



# YOORROOK

## for Transformation

Summary Report





Cover photo: Scar Tree, Wotjobaluk Country.  
Courtesy Uncle Jim Berg, Gunditjmara Elder.

The scarred Trees are a witness to a way of life, and freedom for People to roam at will throughout their own Country. They are a reminder of the past, and they are linked to all Trees. Take the memory of these scarred Trees with you forever. Share their story with your family.

UNCLE JIM BERG, GUNDITJMARA ELDER

From ‘Silent Witness – A window to the past’:  
A personal collection of Scar Trees images and poems by Uncle Jim Berg, Gunditjmara Elder.

Published by order, or under the authority, of the  
Parliament of Victoria, June 2025.

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Cover: Uncle Jim Berg, Gunditjmara Elder  
James Eastoe-Collins pp. 10-11, 23.  
Irene van den Berg pp. 26-27, 52-53

Graphic design

Grindstone Creative

With tears on  
the landscape  
and scars on our  
heart, our truth  
needs to be told.<sup>1</sup>

AUNTY JILL GALLAGHER

1. Transcript of Aunty Jill Gallagher, 28 March 2024, 56 [35]–[45].

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.

Yoorrook is required to investigate and report on injustice against First Peoples. Our mandate uses a broad and inclusive definition of First Peoples, which includes the Traditional Owners of a place in Victoria, including family and clan groups, and their ancestors. It also includes all Aboriginal and Torres Strait Islander people living in Victoria or who previously lived in Victoria.

Native title and heritage laws have specific legal processes to recognise Traditional Owner groups. Yoorrook acknowledges the creation of these processes are part of the impact of colonisation. Yoorrook is committed to being inclusive and to the promotion of self-determination. The use by Yoorrook of a particular name or word is not an endorsement of a particular view. Yoorrook’s Terms of Reference do not permit it to inquire into specific decisions or outcomes in relation to native title or heritage laws. Yoorrook extends deep respect to all Traditional Owners.

**The Hon. Professor Margaret Gardner AC**  
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Government House Drive  
Melbourne VIC 3004

**Ms Ngarra Murray and Mr Rueben Berg**  
Co-Chairs  
First Peoples’ Assembly of Victoria  
48 Cambridge Street  
Collingwood VIC 3066

18 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 third interim report of the Yoorrook Justice Commission. This report meets Yoorrook’s obligations to investigate and report on historical and ongoing systemic injustices in relation to the following terms of reference: land and waters, cultural violations, dispossession, killing and genocide, unfair labour practices, health and healthcare, invasion of privacy, information and data, economic and political life, and other systemic social injustices including education and housing.

Yours sincerely,



**Professor Eleanor A Bourke AM**  
Wergaia / Wamba Wamba  
Chairperson



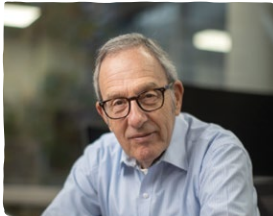
**Adjunct Professor Sue-Anne Hunter**  
Wurundjeri / Ngurai Illum Wurrung  
Deputy Chair



**Travis Lovett**  
Kerrupmara-Gunditjmara / Boandik  
Deputy Chair



**Distinguished Professor Maggie Walter**  
Palawa  
Commissioner



**The Hon. Tony North KC**  
Commissioner



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Part A

# Introduction



# Acknowledgements

The Commissioners thank everyone who contributed to this inquiry, including those who made submissions, attended roundtables and site visits, and appeared in hearings. Yoorrook particularly acknowledges the vital contributions of First Peoples who shared their lived experiences of state systems. By sharing their experiences of injustice, they provided the foundation for this report and its recommendations to address injustice. Their contributions have created the momentum for change to build a better future.

Yoorrook thanks everyone who gathered and analysed the evidence-base for this inquiry and produced this report. Yoorrook's staff supported witnesses and participants who shared experiences of trauma and loss, drawing on their trauma-informed and cultural safety expertise. They ensured hearings, roundtables, submissions, site visits and other processes ran smoothly, managed and analysed a large volume of evidence, and drafted this report. Yoorrook staff also communicated Yoorrook's work to huge audiences via media and social media.

Yoorrook's Counsel Assisting team of Tony McAvoy SC (Wirdi), Fiona McLeod AO SC, Timothy Goodwin (Yuin), Sarala Fitzgerald and Sarah Weinberg ensured Yoorrook's hearings were critical to the accountability that this inquiry has brought. They expertly exposed the evidence that shows the urgent need for reform and how it can be brought about. They conducted hearings with deep sensitivity and respect for First Peoples witnesses.

Yoorrook's Solicitors Assisting, King & Wood Mallesons, led by Emily Heffernan, Ben Kiely and Chris Holland, and through a core team of Esther Faine-Vallantin, Jacqui Dinsdale and Jacob Kairouz, supported all aspects of Yoorrook's work. Their work included evidence gathering, hearings (including witness statements and preparation), legal support for report writing (procedural fairness processes) and legal advice on Yoorrook's operations – working closely with Yoorrook staff, particularly in Yoorrook's Legal, Policy and Research team.

Yoorrook acknowledges and thanks all the contractors who supported Yoorrook's work over this inquiry, including the Lotjpa Independent Legal Service run by the Victorian Aboriginal Legal Service and Victoria Legal Aid, First Peoples' Health and Wellbeing, Law in Order, Connected Minds, David Callow Photography, Greg Ford, Mark Thomson, Gathermore Floral Events, Kapish, Expressions Australia, Grindstone, Marden and Bentley Dean, Julie Buxton, Adams Print, Lauren Hodes, Professor Julie Andrews, Associate Professor Katherine Ellinghaus, Amanda Lourie, Jennifer Wolcott, Keren Murray, Ngaree Blow, Redgum Legal and Consulting, Philip Marshall and Christine Ratnasingham.

Yoorrook's logo and other design elements were created by artist Dixon Patten. Dixon is a Gonnai, Gunditjmarra and Yorta Yorta man who has bloodlines from Dhudhuroa/Jaithmathang, Djab Wurrung, Monaro, Wemba Wemba, Barapa Barapa, Wadi Wadi, Yuin and Wiradjuri. His website is: [bayila.com.au](http://bayila.com.au) The artwork used to represent Yoorrook's methodological framework was designed by proud Gurang and Ngarigo artist Anjee-Lee Bamblett.



# Chairperson’s foreword

First Peoples lived across ancient and diverse landscapes, with connections to land and waters — from wooded highlands and volcanic plains to coastal inlets and sweeping river systems. Every nation was intricately bound to Country through lore, language, culture and custom. This is the heart of First Peoples’ identity.

For over 60,000 years, our ancestors built complex cultures, technologies and languages, through droughts and rising seas in this place now known as Victoria. Colonisation devastated our First Peoples’ world and cultures.

Our lands were taken, and with them, something deeper: the essence of culture, and the ability to continue traditional practices and maintain identity. Death, violence, disease, dispossession and government control changed the landscape.

The Yoorrook Justice Commission’s focus for this third and final interim report, *Yoorrook for Transformation*, is how to right this enduring wrong. Across 39 chapters and five volumes, *Yoorrook for Transformation* delivers clear and practical recommendations for reform across Land, Education, Health, Housing, Economic and Political Life, and Access to Records. These are not abstract proposals but are based on lived truths and designed to be acted on.

To begin its public hearings, Yoorrook returned to Portland on Gunditjmara Country where colonisation began in this state. It was there, in 1834, that the first permanent European settlement was illegally established in Victoria. What followed was massacres, disease, sexual violence, child removal, cultural erasure and linguistic — which amounted to the near destruction of First Peoples across the state.

During hearings, Yoorrook heard painful truths — and honest admissions. Ministers and public servants acknowledged they had not been taught the full and true history of Victoria in school. In fact, many had never heard it at all.

Throughout Yoorrook’s lifetime, Commissioners received at least 16 formal apologies from government ministers and state representatives for the harms committed by the State. These apologies alone are not enough.

*Yoorrook for Transformation* sets out some recommendations to be advanced through the treaty process and others through urgent actions and reforms that should begin now. These recommendations take the voices, lived experience and evidence of First Peoples into the places where decisions are made and where change must happen.

This report builds on the resistance and foundation laid by generations of First Peoples advocates and Elders. A major reform has been the establishment of the First Peoples’ Assembly of Victoria and the Treaty Authority. These historic milestones have made Victoria a leader in the journey towards truth and justice.

Real transformation must come from First Peoples’ leading the solutions and the decisions that affect our lives. Treaty and self-determination are essential for this. Treaty is how we protect our progress now and into the future; it’s how we ensure that what has been built cannot be undone by politics or time. Self-determination is crucial for making decisions impacting First Peoples’ lives.

Finally, to all of you who courageously shared stories with Yoorrook: thank you, it could not have been done without you. You have changed history. Your truths have become part of a permanent record that will shape Victoria’s future. I thank you.

I also extend my deepest gratitude to the Yoorrook staff, past and present, Solicitors Assisting, and Counsel Assisting who have helped bring critical evidence and the dark past to the light.

To my fellow Commissioners — Sue-Anne Hunter, Travis Lovett, Maggie Walter, Tony North, and former Commissioners Uncle Wayne Atkinson and Kevin Bell — thank you for your dedication and contribution.

As Yoorrook draws to a close, there is hope about the future. Yoorrook has paved the way for the Victorian Government to implement important and long overdue reforms to systems it has acknowledged are broken. We are standing at the edge of genuine, lasting change.

The Victorian Government must take the opportunity and the responsibility to enable a better future for First Peoples, and for all Victorians. We share this place. Its future belongs to all of us. Together, through truth, justice and transformation, we can build a new relationship based on shared understanding, strength and bound by respect.

To Premier Allan and the Victorian Government, I urge you all to implement the *Yoorrook for Transformation* recommendations with courage and commitment.

**Professor Eleanor A Bourke AM**  
Chairperson, Yoorrook Justice Commission



# About this report

This is Yoorrook’s third and final interim report. It considers systemic injustices in land, health, education, housing, economic and political life, and access to records. It fulfils the requirement outlined in the amended Letters Patent dated 4 April 2023 to deliver a further interim report.

## A note on content

First Peoples are advised that this report may contain photos, quotations and names of First Peoples who are deceased.

This report discusses sensitive topics that some readers may find distressing. These include violence, massacres, systemic injustices against First Peoples encompassing assimilation and protectionist policies, forced child removal, abuse within institutions, deaths in custody and healthcare settings, devastation of Country, desecration of cultural heritage and theft of Ancestor remains. The report also contains references to self-harm and suicide.

Some chapters contain graphic descriptions and strong language. The report occasionally draws on historical sources that use antiquated racist language to refer to First Peoples and racist depictions of First Peoples.

Yoorrook urges you to consider how and when you read this report and what supports you might need.

If you are upset or affected by any content in this report or if you or a loved one need support, help is available from the following services:

- in an emergency, call 000
- for healthcare support, contact First Peoples’ Health and Wellbeing on 9070 8181 [info@fphw.org.au](mailto:info@fphw.org.au) [www.firstpeopleshealthandwellbeing.org.au](http://www.firstpeopleshealthandwellbeing.org.au)
- contact 13YARN (13 92 76) [www.13yarn.org.au](http://www.13yarn.org.au) for crisis support for mob who are feeling overwhelmed or having difficulty coping
- contact Yarning SafeNStrong to have a yarn about your wellbeing on 1800 959 563 [ysns@vahs.org.au](mailto:ysns@vahs.org.au) [www.vahs.org.au/yarning-safenstrong/](http://www.vahs.org.au/yarning-safenstrong/)
- call Lifeline on 13 11 14 for 24/7 free and confidential crisis support
- call Beyond Blue 1300 22 4636 for 24/7 support for anxiety, depression and suicide prevention.

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# Structure of this report

This report comprises five volumes and 11 parts:

**Part A**, the introduction (this section), includes the Letter of Transmission, acknowledgements, Chairperson's foreword, and a brief introduction to the report's terminology and methodology.

**Part B** includes an executive summary and a list of recommendations.

**Part C** provides an overview of five critical themes raised by First Peoples throughout Yoorrook's inquiry. These are 'the past is the present', 'sovereignty', 'self-determination', 'rights' and 'accountability'. It examines the historical foundations of systemic injustices experienced by First Peoples in Victoria and how current injustices, including systemic racism, are not just historical, but persist today with critical impacts on First Peoples, their families and communities. Part C concludes by examining consistent themes that span all areas of this inquiry including First Peoples' sovereignty, self-determination, rights and accountability. Whole of government recommendations are made to address these issues.

**Part D** examines critical issues in relation to land injustice. It begins with an overview of the centrality of Country and some of the key policies, laws and rights that are engaged by the land rights and recognition system. It then outlines how colonisers stole Country and the ongoing impact of Country being stolen. It also provides an overview of recognition systems and then investigates the three main systems in Victoria recognising First Peoples' land and cultural heritage rights — the *Native Title Act 1993* (Cth), *Traditional Owner Settlement Act 2010* (Vic) and *Aboriginal Heritage Act 2006* (Vic) — and approaches to joint management. Part D concludes by examining 'resources' (water, earth, sea and living things), climate change, renewables and emergencies. Findings on critical issues and recommendations for urgent action are made in each chapter.

**Part E** examines critical issues in the Victorian schooling system and tertiary sector. It begins with an overview of key policies, laws and rights engaged by the schooling system and the historical context of the schooling system. It then examines key issues in the Victorian schooling system in relation to racism and cultural safety, school curriculum, workforce and accountability. The chapters on the tertiary sector begin with an overview of the key policies, laws and rights, and historical context in the tertiary education sector. They then examine critical issues in relation to First Peoples students, staff and leadership in tertiary institutions, including racism and lack of cultural safety, followed by curriculum and teaching methods for key professions. Findings on critical issues and recommendations for urgent action are made in each chapter.

**Part F** adopts a similar approach to examining the Victorian healthcare system. It begins with an overview of the key policies, laws and rights engaged by the healthcare system and then outlines the historical context and the ongoing harm to First Peoples' health and wellbeing caused by colonisation. Following an examination of health inequities, key issues are considered: mental health, family violence and health in the criminal justice system. Part F concludes by highlighting the critical role and benefits of First Peoples-led health services. Key systemic injustices are identified and recommendations for urgent action put forward.

**Part G** outlines critical issues in housing outcomes for First Peoples. It begins with an overview of relevant government policy frameworks in Victoria, systemic barriers to housing security, and concludes with action needed to achieve a self-determined housing system. Recommendations for urgent reform are made in each chapter.

**Part H** examines critical issues in achieving economic prosperity for First Peoples in Victoria, including in employment, First Peoples' businesses and board representation. It then investigates political life and First Peoples' exclusion from government processes and institutions. It looks at the long history of First Peoples' resistance and engagement with political systems to advocate for their rights and effect change. Recommendations for reform are made at the end of each chapter.

**Part I** considers First Peoples' access to records. It examines the barriers for First Peoples to access, own and control records created and held by a range of government, non-government and private entities, and how this continues to impede First Peoples' data sovereignty rights and self-determination. Recommendations for urgent action are made.

**Part J** outlines how redress for the range of injustices, rights violations and other harms First Peoples in Victoria have experienced and continue to experience should be approached by the Victorian Government. Recommendations for forms of redress are made at the end of the chapter.

**Part K** contains appendices to the report, including a list of witnesses, glossary and further policy background information relating to each main area of inquiry.

## 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 Custodians, Aboriginal people, First Nations, Indigenous or Koori to describe First Peoples, especially where they have identified themselves in this way.

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, First Nations, Indigenous, Koori and Koorie.

When referring to certain words, the Commission adopts the terminology used in the original document/submission.

Wherever possible, Yoorrook uses First Peoples' words and ways of speaking.



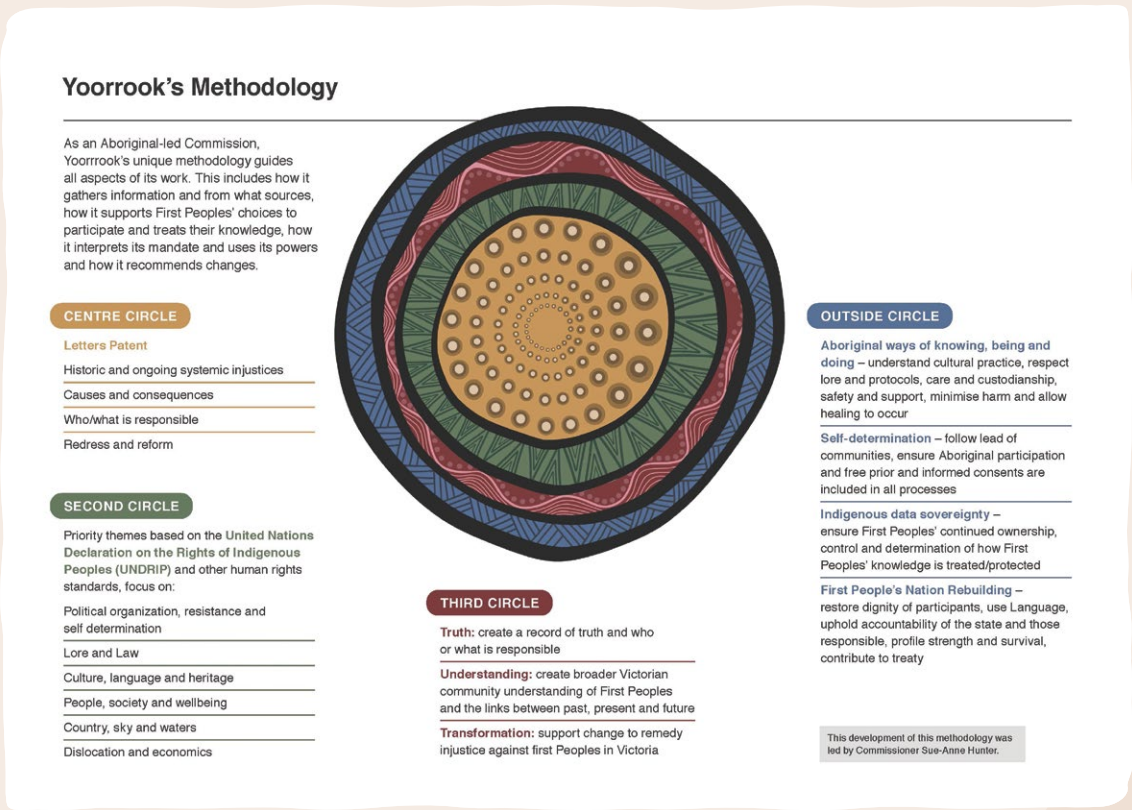
# How Yoorrook approached this inquiry

Consistent with the methodological framework described in *Yoorrook with Purpose*,<sup>1</sup> Yoorrook’s work to achieve truth, understanding and transformation prioritises and centres First Peoples’ voices, experiences, cultural and human rights and their right to self-determination. Yoorrook:

- hears stories and gathers information from First Peoples about experiences of past and ongoing injustices
- hears and demonstrates how First Peoples’ cultures and knowledge have survived
- supports First Peoples to choose how they wish to share their experiences and to avoid experiencing further trauma
- supports First Peoples’ sovereignty over their knowledge and right to choose how they wish to protect their evidence through Yoorrook’s Indigenous Data Sovereignty protocols
- prioritises First Peoples’ perspectives in the interpretation of the Letters Patent, the conduct of the Commission’s inquiries, and in the recommendations for systemic change and practical changes to laws, policies and practices.

For a more detailed description of Yoorrook’s methodological framework see *Yoorrook with Purpose* pages 6 to 9.

Figure i: Yoorrook’s methodological framework. Artwork by Anjee-Lee Bamblett.



## Avoiding trauma, promoting healing

Yoorrook’s Letters Patent require Yoorrook to adopt practices to minimise harm and re-traumatisation for First Peoples and preserve the safety and wellbeing of all participants. Through its methodology, Yoorrook employed the social and emotional wellbeing (SEWB) support model.<sup>2</sup> The SEWB model takes a strengths-based approach to those who wish to participate. Yoorrook emphasises the importance of using the strengths, resilience and connectedness of First Peoples and their communities to provide a safe, supportive and culturally appropriate forum for First Peoples to exercise their rights to truth and justice with dignity while demonstrating their cultural resilience and survival. In total, 81 individuals who provided evidence were supported by the SEWB team.

## Yoorrook’s community engagement

Since it commenced, Yoorrook has received over 1300 submissions and engaged with over 9000 First Peoples across Victoria.

Yoorrook drew on the existing engagement conducted for *Yoorrook for Justice*<sup>3</sup> and conducted new engagements. In total, Yoorrook held more than 400 events including information sessions, speaking engagements, Elder yarns and roundtable discussions with Traditional Owner groups and Aboriginal Community Controlled Organisations (ACCOs).

Yoorrook harnessed traditional and digital media coverage to ensure the widest possible audience heard the stories and evidence brought before the Commission. This is in line with the objectives set out in Yoorrook’s Letters Patent to 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’ and ‘of the diversity, strength and resilience of First Peoples’ cultures, knowledge, and traditional practices’. Between April 2022 and May 2025, Yoorrook was mentioned in at least 21,347 media stories across print, online, television and radio, with a potential audience reach of 115,924,642 (excluding online).

## Evidence gathering

### Key informant briefings

Commissioners held key informant briefings and closed roundtables with experts, academics and ACCOs on the topics of land injustice, health, housing, education, economic prosperity, political life and access to records. Yoorrook also received background briefings and associated documents from the State. These briefings were instrumental in refining the focus of Yoorrook’s inquiry and resulted in the seven issues papers released for this inquiry.

### Submissions

In response to the issues papers released for this inquiry, Yoorrook received over 100 submissions from academics and organisations.

Since commencement Yoorrook received over 1300 submissions from individuals, families, councils, universities, academics, First Peoples-led organisations and mainstream organisations. Over 1000 of these submissions are publicly available on Yoorrook’s website. Over 300 additional submissions were received but were not published but informed the direction of Yoorrook’s work.



Roundtables and site visits

Commissioners and Yoorrook staff attended 37 roundtables and site visits to hear from First Peoples about systemic injustice issues in relation to land, education, health, housing, economic and political life, and access to records. Yoorrook heard about the systemic issues impacting First Peoples and success stories and programs making a positive difference in the lives of First Peoples in these critical areas.

Yoorrook deeply thanks all participants for their time, courage and truth-sharing.

Table i.1: Site visits and roundtables, October 2023 to May 2024.

Organisation/group/topic	Location	Date
On-Country site visits and roundtables		
Barengi Gadjin Land Council	Horsham	26 October 2023
Bunurong Land Council	Frankston, Melbourne	2 November 2023
Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation	Thornbury, Melbourne	10 November 2023
Nindi-Ngujarn Ngarigo Monero	Marlo	13 November 2023
Boonwurrung Land and Sea Council	St Kilda, Melbourne	23 November 2023
Dja Dja Wurrung Clans Aboriginal Corporation	Bendigo	25 November 2023
Gunaikurnai Land and Waters Aboriginal Corporation	Cape Conran	30 November 2023
Wollithiga Clan Aboriginal Corporation	Echuca	5 December 2023
First People of Millewa Mallee Aboriginal Corporation	Mildura	5 December 2023
Tati Tai Kaiejn Aboriginal Corporation	Euston	6 December 2023
Nimmie Caira Land & Water Aboriginal Corporation	Robinvale	7 December 2023
Bangerang Aboriginal Corporation	Shepparton	7 December 2023
Wamba Wemba Aboriginal Corporation (site visit only)	Swan Hill	9 December 2023
Wadawurrung Traditional Owners Aboriginal Corporation	Charlemont, Geelong	14 December 2023
Gunditj Mirring Traditional Owners Aboriginal Corporation	Portland	19 January 2024

Organisation/group/topic	Location	Date
Health, education, housing and other site visits and roundtables		
Housing and homelessness roundtable	Collingwood, Melbourne	20 November 2023
Moolap Primary School site visit	Moolap	30 November 2023
Middle Park Primary School site visit	Middle Park, Melbourne	4 December 2023
Bubup Wilam site visit	Thomastown, Melbourne	6 December 2023
Reservoir East Primary School site visit	Reservoir, Melbourne	8 December 2023
Kurnai College site visit	Morwell	11 December 2023
Experts on Access to Records roundtable	Collingwood, Melbourne	13 December 2023
Rumbalara Aboriginal Cooperative Elders Facility site visit	Shepparton	31 January 2024
Yorta Yorta Aboriginal Corporation site visit	Shepparton	1 February 2024
Western District ACCO Collective roundtable	Geelong	6 February 2024
Ngwala Willumbong site visit	St Kilda, Melbourne	9 February 2024
Aboriginal Community Elders Service site visit	Brunswick East, Melbourne	19 February 2024
Koorie Heritage Trust roundtable	Melbourne	20 February 2024
Loddon Mallee Aboriginal Reference Group roundtable	Online	8 March 2024
Aboriginal Health Liaison Officers roundtable	Collingwood, Melbourne	13 March 2024
Western Health Galinjera Maternity Program site visit	St Albans, Melbourne	15 March 2024
Mercy Hospital Nangnak Baban Murrup Maternity Group Practice site visit	Heidelberg, Melbourne	15 March 2024
Bunjilwarra Koori Youth Alcohol and Drug Healing Service site visit	Hastings	5 April 2024
Koorie Youth Council roundtable	Collingwood, Melbourne	8 April 2024
PROV site visit	North Melbourne, Melbourne	14 May 2024
Births, Deaths and Marriages site visit	Melbourne CBD	21 May 2024
St Vincents' Hospital site visit	Fitzroy, Melbourne	23 May 2024



Hearings

Public hearings were held at Yoorrook’s office on Wurundjeri Country in Collingwood and at Coranderrk reserve. Hearings were also held on Gunditjmara Country in Portland and on Tati Tati Country in Robinvale. Hearings were scheduled in blocks and were sequenced to build public understanding of systemic issues.

Hearing block six on land injustice had 13 hearing days from March 2024 to April 2024 and involved a total of 68 witnesses (there were 67 unique witnesses — some individuals appeared more than once in the same hearing block). Hearing block seven on social injustice had 13 hearing days from May 2024 to June 2024 and involved 73 witnesses (68 unique witnesses). A final hearing day known as descendants’ day heard from three witnesses in one day. Recordings of these hearings were livestreamed from the main hearing room and released on Yoorrook’s website.

In total across hearing blocks six to eight, there were over 134 people who gave evidence across 27 hearing days. A full witness list is available in Part K, Appendix A. Yoorrook thanks all witnesses for sharing their truths, insights, expertise and generosity.

Evidence production and analysis

Yoorrook built on the existing body of knowledge and the vast experience of First Peoples who have been affected by injustices and who have pushed for reform over many years.

Yoorrook drew on external literature including various conceptual frameworks and models to inform its analysis (e.g. settler-colonial theories, SEWB models, social determinants of health, ACCO models of service delivery and rights-based models). Yoorrook also examined evidence of previous major inquiries and actions taken since those inquiries to inform its findings and recommendations.

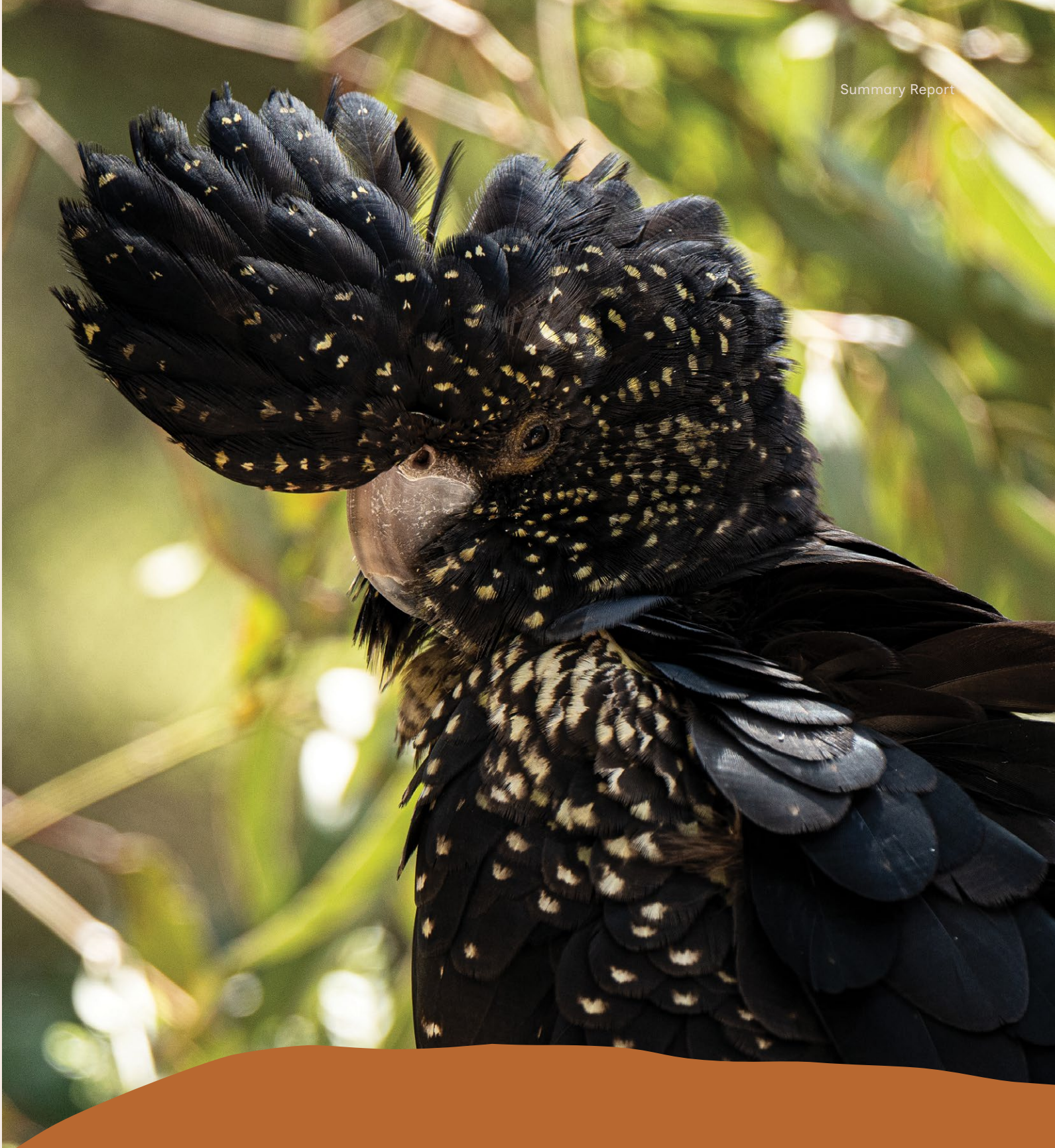
Notices to Produce

Yoorrook also issued 143 Notices to Produce (NTPs) and Requests for Information (RFIs) to State and non-State entities to access documentation and data that may not otherwise be available to the public. In response, Yoorrook received at least 10,000 documents through the NTP process.

Data analysis

Yoorrook staff reviewed and coded all evidence received by Yoorrook (including submissions, hearings evidence, roundtables, site visits, NTPs and RFIs) and thematically analysed this data to identify key themes. These key themes were iteratively refined over time as new evidence was received, and through lines of inquiry which were tested in hearings and other evidence. This analysis also identified key areas for improvement, which informed the final recommendations.

Throughout this report, Yoorrook has identified significant gaps in State data collection and public reporting practices. Much of the statistical information used in this report, especially current Victorian figures, was provided by the State at the request of Yoorrook. These data were analysed and presented throughout the report both in text and infographics. Yoorrook also drew on publicly available statistical data. Wherever possible, Yoorrook used Victoria-specific data. However, national data was used to supplement some state data gaps. A summary of key data for each substantive area of inquiry is presented at the beginning of the chapter as a key facts page and in the summary report.





Part B

# Executive summary and recommendations



Executive  
summary



# Introduction

The Yoorrook Justice Commission was established in 2021 to examine the extent and impact of historical and ongoing systemic injustice against First Peoples in Victoria since the start of colonisation, and to recommend appropriate forms of redress. Yoorrook is the first formal truth-telling process in Australia. It was established as a Royal Commission under the *Inquiries Act 2014* (Vic). Yoorrook is independent of government and is designed and led by First Peoples.

In 2024, Yoorrook held inquiries into land and social injustice issues impacting First Peoples. During these inquiries, Yoorrook received extensive evidence about historical and ongoing injustices, rights violations and other harms against First Peoples in relation to lands and waters, health, housing, education, economic prosperity, political life and access to records. Yoorrook heard that injustices towards First Peoples are not just a thing of the past, but continue to operate as an ongoing, everyday reality.

Systemic racism, as well as individual racist attitudes, lie at the heart of these injustices. Systemic racism refers to laws, policies or practices that may, on their face appear neutral, but which in practice unfairly disadvantage certain racial groups and advantage others. Yoorrook heard that throughout Victoria’s history people in power have used false ideas about race to justify taking First Peoples’ land, to exclude First Peoples from access to health services, education and other economic opportunities, and to maintain systems, policies and practices that unfairly disadvantage First Peoples. Yoorrook received evidence about the ongoing presence of racism towards First Peoples across all societal institutions.

In the face of these injustices, First Peoples continue to resist State-inflicted inequality, institutional discrimination and dispossession that negatively impacts their lives and wellbeing. Yoorrook received evidence from First Peoples self-determining their own priorities and actions, revitalising culture and languages, driving health, wellbeing and education initiatives, building Indigenous economies, and creating the structural and governance changes necessary to forge their own futures.

Yoorrook’s Letters Patent require it to investigate and report on historical and ongoing systemic injustice perpetrated by State and non-State entities against First Peoples since the start of colonisation. This report meets Yoorrook’s obligations in relation to the following terms of reference: land and waters, cultural violations, dispossession, killing and genocide, unfair labour practices, health and healthcare, invasion of privacy, information and data, economic and political life, and other systemic social injustices including education and housing.

# How Yoorrook conducted these inquiries

Yoorrook published issues papers inviting submissions on land injustice, housing and homelessness, health, education and economic prosperity. Yoorrook heard directly from First Peoples and First Peoples-led community organisations. It also received submissions, oral testimony and other evidence from academics, historians, researchers, elected government representatives including the Premier, Deputy Premier, Attorney-General and other Ministers, senior public servants from the Victorian Government and its agencies, church groups, universities and other interested Victorians. Evidence included:

- **Submissions:** across the whole Commission, Yoorrook received more than 1300 submissions from individuals, families, councils, universities, academics, Aboriginal-led organisations and others.
- **Hearings:** hearings relating to land injustice, housing and homelessness, health, education and economic prosperity were held over 27 public hearing days with more than 134 people giving evidence across these hearings. Hearings were held on Wurundjeri Country in Collingwood and at Coranderrk reserve, as well as on Gunditjmara Country in Portland and Tati Tati Country in Robinvale.
- **Roundtables and visits:** 37 roundtables and site visits held across the state explored the topics of land injustice, housing and homelessness, health, education and economic prosperity and access to records.
- **Documents:** across the whole Commission, at least 10,000 documents were received in response to the Yoorrook’s Notices to Produce and Requests for Information from State and non-State entities.

Yoorrook is grateful to all the people and organisations who gave their time and expertise to these inquiries.



## Part C – Critical themes

Part C of this report, ‘critical themes’, provides an overview of five key themes raised by First Peoples throughout Yoorrook’s inquiries. These are ‘the past is the present’, ‘sovereignty’, ‘self-determination’, ‘rights’ and ‘accountability’. These themes provide a framework to examine the causes and consequences of systemic injustice against First Peoples, as well as a way forward for Victorians to effectively acknowledge and address them.

### The past is the present

First Peoples’ lives are profoundly shaped by the enduring impact of colonial invasion and contemporary policies that continue to exclude and harm First Peoples. Yoorrook heard how successive Victorian Governments have enacted laws, adopted policies and engaged in practices that rob First Peoples of access to lands and waters and deny equitable access to social services and resources. Yoorrook heard that this legacy lives on in inequitable health and wellbeing outcomes, home ownership, employment, education outcomes and economic prosperity for First Peoples today. Premier Jacinta Allan MP referred to this as an ‘unbroken line’ between past atrocities and government actions, and First Peoples’ contemporary experiences.<sup>4</sup>

### Sovereignty

Throughout Yoorrook’s hearings the State acknowledged that First Peoples’ ‘sovereignty was never ceded’.<sup>5</sup> For First Peoples, this statement means that First Peoples were the sovereigns of the lands now known as Victoria before the British invaded and the State’s sovereignty over these lands has not been lawfully acquired. Calls for the recognition of First Peoples’ sovereignty are tied to Country and are a demand for real outcomes, not only symbolic platitudes. Yoorrook heard that in Victoria treaty-making is imperative to reconcile contested sovereignties.

### Self-determination

Self-determination is critical to ending systemic injustice. Self-determination means transferring decision-making power, authority, control and resources to First Peoples on nation-based, collective, regional and statewide levels so that First Peoples can make decisions about the things that affect them. This includes decisions about systems design, revenue raising, resource allocation, and powers and composition of bodies and institutions, including accountability and oversight bodies, so that these are First Peoples-led. The *United Nations Declaration on the Rights of Indigenous Peoples* (‘*UNDRIP*’) outlines the four dimensions of self-determination: economic, political, social and cultural self-determination. These four components of self-determination provide the framework for Yoorrook’s analysis and recommendations. In practice, First Peoples are already engaging in self-determination, including through nation rebuilding initiatives, but this requires more support. Yoorrook heard that the Victorian Government has so far failed to properly deliver on its stated commitment to enabling self-determination.

### Rights

First Peoples’ rights encompass a wide range of legal, political, cultural, social, economic, land and resource rights that recognise First Peoples’ unique status and address historical and ongoing injustices. These rights are inherent and grounded in First Peoples’ ongoing sovereignty. They are set out in international instruments and national and state laws and policies, including the treaty process. *UNDRIP* is central to the international framework. It recognises First Peoples’ ‘inherent rights’, including self-determination, and provides the universal minimum standard for assessing state laws, policies, regulations and agreements that affect First Peoples. While the Victorian Government claims to adopt *UNDRIP* standards and use it as a benchmark, it has not incorporated *UNDRIP* into state laws, audited its systems for compliance or negotiated an action plan with First Peoples for implementation. Guided by First Peoples, Victoria must align state law, policy and agreements with *UNDRIP* as a foundation for meaningful change, accountability and self-determined systems.

### Accountability

The Victorian Government’s lack of accountability in relation to First Peoples’ affairs is a theme that cuts across every area of Yoorrook’s inquiry. Yoorrook heard extensive evidence about the State’s failure to implement and adequately fund its policies and fulfil its promises to First Peoples. The Victorian Government provided Yoorrook with a list of over 70 First Peoples-related policies, strategies, frameworks and programs currently in effect. Yoorrook heard evidence that the Victorian Government has failed to adequately fund and deliver the stated outcomes of many of these policies and frameworks. This pattern of unfulfilled promises, lack of transparency and chronic underfunding perpetuates inequity and undermines trust between First Peoples and the government. Yoorrook heard that establishing a First Peoples-led accountability mechanism to hold government to account is essential to create change and engender trust and confidence in government systems and processes.



## Part D – Land injustice

Yoorrook gathered an unprecedented body of evidence about injustices, rights violations and other harms experienced by First Peoples in relation to land and waters. Yoorrook’s hearings in this inquiry began on Gunditjmara Country near Portland. Throughout this inquiry Yoorrook heard how First Peoples have been caring for Country for thousands of generations. The centrality of Country to First Peoples is outlined in Chapter 6: Country. The relationship between First Peoples and Country ‘is characterised by a deep sense of respect, responsibility and reciprocity’.<sup>6</sup> Connection to Country is the foundation of First Peoples’ identity, culture and wellbeing. It links First Peoples to their knowledges, lores and languages.

Yoorrook heard that colonisers came to the state now known as Victoria in search of land and wealth. British colonisers invaded Gunditjmara Country in 1834 and Kulin Country in 1835. The incursions were illegal under colonial laws at the time. Colonisers used violence and supported oppressive laws and practices to steal Country and generate wealth at the expense of First Peoples. As of 11 March 2025, the Colonial Frontier Massacre project had evidence of 50 reported massacres in Victoria between 1831 and 1854, in which at least 978 First Nations people were killed.<sup>7</sup> At least a further 258 First Nations people were killed in massacres in locations on or close to the present Victorian border.<sup>8</sup> Yoorrook heard that these actions were enabled and justified by racist ideology with the explicit and complicit support of politicians, colonial authorities and the State. These actions are examined in Chapter 7: How colonisers stole Country.

Evidence about the impact of these actions is set out in Chapter 8: Impacts of Country being stolen. Colonisers forced First Peoples off their Country and onto reserves and missions where they controlled First Peoples’ lives, separated children from their families and suppressed cultural practices, spirituality and language. Colonisers and their descendants cleared the land to make way for farming, mining and development. In doing so, they damaged the land and waters and destroyed cultural heritage and other sacred sites. Non-Aboriginal farming practices, the prevention of firestick farming and the neglect of ecosystems and waterways increased environmental degradation and the risk of bushfires and floods. Yoorrook heard that some waterways have been mismanaged to the point of ecological collapse. While First Peoples have been locked out of building intergenerational wealth including from lands, waters and resources, Yoorrook heard how the State, churches and private landowners all profited and continue to profit from the atrocities of dispossession.

From 1834, mass killings, disease, sexual violence, exclusion, linguicide, cultural erasure, environmental degradation, child removal, absorption and assimilation combined to bring about the near-complete physical destruction of First Peoples in Victoria. Yoorrook found that the decimation of the First Peoples population in Victoria between 1 per cent and 5 per cent of the pre-colonisation population by 1901 was the result of ‘a coordinated plan of different actions aimed at the destruction of the essential foundations of the life of national groups’.<sup>9</sup> This was genocide.

Following decades of First Peoples’ sustained activism and advocacy for the return of land and the protection of culture, Victoria and the Commonwealth established systems to recognise First Peoples’ land and cultural heritage rights. However, Yoorrook heard that these systems are not fit for purpose, not aligned and do not go far enough to realise First Peoples’ inherent rights to Country. Chapter 9: How we got here – overview of recognition systems examines the three main systems in Victoria recognising First Peoples’ land and cultural heritage rights:

- *Native Title Act 1993* (Cth) (‘NTA’)
- *Traditional Owner Settlement Act 2010* (Vic) (‘TOSA’)
- *Aboriginal Heritage Act 2006* (Vic) (‘AHA’).

Chapters 10: Native title, 11: Traditional Owner settlements, and 12: Cultural heritage examine *NTA*, *TOSA* and *AHA* – how these laws work, their alignment with First Peoples’ rights and their capacity to deliver justice, recognition and self-determination.

In Victoria, ‘joint’ management of land between Traditional Owners and other entities emerged in the early 2000s. These land management arrangements were developed as a response to the complexities of establishing native title and the injustices arising from unsuccessful claims. Joint management is a step towards recognising First Peoples’ rights and authority to care for Country. However, as examined in Chapter 13: Joint management, it does not achieve land justice. Aboriginal title has strict conditions maintaining existing use and access rights. Yoorrook heard that First Peoples face challenges in engaging as partners due to conflicting understandings, insufficient resources and government failures to fulfil commitments. Yoorrook heard that to achieve land justice, the Victorian Government must support First Peoples to move from joint management to sole management of land, aligning with self-determination principles.

Water is a vital, living part of Country. When colonisers and the State stole First Peoples’ land, they took First Peoples’ water and deprived First Peoples of their rights to access, use and manage water resources. This dispossession continues. Based on the fiction of *aqua nullius*,<sup>10</sup> the State has created a market-based system of water entitlements that excludes First Peoples from realising water rights, from water ownership and from the sizeable economic benefits which have flowed from the sale of water to third parties.<sup>11</sup> Chapter 14: Water outlines the State’s historical and ongoing denial of First Peoples’ water rights and the reforms required to enable Traditional Owners to meaningfully engage in water management.

Since colonisation, the State has asserted ownership over First Peoples’ natural resources and collected billions of dollars in revenue from their exploitation and use. The theft and the commodification of First Peoples’ resources is examined in Chapter 15: Earth, sea and living things. Yoorrook heard how Victoria’s economy has relied on natural resources, from the gold rush to energy to irrigated agriculture. While First Peoples have been excluded from the resources sector and its benefits, numerous private entities have and continue to profit from the use of resources, including fish, game, minerals, coal and gas. There are significant opportunities to realise First Peoples’ rights and aspirations in the resources sector and in the management and healing of public land. Treaties, both statewide and with Traditional Owner groups, provide a vehicle for realising these goals. Other emerging and new markets based on First Peoples’ natural resources should be developed and regulated in a way that fully recognises Traditional Owner sovereignty, values and intellectual property, and shares economic benefits.

First Peoples’ capacity to fulfil their responsibilities to Country is challenged by climate change. Country faces increasing risks from chronic climate changes leading to heat stress, prolonged drought, rising sea levels and acute events including riverine and coastal flooding, bushfires and increasingly severe storms. These events damage Country and have significant short and long-term effects on First Peoples communities.<sup>12</sup> Meeting these challenges requires coordinated global action to mitigate climate change through emissions reduction and local action to adapt to climate change and respond to emergencies. It is essential that First Peoples are resourced to be involved in a coordinated and self-determined way in efforts to mitigate and adapt to climate change and to protect and heal Country. Chapter 16: Climate change, renewables and emergencies, sets out the evidence about climate change-related challenges and opportunities for First Peoples in Victoria.



Part E – Education

Education is the cornerstone of a just and thriving society and is often a focus of efforts to improve First Peoples’ health, safety and wellbeing. Yoorrook received evidence about First Peoples’ experiences in the Victorian schooling and tertiary education systems. The evidence shows a stark disparity in educational opportunities and outcomes between First Peoples and their non-Indigenous counterparts.

Schooling

The Victorian schooling system is failing First Peoples’ children and young people. As described in Chapter 17: Overview, despite a host of rights, laws, major policies and oversight mechanisms applicable to First Peoples’ education in Victoria, Yoorrook saw systemic injustice in educational attainment, the appropriateness of the curriculum and cultural safety for First Peoples students, education staff and their families. Victoria’s overarching education legislation, the *Education and Training Reform Act 2006* (Vic), needs to be strengthened to enable a more inclusive and culturally safe education system and to ensure First Peoples’ cultural rights are taken seriously across all schools and early childhood services.

Educational inequalities have been a feature of First Peoples’ lives since the start of colonisation. Yoorrook received historical evidence about the State systematically imposing substandard and limited education on First Peoples through oppressive laws, missions and reserves, and the near total control over First Peoples’ lives by the Board for the Protection of Aborigines. Chapter 18: Historical context – the past is the present explains that when education was provided it often limited First Peoples’ aspirations. It was also a systemic tool of attempted assimilation. As the Deputy Premier and Minister for Education the Hon Ben Carroll MP acknowledged, First Peoples’ experiences of schooling in Victoria have been shaped by low expectations of their abilities, racist curriculum, segregation, child removal and exclusion.<sup>13</sup> This pattern of educational inequity continues to the present day.

Yoorrook heard evidence that First Peoples students face structural impediments not experienced by others, with racism and lack of cultural safety undermining their educational success. Chapter 19: Racism and cultural safety documents the continued problem of racism and lack of cultural safety in the Victorian schooling system and provides recommendations to address it.

Schooling Chapter 20: Curriculum examines the Victorian school curriculum and the need for strengths-based and trauma-informed teaching practice. Yoorrook heard that the Victorian school curriculum does not tell the full story of Victoria’s history, and many educators remain ill-equipped to teach compulsory curriculum to the required standard. Teaching is also not systematically linked to learning outcomes or assessed rigorously and informed by ongoing professional development. The evidence demonstrates the urgent need for transformative change in Victoria’s school curriculum and teaching approaches related to First Peoples. Curriculum reform has the potential to challenge racist narratives, promote cultural safety and help create a richer and more inclusive learning environment for all students.

First Peoples’ school experiences in Victoria are also negatively impacted by the critical under-representation of First Peoples educators, leaders and public servants in the education system. This under-representation compromises schools’ cultural capability, to the detriment of all students. Chapter 21: Workforce examines the issues driving under-representation and lack of cultural safety for First Peoples in the workforce, including the prevalence of racism and inadequate support, as well as the need for improved pathways for First Peoples students pursuing teaching qualifications and leadership opportunities.

Chapter 22: Accountability examines the 25-year-long failure of First Peoples education strategies to achieve their stated objectives — from the *Yalca Education and Training Partnership* (Yalca) in 2001 to the *Marrung Aboriginal Education Plan 2016–2026*.<sup>14</sup> Yoorrook heard that an underlying cause of these failures to achieve outcomes is because of a lack of accountability for results. Accountability goes beyond mere compliance with policies and procedures. It requires a deep-seated commitment to ensuring that the educational experiences of First Peoples students are positive, empowering, culturally safe and reflective of First Peoples’ culture, history and perspectives. This cannot be achieved through more and more policies and strategies that have either meaningless targets or no effective means to enforce them. Nor can it be achieved through mere partnerships or consultation.

Tertiary education

First Peoples in Victoria have been engaging in the higher education sector since the 1950s: studying, teaching, graduating, and creating programs and centres that support others to follow in their path. Despite this, the numbers of First Peoples participating in tertiary education are significantly lower than those of the general population.

Within the tertiary education system there are still significant barriers to First Peoples’ achievement and to Victorian universities fulfilling their obligations to First Peoples. These include historical and continuing exclusion of appropriate First Peoples content and knowledges in university curricula, lack of engagement with First Peoples communities and Traditional Owner groups, and failure to deliver appropriate training to frontline professionals to enable them to provide culturally appropriate services to First Peoples.

Chapter 23: Overview and historical context outlines the history and legacy of First Peoples’ leadership and achievements in the tertiary education sector despite systemic and ongoing injustice. This includes a history of unethical research and teaching, theft of cultural artefacts, ancestral remains and sacred objects, and the historical exclusion of First Peoples. Chapter 24: First Peoples students, workforce and leadership examines the experiences of First Peoples students and staff in tertiary institutions, including experiences of racism, lack of cultural safety and the marginalisation of knowledge systems. Chapter 25: Curriculum and education identifies significant gaps in tertiary curriculum and teaching methods for key professions such as medicine, law and education as well as positive examples of innovation in the sector.



## Part F – Health

First Peoples in Victoria experience profound health injustice. Colonisation and colonial systems have inflicted systemic harms on First Peoples’ health and wellbeing. These harms have compounded, resulting in the now well-described ‘gap’ in health and wellbeing outcomes between First Peoples and non-First Peoples. The healthcare system has also inflicted systemic harm on First Peoples.

Chapter 26: Overview of health and healthcare highlights First Peoples’ holistic concepts of health and wellbeing, the complexity of the Victorian health system and the key rights, legislation, policies and oversight mechanisms that relate to First Peoples’ health and wellbeing and access to healthcare.

Chapter 27: The past is the present documents how the process of colonisation has impacted First Peoples’ health and wellbeing. First Peoples maintained strong health and wellbeing practices prior to colonisation. When the colonisers arrived, they perpetrated profound harms against First Peoples through the disruption of traditional systems of health and wellbeing and government policies that severed connections with family, community and Country. For First Peoples, Victorian health services were places of systemic harm due to racism, segregation practices, the removal of children from their families and institutionalisation. The lingering impact of past policies combined with contemporary injustices in the health system continue to harm First Peoples’ health and wellbeing today.

Chapter 28: Health inequities outlines the systemic health inequities experienced by First Peoples today, which stem from the historical and contemporary impacts of colonisation. The chapter explores various factors that influence health and wellbeing (the determinants of health), including factors that support good health and wellbeing such as connection to culture, Country and community. Despite numerous government policies and commitments to improve health outcomes for First Peoples in Victoria, for many measures there has not been a demonstratable improvement. Reasons for this include failures by the State to adequately fund the commitments it makes, address systemic racism in healthcare, provide adequate investment in First Peoples’ health services and prevention, and support First Peoples’ self-determination in health.

The Victorian mental health system is failing to support the mental health and social and emotional wellbeing of First Peoples. Chapter 29: Mental health and social and emotional wellbeing explores the inequities experienced by First Peoples in Victoria with respect to their mental health and social and emotional wellbeing. This includes exposure to discriminatory practices, inadequate cultural safety and barriers to accessing appropriate care. Available data, though limited, indicates that mental health outcomes for First Peoples in Victoria may be worsening, not improving. While the Victorian Government has made some steps towards more culturally safe and responsive treatment and care, ongoing weaknesses in the current legislative framework and funding environment negatively impact First Peoples.

Chapter 30: Family violence examines the profound health injustices experienced by First Peoples in relation to family violence. This includes high rates of family violence and mainstream service responses that are often reactive, punitive and culturally unsafe, creating further barriers for First Peoples to seek support. These institutional failures create a healthcare environment that often compounds, rather than alleviates, the health impacts of family violence for First Peoples. Yoorrook heard that there is an urgent need for transformative change in how Victoria’s health system responds to family violence affecting First Peoples. It is imperative that the State prioritises prevention and early intervention, including measures to address the underlying drivers of family violence like housing, education and racism towards First Peoples women. There needs to be greater cultural safety in mainstream family violence services as well as more investment for First Peoples-led responses which are holistic, culturally safe and effective.

Racism is endemic across the Victorian health system. Yoorrook received a significant body of evidence outlining the extent of racism in the sector, the different forms of racism and the significant harms experienced by First Peoples as a result. Minister for Health and Minister for Health Infrastructure, the Hon Mary-Anne Thomas MP acknowledged that ‘[h]ospitals can be unsafe places for First Peoples’ in ways that other Victorians cannot ‘begin to comprehend’.<sup>15</sup> Minister Thomas recognised that First Peoples experience racism ‘as patients and staff [and] by other staff and [from] other patients’.<sup>16</sup> Chapter 31: Racism, workforce and accountability examines how racism reduces access to care, affects the quality of care delivered, and negatively impacts First Peoples’ health and wellbeing. Yoorrook also heard that despite the critical role of First Peoples in the healthcare workforce, mainstream workplaces are unsupportive and culturally unsafe, with inadequate oversight and accountability mechanisms.

Chapter 32: Health and the criminal justice system examines how systemic racism undermines healthcare delivery in the criminal justice system. This includes reactive rather than preventative approaches, inadequate assessment and identification of health needs and poor continuity of care. This manifests in punitive responses, First Peoples’ health needs being ignored, disbelieved or not identified, inadequate access to services, and lack of oversight and accountability. Despite previous calls by Yoorrook and numerous inquiries for transformative change across the criminal justice system, the Victorian Government has failed to enact the reforms required.

Chapter 33: Aboriginal community control of healthcare highlights the strengths of Aboriginal Community Controlled Organisations (ACCOs) and the ongoing systemic injustices encountered by the sector. ACCOs offer holistic and culturally safe care that is tailored to the needs of the local community and recognises the wider social and cultural determinants of health. This model of holistic and culturally safe care is delivering better health outcomes for First Peoples. Despite the crucial role and positive impacts of ACCOs, Yoorrook heard that the sector remains severely underfunded and faces excessive reporting burdens.

## Part G – Housing

For First Peoples, appropriate housing is vital for cultural connection, actively enriching ‘spiritual wellbeing, mental health and engagement in core cultural practices’<sup>17</sup> while establishing ‘the foundation for building family and community resources and intergenerational wealth’.<sup>18</sup> First Peoples face housing insecurity, at rates far exceeding the general population. This is characterised by endemic homelessness, over-representation in social housing, discrimination in the private rental market, and significantly lower rates of home ownership than non-First Peoples. Housing Minister Harriett Shing MP described the housing crisis facing First Peoples as an ‘abject failure’ by government.<sup>19</sup> Part G – Housing outlines how the consequences of colonial dispossession continue to shape housing outcomes for First Peoples today. Chapter 34: Housing overview and historical context examines relevant government policy frameworks in Victoria, continued systemic barriers to housing security, and Chapter 35: Housing and First Peoples outlines the action needed to achieve a self-determined, properly supported housing system.



## Part H – Economic and political life

First Peoples in Victoria have been consistently excluded from opportunities to generate wealth. Colonial systems prevented First Peoples from participating in economic life and wealth creation, including through education, employment opportunities and owning property. Current economic disparities and barriers to First Peoples’ prosperity are direct legacies of colonial practices and state-sanctioned exclusion. Chapter 36: Economic prosperity traces the impacts of colonisation on First Peoples economies. It examines current disparities and barriers to economic prosperity for First Peoples in Victoria, including in employment and support for First Peoples businesses and capital investment. Establishing a dedicated fund for First Peoples’ capital raising and investment would significantly advance economic self-determination and prosperity.

Colonial systems have long excluded First Peoples in Victoria from participating in the processes and institutions of government. This is documented in Chapter 37: Political life. Despite this exclusion, First Peoples have a long history of resistance and of directly engaging with political systems to advocate for their rights and effect change. Yoorrook acknowledges that the Victorian Government is leading the nation in its formal commitment to statewide and Traditional Owner treaties. This commitment, together with the establishment of the First Peoples’ Assembly of Victoria and the Treaty Authority, are historic. They represent a shift towards greater inclusion of First Peoples in political processes. In addition to these significant steps, permanent representation and self-governing mechanisms are needed to properly empower First Peoples to make decisions about the issues that impact them.

## Part I – Access to records

Chapter 38: Access to records is central to uncovering and retelling the story of Victoria. For many First Peoples individuals, the release of information may also be essential to their health and wellbeing.<sup>20</sup> Access to records is important in practising and revitalising First Peoples’ traditions and cultural practices.<sup>21</sup> Access to personal and family records is particularly critical in the out-of-home care context and for families the State separated, who need to piece together their personal histories and reconnect with family, culture and Country.<sup>22</sup> Despite this, there is no simplified, consistent and efficient approach to accessing and managing records for First Peoples in Victoria. Barriers to access, own and control records continue to impede First Peoples’ data sovereignty rights and self-determination. There is a need to decolonise state archives and record-keeping sites. Indigenous Data Sovereignty principles show how this might be begun.

## Part J – Call to action

### Redress

The Terms of Reference for Yoorrook require it to consider ‘redress’ as a component of the truth-telling process. ‘Redress’ refers broadly to any measure that attempts to correct or remedy rights violations and other harms, including providing compensation or restitution. The State providing redress to First Peoples is a critical component of truth-telling and of addressing historical and ongoing injustices.

Yoorrook heard that First Peoples in Victoria have experienced and continue to experience a range of injustices, rights violations and other harms, including:

- Theft of land and waters, dispossession and denial of First Peoples’ property rights, resulting in cultural and economic loss
- The imposition and use of oppressive laws, policies and practices to forcibly expel First Peoples from their lands
- The incarceration of First Peoples by the State and by religious institutions on missions and reserves
- Acts of genocide, massacres, wars, unlawful killings and other violence (including rape and other sexual violence)
- Linguicide and the destruction and suppression of language and culture
- The forced removal of children from their families and communities
- The decimation of the First Peoples population through disease and other health issues
- The servitude of First Peoples and theft of their wages
- The theft and destruction by the State and educational institutions of cultural knowledge, artefacts, ancestral remains and sacred objects
- The exclusion of First Peoples from soldier settlement schemes, and the use of soldier settlement schemes to take First Peoples’ land
- The invasion of First Peoples’ privacy, including through the collection, possession, use and control of data and information about First Peoples
- The exclusion and disadvantaging of First Peoples in the healthcare, education and housing systems and in economic and political life.

Call to Action Chapter 39: Redress examines how redress for these actions should be approached by the Victorian Government in its negotiations with First Peoples (including as part of the treaty process).



# Yoorrook’s recommendations for change

Yoorrook makes 100 recommendations across four categories:

- transformative change through the treaty process (recommendations 1 to 5)
- urgent reforms: self-determination, rights and accountability (recommendations 6 to 13)
- urgent reforms:
  - land (recommendations 14 to 46)
  - education (recommendations 47 to 69)
  - health (recommendations 70 to 85)
  - housing (recommendations 86 to 90)
  - economic (recommendations 91 to 95)
  - political life (recommendations 96)
  - access to records (recommendations 97 to 98)
- redress (recommendations 99 to 100).

Yoorrook expects that the Victorian Government immediately commence work to implement the urgent recommendations made in this report so that they can be achieved over the next 12-24 months. Yoorrook recognises that work to fulfil these urgent recommendations may be supplemented by consultations within the treaty process. However, treaty processes must not be used as an excuse for delay where the evidence gathered by Yoorrook demonstrates a clear case for standalone reform in the immediate short term.

Where Yoorrook makes recommendations that require oversight agencies and First Peoples organisations to assume additional responsibilities or functions, it is essential that the government provide adequate resources to those organisations. Similarly, where Yoorrook makes recommendations that require or improve compliance with laws, policies and rights obligations, the State must adequately resource this. Lack of resources must not be used as an excuse for failing to act in a timely manner.

Some of Yoorrook’s legislative recommendations will benefit all Victorians in addition to addressing the significant injustices that First Peoples continue to experience. It is normal practice that government considers full implications of any legislative change, however in doing so this must not be an excuse for delay or deferral. First Peoples cannot wait for these injustices to be addressed and nor should other Victorians be denied the positive changes that will flow from them.



Land injustice

Colonisation decimated First Peoples in Victoria.

A pre-colonisation First Peoples population<sup>23</sup> of  60,000 was reduced to  15,000<sup>24</sup> by the time the colony was founded in 1851, as a result of violence and colonist-introduced diseases.<sup>25</sup>




Massacres deeply impacted the population.

 50 massacres were reported in Victoria between 1830 and 1859 in which at least  978 Aboriginal people were killed.<sup>26</sup> At least seven recorded massacres involved ‘agents of the State’ (e.g. Police, Government Surveyors).<sup>27</sup>

The state continues to withhold stolen land from First Peoples.

The state of Victoria currently holds approximately  8.8 million hectares of land.<sup>28</sup> Of the 1,265,937 hectares committed to be returned in Aboriginal title, only  59,075 have been returned to date.<sup>29</sup>

The State denies First Peoples the wealth generated from water.

As of 2022, Victoria’s First Peoples directly held less than  0.2% of all water access rights in Victoria.<sup>30</sup> The State has received a total of  \$83bn in water-related revenue between 2010 and 2023.<sup>31</sup>  None of this revenue has been distributed to Traditional Owners.<sup>32</sup>

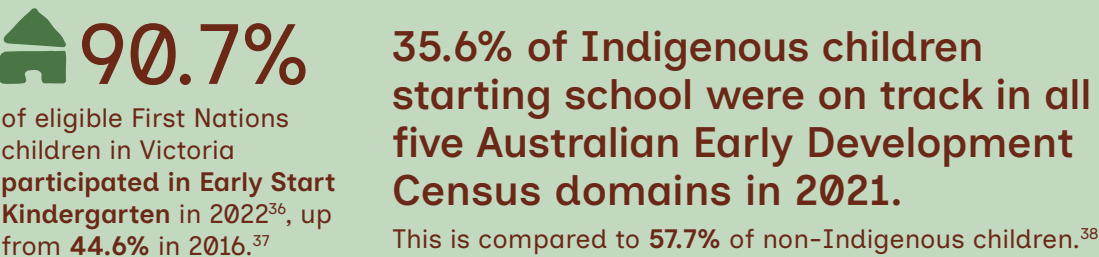
The State denies First Peoples the wealth generated from natural resources.

From 2010 to 2023, the State received more than  \$1bn in royalties for mineral, stone and petroleum resources.<sup>33</sup> And more than  \$1.89bn in revenue from grazing and government land licenses.<sup>34</sup>  None of this revenue has been distributed to Traditional Owners.<sup>35</sup>

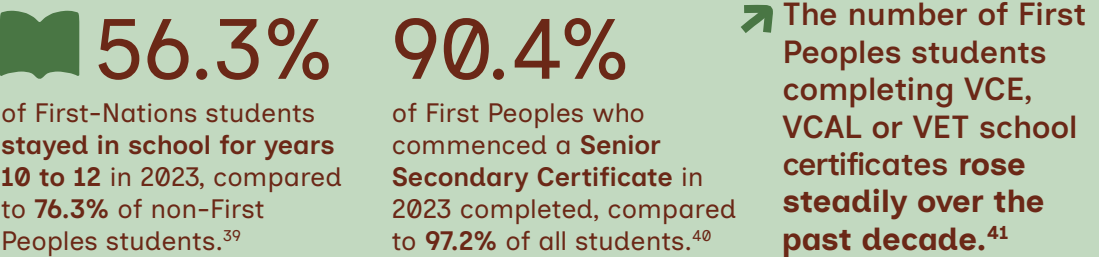


# Education

First Peoples students increasingly engage in early years education, but developmental disparity remains.



First Peoples students are less likely to complete secondary school.






# Health

First Peoples experience poorer health outcomes than non-First Peoples.<sup>50</sup>

First Peoples in Victoria:


 **Are nearly twice as likely** to report poor health.<sup>51</sup>

 experience cancer at **nearly twice the rate.**<sup>52</sup>

 and have more than **twice the rate** of potentially preventable hospitalisations, compared to non-First Peoples.<sup>53</sup>

First Peoples in Victoria experience poor mental health.

First Peoples in Victoria are:

 **1.4 times more likely** to be diagnosed with depression or anxiety.<sup>54</sup>

**Nearly 2 times as likely** to be hospitalised for mental health conditions.<sup>55</sup>

**Nearly 3 times as likely** to die by suicide, compared to non-First Peoples.<sup>56</sup>

First Peoples are over-represented among family violence victim survivors.

 **6,578** incidents involving **First Peoples victim survivors** occurred in Victoria in 2024<sup>57</sup>  
A likely underestimation of the true number.<sup>58</sup>

**5.2%** of Victorian victim survivors **identified as First Peoples** in 2023-24.<sup>59</sup>

**10.3%** of those presenting to **emergency departments for intimate partner violence injuries** were First Peoples in 2023-24.<sup>60</sup>

First Peoples experience racism in the health sector.

 **20.6%** of First Peoples in Victoria reported experiencing racism in health settings in the previous 12 months in a 2022 survey.<sup>61</sup>

This rate was **nearly 3 times** the rate of non-First Peoples at 7.6%.<sup>62</sup>

First Peoples in Victoria left hospital against medical advice at **5 times** the rate of non-First Peoples in 2022-23.<sup>63</sup>

First Peoples are under-represented in the health workforce.

 **0.39%** of the Victorian public health workforce are First Peoples as of 30 April 2024.<sup>64</sup>

**1% of Victorian Department of Health staff are First Peoples.**<sup>65</sup>



# Housing



First Peoples in Victoria are **10 times more likely to access homelessness services.**

13.1% of First Peoples accessed a homelessness service in Victoria in 2022-2023, compared to 1.3% of non-Indigenous Victorians.<sup>66</sup>

Housing insecurity is compounded by additional vulnerabilities.

12,825

Aboriginal and Torres Strait Islander clients presented to **Specialist Homelessness Services** in Victoria in 2023-2024.<sup>67</sup>

Of those clients:



44.7%

experienced family violence



44.6%

had a current mental health issue



16.4%

had harmful drug or alcohol use



7.2%

had all three of the above vulnerabilities.<sup>68</sup>

First Peoples continue to be over-represented in social housing.

Aboriginal and Torres Strait Islander households in Victoria live in **social housing** at more than

5 times

the rate of non-Indigenous households.<sup>69</sup>

10.8%

of new applications to the Victorian Housing Register in 2024 were from Aboriginal and Torres Strait Islander households.<sup>70</sup>



59%

of those applications are in the **priority category**.

This includes those currently experiencing or being at risk of experiencing homelessness, or in urgent need of safer, more appropriate housing.<sup>71</sup>

First Peoples are more likely to rent and be in rental stress.



51.3%

of Aboriginal and Torres Strait Islander occupied **private dwellings were rented** in Victoria in 2021.<sup>72</sup>

Compared to

28.5%

of all occupied private dwellings.<sup>73</sup>



33.9%

of Indigenous households **were in rental stress** in 2021, **spending over 30%** of their gross household income on housing costs.<sup>74</sup>

First Peoples suffer the health and welfare impacts of poor housing quality at alarmingly high rates.



23% of Aboriginal and Torres Strait Islander households in Victoria did not meet an acceptable standard in 2019.<sup>75</sup>

This increased from 16% in 2008.<sup>76</sup>

# Economic and political life

Economic disparity is a significant colonial legacy for First Peoples.<sup>77</sup>

✗ First Peoples in Victoria have lower weekly personal income levels than non-First Peoples.

In 2021, the median weekly personal income for First Peoples in Victoria was

\$619

compared to all people in Victoria which was

\$803<sup>78</sup>

Between 2016 and 2021, the employment rate for First Peoples in Victoria aged 25 to 64 rose 4.7% to

62%<sup>79</sup>

This is still significantly lower than the

78.4%

employment rate for non-First Peoples in Victoria.<sup>80</sup>

✗ First Peoples in Victoria are less likely to hold high-paying jobs than non-First Peoples.<sup>81</sup>

State investment in First Peoples businesses remains low.

In 2022-23, Victorian Aboriginal businesses generated an estimated

\$1.05bn<sup>82</sup>

The value added to the wider Victorian economy by these businesses was estimated to be

\$520.6m<sup>83</sup>

In 2021-22, state purchase agreements with small-to-medium First Nations businesses were just 0.7% of all agreements, at

\$21.6m<sup>84</sup>

First Peoples experience marginalisation and exclusion in political life.



0.9%

of Victorian Public Service grade 6 and above positions were filled by First Peoples in 2021.<sup>85</sup>

To date, Victoria has elected only



4 First Peoples parliamentarians.<sup>86</sup>



## Recommendations



# 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.

**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:

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

**Chapter 12: Cultural heritage**

## RECOMMENDATION 34

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

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

- 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:
  - enable a pathway for Traditional Owner-led cultural fire development and practice to occur within the current regulatory environment;
  - 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
  - enable a pathway for Traditional Owner carbon and emissions reduction practice.
- 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:
  - First Peoples' fire knowledge and practices; and
  - First Peoples' knowledge of Country and Aboriginal cultural heritage values (tangible and intangible) requiring protection.
- 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, support and 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 Act 2010* (Vic) to:

- Expressly recognise Victorian First Peoples;
- Acknowledge First Peoples' rights, cultures, histories and perspectives in tertiary education; and
- 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:

- Ensuring cultural support initiatives and First Nations student support systems are embedded into mainstream university business;
- Addressing racism against First Peoples by duty-holders, including tertiary education providers; and
- 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:

- 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;
- 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
- 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:

- Increasing First Peoples-led support before and representation on the Tribunal.
- 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.
- 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:

- Expand existing services and deliver new initiatives to respond to family violence; and
- 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:

- Invest in primary prevention initiatives (e.g. universal prevention programs for all Victorians) which address racism, before family violence occurs; and
- 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:

- Take legislative, administrative and other steps to eliminate racism against First Peoples from Victorian health settings;
- 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
- 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:

- 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
- 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.
- e. 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 in *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

Endnotes

1. Yoorrook Justice Commission, *Yoorrook with Purpose* (Interim Report, June 2022) 6–10.

2. See Yoorrook Justice Commission, *Yoorrook with Purpose* (Interim Report, June 2022) 10–11.

3. Yoorrook Justice Commission, [\*Yoorrook for Justice: Report into Victoria's Child Protection and Criminal Justice Systems\*](#) (Report, 31 August 2023).

4. Transcript of Premier Jacinta Allan MP, 29 April 2024, 10 [9]–[17].

5. See for e.g. Witness Statement of Minister Natalie Hutchins MP, 18 April 2024, 1; Transcript of Minister Harriet Shing MP, 24 April 2024 (Part 2), 5 [22]–[23]; Transcript of Minister Harriet Shing MP, 24 June 2024, 3 [35]; Transcript of Minister Ben Carroll MP, 14 June 2024, 3 [35]–[45]; Transcript of Minister Ingrid Stitt MP, 17 June 2024, 73 [23]–[24]; Transcript of Minister Mary-Anne Thomas MP, 21 June 2024, 4 [7]–[9]; Witness Statement of Minister Steve Dimopoulos MP, 8 March 2024, 2 [8]; Transcript of Premier Jacinta Allan MP, 29 April 2024, 9 [1]–[2], 18 [15]–[45].

6. Federation of Victorian Traditional Owner Corporations, Submission 376 (Land, Sky, Waters), 14.

7. These figures reflect data from the Colonial Frontier Massacre project site list, as of 11 March 2025. Yoorrook notes that the data is updated on a regular basis, which can lead to changes to the number of massacres and victims. The total number of massacres in Victoria recorded as of 11 March 2025 was 50, including one massacre where Aboriginal people were recorded as the aggressors against colonists, the ‘[Faithfull Massacre, Benalla](#)’ in 1838. There were also two recorded massacres of First Peoples by First Peoples: ‘[LaTrobe Valley](#)’ in 1840 and ‘[Tambo Crossing](#)’ in 1842.

The total number of Aboriginal people killed was 978, this includes 1 Aboriginal person who died at the ‘[Faithfull Massacre, Benalla](#)’, and 90 Aboriginal people who died at the ‘[LaTrobe Valley](#)’ 1840 and ‘[Tambo Crossing](#)’ 1842 massacres.

The total number of recorded colonists killed in massacres in Victoria was 10, including 8 killed at the ‘[Faithfull Massacre, Benalla](#)’ and 2 killed at the ‘[Apsley, Western Wimmera](#)’ massacre in 1854.

Centre for 21st Century Humanities and University of Newcastle, Colonial Frontier Massacres in Australia, 1788–1930, ‘[Site List Timeline](#)’ (Webpage, Accessed 11 March 2025) <<https://c21ch.newcastle.edu.au/colonialmassacres/timeline.php>>.

8. These figures reflect data on the online massacre map, as of 11 March 2025. Yoorrook notes that the data is updated on a regular basis, which can lead to a change to the number of massacres and victims. There were 11 massacres that were located on the NSW/Victoria border along or very close to the Murray river, resulting in the deaths of approximately 244 Aboriginal people. There were two massacres located near to the South Australia/ Victoria border (noting this border has also changed several times since Federation), resulting in the deaths of at least 14 Aboriginal people.

Centre for 21st Century Humanities and University of Newcastle, Colonial Frontier Massacres in Australia, 1788–1930, ‘[Site List Timeline](#)’ (Webpage, accessed 11 March 2025) <<https://c21ch.newcastle.edu.au/colonialmassacres/timeline.php>>.

9. Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress* (Carnegie Endowment for International Peace, 1944), 147.

10. *Water Act 1989* (Vic) s 7(1). See also University of Melbourne Law School, Submission 334, 8.

11. Transcript of Uncle Brendan Kennedy, 24 April 2024 (Part 1), 33 [11]–[14].

12. Lowitja Institute, Submission 331 (Land, Sky, Waters), 5–6, 12–13; Royal Australian College of General Practitioners, Submission 439, 6.

13. Transcript of Minister Ben Carroll MP, 14 June 2024, 5 [1]–[17].

14. Department of Education, Employment and Training (Vic), *Yalca: A Partnership in Education and Training for the New Millennium (2001)*; Department of Education and Training (Vic), *Marrung: Aboriginal Education Plan 2016–2026* (July 2016).

15. Witness Statement of Minister Mary-Anne Thomas MP, 14 June 2024, 3 [15].

16. Witness Statement of Minister Mary-Anne Thomas MP, 14 June 2024, 3 [15].

17. Aboriginal Housing and Homelessness Forum, [\*Mana-na woorn-tyeen maar-takoort Every Aboriginal Person has a Home: The Victorian Aboriginal Housing and Homelessness Framework\*](#) (2020), 26.

18. Aboriginal Housing and Homelessness Forum, [\*Mana-na woorn-tyeen maar-takoort Every Aboriginal Person has a Home: The Victorian Aboriginal Housing and Homelessness Framework\*](#) (2020), 26.

19. Transcript of Minister Harriet Shing MP, 24 April 2024, 17 [15].

20. Victorian Koorie Records Taskforce, ‘*wilam naling ... knowing who you are; Improving Access to Records of the Stolen Generations*’ (Report, 2006), 15.

21. Karen Adams, Shannon Faulkhead, Rachel Standfield, Petah Atkinson, ‘Challenging the colonisation of birth: Koori women’s birthing knowledge and practice’ (2018) 31 *Women and Birth*, 81–88, 82.

22. Victorian Koorie Records Taskforce, *wilam naling ... knowing who you are; Improving Access to Records of the Stolen Generations* (Report, 2006), 15.

23. Richard Broome, *The Victorians: Arriving* (Fairfax, Syme & Weldon, 1984), 28; Len Smith et al, ‘Fractional Identities: The Political Arithmetic of Aboriginal Victorians’ (2008) 38(4) *Journal of Interdisciplinary History* 533, 535.

24. Len Smith et al, ‘Fractional Identities: The Political Arithmetic of Aboriginal Victorians’ (2008) 38(4) *Journal of Interdisciplinary History* 533, 535.

25. Richard Broome, *Aboriginal Victorians: A History since 1800* (Allen & Unwin, 2nd ed, 2024) 91–2; Len Smith et al, ‘Fractional Identities: The Political Arithmetic of Aboriginal Victorians’ (2008) 38(4) *Journal of Interdisciplinary History* 533, 535.

26. These figures reflect data from the Colonial Frontier Massacre project site list, as of 11 March 2025. The project defines a massacre as the murder of six or more undefended people in one operation and only records massacres supported by verifiable evidence. Yoorrook notes that the data is updated on a regular basis, which can lead to changes to the number of massacres and victims. The total number of massacres in Victoria recorded as of 11 March 2025 was 50, including 49 massacres where colonists were the aggressors, and one massacre where Aboriginal people were recorded as the aggressors against colonists, the ‘[Faithfull Massacre, Benalla](#)’ in 1838, and two recorded massacres of First Peoples by First Peoples: ‘[LaTrobe Valley](#)’ in 1840 and ‘[Tambo Crossing](#)’ in 1842.

The total number of Aboriginal people killed was 978, this includes one Aboriginal person who died at the ‘[Faithfull Massacre, Benalla](#)’, and 90 Aboriginal people who died at the ‘[LaTrobe Valley](#)’ 1840 and ‘[Tambo Crossing](#)’ 1842 massacres. The total number of recorded colonists killed in massacres in Victoria was 10, including eight killed at the ‘[Faithfull Massacre, Benalla](#)’ and two killed at the ‘[Apsley, Western Wimmera](#)’ massacre in 1854.

Centre for 21st Century Humanities and University of Newcastle, [\*Colonial Frontier Massacres in Australia, 1788–1930, ‘Site List Timeline’\*](#) (Webpage, Accessed 11 March 2025)

27. Agents of the State refer to government employees or people acting on behalf of the government, such as police and government surveyors: Transcript of Dr Bill Pascoe, 26 March 2024, 43 [9]–[20].

28. Department of Energy, Environment and Climate Action, Response to NTP-003-004 — ‘*The legal and policy frameworks concerning the ownership, management and administration of public land and natural resources*’, 3, produced by the State of Victoria in response to the Commission’s Notice to Produce dated 8 November 2023.

29. Department of Energy, Environment and Climate Action, ‘Yoorrook Justice Commission Land Injustice Inquiry Additional information provided by the Hon. Steve Dimopoulos MP, Minister for Environment, and Outdoor Recreation’, 13 August 2024, 2–3, produced by the State of Victoria in response to the Commission’s Notices to Attend dated 12 April 2024. DEEC.0011.0001.0001 Minister for Environment, Steve Dimopoulos MP told Yoorrook that the common causes for these delays included ‘boundary surveying, and consequential legislative amendments’.

30. DEECA, Water is Life: Traditional Owner Access to Water Roadmap – Section A (2022), 15. produced by the State of Victoria in response to the Commission’s Notice to Produce dated 17 November 2023.

31. Transcript of Minister Harriet Shing MP, 24 April 2024, 38 [14]–[23]. Separate information submitted to Yoorrook by the State sought to explain the costs associated in administering the water delivery system. The Department of Energy, Environment and Climate Action characterised the costs of delivering water services in the 2021–22 financial year as marginally below the annual revenue received (see Department of Energy, Environment and Climate Action, Response to NTP-003-004 — ‘*Land, Waters and Resources Revenue Collected by the Victorian Government*’, 13–15, produced by the State of Victoria in response to the Commission’s Notice to Produce dated 2 November 2023).

32. Transcript of Minister Harriet Shing MP, 24 April 2024, 38 [25]–39 [44].

33. Transcript of Minister Lily D’Ambrosio MP, 22 April 2024, 17 [6]–[9].

34. Transcript of Minister Steve Dimopoulos MP, 16 April 2024, 38 [15]–[23].

35. Transcript of Minister Steve Dimopoulos MP, 16 April 2024, 38 [41]–[46].

36. Victorian Government, [Early Start Kindergarten](#), (Web Page, 2023)

37. State of Victoria, [\*Victorian Government Aboriginal Affairs Report 2023\*](#) (Report, June 2024), 61.

38. Productivity Commission, Outcome Area 4: [Closing the Gap Information Repository](#), (Dashboard, 2023)

39. Productivity Commission, Table 4A.26, *Report on Government Services 2024*, (Report, 2024)

40. Department of Education, Response to NTP-004-013 — ‘Yoorrook Justice Commission – Social Injustice RFI’, 26, produced by the State of Victoria in response to the Commission’s Request for Information’.

41. Source: Aboriginal VCE students and their completion programs, 2019–2022, Victorian Curriculum and Assessment Authority (VCAA) as reported in State of Victoria, *Victorian Government Aboriginal Affairs Report 2023* (Report, June 2024) 70.

42. Department of Education, Response to NTP-004-013 — ‘Yoorrook Justice Commission – Social Injustice RFI; Response from Department of Education (DE)’, 20–24, produced by the State of Victoria in response to the Commission’s Request for Information. Source: Attitude to School Survey 2023

43. Victorian Government, 2024, [Learning and Skills, Aboriginal Affairs Report 2023](#), Melbourne: Victorian Government, 69.

44. Victorian Government, *Victorian Government Aboriginal Affairs Report 2023*, [Data Tables – Domain 2, Learning & Skills](#), Table 5.2.5a, ‘Number and proportion of school-based Aboriginal education workers across all schools’ (Data Table, June 2024).

45. ‘The Aboriginal Employment Plan (AEP) was an action of Wirnalung Ganai, *Aboriginal Inclusion Plan 2020–2021*. The plan includes 61 actions across four areas of focus and has a 2% employment target across schools and corporate workforces. The AEP is overseen by a subworking group with a majority Aboriginal staff from the department and VAEAI. Work towards achieving the 2% workforce target is the responsibility of all parts of the department. This plan complements other initiatives in the department to boost Aboriginal employment, such as the work to implement Barring Djinang, Aboriginal Employment Strategy for the Victorian public sector, the Gender Equality Action Plan and the department’s VPS and school workforce plans’. Victorian Government, Department of Education, [Dhelk Wukang 2022–2026: Aboriginal Inclusion Plan](#), 11.

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47. Australian Government, 2023, [Perturbed Student Enrolments Pivot Table 2023, 2023 Higher Education Student Statistics](#), (Spreadsheet, 2024).

48. Australian Government, [Australian Universities Accord \(Interim Report\)](#) 35.

49. Australian Government, [Australian Universities Accord](#) (Interim Report) 32. The data cited in the Interim Report is taken from a 2021 data set published by the Commonwealth Department of Education in 2023.

50. All figures are Victorian. Victoria does not collect, report or share information on a wide range of health measures. This point was repeatedly made to Yoorrook by Ngaweeyan Maar-oo (the Victorian Government’s implementation partner and shared-decision making body under the National Agreement on Closing the Gap and others).

51. Alison Markwick et al, ‘Perceived racism may partially explain the gap in health between Aboriginal and non-Aboriginal Victorians: a cross-sectional population based study’ (2019) 7 *SSM-Population Health*, 3.

52. 624 per 100,000 of the population, compared to 314.6 per 100,000 respectively: Cancer Council Victoria, Figure 5: Trends in incidence and mortality for Aboriginal Victorians and Non-Aboriginal Victorians 2011–2020, ‘[Cancer statistics and trends for Aboriginal Victorians](#)’ (Webpage, 2022).

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62. Victorian Government, [Victorian Government Aboriginal Affairs Report 2023](#) (Report, 2024), 120 (citing Victorian Population Health Survey).

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65. Witness Statement of Minister Mary-Anne Thomas MP, 14 June 2024, 27 [153].

66. Victorian Aboriginal Affairs Framework, 3.2.4 *Proportion of Victorians who are homeless or accessing homelessness services*, Data Dashboard: Goal 3: [Aboriginal families and households thrive](#), (Webpage, 2024).

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