

Yoorrook Justice Commission Ceremonial Wurrek Tyerrang Opening Remarks

Chair Professor Eleanor Bourke

Good morning. Thank you for joining us today at the first sitting of the Yoorrook Justice Commission.

I am Eleanor Bourke, a Wergaia /Wamba Wamba woman, and the Chair of the Yoorrook Justice Commission. I feel very privileged and honored to be with you all here today.

You already know Commissioner Atkinson from his introduction and the moments' silence, which we feel was really important to mark the beginning of this journey because we remember them wherever we go, and we will have more remembrances as we go on this journey.

I'd also like to acknowledge my other fellow commissioners, Deputy Chair, Wurundjeri and Ngurai illum Wurrung woman Sue-Anne Hunter and Professor the Honorable Kevin Bell QC.

We do not have Distinguished Professor Maggie Walter as she is regrettably in isolation, but I know that she is watching this so Maggie, we know you are with us in Spirit.

On behalf of the Yoorrook Justice Commission, I acknowledge the Wurundjeri Woiwurrung people, their ancestors, and Elders, including those present in the room today. I'd particularly like to thank Mandy and her family for the work that they have done in welcoming so many of us over the years to many events.

I acknowledge your ongoing and unbroken connection to this land. I also thank you, Uncle Colin, for generously welcoming us onto your Country, again as you have done over many, many years.

On the 13th of February 1839, the land of the Wurundjeri people on which we as sitting today was part of one of the first suburban allotments to be sold at auction. It was purchased by a wealthy Sydney merchant.

In the years that followed the allotment was subdivided, and the Wurundjeri were pushed further and further from what became the city centre. They were forced – often violently - off their Country, their freedom of movement restricted and controlled on the missions.

Despite the profound effects of this dispossession and dislocation, the Wurundjeri are here today, strong in voice and strong in culture, showing us the way and welcoming us in their mother tongue.

This building that we are meeting in today – Charcoal Lane – was deliberately chosen as a symbol of our community’s strength and continuity.

Aboriginal communities, once expelled from this Country, returned to the area in the 1930s, and during the second World War. They left the missions onto which they had been corralled and came to the city for employment. A sense of community was eventually formed in Fitzroy.

Many of those who came to the city became strong leaders in the Aboriginal movement. During the 1930s, William Cooper lobbied governments about conditions and rights for Aboriginal peoples. His Australian Aborigines League was superseded by the Aborigines Advancement League in 1957 when the Aboriginal Welfare Act came in to being. That organization continues and is one of the oldest organisations possibly in the country. It became involved through national networking around the call for constitutional reform.

The 1967 constitutional referendum was historic in that I believe still stands as a referendum with the highest percentage of acceptance from the Australian people. The change that it made:

- allowed for the inclusion of Aboriginal people in the Australian population census, and
- it legislated powers for the Commonwealth to make laws with respect to Aboriginal people, thus giving the Commonwealth powers and responsibilities in Aboriginal affairs.

This created an expectation that things could be different.

In 1973, the Victorian Aboriginal Health Service– the first community-controlled health and dental service in Victoria - was established in this very building.

The health service was one of many Aboriginal buildings on this street.

In fact, by the time the health service was established in this building Fitzroy had been the social centre for Melbourne’s First Peoples community. People would come here to find somebody or contact somebody else. That involved Uncle Doug’s church in Fitzroy, in Gore Street. He would also be a point of contact other relatives or a place to go and live.

This is but one story of one place. There are many places in Victoria with their own stories, their own histories and we look forward to hearing those as we move around.

There have also been many public inquiries and Royal Commissions at the Victorian and Federal level relating to specific tragedies and instances of disadvantage within our communities. Yet the official historical record of First Peoples’ experiences of colonization is incomplete. We wish to change that.

Yoorrook is unique in that it seeks to underpin the rich history of First Peoples’ truth telling with the authority of a Royal Commission. It aims to expose past and ongoing

injustices experienced by all First Peoples in Victoria in all areas of life since colonization.

People who come here from other lands have another country where their languages, history and social systems reside and thrive.

But this is our country.

This land is the place from which our languages, our culture, our lore, our history, emanates. It is embedded in this place.

We are not leaving this place. We belong to the land.

And so too do our stories, our truth. They are intertwined with this Country. And so, while they are First Peoples' stories, they are also stories for all Victorians who choose to live and work on this land – our land.

Our nations have existed since the beginning of time. We are the longest continuous culture.

Yoorrook's establishment builds on the momentum of land justice efforts that realize our inherent connection to Country. We celebrate the landmark decision in the Mabo No 2 case in 1992, which bookends reconciliation week.

We acknowledge that that decision and the Commonwealth Native Title Act in 1993 has provided the framework for the recognition of four nations through positive native title determinations in Victoria: the Barengi Gadjin's five clans: The Wotjobaluk, Wergaia, Jardwa, Jardwajarli and Japagulk, the Gunditjmarra, the GunaiKurnai and the joint Eastern Maar/Gundjitrara.

In 2006, the *Victorian Aboriginal Heritage Act* sought to engage more traditional owners in cultural heritage management. Land justice advocates also worked with the State in 2010 to draft the *Victorian Traditional Owner Settlement Act* to recognise Traditional Owner rights over land and waters in this State.

But these reforms can only be a small part of the political, economic and spiritual entities that our nations. Whether native title has been recognized or not has no bearing on the strength, vibrancy and vitality of First Nations.

I remember early in the first term of this Government, the current Premier asking a group of some 30 First Nations people what could be done by way of self-determination.

Not long after this meeting, Government and First Peoples went to work on the concept of a Treaty for Victorian First Peoples. This led to the Victorian Treaty Advancement Commission and legislation to establish a Treaty. Legislation that is prefaced by the Government's recognition that sovereignty has not been ceded by First Peoples in this State.



Then Commissioner Jill Gallagher, having consulted widely, led state-wide elections for the First Peoples of Victoria Assembly in 2018.

The Assembly decided that without truth there could be no treaty, because to *know where you are going you must know where you have come from*. I acknowledge the Assembly's advocacy in calling for the establishment of this Commission and we thank the Assembly for its work leading up to the establishment of the Yoorrook Justice Commission, working with the Victorian Government to agree its broad and historic terms of reference. The terms are broad and challenging and different from other terms of reference for Royal Commissions in that we intend to have a cultural wrap around the way we do our business.

The Commission will be assisted in its work by four counsel: Wangan and Jagalingu man, Mr Tony McAvoy SC, Ms Fiona McLeod AO SC, Yuin man, Mr Tim Goodwin, and Ms Sarala Fitzgerald. The Commissioners are grateful for the assistance of, and detailed preparation undertaken and the wise counsel we have already had from you all.

I now invite Commissioner Sue-Anne Hunter, Deputy Chair, to talk to the objectives of the Letters Patent before senior counsel announce their appearances and make their opening remarks.

Thank you.