

# Advancing the Victorian Treaty Process

Annual Report 2021-22



First Peoples –  
State Relations





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Aboriginal and Torres Strait Islander readers are advised that this document may include photos, quotations and/or names of people who are deceased.

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**Front cover:** Premier Daniel Andrews and Minister for Aboriginal Affairs Gabrielle Williams attend a Welcome to Country ceremony on Gadubanud Country performed by Eastern Maar Traditional Owners.

# Statutory context and reporting requirement

In August 2018, the *Advancing the Treaty Process with Aboriginal Victorians Act 2018* (Treaty Act) became law, having passed through both houses of the Victorian Parliament in June 2018.

Under the Treaty Act, the Minister for Aboriginal Affairs is required to prepare an annual report on the work of the State in advancing the treaty process. The reporting requirements are set out in Part 8 of the Treaty Act.

This document constitutes the Minister's annual report for the 2021-22 financial year.

Part 8 of the Treaty Act also requires the First Peoples' Assembly of Victoria to report annually on its work in advancing the treaty process.

The First Peoples' Assembly of Victoria's annual report will be a separate document.

These reporting requirements ensure that the First Peoples' Assembly of Victoria and the State are transparent in their work to advance treaty in Victoria.

# Acknowledgement

We proudly acknowledge the First Peoples of Victoria and their unbroken and unwavering connection to Aboriginal law, lore, culture and customs. We acknowledge and pay our respects to Aboriginal Victorians still finding their culture or their families, those still finding their way back to community. We acknowledge the Traditional Owners of the lands and waters on which we live and work and pay our respects to their Elders past and present. We also recognise the ongoing enrichment Aboriginal people, culture, and communities bring to the cultural landscape of this state.

We acknowledge each member of the First Peoples' Assembly of Victoria, their efforts in working with us and advocating for their families and their communities, and thank them for leading us toward treaty, truth, and justice.

We acknowledge the long-lasting, far reaching and intergenerational consequences of colonisation and dispossession. Colonisation has left wounds unhealed due to laws and policies with the specific intent of excluding Aboriginal people and their laws, customs, cultures and traditions. We acknowledge that the impact of these structures of colonisation leave scars that still exist today.

Finally, we acknowledge all those who have fought and advocated to pave the way for the rights of Aboriginal people, and continue to do so. Victorian Traditional Owners maintain that their sovereignty has never been ceded, and for decades Aboriginal Victorians have called for treaty.

We cannot re-write history, but the work arising out of truth, treaty, and justice – is where we act on this acknowledgment and begin to right the wrongs of the past.

## Message from the Minister

**I am pleased in my role as Minister for Treaty and First Peoples to present the Treaty Annual Report 2021/22. This year, the Victorian Government and the First Peoples' Assembly of Victoria have delivered tangible actions towards treaty and truth, and I am proud to highlight the achievements in this report.**

I would like to acknowledge the significant work of the First Peoples' Assembly of Victoria as the first democratically elected body of Traditional Owners and Aboriginal Victorians in the state's history. Since its establishment in 2019, the First Peoples' Assembly of Victoria have engaged and worked with the Aboriginal Victorian community to ensure this path was one that lived and breathed the aspirations of their communities and their families.

I thank each and every member of the First Peoples' Assembly of Victoria for their tireless dedication, their commitment, and their leadership on Victoria's historic path to treaty.

This year was paved with milestone achievements, and after the challenges of the last two years, it was incredibly special to be able to celebrate some of these in person. I was both humbled and honoured to give evidence to the historic Yoorrook Justice Commission, and proud to be invited to the June Chamber meeting of the First Peoples' Assembly of Victoria on Gadubanud Country of the Eastern Maar people to commemorate the establishment of the Treaty Authority.

On 7 June 2022 I had the privilege of introducing to Parliament the *Treaty Authority and Other Treaty Elements Bill 2022* (Treaty Authority Bill) to support the establishment of the Treaty Authority and its ongoing operation. The Treaty Authority will be the first body of its kind in Australia as an 'independent umpire' to facilitate treaty negotiations.

During the Treaty Authority Bill debate, the First Peoples' Assembly Co-Chairs, Marcus Stewart and Aunty Geraldine Atkinson, gave an address to Parliament that was as powerful as it was impactful. They reflected on the significance of the Treaty Authority's cultural authority and called on the Parliament to walk with them. We must all hear and heed their clear message that this journey toward treaty and truth must be led by First Peoples.

Aboriginal Victorians have long called for treaty, for a better shared future, true self-determination, and to have their aspirations realised. In 2016, this Government made a commitment to listen to Aboriginal voices, to shape and determine what this path of treaty and truth could and should look like. Through this process, we are seeing what can be achieved when we are led by the aspiration of First Peoples - real, tangible progress.

As Victorians, we are leading the nation as we walk towards treaty, and Australia is watching. We are the first jurisdiction to commit to each element of the *Uluru Statement from the Heart*, and the Victorian Government is determined to see this through.



Image: DPC Photographer

Treaty brings to all Victorians an opportunity to shape a new future. Treaty and truth are processes that can change the identity of our state. They can reframe how we view ourselves through a new relationship with Aboriginal Victorians – a relationship based on an honest reflection of our history, and acknowledgment of their relationship with the Country that we now live on and for which they have cared for thousands of years.

Ultimately, treaty will deliver long term, sustainable solutions because First Peoples will be in the driver's seat, making decisions about the matters that impact their lives. Treaty is the all-important mechanism from which First Peoples can pursue their aspirations, and design and deliver their own solutions to improve outcomes.

As we walk this path toward treaty, truth, justice and healing - I invite every Victorian to walk with us; to stand with the First Peoples' Assembly of Victoria, its members, their families and their communities as we build a stronger future for every Victorian.

*Gabrielle Williams*

**Gabrielle Williams MP**

Minister for Treaty and First Peoples  
Minister for Mental Health

# Pathway to Treaty in Victoria

"Our government and our state is committed to treaty with First Nations peoples. And we will stand with the First Peoples Assembly of Victoria and its members today, and tomorrow, and always, until that day eventually comes."

– Premier Daniel Andrews

In response to ongoing calls from Aboriginal Victorians, the Victorian Government committed to pursuing treaty in 2016. Since that time, Victoria has been leading the nation to progress treaty and truth and advance Aboriginal self-determination for Traditional Owners and Aboriginal Victorians.

Victoria is the first and only Australian jurisdiction to action both the treaty and truth elements of the *Uluru Statement from the Heart* working with the First Peoples' Assembly of Victoria – this Government is committed to advancing Aboriginal self-determination, guided by the voice and aspirations of Traditional Owners and Aboriginal Victorians.

In 2016, an Aboriginal Treaty Working Group was founded, and Aunty Jill Gallagher AO was appointed as the independent Victoria Treaty Advancement Commissioner. In 2018, Australia's first-ever piece of treaty legislation passed in Victoria – *Advancing the Treaty Process with Aboriginal Victorians Act 2018* (Treaty Act).

The Treaty Act enabled the establishment of an Aboriginal Representative Body – the First Peoples' Assembly of Victoria. A community elected all-Aboriginal body, charged with the task of exploring and negotiating the elements that will enable and guide future treaty discussions. The First Peoples' Assembly of Victoria was established in December 2019 and is the sole representative and voice of Traditional Owners and Aboriginal Victorians working with the State to establish the treaty elements.

In 2021-22 the First Peoples' Assembly of Victoria and the State have continued to progress significant action under Victoria's commitment to treaty and truth.

The 2021-22 Treaty Annual Report highlights significant milestones and achievements of Victoria's pathway to treaty achieved during the reporting period July 2021 to June 2022. These include the establishment of the Treaty Authority, introduction of the Treaty Authority Bill and nation leading work in truth and justice arising out of the Yoorrook Justice Commission and launch of the Stolen Generations Reparations Package.

## State Budget investment in Treaty

The 2022/23 State Budget invested \$151.4 million over four years to support the First Peoples' Assembly of Victoria and the State to negotiate and establish key treaty elements required under Victoria's Treaty Act, with a view to commencing formal treaty negotiations in 2023.

This investment builds on over \$93 million allocated in State Budgets since 2016 to support treaty and self-determination reform including funding to support Traditional Owners, the work of the Victorian Treaty Advancement Commission, public communications, and resourcing for the State and the First Peoples' Assembly of Victoria.

This work would not be possible without the leadership and dedication of the First Peoples' Assembly of Victoria. In partnership, we are breaking new ground and forming better ways of working. The Victorian Government is committed to continue to progress treaty – to listen, and ensure the aspiration of First Peoples guide this nation leading work toward treaty, truth and justice.





Image above: DPC Photographer

Image below: Yiruk Wamoon (Wilson's Promontory)  
Photo: Hollie Johnson

# Treaty Timeline

Decades of Aboriginal advocacy for treaty

## Phase 1: 2016-19

Aboriginal Victorian community calls for treaty at a self-determination forum

**February 2016**

Victorian Government commits to progressing treaty

**March 2016**

Aboriginal Treaty Working Group established

**July 2016**

Victorian Treaty Advancement Commission (VTAC) commences operations and leads community consultation

**January 2018**

Launch of the *Deadly Questions* campaign to build public awareness and support for treaty

**June 2018**

*Advancing the Treaty Process with Aboriginal Victorians Act 2018* (Treaty Act) is enacted

**August 2018**

Members are elected to the First Peoples' Assembly of Victoria

**October 2019**

The (then) Minister for Aboriginal Affairs declares the First Peoples' Assembly of Victoria to be the Aboriginal Representative Body under the Treaty Act

**December 2019**

Victorian Government commits to working with the First Peoples' Assembly of Victoria to establish a truth and justice process and jointly commence work to develop terms of reference

**July 2020**

Formal negotiations between the Victorian Government and the First Peoples' Assembly of Victoria commence on treaty elements

**August 2020**

The Victorian Government and the First Peoples' Assembly of Victoria establish the first treaty element – a dispute resolution process

**January 2021**

Launch of the *Deadly & Proud* campaign

**February 2021**

Victorian Government and the First Peoples' Assembly of Victoria make formal joint announcement of the Yoorrook Justice Commission

**March 2021**

Victorian Government and First Peoples' Assembly of Victoria convene an independent panel, to make recommendations for the appointment of Commissioners for the Yoorrook Justice Commission

**April 2021**

The Victorian Government and the First Peoples' Assembly of Victoria agree treaty conduct protocols

**April 2021**

Formal establishment of the Yoorrook Justice Commission and appointment of Commissioners through issuing of the letters patent by the Governor

**May 2021**

## Phase 2: 2020-22

First Peoples' Assembly of Victoria inaugural meeting

**December 2019**

First Peoples' Assembly of Victoria call for Stolen Generations redress

**December 2019**

First Peoples' Assembly of Victoria calls for a truth-telling process

**June 2020**

## Phase 3

The third and final phase of the treaty process will start once all of the treaty elements are agreed and established. Phase 3 will involve formal treaty negotiations between the State and Aboriginal negotiating parties

**2023 onwards**

**Formal negotiations on the establishment of treaty elements are progressed** including the Treaty Authority, Self-determination Fund and the Treaty Negotiation Framework

**June 2021 - November 2021**

**Stolen Generations Reparations Package is launched**

**March 2022**

**The Victorian Government and the First Peoples' Assembly of Victoria sign a Treaty Authority Agreement.** The Premier and Minister Gabrielle Williams attend First Peoples' Assembly of Victoria Chamber meeting to commemorate agreement on the Treaty Authority

**June 2022**

**Minister Gabrielle Williams introduces to Parliament** the *Treaty Authority and Other Treaty Elements Bill 2022* (Treaty Authority Bill)

**June 2022**

**Members of the First Peoples' Assembly of Victoria attend Parliament, Co-Chairs address legislative assembly** calling on support for the treaty process and Treaty Authority Bill

**June 2022**

# The First Peoples' Assembly of Victoria

The First Peoples' Assembly of Victoria is the voice of Aboriginal people in Victoria in the treaty process. It is made up of Victorian Traditional Owners, elected by Aboriginal communities, for Aboriginal communities, to advance their rights, interests and aspirations.

## A representative body for Traditional Owners and Aboriginal Victorians

Under the Treaty Act, the First Peoples' Assembly of Victoria is the sole representative of Traditional Owners and Aboriginal Victorians for the purpose of establishing the elements necessary to support future treaty negotiations. The First Peoples' Assembly of Victoria was designed through extensive community consultation across the State, led by the Victorian Treaty Advancement Commissioner, Ms Jill Gallagher AO, as outlined in the 2018/2019 Treaty Annual Report.

The First Peoples' Assembly of Victoria is currently comprised of 31 members to reflect the diversity of Aboriginal voices across Victoria. A seat is reserved for each of the 11 formally recognised Traditional Owner groups in Victoria, with 21 seats elected by votes held in five voting regions.

The First Peoples' Assembly of Victoria has also recently developed an additional pathway for Traditional Owner groups who do not have formal recognition under legislation to apply for a reserved seat.

Each member of the First Peoples' Assembly of Victoria is responsible for ensuring the views of Traditional Owners and Aboriginal Victorians continue to lead the treaty process. Elected members represent Traditional Owners and Aboriginal Victorians within their respected regions, while reserved seat members represent members of their Traditional Owner groups. Details about the members of the First Peoples' Assembly of Victoria are available on their website - [www.firstpeoplesvic.org](http://www.firstpeoplesvic.org).

## Negotiation and shared action

The State and the First Peoples' Assembly of Victoria formally commenced treaty elements negotiations on 3 August 2020. This historic meeting was conducted virtually with Minister Gabrielle Williams representing the State, and Co-Chairs Marcus Stewart and Aunty Geraldine Atkinson, representing the First Peoples' Assembly of Victoria.

Since this initial meeting, negotiations have continued on a regular basis between the First Peoples' Assembly of Victoria and State's representative negotiators. In 2021-22, negotiation meetings occurred weekly or more frequently as the First Peoples' Assembly of Victoria and the State developed, finalised and agreed key attributes of the elements required for treaty.

Under the Treaty Act, the Victorian Government recognises the First Peoples' Assembly of Victoria as an equal partner, holding equal authority, during the negotiations process. State representative negotiators are committed to ensuring that treaty and truth must be led by Aboriginal voices, and outcomes arising out of this process must enshrine and uphold Aboriginal lore, law, and ways of doing business.



## Establishing the treaty elements

The First Peoples' Assembly of Victoria and the State are working in the current phase of the treaty process to establish the four elements required under the Treaty Act. These elements are together referred to as the treaty elements and comprise the key architecture needed before treaty negotiations can commence. The treaty elements are:

1. A dispute resolution process that applies to negotiations of the treaty elements.
  - Established by agreement on 8 February 2021
2. A Treaty Authority, as an independent third party to oversee negotiations.
  - Established by agreement on 6 June 2022
3. A Treaty Negotiation Framework, setting out the rules and process for future treaty negotiations.
4. A Self-determination Fund, to provide Traditional Owners and Aboriginal Victorians with an independent financial resource that empowers Traditional Owners and Aboriginal Victorians to build capacity, wealth and prosperity.

## Working with First Peoples

The Treaty Act sets out guiding principles with which the Victorian Government and the First Peoples' Assembly of Victoria, as parties to the treaty process, must act in accordance.

The principles are:

- Self-determination and empowerment
- Fairness and equality
- Partnership and good faith
- Mutual benefit and sustainability
- Transparency and accountability.

## Action and achievement - 2021-2022

In 2021-22, the First Peoples' Assembly of Victoria and the State worked to advance the treaty process. Substantial progress has been made to finalise the treaty elements required under the treaty act, including the historic establishment of the Treaty Authority in June 2022 and introduction of the Treaty Authority Bill.

Significant progress has also been made in responding to calls from the First Peoples' Assembly of Victoria for a Stolen Generations Reparations Package, as well as through the truth-telling work of the Yoorrook Justice Commission, which will be critical in informing future treaty negotiations.

## Agreeing the Treaty Authority

On 6 June 2022 the Treaty Authority Agreement was executed between the Victorian Government and the First Peoples' Assembly of Victoria – establishing the Treaty Authority.

The (then) Minister for Aboriginal Affairs, Gabrielle Williams MP, introduced the Treaty Authority Bill to Parliament on 7 June 2022, which recognises the establishment of the Treaty Authority and facilitates its operations by giving legal force to its activities.

The Treaty Authority will act as the 'independent umpire' for the treaty process and is a required element under Victoria's Treaty Act. The Treaty Authority is modelled on best practice examples internationally, including Canada and New Zealand, with innovative elements to reflect Victoria's unique context. Learnings from these processes have demonstrated the need and value of an independent body, such as a Treaty Authority, to facilitate and oversee treaty negotiations. Treaty processes underway in other Australian jurisdictions have also identified the need for independent bodies with similar functions, to ensure accountability in negotiations.

The Treaty Authority will be a facilitative body which performs its functions in a manner that preserves, restores and builds respectful relationships between First Peoples and the State as well as between First Peoples' groups. In doing so, the Treaty Authority will support treaty negotiating parties to work together to reach agreements and enter treaties that observe and uphold self-determination, and lead to strong ongoing relationships.

The Treaty Authority is innovative and unique to Victoria's treaty process. Its design has been led by the First Peoples' Assembly of Victoria who have consulted across community to determine the most appropriate model to support a fair and effective treaty negotiation process. Key features of the Treaty Authority include:

- Independence – the Treaty Authority is independent from Government and will operate in a way that is impartial and free from interference from the State, the First Peoples' Assembly of Victoria and parties to treaty negotiations

- All First Peoples membership – the Treaty Authority will consist of five to seven members, all of whom will be First Peoples and be appointed by an open selection process
- Aboriginal lore, law and cultural authority – the Treaty Authority will observe and uphold Aboriginal lore, law and cultural authority, and consider the cultural and operational context of all negotiating parties, to ensure a strong treaty process
- Facilitative body – focused on building ongoing, just and respectful relationships between First Peoples and the State as well as between First Peoples' groups – a uniquely Victorian Aboriginal cultural entity to oversee the treaty process.

The Treaty Authority Agreement between the State and First Peoples' Assembly of Victoria establishes the Treaty Authority and lays out its governance arrangements, including the appointment of its members, decision-making, accountability and central principles. The Treaty Authority Bill gives the Treaty Authority the legal powers necessary to facilitate Treaty negotiations and resolve any disputes between parties.

*"Together with the First Peoples' Assembly of Victoria, we are establishing an independent Treaty Authority with the ability to deliver an innovative approach to treaty negotiations based on Aboriginal lore, law and cultural authority."*

**– (then) Minister for Aboriginal Affairs,  
Gabrielle Williams**

## Historic establishment of the Treaty Authority

On 10 June 2022, the First Peoples' Assembly of Victoria invited Premier Daniel Andrews and (then) Minister for Aboriginal Affairs, Gabrielle Williams to gather on Gadubanud Country (Lorne) of the Eastern Maar people to mark the establishment of the Treaty Authority and acknowledge this key step in Victoria's progress towards treaty.

Gadubanud Country is connected to the Eastern Maar people, who have nurtured those lands and waters through their material and spiritual connections for time immemorial. The gathering at Lorne was remarkable for more than the establishment of the Treaty Authority alone. The ceremony was symbolic of an important and historic reset of the relationship between the Victorian Government and Aboriginal Victorians.

After the welcome by Eastern Maar Traditional Owners, Aunty Charmaine Clarke, Co-Chair of the Interim Elders' Voice, shared the Elders' Voice message stick with the Premier to invite him to speak to the Assembly Chamber. In his remarks the Premier reflected on the significance of the treaty process as an opportunity to reset the cultural landscape of Victoria. In response, First Peoples' Assembly of Victoria Co-Chair Marcus Stewart acknowledged and reflected on the strength of each member of the First Peoples' Assembly of Victoria to arrive at this point, the significance of the State's willingness to listen, and the achievement of having reached agreement to establish the Treaty Authority.

This landmark moment was an occasion for First Peoples to invite the Victorian Government to conduct business outside of Government walls, an opportunity to observe and uphold First Peoples way of doing business, and to uphold the right of First Peoples to govern and determine the direction of matters that impact their lives.



Image: DPC Photographer

"The journey to Treaty needs to be guided by First Peoples. This agreement we've reached with the Government reflects what our people want – it's an umpire that they can trust because it will be led by First Peoples, be grounded in our culture, lore and law and be completely independent from government."

**– Marcus Stewart, Co-Chair of the First Peoples' Assembly of Victoria**

State representatives in attendance recognised the historic importance of this event as a step toward Aboriginal self-determination in action and as an opportunity to place authority on a new way of working with First Peoples. It was an appropriate setting to celebrate together creating a Treaty Authority that will ground the oversight of Victoria's treaty process in Aboriginal lore, law, and cultural authority.





“What we achieve together will ultimately forge a stronger future for all Victorians. A future led entirely by Aboriginal communities, Aboriginal voices and Aboriginal leaders. Where outcomes are shaped and determined by communities, where Traditional Owner groups are properly resourced and equipped to lead meaningful change.”

– Premier Daniel Andrews



"I ask you to walk with us on this journey. I ask that you give the Bill your blessings and play your part in making history. Do not look back on this in years to come to see yourself on the wrong side of history. Instead, step into this moment and have the courage to help create change and relinquish a fraction of power so that the treaty umpire can be truly independent from government."

**– First Peoples' Assembly of Victoria Co-Chair Geraldine Atkinson, Bangerang and Wiradjuri Elder**



## First Peoples' Assembly of Victoria members attend and address the Victorian Parliament

On June 22, wrapped in long possum skin cloaks, the Co-Chairs of the First Peoples' Assembly of Victoria, Marcus Stewart and Aunty Geraldine Atkinson stood on the floor of Parliament to speak in support of shared action towards treaty in Victoria.

After inviting the MPs to participate in a smoking ceremony on the steps of Parliament, elected Assembly members joined the Co-Chairs in Parliament, representing voices and aspirations from Aboriginal communities across Victoria to witness the Victorian Legislative Assembly debate the Treaty Authority Bill.

In their addresses, the First Peoples' Assembly of Victoria Co-Chairs spoke to the significance of treaty as a pathway to First Peoples taking on

decisions for issues that affect First Peoples lives, and asked Members of Parliament to stand with them in support of the Treaty Authority founded in Aboriginal lore, law and cultural authority.

The Co-Chairs' address to the Legislative Assembly, and First Peoples' Assembly of Victoria members presence in the chamber during the debate, was a unique and historic event. A special motion was passed to permit the Co-Chairs speeches and First Peoples' Assembly of Victoria members attendance carrying cultural artefacts such as possum skin cloaks and wooden message sticks.

In raising the motion to enable the occasion Minister Gabrielle Williams noted that the suspension of standing orders required was reserved for the most special of occasions, and that the attendance of the First Peoples' Assembly of Victoria for the Treaty Authority Bill debate was absolutely worthy of that distinction.



Image: DPC Photographer

## Progressing truth telling

### The Yoorrook Justice Commission

For generations Aboriginal communities from across Victoria have been clear and consistent in their calls for truth-telling. In June 2020, at its third Chamber meeting, the First Peoples' Assembly of Victoria renewed these calls by passing a resolution seeking commitment from the State to establish a truth and justice process as an integral step in Victoria's pathway to treaty.

In response, in July 2020 the Victorian Government committed to working with the First Peoples' Assembly of Victoria to formally establish a truth and justice process in line with provisions in the Treaty Act to recognise historic wrongs, address ongoing injustices and help heal the wounds of the past.

On 12 May 2021, the **Yoorrook Justice Commission** was established as a Royal Commission by letters patent issued under the *Inquiries Act 2014* (Inquiries Act) as the nation's first truth-telling commission. 'Yoorrook' is the Wemba Wemba / Wamba Wamba word for 'truth'. The Yoorrook Justice Commission was designed and established in partnership with the First Peoples' Assembly of Victoria, including the joint development of terms of reference.

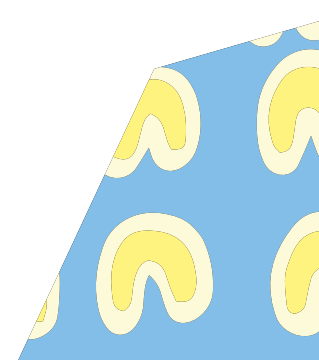
The Yoorrook Justice Commission's inquiry is exploring both historic and contemporary injustices experienced by First Peoples across all areas of social, political and economic life, and the intrinsic relationship between historical injustices and ongoing contemporary systemic injustices experienced today.

The Yoorrook Justice Commission will engage Victoria's Aboriginal and non-Aboriginal community to achieve its aim of truth-telling, educating the wider Victorian community and making recommendations for reform. The voice of First Peoples' will be at the heart of the process, developing a shared narrative of the true impact of colonisation.

Based on international truth-telling experiences, the breadth of the inquiry and focus on systemic elements is critical to ensuring these objectives are achieved. The Victorian Government is committed to being proactive, transparent and genuine in its engagement with and response to the Yoorrook Justice Commission, to best support its work and enable the achievement of its objectives.

On 30 June 2022, the Yoorrook Justice Commission delivered its Interim Report to the Governor and Co-Chairs of the First Peoples' Assembly of Victoria. The report details Elders' experiences of ongoing pain and harm to Victorian First Peoples at the individual, family, community, and state level. The report makes two recommendations: that the government extends the Yoorrook Justice Commission's final reporting date to 30 June 2026, and that the government progresses legislative change to enable First Peoples choices about future management of information provided to the Yoorrook Justice Commission. The government shares the Yoorrook Justice Commission's goals of truth and justice and is committed to considering all findings and recommendations that it makes.

Further to the interim report, the Yoorrook Justice Commission committed to providing a second report in March 2023 as part of its next inquiry phase and will be an important contribution to treaty negotiations.



## The Yoorrook Justice Commission's intersection with treaty

The First Peoples' Assembly of Victoria and the Victorian Government share a resolution that treaty cannot happen without truth. The development of a truth-telling process has therefore taken place in parallel with the treaty process to ensure that treaty is underpinned by a commitment to truth. The Commission's findings will support broader community understanding of the ongoing impact of colonisation and promote healing for Victorian First Peoples.

Under the letters patent, the Yoorrook Justice Commission can provide recommendations for institutional and legal reforms to address systemic injustices to benefit all Victorians — including through the treaty process. The Yoorrook Justice Commission may also make particular recommendations to provide appropriate redress that should be specifically designed and effectively implemented, especially where such redress is not already available to First Peoples. It may also make recommendations about further subject matters that should be included in a treaty or treaties with the State.

Pursuing a truth-telling process alongside treaty affirms Victoria's leadership in Aboriginal affairs, making Victoria the first and only Australian jurisdiction to action both the treaty and truth elements of the *Uluru Statement from the Heart*. The Victorian Government is committed to acknowledging the truth of Victoria's history and laying the foundations for new, positive relationships between the State, Aboriginal Victorians, and non-Aboriginal Victorians.



## **Launch of the Yoorrook Justice Commission hearings**

On 24 March 2022, the Yoorrook Justice Commission held its ceremonial wurrek tyerrang (hearing). This was the official launch and first public sitting of the Yoorrook Justice Commission, prior to its first two blocks of Elders' wurrek tyerrang, which were held in late April and May.

The ceremonial wurrek tyerrang convened by the Yoorrook Justice Commission reflected the cultural authority of Elders and was grounded in cultural practices and with a strong focus on community.

The launch of the Yoorrook Justice Commission's wurrek tyerrang marked the beginning of what will be at times a very difficult, but highly important opportunity for all Victorians to hear and understand the truth about how colonisation has impacted and continues to impact First Peoples. It is only by reconciling with our past, and understanding our present, that we can achieve a fairer, more just, future.

Truth-telling plays an essential role in documenting past and ongoing injustices. Although truth-telling is not a formal treaty element it will inform the treaty process, as required by the Treaty Act. The Victorian Government is committed to transparent and genuine engagement with the Yoorrook Justice Commission to support its truth and justice objectives, and to contribute to the change needed to achieve self-determination for First Peoples.

During the Yoorrook Justice Commission's first wurrek tyerrang block both Marcus Stewart, Co-Chair of the First Peoples' Assembly of Victoria, and Minister Gabrielle Williams, appeared before the Commissioners as witnesses. Mr Stewart spoke of the First Peoples' Assembly of Victoria, its purpose and the treaty process, as well as the need for redress, the need to extend the Commission's timeframe, and Constitutional reform. The Minister's evidence covered the purposes and design of the Commission, First Peoples' dispossession of land and waters and the State's role in these processes. The Minister also spoke on the State's position on policy matters including land justice, treaty, Indigenous Data Sovereignty, community education and future justice system reforms.



Image: AAP Photography/Diego Fedele

"Yoorrook is a historic opportunity for all Victorians to listen to each other with open ears and hearts. Together we will create a path that leads to truth, understanding and transformation and build a shared understanding of history."

– **Chair of the Yoorrook Justice Commission, Professor Eleanor Bourke, Wergaia/Wamba Wamba Elder**



## Progressing Stolen Generations reparations

“It is our hope that this nation-leading reparations package – together with the ongoing work of the Yoorrook Justice Commission and treaty negotiations – go some way to giving Stolen Generation members the recognition, respect and long-awaited justice they deserve.”

– (then) Minister for Aboriginal Affairs,  
**Gabrielle Williams**

Reparations for Stolen Generations in Victoria has long been advocated for by Stolen Generations, their families and the broader Victorian Aboriginal community, following the release of the Bringing Them Home Report in 1997. The Bringing Them Home Report was the result of a national Human Rights and Equal Opportunity Commission inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families.

The First Peoples’ Assembly of Victoria renewed calls for Stolen Generations redress in December 2019. On 18 March 2020, the Victorian Government responded by announcing its commitment to establish a Stolen Generations Reparations Scheme (now known as the package). The Stolen Generations Reparations Package was designed independently from government by a Steering Committee established to lead design of the package and engagement with Stolen Generations members and their families. The Steering Committee included Stolen Generations members, their family members, and representatives from key Stolen Generations support services, such as Connecting Home Limited; Victorian Aboriginal Legal Service; Link Up; and Koorie Heritage Trust. The Victorian Government acknowledges the Steering Committee members’ dedicated, heartfelt, and tireless work.

## Launch of the Stolen Generations Reparations Package

On 31 March 2022, the Victorian Government launched the Stolen Generations Reparations Package – two years since the Victorian Government announced its commitment to a Stolen Generations Reparations Scheme.

Premier Daniel Andrews announced the historic Package alongside the (then) Minister for Aboriginal Affairs, Gabrielle Williams, gathered in the gardens outside Parliament House with the Stolen Generations members who authored the report that informed the design of the Package.

“This is not about closure because the damage that’s been done is there forever, but it is about acknowledgement.”

– **Premier Daniel Andrews**

Attendees included Marcus Stewart and Aunty Geraldine Atkinson – Co-Chairs of the First Peoples’ Assembly of Victoria, Professor Eleanor Bourke – Chair of the Yoorrook Justice Commission, members from the Stolen Generations Reparations Advisory Committee and the Steering Committee, Board Members of Connecting Home, Ngarrra Jaara Noun Redress Support Service, Koorie Family History Service, and the Victorian Aboriginal Child Care Agency.





"I don't believe there is anything that can heal that trauma or ever repay that loss, but the package announced today will go some way to helping people address the disadvantage caused by the inhumane practices our people have been subjected to."

**– First Peoples' Assembly of Victoria Co-Chair  
Geraldine Atkinson, Bangerang and Wiradjuri Elder.**

Mr Ian Hamm, who chaired the Stolen Generations Steering Committee, said the process was designed to reduce any additional trauma by keeping the evidentiary bar as low as possible – “if there is any gathering of evidence needed, the onus is on the state to gather that.”

The holistic Package includes reparations of a \$100,000 payment, a personal apology from the Victorian Government, and access to healing and family reunion programs.

The \$155 million dollar package is a recognition of the intergenerational suffering caused by the forced removal of Aboriginal children from their families by the government and other agencies.

The Victorian Government recognises the forced removal of Aboriginal children from their families, community, culture, Country and subsequent loss of identity and sense of belonging has caused ongoing trauma and suffering, and this investment in justice and truth is long overdue.

The Victorian Government also acknowledges that there is no number of reparations – financial or otherwise that can fully take away the hurt or reverse the impacts of policies that saw children stolen from families, families forcibly disconnected from culture, and communities separated from Country. These reparations are an opportunity to pave a stronger path forward for those affected, and a chance for the Victorian Government to begin making amends for these past injustices.

## Accessing Reparations for Stolen Generations

The Package is currently open for applications. Applicants are able to apply via online form or through paper application. Support services are also available, including counselling, legal and financial advice, to ensure applicants are supported throughout the application process.

Further information and support is available through:

- Call** Freecall **1800 566 071** (9am to 5pm, Monday to Friday)
- Email** [stolen.generations@justice.vic.gov.au](mailto:stolen.generations@justice.vic.gov.au)
- Visit** [www.vic.gov.au/stolen-generations-reparations-package](http://www.vic.gov.au/stolen-generations-reparations-package)
- Write to** Reply Paid 93288 Melbourne Victoria 3001

# Progressing negotiations on other treaty elements

The Victorian Government and First Peoples' Assembly of Victoria are working to deliver the remaining elements required to prepare for treaty negotiations – a Treaty Negotiation Framework and a Self-determination Fund. This work is significantly advanced.

The Treaty Negotiation Framework will set out the rules and process for negotiating, agreeing and enforcing treaties. The Self-determination Fund will support First Peoples to achieve equal standing in negotiations and provide for future prosperity.

These elements are required before Victoria can move to the next phase of the treaty process and commence negotiations on a treaty or treaties between the Victorian Government and Aboriginal negotiating parties.

Image: Hollie Johnson



# Victorian Government commitment to being a model treaty partner

## Minister for Treaty and First Peoples

In June 2022, the ministerial portfolio of Aboriginal Affairs was replaced with a new portfolio of Treaty and First Peoples. This revised portfolio title and scope reflects the Victorian Government's commitment to treaty, and to leading structural reform on the path to treaty. It also anticipates the transfer of power and decision making that treaty will bring – centring First Peoples' self-determination in policy and decisions that intersect with their lives and communities.

## The Victorian Government's commitment to self-determination reform

The Victorian Government is committed to self-determination as the guiding principle in Aboriginal affairs as discussed in the **Victorian Aboriginal Affairs Framework 2018-2023**. Aboriginal Victorians and Indigenous people around the world, have long fought for the right to self-determination, including the right to make decisions on matters that affect their lives and communities. The right to self-determination is enshrined in the United Nations Declaration on the Rights of Indigenous Peoples, to which Australia is a signatory. Its realisation encompasses a spectrum of rights necessary for Aboriginal people to achieve economic, social and cultural equity, based on their own cultural values and way of life.

Self-determination must be driven by Aboriginal Victorians, and within this, government has a responsibility to reform its systems, structures and service delivery to enable self-determination. The Victorian Government's **Self-determination Reform Framework** sets out the State's approach to realising this, guiding the Victorian Public Service (VPS) to undertake systemic and structural transformation to enable self-determination.

Fully embedding Aboriginal self-determination in policies, programs, services and practices across government is a significant endeavour. It needs long-term commitment and sustained effort from all parts of government. In response to the Self-determination Reform Framework, all Victorian departments have put in place self-determination strategies that build internal governance to oversee efforts to enable self-determination.

The Victorian Government reports on its action under the Self-determination Reform Framework in the annual Victorian Government Aboriginal Affairs Report. For further information on key achievements, please refer to [www.firstpeoplesrelations.vic.gov.au/aboriginal-affairs-report](http://www.firstpeoplesrelations.vic.gov.au/aboriginal-affairs-report).

## Whole of Government engagement to support treaty

The VPS has put in place internal governance structures to support the ongoing treaty process. These include formal inter-departmental committees, coordinator positions and communities of practice.

A Treaty Interdepartmental Committee (Treaty IDC) of senior representatives from each Victorian Government department has been in place since 2019. The Treaty IDC ensures that all departments and portfolios are connected on the treaty process, and supported to inform the State's position in negotiating treaty elements. The Treaty IDC also engages departments to support their treaty readiness and build their capacity to deliver on the aspirations of Traditional Owners and Aboriginal Victorians through treaty.

A working level network of Treaty Coordinators across all departments is also in place to facilitate whole of government communications, engagement and ensure that current policy development provides for future treaties.

The Department of Premier and Cabinet has continued to engage across the VPS to discuss the treaty process with strategic and targeted communications. A series of presentations and learning development sessions have been delivered across the VPS to increase awareness and understanding of treaty, Yoorrook Justice Commission response and engagement, and self-determination reform. In 2020-21, more than 25 presentations on treaty were delivered across all Victorian government departments.

## Training and development in the Victorian Public Service (VPS)

### Treaty MicroCertification (Treaty MicroCerts) series

The Victorian Government is equipping VPS staff with the knowledge and confidence to understand treaty and its practical impacts through the Treaty MicroCerts series. In October 2021, the first cohort commenced, delivered by the University of Melbourne. The series explores the role that treaties have played, and might play, in relations between Indigenous peoples and contemporary settler societies.

The Treaty MicroCerts series was developed by the University of Melbourne in response to several Australian jurisdictions committing to pursue treaty processes with First Peoples. The qualification aims to educate staff on the changed relationship required through treaty, and the foundational notions of self-determination and self-government that treaty requires.

In the first intake of the series, the Victorian Government procured 22 places for learners across the VPS to support staff to develop increased awareness of the significance of the State's treaty process and build skills to prepare for treaty. Places were offered to Treaty Coordinators, a network of staff nominated by each department to support the Treaty Interdepartmental Committee, and key staff within departments. The Department of Premier and Cabinet has since funded 10 additional VPS learners in the 2022 cohort.

The Treaty MicroCerts series support key Victorian Government staff to develop a foundational understanding of central concepts to effectively lead the government's work to advance treaty. Treaty envisions a nation-to-nation relationship, based on a recognition of the inherent rights of Aboriginal Victorians as First Peoples. The Treaty MicroCerts series support staff from across government to conceptualise and respond to this new relationship with Traditional Owners and Aboriginal Victorians and will help build government's capacity to develop innovative policy responses.



## **Learning in action – Treaty MicroCerts reflection**

“The Treaty MicroCerts series provided a structure for critical analysis and reframing of my understanding as a non-Aboriginal person. One of the key outcomes was developing a language and framework to talk about treaty and the concepts around treaty.

There is something very powerful in being able to name and call out the ongoing impact of the Settler Colonial state and what is needed to move to a place of equal relations between First Nations and Settler communities. This concept helped me explain what I had learnt to others as I had a language and words I could use to pierce myths and misconceptions, particularly around the harm of paternalistic efforts under the banner of reconciliation.

In my role as Treaty Coordinator at the Department of Health, I will apply what I have learnt directly to the work I am doing to support the progression of treaty and treaties in Victoria. By building my knowledge of treaty and treaties in other jurisdictions I can provide advice to my department about what is possible in the negotiations and why First Nations sovereignty must be at the heart of every effort made from here moving forward.

I am also using the knowledge I gained by sharing with my colleagues through discussion. This has helped build a ripple effect and create meaningful conversations that help in the undoing of long held beliefs and cultures built on discrimination and exclusion. Building skills and knowledge of non-Aboriginal people to begin critical analysis and internal self-reflection is important; an unlearning and decolonisation process that is so deeply necessary.”

**- Treaty Coordinator for Department of Health,  
Jenna Davey-Burns**

Image opposite: Yiruk Wamoon (Wilson's Promontory)  
Photo: Hollie Johnson

Image below: Mikaela Egan







First Peoples –  
State Relations

