

ANNEXURE A

Witness Statement Minister for Aboriginal Affairs Hon. Gabrielle Williams - Questions Minister asked to address in witness statement, as advised by the Commission (11 March 2022)

Rubric 1-01

THE HON. GABRIELLE WILLIAMS MP

MINISTER FOR ABORIGINAL AFFAIRS, PREVENTION OF FAMILY VIOLENCE AND MINISTER FOR WOMEN

WITNESS OUTLINE

In providing a response to each of the matters set out below, please reference and annex key records. To the extent that any question or response relates to a matter outside of your portfolio responsibility, please consult with the relevant portfolio Minister to provide a response reflecting the Victorian Government's position.

A. Foundational matters in the Letters Patent

1. Provide an expanded explanation of the following facts and matters acknowledged in Yoorrook's Letters Patent:
 - a. the First Peoples include the traditional owners of the lands currently known as the State of Victoria, over which they maintain that their sovereignty was never ceded;
 - b. First Peoples' experiences of Colonisation have included grave historic wrongs and past and ongoing injustices and intergenerational trauma; and
 - c. the State of Victoria acknowledges both the continuing impacts arising from historical injustices and the ongoing strength and resilience of First Peoples and survival of their living cultures, knowledge and traditions;
 - d. the State of Victoria also acknowledges its responsibility to advance and uphold the human rights of Victorian citizens, including First Peoples, under the Charter of Human Rights and Responsibilities Act 2006, the Advancing the Treaty Process with Aboriginal Victorians Act 2018, the Traditional Owner Settlement Act 2010, native title rights and other rights protected by law; and
 - e. the State of Victoria acknowledges the importance of non-discrimination, uncovering truth, providing justice and reparation, supporting wellbeing and preventing further harm to First Peoples.
2. Explain the basis for and importance of the following key objectives for Yoorrook under the Terms of Reference:
 - a. establish an official public record based on First Peoples' experiences of Systemic Injustice since the start of Colonisation;
 - b. develop a shared understanding among all Victorians of the individual and collective impact of Systemic Injustice and the intergenerational trauma that has flowed from them since the start of Colonisation;
 - c. determine the causes and consequences of Systemic Injustice including the role of State policies and laws and which State Entities or Non-State Entities bear responsibility for the harm suffered by First Peoples since the start of Colonisation;

- d. develop a shared understanding among all Victorians of the diversity, strength and resilience of First Peoples' cultures, knowledge, and traditional practices;
- e. help build the foundations for a new relationship between First Peoples and the State of Victoria and all Victorians, based on truth and justice to prevent the recurrence of injustice;
- f. support the treaty-making process between the State of Victoria and First Peoples, including through the identification of subject matters for potential inclusion in a treaty or treaties; and
- g. identify Systemic Injustice which currently impedes First Peoples achieving self-determination and equality and make recommendations to address them, improve State accountability and prevent continuation or recurrence of Systemic Injustice.

B. Dispossession of First Peoples' of their lands and waters

3. Provide an explanation of the:

- a. nature;
- b. processes; and
- c. extent,

of the dispossession of Victorian First Peoples from their land and waters in the period since Colonisation, including through extra-judicial killings and other forms of violence.

4. Explain the responsibility of the State and State Entities for the key events in paragraph (3) including under:

- a. administration;
- b. policy;
- c. legislation; or
- d. acquiescence.

C. Systemic Injustice

5. Explain the key systemic injustices experienced by Victorian First Peoples, both:

- a. historical; and
- b. ongoing.

6. In the case of the ongoing systemic injustices identified in paragraph (5) above, explain:

- a. their relationship with processes for the dispossession of Victorian First Peoples identified in paragraph (5) above (including as a consequence of intergenerational trauma);

- b. the basis for their continuation (including key contributing factors);
- c. structural change(s) required to stop them from further occurring.

D. Reform priorities

7. Explain the State of Victoria's position and the status of work underway on:

- a. Constitutional and structural reforms required to enable First Peoples' self-governance and self-determination in Victorian political and governmental systems;
- b. justice related reforms, including:
 - i. the finalisation of a public health model to support the repeal of public drunkenness laws;
 - ii. legislative amendments regarding the age of criminal responsibility; and
 - iii. the implementation of independent oversight in the case of police (with particular regard to their interaction with Victorian First Peoples);
- c. the implementation of Indigenous Data Sovereignty (**IDS**) principles in respect of:
 - i. Yoorrook's records;
 - ii. First Peoples' records; and
 - iii. Government records more broadly;
- d. the preservation and promotion of Victorian First Peoples' language and culture;
- e. implementation of the United Nations Declaration into the Rights of Indigenous Peoples (**UNDRIP**) within the State of Victoria, and other reforms to enhance legislative human rights protections in the case of First Peoples (including under the *Charter of Human Rights and Responsibilities Act 2006* (Vic)).