

LETTERS PATENT SUMMARY

What is the Yoorrook Justice Commission?

The Yoorrook Justice Commission (Yoorrook) is the first formal truth-telling process into historical and ongoing injustices experienced by First Peoples in Victoria since colonisation.

The formal document that established Yoorrook is called the Letters Patent. The Letters Patent were issued on 12 May 2021. The Letters Patent provide the rules for what the Commission can and cannot do. This factsheet is a summary of Yoorrook's Letters Patent.

What will Yoorrook do?

Yoorrook will:

- Establish an official record of the impact of colonisation on First Peoples in Victoria.
- Develop a shared understanding among all Victorians of the impact of colonisation, as well as the diversity, strength and resilience of First Peoples' cultures.
- Make recommendations for healing, system reform and practical changes to laws, policy and education, as well as to matters to be included in future treaties.

What will Yoorrook look into?

Yoorrook will look into past and ongoing injustices experienced by First Peoples in Victoria in all areas of life since colonisation. Here are some examples of areas Yoorrook will examine:

Past injustices

The colonisation process brought with it many injustices for First Peoples. These were not just the result of the actions of individuals. Laws and accepted practices of the colony and the later state of Victoria resulted in injustices across a wide range of areas. These included:

- Forbidding and preventing First Peoples from practicing their own laws and lore
- Evicting First Peoples from their lands and the stealing of cultural property
- Killings and massacres of First Peoples and the mistreatment of ancestral remains
- Policies and practices that aimed to destroy First Peoples' societies and ways of life including removing children from families, forcibly removing First Peoples into missions and reserves, breaking traditional group, clan and family structures
- Policies and practices that were unfair to First Peoples such as employment discrimination; treatment by the courts, police and prisons; welfare and health systems; and how information about Victorian First Peoples was collected and used

Ongoing injustices

Australia and Victoria have changed or repealed many discriminatory laws and policies. However, entrenched negative cultures and attitudes in some institutions and in some sections of society means that First Peoples still experience injustices and harm. The trauma, disadvantage and marginalisation caused by past injustices also still negatively impact the lives of First Peoples. Examples include:

- The rates of First Peoples in prison and dying in prison
- The rates of First Peoples children removed from families

- Poorer health of First Peoples and the levels of healthcare provided
- Lower levels of educational attainment in the schooling and tertiary system
- Ongoing experience of racism by many Victorian First Peoples, families and communities
- The collection and use of data about First Peoples in ways that can lead to discrimination and reinforce deficit models of understanding First Peoples

What can't Yoorrook look into?

Yoorrook cannot look into the outcomes of individual cases decided under existing laws (such as the Native Title Act, the Traditional Owner Settlement Act or the Aboriginal Heritage Act) that recognise rights of Traditional Owners. This is because Yoorrook is not allowed to re-open decisions that have already been made, and because Yoorrook's focus is on systemic injustices, not on individual cases.

How will Yoorrook run its inquiry?

Yoorrook will:

- Hear stories and gather information from First Peoples in Victoria on their experience of past and ongoing injustices and how their cultures and knowledge has survived
- Support First Peoples to choose how they wish to share their experiences and to avoid experiencing further trauma
- Closely examine information that is already available on areas of past and ongoing injustice and seek new information in areas where there are gaps in knowledge
- Seek information and data from the Victorian Government and other institutions to give evidence about current and past practices and policies.
- Make recommendations for systems change and practical changes to laws, policy and practices

Support will be provided for all people who participate and would like it.

Definitions of words used in this fact sheet

First Peoples includes all Traditional Owners of a place in Victoria (including family and clan groups) and their ancestors; and Aboriginal and/or Torres Strait Islander persons who are living or lived in Victoria. Some injustices were experienced only by Traditional Owners and some by both Traditional Owners and other First Peoples.

Injustices Yoorrook must focus on 'systemic injustices'. In this factsheet, we use the term 'injustices' because it is easier to understand. 'Injustices' means harms or impacts that are part of a structure or pattern involving policies, practices, conduct or laws. This is different from an injustice that happens to only one person and no one else.