

# GENERAL GUIDELINES ON INFORMATION GATHERING AND EVIDENCE

## Introduction

1. These Guidelines provide an overview of the approaches adopted by the Yoorrook Justice Commission (Yoorrook) in gathering information and evidence.
2. These Guidelines are issued under, and should be read together with, the *Inquiries Act 2014* (Vic) (Act) and the Terms of Reference contained in the Letters Patent establishing Yoorrook dated 12 May 2021 (Letters Patent).
3. These Guidelines may be varied, changed or replaced from time to time.

## Context

4. Yoorrook has a broad range of information-gathering mechanisms at its disposal as a Royal Commission established under the Act. Yoorrook's mandate under the Letters Patent is to engage widely with First Peoples and to conduct our inquiries in rural and regional communities and carry out events, media engagements or public education activities (paragraph 4(b)).
5. Yoorrook must centre First Peoples' ways of knowing, being and doing. The Letters Patent also recognise the importance of providing a safe, supportive and culturally appropriate forum for First Peoples to exercise their rights to truth and justice with dignity and demonstrate their cultural resilience and survival, including by:
  - a. receiving testimony from First Peoples who are victims, witnesses or survivors on their experiences and/or personal stories of historic injustice;
  - b. recognising First Peoples' cultural and legal practices of story-telling and witnessing as legitimate and valid sources of evidence;
  - c. accommodating to the extent possible First Peoples' choices in how they wish to participate, including their rights to free, prior and informed consent at all stages of participation;
  - d. upholding the sovereignty of First Peoples over their knowledge and stories by consulting with them on how the information they provide should be treated and ensuring adequate information and data protection;
  - e. acknowledging and respecting differences between First Peoples, for example, through respecting different languages and practices;
  - f. being responsive to the needs of participants in consultations, interviews and other activities; and
  - g. providing culturally appropriate support to participants and affected communities as required (paragraph 4(f)).

### **Yoorrook's Information Gathering**

6. Yoorrook will adopt a number of culturally appropriate, First Peoples' centred methods to gather information to support its work under the Terms of Reference, including:
  - a. First Peoples' truth-telling forums, including yarning circles, workshops, round tables, site and community visits, cultural activities (art, dance, song, ceremonies);
  - b. submissions – initially prioritising Elders, through a supported program and an online portal – with other groups to follow; and
  - c. hearings involving both First Peoples and other witnesses (for example, representatives of the State, organisations, researchers); and
  - d. the gathering of documentary and archival evidence under Notices to Produce and cooperative processes and access to relevant archives.

### **Practice Directions and Information Sheets**

7. Yoorrook has formal Practice Directions which set out in detail the approach it takes to its work, including the legal and procedural considerations relevant to its activities as a Royal Commission at <https://yoorrookjusticecommission.org.au/key-documents/>.
8. Yoorrook has information sheets and other resources concerning Yoorrook's processes, and individuals' associated rights and responsibilities, at <https://yoorrookjusticecommission.org.au/key-documents/>.

### **Support Arrangements**

9. Information sheets and other resources are published on Yoorrook's website regarding available support arrangements. These resources will address:
  - a. social and emotional wellbeing (including holistic, trauma informed, culturally appropriate care and support);
  - b. practical guidance as to individuals' options and rights (encouraging informed consent);
  - c. legal information and access to free, independent legal services; and
  - d. practical assistance (for example, transportation, reimbursement of certain expenses).

### **Media Guidelines**

10. Media Guidelines are published on Yoorrook's website at <https://yoorrookjusticecommission.org.au/key-documents/>. Members of the media should refer to those Guidelines for further information.

### **Contacting Yoorrook**

11. All contact with Yoorrook regarding these Guidelines should be made by email to [enquiries@yoorrook.org.au](mailto:enquiries@yoorrook.org.au).