was ‘Aboriginal and Torres Strait Islander people to be brought up to the standard of non-Indigenous people’. This assumption of ‘non-Indigenous people as the standard-bearer of normality’, he said, was an ‘incorrect’ place to start.

He elaborated on the problem of resource allocation:

‘If we think about what that means in terms of investment and resources allocated under the policy to create equity, there are only two things we can do. The first is to invest in programs and services that increase or accelerate outcomes for Aboriginal and Torres Strait Islander people at a faster rate than non-Indigenous people [...] or we make the health of the non-Indigenous population worse, which [...] is just an absurd proposition. [...]

When I look at resources allocated for Closing the Gap, I don’t see the magnitude of investment at what is currently recommended by the evidence at three to six times the rate of the non-Indigenous rate in any policy setting [...] We are not seeing that investment, even though we have had those recommendations for the last twenty years [...] Until we see that investment change, I’m afraid we won’t see closing of gaps or inequity reduced [...] And there’s this notion that, you know, Indigenous peoples might be getting something additional that non-Indigenous people don’t in this country, and that’s founded in notions of racism, where we conflate equality, which is everyone being treated the same, with the policy imperative, which is equity.’

He added:

‘We need to deal with the underlying issue that stops us from investing in equity, which is racism. If we have to talk about racism and why we can’t invest or why we can’t create equity, we need to talk about settler colonisation and processes that have occurred over history but are also continuing, because settler colonisation is an ongoing project, as is racism.’

**ANYONE CAN TURN AROUND.
NO ONE IS EVER TOO FAR GONE.**

JARVIS ATKINSON

Jarvis Atkinson, a Yorta Yorta man from Shepparton, provided a video submission to the Yoorrook Justice Commission as part of its investigation into past and ongoing systemic injustice within the state's education system.

Jarvis spoke about how his educational experiences led to involvement with the criminal legal system. His evidence demonstrated the detrimental impact that failures of the Victorian education system can have on a young person's future.



Hearing details

Date: 4 June 2024

Focus area: General

Submission

Jarvis Atkinson is a proud Yorta Yorta man from Shepparton and Cummeragunja. Having spent time in the criminal justice system and overcome addiction, he now works with the First Peoples’ Assembly to ensure that Aboriginal voices are heard and represented in shaping a better future. His journey has included roles in construction and cultural heritage, alongside studies and lived experience in Alcohol and Other Drugs (AOD). A proud father of three, he is committed to building bridges between communities, fostering understanding, and working towards meaningful change for both First Nations and non-Indigenous people.

Jarvis was about eight years old when his all-Aboriginal school on the outskirts of Shepparton closed down. He and his cousins transferred to a public school, and for the first time he became aware that he was different. He started encountering racism—particularly the soft racism of low expectations, which Jarvis described as ‘passive’. Some teachers would humiliate him in front of his classmates if his attention slipped. ‘It was a challenge for me every day just to get up and go to school because I felt like [...] I was looked down upon. I felt like I was a problem.’

In year eight, an act of retaliation after a teacher grabbed him around the neck and yelled in his face resulted in Jarvis’s expulsion from the school. ‘My whole life changed from that day,’ he said.

Jarvis never went back to school. Instead, he found himself on a bleak path, turning to drugs, alcohol and crime. As an adult, he spent years between prison and homelessness, including sleeping rough on the streets of the Melbourne CBD. ‘There was a period of time where I was homeless for eight years,’ he told Yoorrook.

On one occasion after overdosing, he woke up in hospital with a name tag that read Unknown. ‘It really just shocked me,’ he said. The nurse told Jarvis he’d been found face-down on the train tracks at Flinders Street Station. ‘And I remember thinking to myself, “I could die right now. I could actually die and my children wouldn’t even know where I am.”’

‘AND I REMEMBER
THINKING TO MYSELF, “I
COULD DIE RIGHT NOW. I
COULD ACTUALLY DIE AND
MY CHILDREN WOULDN’T
EVEN KNOW WHERE I AM.”’

Fortunately, his luck was about to turn at last. ‘I remember going and calling my mother, and [...] she said to me, um, we’ve got some exciting news for ya [...] We got some mail from Housing—you’ve got a house.’

By this time, Jarvis had been on the waitlist for housing for eight years. He recalls his hopefulness on moving into his new home:

‘I finally got this place and [...] I remember telling my kids [...] I finally got a place for us, you know, I’m gonna do the right thing now. [...] I had all these good intentions, you know, to do the right thing.’

The optimism was short-lived, however, as Jarvis continued to struggle with substance use. ‘I was still stuck in the system [...] I wasn’t just addicted to, like, ice and tablets and [...] alcohol and marijuana. Now, I had a heroin habit from being in the city.’

Without any support, he explained, the transition was a difficult one.

‘After eight years of being homeless, I didn’t really have much knowledge on how to—to maintain a home [...] I finally had my own house, but [...] I had no treatment. [...] It wasn’t long after I had this beautiful place, and we decked it out, and the kids were coming around and staying with me, and it wasn’t much longer where [...] the drugs took over that place [...] and I started opening my doors up to all the wrong people. [...] I ended up back down and out again [...] I felt guilt. I felt bad because I let my kids down again.’

Jarvis ended up back in custody after committing a serious crime. ‘I remember just sitting in there defeated [...] I was starting to accept that this is my life and it’s never gonna change,’ he told the Commission. ‘My fire was getting dimmer inside of me.’

A drug and alcohol worker from Odyssey House Victoria, a drug treatment centre that Jarvis had previously attended, visited him in the cells and encouraged him to give rehabilitation another shot.

**‘I WAS VERY [...] GRATEFUL
AND I’M VERY BLESSED TO
STILL HAVE—YOU KNOW,
MY CHILDREN BELIEVED
IN ME.’**

‘She said to me, “Do you remember when your son came and visited you? [It was] Christmastime [...] and in front of the foyer, they had [...] a wishing-tree; a prayer tree. And on that tree, the visitors that came at Christmastime could write a wish or a prayer and hang it on the tree. And my son wrote on a piece of paper, All’s I want is for my dad [...] to stay off the drugs forever. [...]

She said, “Do you remember the wish your son made, the prayer your son made?” And it just broke me, you know, I just started crying. [...] It gave me the strength and lit that fire up in me to pick up the pen and sign the application to go back to Odyssey.’

He was accepted back into the program at Odyssey House. ‘I got bailed, and I went there, and I ended up doing three years in this program, and I completed it. I graduated. [...] I haven’t looked back since.’

He highlighted the critical importance of family support for people experiencing substance addiction, and credits his children with keeping him motivated.

‘A lot of people really didn’t have hope in me succeeding in life [...] I had family members that really thought I would never change, really thought that I would die the way I was living [...] I had fears that they were gonna bury me.

It’s so important [...] when, you know, someone, a family member [...] or a cousin or aunty or uncle that are going through it [...] never, never lose hope in them [...] Anyone is capable of turning it around. [...]

I was very [...] grateful and I’m very blessed to still have—you know, my children believed in me. They always believed in me [...] my kids believed that [...] I could change. [...] The love for my children really, really gave me the strength to [...] commit to my journey. [...]

Anyone can turn around. No one is ever too far gone. [...] I strongly believe that no one is ever too far gone.’

Jarvis would like to see changes to the education system to ensure First Peoples’ children and young people can access safe and nurturing schools where they can learn and grow, safe in their culture and identity. ‘I would really love to see [...] more support for the children and [...] more educated teachers in the system,’ he says. ‘[We need] more genuine [...] teachers in the system that actually [...] want the best for our people.’

Spurred by his own experiences, Jarvis is committed to improving outcomes for his community. ‘I’ve got a job to do, you know, for my people.’

He draws on his lived experience to engage with and support other vulnerable young Aboriginal men, including those currently incarcerated. It’s a role he views as a privilege, and one he is only just beginning.

‘Through the role I have now, you know, I’m able to [...] walk back through the prison doors [...] just by my journey and my story [...] I’m a leader to the brothers in prison. [...] They look up to me and [...] I help them to conceive [...] that there is hope and that there is a possibility of change.

I have so much of a desire and a passion after, you know, looking up to strong role models and leaders [...] [I wanted to] walk in [...] their footsteps, you know, fill their shoes. [...] I feel like I’m sort of just on the tip of it at the moment, just starting to take up and play my part in that. And, you know, I know I’ve got plenty more to do.’

**‘I HAVE SO MUCH
OF A DESIRE AND A
PASSION AFTER, YOU
KNOW, LOOKING UP TO
STRONG ROLE MODELS
AND LEADERS’**

IF THERE IS A WORD [FOR]
BEYOND CRISIS, THAT
IS WHERE WE ARE AT.

NERITA WAIGHT

Nerita Waight, CEO of the Victorian Aboriginal Legal Service (VALS), gave evidence to the Yoorrook Justice Commission about the impact of family violence on Victoria's First Peoples. She appeared together with VALS Principal Managing Lawyer Juergen Kaehne, and Managing Lawyer Emily Yates.

Nerita's evidence offered powerful insights into the devastating impacts of family violence on First Peoples, both historical and ongoing. Her testimony also critiqued the Victorian Government's response to family violence which, she suggested, is informed by systemic racism.



Hearing details

Date: 13 June 2024

Focus area: Health

Location: Yoorrook Hearing Room, Wurundjeri Country, Collingwood

Nerita Waight is a Yorta Yorta and Narrandjeri woman with Taungurung connections. Nerita is currently the CEO of the Victorian Aboriginal Legal Service. Nerita has served on the Boards of several organisations including Elizabeth Morgan House, Bubup Wilam, and the Australia Community Support Organisation. Nerita is Co-Chair of Ngaweeyan Maar-oo. Nerita was elected as a member of the First Peoples’ Assembly of Victoria in 2023 and was elected by the Assembly as Treaty Co-Convenor.

Nerita began her testimony with an overview the historical injustices experienced specifically by Aboriginal women:

‘There is pervasive silence to the history of sexual violence against Aboriginal women. Mass sexual abuse of Aboriginal women. Our lives were not valued. Rape and murder were very common on the frontier—the police were often very complicit in that. Many of our people were also killed by the brutal conditions of slavery in Australia. In parts of Australia, the colonialists enslaved and trafficked our people. Across our Country, our people, including children and young people, were forced into servitude and often not paid what was agreed to in the sham employment arrangements. The legal system enabled the British to enslave us and the police enforced that slavery.

Police were often directly involved in catching escapees from missions. They were directly involved in removing children from their families and enforcing our people to go to work in often very violent and sexually violent situations. The State was directly responsible for causing the Stolen Generations and the police enforced yet another violent policy on us. Since colonisation, Aboriginal people [have lived] within a structure of violence. Aboriginal women and children continue to experience a violent culture of misogyny that has existed since colonisation. The war continues. It just evolved.’

She then outlined the current family violence crisis facing Aboriginal women in Victoria.

‘Aboriginal women are forty-five times more likely to experience family violence than non-Aboriginal women. Despite the Royal Commission into Family Violence held within the last ten years, the numbers of Aboriginal women and children experiencing family violence, including those who have been murdered, continues to escalate. And yet in Victoria, Aboriginal women are the fastest-growing prison demographic. A 2013 study of Victoria’s female prisoners found eighty-seven per cent were victims of sexual, physical or emotional abuse with most having suffered abuse in multiple forms. [...]

The racialised nature of policing Aboriginal peoples and the intersection of [being negatively] racialised [and gendered] causes a unique form of violence that Aboriginal women experience every day, where their status as a genuine victim is devalued. As a result, they are often over-policed as people who use violence, but they are under-policed as [affected family members]. [...]

Our children are growing up seeing that their mother’s life is not valued. Not by community, not by the State. That their safety as a family is not important. We know that a majority of Aboriginal women are partnered with non-Aboriginal men. You can then extrapolate, given the representation of Aboriginal women experiencing family violence, that the people harming them are non-Indigenous men. This is, therefore, a continuation of colonial violence towards women. [...] The underlying current remains that our lives do not matter and are not worthy of protection.’

‘ABORIGINAL WOMEN ARE FORTY-FIVE TIMES MORE LIKELY TO EXPERIENCE FAMILY VIOLENCE THAN NON-ABORIGINAL WOMEN.’

In order to tackle the family violence crisis, Nerita told the Commission, greater priority needed to be given to preventative Aboriginal-led services that address the underlying causes of violence. The current model had failed.

‘The family violence system in Victoria operates primarily as a reactive emergency measure, characterised by punitive measures towards people using violence at the end of the line rather than a proactive, preventive approach. We need to be focusing on the front-end and prioritise holistic services. [...]

There is a critical need for Aboriginal-led preventive, early help and specialist family violence intervention supports that are trauma-informed and therapeutic. This includes early access to legal supports as part of a holistic wraparound service system. While we recognise the significant investment following the Royal Commission into Family Violence, and the recent women’s safety summit, what plagues these investments is short-term funding or the critical and fundamental supports. You cannot address the scourge of family violence with [a] punitive response. You need to invest in supports and services that address the underlying reasons for violence and attitude towards women. This requires long-term, flexible funding allocated to [Aboriginal Community Controlled Organisations, or ACCOs] who can provide a specialist response.’

Nerita concluded her opening statement to Yoorrook with a passionate appeal to Aboriginal victims of family violence, and called upon the Victorian Government to do more to protect Aboriginal women and children.

‘THERE IS A CRITICAL NEED FOR ABORIGINAL-LED PREVENTIVE, EARLY HELP AND SPECIALIST FAMILY VIOLENCE INTERVENTION SUPPORTS THAT ARE TRAUMA-INFORMED AND THERAPEUTIC.’

‘Lastly, I want to speak directly to Aboriginal women who have been affected by family violence. We know that you have to be the heroes in your own lives far too often. When you reached out for help, the system didn’t protect you. It didn’t protect your children. When you told the police of what happened to you, or perhaps even showed them your injuries, you were belittled and not believed. You were turned away, told to go somewhere else. When you should have been offered sympathy and medical assistance, you were instead put in handcuffs. When you should have been protected, you were labelled the perpetrator and were criminalised and punished. When you should have access to safe housing and appropriate supports for you and your children, you were instead languishing in a cold concrete cell. When you should have been able to keep caring for your children in a place of safety, all of you impacted by violence, your children [were] taken from you. When you should have been offered culturally appropriate counselling and wellbeing services so that you had an opportunity to heal, you instead were forced to navigate system after re-traumatising system to try and get your children back. The system shouldn’t be the one that seeks to harm you, but it should be one who acts as sword and shield. It should be one that embodies the spirit of the Lady of Justice. [...]

We also acknowledge so many women impacted by family violence who are not able to tell their stories because they are not here. The State took them from us—whether it’s Heather Calgaret, Aunty Tanya Day or Veronica Nelson. We also want to acknowledge that it’s hard, and we want you to reach out. We also know that as an ACCO sector we haven’t been able to deliver the self-determined solutions that we want to, that you need us to, because the funding isn’t there; because it’s needed to build another prison. [...]

And lastly, I send a message to the Victorian Government and its agencies: don’t come here and cry. Come here, tell your truth, and then go away and work to change the systems [and] institutions that harm our communities and our women. Understand that if you do that, you tell society that it is not okay to perpetrate violence against our women, because you will no longer do it. Take charge of changing systems so that government responses are protecting Aboriginal women and our children; that they recognise them as sacred and important; that you send a message to them that they matter—that they are safe.’

‘WE KNOW THAT YOU HAVE TO BE THE HEROES IN YOUR OWN LIVES FAR TOO OFTEN. WHEN YOU REACHED OUT FOR HELP, THE SYSTEM DIDN’T PROTECT YOU.’

I ACKNOWLEDGE THE HISTORICAL FAILINGS OF THE STATE'S EDUCATION SYSTEM. I APOLOGISE UNRESERVEDLY FOR THESE FAILINGS AS WELL AS FOR THE CONTINUING AND PERVASIVE IMPACTS THAT CONTINUE TO BE FELT BY FIRST PEOPLES STUDENTS.

DEPUTY PREMIER BEN CARROLL

The Hon Ben Carroll MP, Deputy Premier and Minister for Education, acknowledged the role of schools in perpetuating racism, stereotypes and false narratives of First Peoples' history.

The Deputy Premier apologised for the 'historical failings of the State's education system' and 'for the continuing and pervasive impacts that continue to be felt by First Peoples students' today.



Hearing details

Date: 14 June 2024

Focus area: Education

Location: Yoorrook Hearing Room, Wurundjeri Country, Collingwood

The Hon Ben Carroll MP

is the Deputy Premier of Victoria, Minister for Education and Minister for Medical Research. He has been a member of the Victorian Legislative Assembly for the division of Niddrie since 2012.

Testifying before Yoorrook, the Deputy Premier recognised the ‘historical failings of the State’s education system’ and accepted that this historical negligence had an ongoing effect upon Aboriginal Victorians. ‘I apologise unreservedly for these failings as well as for the continuing and pervasive impacts that continue to be felt by First Peoples students,’ he said.

The Deputy Premier told Yoorrook that as he prepared to give evidence to the Commission, he became cognisant of the systemic privilege he had enjoyed as a student.

‘In preparing for this hearing, I have learnt some of the history of First Peoples’ education since colonisation and I’ve been briefed on the submissions and evidence received by this Commission. As a parent, as a Minister and a Victorian, this journey has been eye-opening and a stark reminder of the immense structural privilege experienced by many, including myself. It is also a reminder of my responsibility to do better in the position that I occupy today. [...]

I am mindful that many things I took for granted growing up—a good education where I felt belonged, dedicated teachers and clear pathways to further my study—do not reflect the schooling experience of many First Nations peoples.’

Deputy Premier Carroll pointed to the problematic nature of historical state records, which, he said, contained ‘observations based in ignorance, paternalism and unbridled racism’. Moreover, they were often dismissive of Aboriginal knowledge and approaches to learning. ‘These accounts do not do justice to the complexity and holistic nature of First Peoples’ education and knowledge systems.’

He also accepted that historically, the education system had been a vehicle of subjugation of and discrimination towards First Peoples.

‘While equality of education has been described as the great equaliser, the history of this state is littered with examples where schools have been used as tools of segregation, exclusion and oppression of First Peoples. This can be seen in the relegation of First Peoples children and young people to industrial or reformatory schools from the 1890s and, in more recent times, through disproportionate use of disciplinary exclusion measures within schools.

Since colonisation, schools have played a significant role in reinforcing racist perceptions and stereotypes about First Peoples and perpetuating false narratives about colonial history. These ideas have had far-reaching and damning effects that continue to permeate society.’

The Deputy Premier accepted that racism is still prevalent in education and conceded that ‘in terms of soft bigotry [and] racism [...] we have got to do a lot more work’. He recognised the ongoing impacts of these injustices, including disparities between Aboriginal and non-Aboriginal people in educational engagement and achievements:

‘These effects can be seen in the racism that continues to be experienced by First Peoples students. I have reflected on the evidence provided to this Commission by Elders who have shared their education experiences and the impacts these have had on their lives with me. These experiences are not confined to distant history, but they continue to have implications for First Peoples lives today and they continue to affect First Peoples’ engagement with our education system. [...]

These impacts can be seen as disparities in engagement and achievement data on average between First Peoples students and other students in Victoria.’

The Deputy Premier stated that more needed to be done to improve education outcomes for First Peoples. In practical terms, he said, this included enhancing cultural safety for students, supporting self-determination, and increasing the numbers of First Peoples teachers.

‘First Peoples students feeling safe and connected at school is so important to improving their learning and wellbeing outcomes, including ensuring the inclusion of First Peoples students. And their cultural safety at schools is key focus of a work that we need to continue to do to improve education outcomes. [...]

Schools play a critical role in providing cultural safety and inclusion of First Peoples children, young people [and] families—both within school grounds, but also outside the school gate in the wider community.’

It was Deputy Premier Carroll’s view, he told the Commission, that the role of the State was to promote, and not hinder, the self-determination of Aboriginal Victorians.

‘Self-determination is a right. It cannot be given or granted by governments, but must be supported to be exercised by First Peoples. However, too often the actions of government are barriers to self-determination.’

‘THE HISTORY OF THIS STATE IS LITTERED WITH EXAMPLES WHERE SCHOOLS HAVE BEEN USED AS TOOLS OF SEGREGATION, EXCLUSION AND OPPRESSION OF FIRST PEOPLES.’

**WHITE KIDS DIDN'T
LIKE ME SIMPLY
BECAUSE I WAS BLACK.**

AUNTY NELLIE FLAGG

Aunty Nellie Flagg spoke about her work as a cultural educator for healthcare professionals—chiefly, new registrars—and the importance of Aboriginal-led and controlled health and welfare organisations in providing non-clinical, culturally safe spaces for First Peoples. She also recalled her childhood in Swan Hill, including the racism she experienced in school from fellow students.



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 WHERE THEY CAN COME AND FEEL; WHERE OUR COMMUNITY CAN COME AND SIT DOWN, FEEL SAFE AND OPEN UP.’

**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 Heath 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.

‘YORTA YORTA PEOPLE 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 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 EMBRACED AS A PEOPLE. WE ARE NOT INCLUDED IN THE SYMBOLISM OF 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 THAT FAMILY BECAUSE [...] THEY FRIGHTENED ME [...] FROM THE VERY BEGINNING.’

**‘IT WAS A GREAT
ESCAPE. IT WAS TIME
AWAY FROM THE HOUSE.’**

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”.’

**‘I ALWAYS THOUGHT I
WAS GOING TO DIE. I
THOUGHT, ONE DAY HE’S
GOING TO KILL ME.’**

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.’

‘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.’

**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 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’).

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’

**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 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.

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’

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 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).

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’

**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 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.

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



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-rook 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.*

- 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 (L.S.)	Her Excellency the Honourable Linda Dessau, 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
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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

- 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;
- 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 sub-paragraph (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:
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