

OUTLINE OF EXPECTED EVIDENCE OF DR AUNTY VICKI COUZENS

MARCH HEARINGS 2024 (LAND INJUSTICE)

28 MARCH 2024

Names and photos of Deceased persons are in this document.

I BACKGROUND

1. The below is an excerpt, with permission, from the Eastern Maar Native Title Recognition Statement.

2. PANG-KAPOO-N PANG-KAPOO-K MEERREENG-NGEYE

ALWAYS WAS ALWAYS WILL BE OUR LAND

3. In the languages of our Ancestors – KEERRAY WOOROONG.

LAKA-WANOONG WATNANDA, KOONG BA MEERREENG, TYAMA-WANOONG MALAYEETOO

We speak: together, body and country, we know long time.

4. Maar Meerreeng poondeeya-na, Moornong Meerreeng, Meerreeng
Meerreeng, Meerteeyt Meerreeng

Maar Country is alive; Sky Country, Earth Country, Sea Country,

5. Ngeerang Meerreeng-ngeeye, pamanpaman Meerreeng-ngeeye

Our Mother Country, our sacred Country

6. kaneepoorreewooka-wanoong Pernmeeyal-ngeeye

we honour our Creator

7. Poondeeya-wanoong Yakeen-aya, poondeeya-wanoong Tyamateeyt Meerreeng-ee

We live within the Dreaming, we live within the Law of the Land

8. Keertnapee Keerteetpee

all the time, doing, all the time, resting

9. Tyamateeyt-ee-ngeeye poondeeyaya pang ngootee
weeng-wanoong kaneepoorreewooka-wanoong:

Laws for living, we remember we honour:

- Wangangootyoong: wooka ba mana Wangangootyoong,
poondiya-yee Tyamateeyt

Respect give and hold/receive respect live in Law

- Kooroondée: poondiya-yee kandeeyt, wanga,
behave properly Live in relationship, listen, understand
- Yookapa:
give and receive/reciprocal; responsibility/obligation, share resources,
- Matoowee-matoowee-keel: Matooweematoowee-kee Keeyn Meerreeng-ee
have kindness/compassion be kind care/love for Country
- Keeyn Kayamp-eeyt-ee, Leerpeen Meerreeng-ee, Karweeyn Meerreeng-ee
care/love for all Kin sing for Country dance for Country
- Pangmaar ngootapana weeng; mana ngarrakeetoong nganto pay
ngarrakeetoong kaneepoorreewooka ngarrakeetoong
*no one left behind hold family/community, keep
family/community honour family/community*
- Laka-wanoong Ngeerang Wooroong-ngeeye, Leerpeen-wanoong Ngeerang
Wooroong-ngeeye,
We speak our Mother Tongue, we sing our Mother Tongue,

10. Karweeyn-wanoong Ngeerang Wooroong-ngeeye, keeyn toopoo-wanoong
Meerreeng-ngeeye

we dance our Ngeerang Wooroong-ngeeye, we love our Country

11. Maar poondeeyt-an keenanpa, deen moorroop ngathoo-nganeen-ee, moorroop
Meerreeng-ee

Maar have lived here forever, our spirit within us, our spirit in Country

12. Meerreeng-ngeeye ngooyt, Meerreeng-ee peeneeyt, Maar ngooyt ba
peeneeyt

*Our Country is healthy, Country is strong, Maar healthy and
strong*

Time of Change – Ngamateeyt Wars - Pang-weelkeeka (no return)

13. moongay-wata-n ngamateeyt nhoonampee wata-n pang-pang wanga-n

there – came White People/Europeans

14. Ngamateeyt nganatan-ngeeye

they came they did not listen/white people/Europeans overtook- us

15. ngamateeyt nganatan Meerreeng-ngeeye, leerpeen-ngeeye, koowee-koowee-ngeeye

white people/the State overtake our country, our song our story

16. wata-wanoong watnanda, lakaweerrakanan ba martong laka, martong
yaanyaan

we come together, to speak all about and big talk/speak things, big words

17. nganya-n kooya-koo? nganya-n peeneeyt yaanyaan kooya-koo?
what will we say? What strong words/important will we say
18. wanthakangoo wooka-wanoong karratpeeteen-ngayee
what message can we give these people?
19. Ngamateeyt prangwangan—ngaloongtya!
White people/the State did not listen!
20. ngamateeyt prangwangan-ngaloongtya Wooroowooromeet Ngapoon Koorooke
white people did not listen to our Old People,
21. ngamateeyt prangwangan, -nganeen, ngamateeyt prangwanga-nganeen
white people did not hear, white people did not understand
22. ngamateeyt pang-tyama-n nhoomnampee pang-tyama-n Wangangootyoong
white people did not know, they did not know respect
23. weeraka leeyt-ngeeye, warrakeeleek-n-wanoong
our heart hurts/our heart runs, we were angry
24. weerrentyan-wanoong,
we resisted,
25. Wooroowooromeet Ngapoon Koorooke-ngeeye ba Parteyt kalpeerna meerreeng-ngeey-ee
our Old People and Warriors died for our Country
26. kalpeerna ngalang-ee kalpeerna part-eyt-ee
in the battles, wars and massacres
27. warrakeeleek-ngeeye, weeraka leeyt-ngeeye
we are angry our heart hurts/our heart runs, for this
28. weerrentya-ya-wanoong
we continue to resist
29. wanggatoong waleeyt-ee, Maar-wanoong kooya weerrakanan Meerreenggeeye
(for a) long, long time our people, we, have been speaking all about our Country
30. kooya-n weerrakanan ngamateeyt ba Maar watnanda deen Meerreeng-ee
speaking all about White people and Aboriginal people together here in this Country
31. prang-a-wan part-pak-yoo-a-po
lets not fight
32. moongay-wata laka-n-ngeeye watnanda,
lets talk together for the future,

33. moongay-wata ngooty malayeetoo-ngeeye, ngooty makatepa-ngeeye
malangeepa-ee
lets cleanse our past, cleanse our present
34. moongay-wata wanga-kee-wan watnanda
lets listen together
35. Yoonggama – Promise
promise
36. pang ngootee weeng-wanoong
remember – we
37. Yoonggamoongoo-ngeen ngathoonganeen, Ngalam Meen,
Wooroowooromeet Koorrookee ba Ngapoo-ngeeye
Your promise (to) us and our Ancestors, our old People, Grandmothers and Grandfathers
38. mayapangooty, nhakawanga ba ngooty
To make restoration, to recognise, to heal
39. makatepa, manapa-wanoong yaan-ngoothoongat
today, we take/accept manapa your words
40. KALAT – finished.
41. Leenyooogan, Yoolongteeyt Dr Vicki Couzens.
42. My name is Vicki Couzens. I am a Keerray Wooroong Gunditjmara citizen of the greater consortium of sovereign Maar speaking nations, across our homelands in the Western Districts of Victoria. With my life partner of 42 years, Robert Bundle, Yuin and Bidjera songman, I am a mother of five and grandmother of 19.
43. I have worked in Aboriginal community affairs for over 45 years. I follow in my father's and grandfather's footsteps, and the footsteps of our Ancestors before us.
44. I have worked with Solicitors Assisting and Yoorrook's Community Engagement Team to prepare this witness statement ahead of the truth-telling hearings for the Yoorrook Justice Commission.

II EARLY YEARS AND FAMILY HISTORY

45. I was born in Warrnambool, one of four girls. My older sister Pamala, passed away at 3 days old in 1958; my younger sister Debra passed in 2021 and Lisa, the youngest lives and works in Geelong area on Wathaurong Country. My Dad, Ivan Couzens, grew up on the Framlingham mission, with his family, his father Nicholas Couzens and mother Georgina Couzens (née Winter) and his brothers and sisters, all now deceased: Gordon, Stanley, Kathleen, Zelda, Keith, Ivan, Hansen (Rocky) Grattan and Noel. My Dad's father is Keerray Wooroong, and his mother is from Lake Gunditjmara Country near Harrow, Casterton and, later, the mission at Lake Condah.

46. My family has always been politically active. My great grandmother, Harriet, wrote to the Aborigines Protection Board in protest when they tried to cut down the size of the Framlingham mission and remove people. She was also threatened with removal to 'the Womens Refuge in Melbourne for harbouring half-caste men...'
47. My grandfather, Nicholas Couzens, was Secretary of the Aboriginal Progress Association at the Framlingham mission. My grandfather's brother, Uncle John Couzens, and Nan's brother, Uncle Tommy Clarke, travelled around to the communities within the Maar speaking nations, with William Cooper in the early 1930s.
48. I was given a letter that my cousin Libby Clarke found in her historical research. It was a letter to the editor in the Warrnambool Standard on 3 April 1940 written by my Pop about conditions at the Framlingham mission. The issues in his letter are no different to today. They wanted suitable housing. There was funding to develop the farming land but none of the money ever actually appeared. They had to pay rent at the mission, and the Welfare Board would inspect to make sure that the women were keeping the houses clean. The same thing is still happening today.
49. **Attachment 1** includes:
- (a) a copy of the story of my Pop, Nicholas Couzens;
 - (b) a photo of Pop, Uncle Jimmy Rose, Uncle Henry McRae, Bill Austin and William Cooper, when William Cooper visited Framlingham Mission in the 1930s; and
 - (c) a copy of the letter my Pop wrote to the Warrnambool Standard.
50. In 1968, the Protection Board was dismantled and the Ministry of Aboriginal Affairs came in. My Dad became an Aboriginal Liaison Officer. He would go to visit family and community across the Maar speaking nations including Hamilton, Heywood/Lake Condah and Portland communities, and out to the Framlingham mission to speak with community on issues of rights and family and community needs. My Dad was a member of the Aborigines Advancement League in the 1960s and 70s, following in his father's footsteps.
51. My Dad was a football star playing in the regional Hampden League and later playing and coaching in the Warrnambool and District League. This position afforded Dad a kind of acceptance, entry and access to some parts of the society in Warrnambool that he and other of our Community would otherwise not have been accepted into, acceptance being provisional, while you remained useful and a valuable footballer. However the underbelly of small country towns in that era and still today, It's different when you want to marry a white girl though, so he and my Mum kept their relationship a secret because of the racism in the community.
52. I did not grow up on a mission. I grew up in town, but then moved to Geelong when I was around 16, and my Dad formed the Aboriginal Co-Operative in Geelong. I started to become more involved politically. It was difficult in Geelong because there was no Aboriginal-identifying community you could be absorbed into, and no organisations. A lot of people ended up there for work, and would go back and forward between Warrnambool and Geelong.

53. My Mum's family are descended from the invasion/settler families that took up land around Warrnambool. I found out in a book when I was 16 that a member of my family from my mother's side named George Sandford Bolden was charged with murder of an Aboriginal man from one of our clans who was passing through his property. Bolden admitted to shooting the man but claimed it was in self-defence. He was acquitted. The transcript of his court case is at **Attachment 2**.
54. My first act of refusal/resistance was when I refused to stand up during the national anthem in my high school assembly. I was the only one out of 800 students who didn't stand. The teachers told me to stand up, but I told them that I didn't think Australia was a fair society, so I wasn't standing up.
55. When I was 17, I got a job at an art gallery. I did a bridging course to attend university. My Dad was in the process of setting up the Co-Op in Geelong with my cousin, Trevor Edwards. When I moved back from university, I became more actively involved.
56. My Dad became the manager of the Co-Op and got funding to acquire the land and build the Co-Op building. Then there were a lot of political challenges, and we were told by the government that we had to have consensus among the entire Aboriginal community in order to get approvals or funding. We set up the cultural centre with \$100,000 seed funding, and a promise from Joan Kirner (the then-Premier) for a further \$1 million to develop it. Because of community politics, none of it came to fruition.
57. In 1982, I completed a welfare workers course in Watsonia. I met my husband, who was doing a health workers program at the same time. I had my five children and set up a playgroup and women's group in Geelong that is still running now.
58. In Geelong, we used to take our kids out of school once a week to do cultural activities, because that was not addressed at all within the education system. We would go out on Country and do song and dance, and have afternoon teas for Elders with the kids so that they could access that learning.
59. Our Dad started our language journey in the early 90's. He ended up getting funding to set up a language program and published our Keerray Wooroong and Related Dialects Dictionary. That was one of his life's greatest achievements. People were interested in language then, but housing, education and employment were the priorities.

III PROFESSIONAL LIFE

60. I was initially employed by RMIT University as the Vice Chancellor's Indigenous Research Fellow working on my project '*watnanda koong meerreeng, tyama-ngan malayeetoo* (together body and Country, we know long time'. (Keerray Wooroong language.) This project aimed to produce resources for continuing the reinvigoration of Aboriginal Ways of Knowing, Being and Doing, with a special focus on language revitalisation. My current role is as Research Fellow, continuing on from my Fellowship. I received a three-year Discovery Early Career Research Award (**DECRA**) through the Australian Research Council (**ARC**) to engage with family clan groups in developing language immersion opportunities towards language use in lived everyday settings. This project is current.

61. I am the Chair and Secretary of the Victorian Aboriginal Corporation for Languages (**VACL**). VACL is the peak body for Aboriginal Languages reclamation and revitalisation in the state of Victoria. A draft copy of our Manifesto, with accompanying rationale is at **Attachment 3**. I have excerpted parts of the rationale in some of my evidence below in Section V and acknowledge attribution to VACL for that evidence.
62. I am a Senior Knowledge Custodian for Possum Skin Cloak Story and Language Reclamation and Revival. Images of some of the possum skin cloaks I have made are at **Attachment 4**, and I explain this project further below in Section VI.
63. I sit on the National Indigenous Languages Directions Group for the International Decade of Indigenous Languages (which runs from 2022-2032). I am also a representative member of the national Closing the Gap Peak Languages Policy Partnership.

IV EFFECTS OF COLONISATION ON LANGUAGE

64. What we're dealing with is linguicide – the prohibition and punishment of speaking language.
- ~~65.~~ Language is the repository of who you are, your relationship and kinship and Belonging. Everyone has a Belonging and a place, and no one is left behind. Language embodies all of that, it is Country and it is people. Language is everything and it goes across every part and aspect of your life. Language is the voice of the land.
66. One of the key strategies of genocide is to perpetrate linguicide; that is to stop people speaking so that the transmission of knowledge and culture and cultural practice is interrupted/severed. To perpetrate linguicide is to perpetrate genocide. This is a primary reason for language and language revitalisation to be considered and understood in a human rights, social justice context.
67. We have the oldest living culture, the oldest languages and on the oldest continent on the planet, yet we have one of the fastest attrition rates. Every Aboriginal language is classified as critically endangered. Global language loss has been discussed through academic linguistic discourse and in community language settings. The Academic research predicts that of the 7000 global languages there will be only 3000 still spoken in the next 100 years and that by 2050 there will be no fluent speakers of Australian Aboriginal and Torres Strait Islander languages remaining. This evidence speaks to a global 'pandemic' of rapid loss of languages and is of, in my opinion, an extremely urgent matter. In fact, in my opinion again, how is that not a national emergency? We, Australia, should declare a national emergency and put adequate resources towards stopping the loss of our languages and ensuring their flourishing into the future.
68. In our Submission to the Aboriginal Employment and Economic Council, dated 13 September 2021, VACL set out in detail the importance of Language and the need for better resourcing and support for our Languages. A copy of the Submission is at **Attachment 5**.

V THE TASK OF REVITALISING LANGUAGE

69. My evidence regarding the importance of language and language revitalisation is based on work attributable to VACL, which I contributed to.

Importance of language

70. Languages are but one form of communication. It is an organising system that echoes our environment, the expressions of human knowledges, laws, cultural practices and ceremony. The creative process of sounds making with structured patters of repetition and codified information synthetized as 'languages', articulations of all kinds, sometimes harmonious sounds of poetry and others rough, vibrant and descriptive passages related to any aspect of our lives. Anything that falls within the oral spectrum and well beyond it; a tool named languages articulates our sense of binding, belonging, an unwritten contract that it's a given; an ongoing learning and living process going side by side at the same time of our birth.
71. Indigenous Languages are living entities, each word, sound and meaning emerges from our environment, from us, from our ideas, cosmology and overall perception. Through the great diversity of Languages, we mediate our interconnectedness, our inclusions and exclusions, our commonalities and differences. It is through this communicative practice that we are constantly and endlessly engaged to make sense about our life experiences, our dreaming, laws, knowledges, protocols, ways of life and wonder.

Language revitalisation

72. Dispossession through the imposition of the colonial enterprise has disrupted Aboriginal languages and practices. Some languages have been lost and precarious records for its revitalization are yet to be recorded. The endangerment and significant decimation of people was intentionally created and as such, restorative approaches for language revitalization in Victoria are well overdue. The incommensurable damage continues due to the imposition of inappropriate policies, lack of recognition and understanding of the impacts and therefore a lack of appropriate provisions and the genuine will and intent to towards restitution and restorative justice actions.
73. The revitalisation of languages is a permanent and ongoing task to awaken Indigenous languages that were forbidden to be practiced during and after colonisation. This commitment requires extensive work, too often broadly misunderstood and equated with bilingual education. This mistake assumes languages are fully developed and speakers are fluent when in fact, there is a loaded effort to 'remember, re-dream, regenerate, reclaim and revitalise' Indigenous Languages. Unlike the acquisition of a second language, it requires skills to research and engage with community; building capabilities for linguistic understanding is not always supported. Long term commitment and inwards exploration into the lives, culture and knowledges that are contained across Indigenous peoples' collective memory.¹

¹ Victorian Aboriginal Corporation for Language Manifesto: see **Attachment 3**.

74. The definition of 'strong languages' is about the transmission across generations. This is happening to 20 to 30 languages across Australia, out of 800. And in fact whilst some languages are currently categorised as 'strong', this is misleading because all Aboriginal and Torres Strait Islander languages are on the 'critically endangered' list (academic) and are under duress and threat by the dominant cultural context of the colony of Australia.
75. Revitalising language often involves Aboriginal people revisiting very traumatic experiences lived by their immediate family and kinship members, who were forcibly prevented from speaking language. People should therefore be encouraged to engage with their own language on their own terms. Language in and of itself has to be in context, in families, in communities, and in Country. It can't just be like learning Spanish because you're travelling to Spain. It has to be an integral part of access to our homelands, to practicing culture.
76. Language learning must be through a wholistic approach where families and clans are part of the language learning journey and language use and practice is supported in lived every day settings. Language learning in schools is but one part of the larger of language reclamation and revitalisation and whilst this maybe seen as a great opportunity to learn and share our languages, language learning in the education system can also cause further trauma in communities where parents and family clan members are not also participating in language learning. There is no evidence that proves language reclamation and speaking fluency will be achieved by teaching in schools alone.
77. It is only relatively recently that language revitalisation has been talked about, because the focus has been on survival. But looking after our spiritual and cultural needs is important. Culture is our fundamental human right and our inherited birthright as First Peoples of our Country. Cultural knowledges and practices, embodied in language are central to health, wellbeing and prosperity.
78. We need action urgently, because although we have Elders in Victoria now, there are not that many in the age groups upwards from myself/my age group (I am 64 years old) who are left and able to provide that Eldership and cultural support to our families and communities. We have lost a lot of people, and we don't have time to waste.

The Victorian Aboriginal Corporation for Language (VACL)

79. VACL is a community led, community controlled organisation that operates as the peak representative organisation for Aboriginal Languages in Victoria. Our two key focuses are 'language in community' and advocacy and representation for Languages. VACL positions Languages in a context of inherent Aboriginal inheritance birthrights, human rights and frames languages reclamation and revitalisation in restitution context and restorative justice actions.
80. VACL's work involves supporting language clans and communities in the journey of language reclamation and revitalisation and training and practice of these activities. Language reclamation and revitalisation is a spectrum of considerations, actions, and activities the define a journey towards the revitalisation of languages living back in families, communities and in Country. First steps might be research in family and community, then accessing of historical documents; compilation of findings; understanding the documents; what has been written; what are the sounds of our languages?

Language revitalisation is a journey of decisions: do we want to write our Language? What are the sounds? How do we work out the sounds? What English letters do we use to represent our Aboriginal language sounds? Who makes the decisions on our Languages? Do we need a linguist? What does a linguist do? How do we know we are saying our language properly? How do we learn our languages? And so on. At each step on the journey pathway we are making decisions; decisions that must be informed, founded in cultural knowledge and understanding of language. VACL has 30 years of accumulated knowledges, expertise and resources to support communities in their language journey of learning-training workshops; linguistic support; education materials and resource making; planning tools; research materials both historical and contemporary. VACL can provide planning, training, educational and publishing support. The other important role for VACL is the representation and advocacy role. In this we are continuing our work in gaining recognition of the significance of our Languages; the central place they have in peoples lived experience; sector development initiatives, policy and legislative protection and resourcing and funding support for growing languages into the future.

81. VACL has the largest collection of Victorian Aboriginal language resources, historical and contemporary, in any one place in the world. We maintain a research library and Ngarrwaa, an online digital library.
82. We also maintain the Yookapa (reciprocal exchange/learning and teaching) online learning platform for language training courses. We are working on incorporating language into maps and GPS devices.
83. VACL aspires to operate autonomously, notwithstanding that we are subject to funding agreements which impacts on our sovereign autonomy in decision making, and being and acting in a self-determined manner.
84. Resourcing is the biggest thing holding Language revitalisation back in Australia. There is, in my opinion, an obvious and apparent lack of will and intent: that is, no substantial actions have been taken to date, either by the Federal Government or the State to address this national emergency in language attrition and loss. Funding from the Federal Government currently sits at around \$33 million per annum across our 800 languages. This has recently risen from \$20 million for the past decade or so. The funding was the same for over ten years - no increases. Australia is a signatory to the UNESCO UNDRIP. Australia was one of our nations to be the last to sign up to this Declaration, 2009. This is indicative to me of the value and priority that our languages are shown or rather not shown. To sign up to this after first refusing to sign is a national shame and Australia should be deeply embarrassed by this. It is the UNESCO International Decade of Indigenous Languages 2022-2032. The Federal Government initiated the establishment of the National International Decade of Indigenous Languages Directions Group to develop guiding principles and an Implementation Plan 'Voices of Country' released in August 2023, to provide support to all jurisdictions of government and the corporate and community sectors ways in which they could engage and support Aboriginal and Torres Strait Islander languages, now and into the future.
85. Language revitalisation has not been appropriately funded or prioritised by both the Federal and Victorian State Government. In fact, Victoria has no policy or strategic approach to language. There

are dot points in two different strategies whereby language is included (see goal 19 of the Victorian Aboriginal Affairs Framework 2018-2023) and the Victorian Department of Education's Marrung Aboriginal Education Plan 2016-2026, however, this does not address the social justice issues and the need for a restorative justice approach and a cohesive strategy, policy and legislation to protect, support and sustain our languages. The State sees funding language revitalisation as an 'investment'. This is inappropriate. Linguicide was a deliberate strategy of colonial violence. Funding language revitalisation is a matter of restorative justice and restitution.

86. The available funding is insufficient and project-based, which makes it very difficult to source and retain staff. No one is paid very much or at all. Government places enormous pressure on 'delivery', but it is very difficult to track and assess outcomes without dedicated language workers who have the skills and experience to carry on this task.
87. Funding for language revitalisation is often included within broader funding streams for arts. Language involves creative expression, but language revitalisation is a separate project that should have specific funding allocated. The work involved is very different to other initiatives.
88. We need urgent action and appropriate resourcing in a rights-based framework, not a hand-out system that is subject to the whims of elections and individuals. We need real policy and strategy.
89. It is an absolute imperative for the Victorian State Government to enter into a respectful and formal partnership with the VACL. We do not receive State funding for Victorian Aboriginal languages aside from occasional projects. Victoria needs a strategic and cohesive approach on languages that is set in the frame of restitution and sustainable resourcing. VACL is the peak body representing our language communities and we are in the position to move these things forward. However there is a distinct lack of action, will, and even over-reluctance to undertake these negotiations and relationship development. Instead, we are constantly having to negotiate and educate with separate government departments in a siloed, compartmentalised, 'hit and miss approach'. I am sick of trying to get the government to understand our position – we need ACTION!

Language Rights Legislation for Victoria

90. A few years ago, VACL worked with Professor Emeritus Joseph Lo Bianco of the University of Melbourne on research into legal models to support language revitalisation.
91. That research considered models in other countries, and found that the key features and functions of legal models to support language revitalisation include:
 - A principle of recognition;
 - A principle of symbolism;
 - A program of action (funding, coordination of initiatives, legal);
 - Leadership and advocacy;
 - An annual public reporting function;
 - A strategic planning function; and

- A public education function.

92. A copy of Professor Lo Bianco's report, 'A proposed Draft Framework for Aboriginal Languages in the State of Victoria: Language Rights Legislation for Victoria', dated August 2021, is at **Attachment 6**.

VI POSSUM SKIN CLOAK PROJECT

93. The Possum Skin Cloak Story was born from a vision I was gifted from the Ancestors. I was gifted this Vision in 1999, following a very up close and personal encounter with the Lake Condah cloak, an historical cloak that was at the Melbourne Museum which is from my Grandmothers Country. Unbeknownst to me at this time, my great grandfather and his brother were two of the makers of that cloak. This oral history was given to me by Eileen Alberts and Titta Secombe, whose great grandfathers were also part of the group of 6 or 7 men from the families at Lake Condah who made this historic and culturally significant cloak. I worked on the First Peoples exhibition there at Melbourne Museum from 2010-2013 where, whilst working with Titta and Eileen on this, they told me the Story of the Lake Condah possum cloak, or kooramookyan. Something that they have carried in their family oral history but hadn't survived in our family line. It's gone back home now and is cared for at Budj Bim centre at Lake Condah. The Possum Cloak Story has been a cultural phenomenon of this Time. Cloaks have become integrated into our everyday lives as a living cultural practice. Cloaks have seeded reclamation of connected cultural knowledges, practices and language.

94. We went to the museum to look at objects to inspire designs for our printmaking session. The then Roving Curator, Lorraine Coutts has organised this program and knew who the participants would be. and our Country. The staff organised for material cultural objects belonging to each of our Countries to be available and viewable. We were able to handle the objects and engage and interact with them. It was and is an important activity to be able to do in these times of cultural reclamation and restoration. After a while, the museum staff called us over to the table and pulled out a big box which had the Lake Condah Possum Skin cloak in it. When they lifted the lid and the cloak was revealed, it was a visceral and profound moment where you could feel the Ancestors come into the room and surround us. I had a profound sense of connection and awareness of the Ancestors – like you could reach through the veils of space and time and touch them.

95. After we left, I was thinking about the cloaks, how to make them, and how they should live back in community. I experienced this as a gifting of a Vision from the Ancestors to 'bring cloaks to live back in community...' (Couzens 2017). I was talking to two other artists, Dr Treaahna Hamm and Lee Darroch, who are both Yorta Yorta. I suggested as a way to begin the Vision from the Ancestors to bring cloaks back to communities, '... why don't we make copies of those two cloaks? ...' We talked to our Elders to seek permission to do this 'wild' idea. I applied for a grant which was successful. I made a copy of the Lake Condah cloak with my sister, Debra, (who has now passed.) It's only because of her that I know how to do any of this – she worked out how to cut the skins out, to make a facsimile representation of the original cloak.

96. It was Treaahna's idea that we should burn onto the cloaks, she had seen Aunty Nola Kerr (dec) do it on kangaroos. We all got burners and burned the designs into the skins, replicating the designs off the old cloaks. We exhibited the Cloaks, the new Lake Condah cloak and Treaahna and Lees copy of the

Yorta Yorta Cloak at the Melbourne Museum, Birrarung Gallery. Following this, I continued to work in Maar communities for the next few years making cloaks and reinvigorating that practice. In 2005 I was invited to a 'think tank' to discuss how our Victorian Aboriginal culture could be represented in the Opening Ceremony of the 2006 Commonwealth Games in Melbourne.

97. The Opening Ceremony of the 2006 Melbourne Commonwealth Games was the catalyst and turning point in the Possum Cloak Story for reclamation and revitalisation. It was this opportunity to be part of the Opening Ceremony that enabled the Vision from the Ancestors to '...bring cloaks back to community...'. I was the Artistic Director for this Project where the team I gathered, including Treaahna Hamm Lee Darroch and Maree Clarke, led the Project and engaged and worked with 35 language groups across the state. It was the seeding of the revitalisation of Possum Cloak songline Story across the south east of Australia and the integration and embedding of cloaks and related practices back into community. I want to acknowledge Uncle Wally Cooper, Gail Madigan, Uncle Bill Onus and Kely Koumalatsas who have all created cloaks in contemporary times in their own creative cultural exploration. Kelly is still working with skins in her practice.
98. The Commonwealth Games Possum cloak project as a major undertaking to make possum cloaks again in community where this practice was no longer evident for over 100 years or more, and to support sovereign self-determining governance protocols. For that process, we embedded community and self-determination and cultural protocols. Each language group or community found a local artist to work under the direction of that community. The artists had to get the support of the Elders to be in that role, and we had lead artists working with local artists to show them how to begin making a possum skin cloak. It just exploded. It was this amazing cultural journey, when the Elders and community representatives came together at the MCG to represent their culture and language group, they said '...we were there with one heart and one spirit...'
99. After the Commonwealth Games there was a huge interest in cloaks from along the eastern seaboard and to the west. Our Commonwealth Games team, (minus Treaahna) set up an organisation called Banmirra Arts, which ran from 2008 to 2016, to run possum skin cloak workshops. The idea was that we would offer our learnings and teachings in a workshop setting including ceremony; community and family clan groups would participate and contribute. The Workshop was also an opportunity to pass on skills and knowledge with the view that the community belongs to the practice and has the right and responsibility to continue the sharing and learning of the practice, cultural mentoring. So someone would learn continue that practice, learning and teaching in their community – our cultural ways of Knowing, Being and Doing are supported in this including oral transmission and hands-on learning of knowledge. It was very culturally grounded. I still get asked to do possum skin cloaks and I try and get a mentee from the community to work with, so that the cultural capability and capacity is being built.
100. I also do basket weaving. When I'm weaving, I think – this is an unbroken trajectory all the way back to I don't know when. All my grandmothers are sitting there watching me. My father used to help his mother weave baskets and Nan would ride into town to sell the baskets to support the family. I think this is important to understand how our practices contributed to the post-colonial economy and provided much needed income for our Mobs.

DOCUMENTS & MATERIAL ACCOMPANYING OUTLINE

Attachment 1: Copy of Nicholas Couzens story, prepared by Aunty Vicki Couzens and Ash Couzens in 2018 for and on behalf of all of our aunts, uncles and cousins.

Attachment 2: Transcript of hearing of George Sandford Bolden (available at: <https://www.historyvictoria.org.au/the-judge-willis-casebooks/casebook-12-transcripts-and-commentary/#32>)

Attachment 3: Victorian Aboriginal Corporation for Languages – Draft Manifesto.

Attachment 4: Possum Skin Cloaks – Aunty Vicki's father, Uncle Ivan Couzens, wearing a possum skin cloak made by Aunty Vicki; Aunty Vicki wearing a possum skin cloak; Aunty Vicki drawing Lake Condah on the new cloak with a wire-nib burner (images available at: <https://museumsvictoria.com.au/article/the-timeless-and-living-art-of-possum-skin-cloaks/>).

Attachment 5: Victorian Aboriginal Corporation for Languages Submission to the Victorian Aboriginal Employment and Economic Council, 13 September 2021.

Attachment 6: Professor Emeritus Joseph Lo Bianco, 'A Proposed Draft Framework for Aboriginal Languages in the State of Victoria: Language Rights Legislation for Victoria', August 2021.

Attachment 1 Copy of Nicholas Couzens' story, prepared by Aunty Vicki Couzens and Ash Couzens in 2018 for and on behalf of all of our aunts, uncles and cousins

Nicholas Couzens, Pop, was born on the 23 February 1902 at Framlingham Mission. His mother was Harriet Couzens. Harriet's first husband, James Couzens, along with his brother John Couzens, were part of the Aboriginal Cricket Team that toured England in 1868. They were buried in the low paddock at the Mission. Uncle Gordon Couzens told me this.

Great Grandmother Harriet later married Jack Wyselaskie and they are buried in the Mission cemetery together in a double grave adjacent to the Couzens/Clarke plots.

Great Grandmother Harriet had four brothers and sisters of which she was the eldest. Jessie, Frank, Will???Maryann. Harriet was born in Camperdown in 1857 and her Mother was great great grandmother Weetpoorpoyn/Nellie(Cain) and Minimalk/Barney.

Weetpoorpoyn was born on the banks of the Moyne River north of Belfast Lough near Port Fairy and Minimalk was part of the Warrnambool Gundidj clan located at Warrnambool.

Barney died and Nellie, later, married James Cain and they lived and worked at Farnham. They are buried in Warrnambool Cemetery.

Pop, Nicholas, was the youngest of four siblings: Sarah Couzens, died in 1880's at 8 years old; Esther Couzens who married Uncle Jimmy Rose/Tooleybuk; John Couzens who married Isabella Rawlings. Pop married Georgina Winters from Lake Condah Mission in 1922.

Nan's Mum was Granny Ella. Nan had two other siblings Uncle Tommy Clarke and Katherine Clarke before Granny Ella married Fleetwood Clarke.

Pop grew up living on the mission with his Mother, brother, sister and cousins, aunty and uncles. He learned to spear eels and fish and to weave eel baskets, helping with feeding the family as all children had to in those days. As he grew older he loved motor cars and motor bikes and had one or both most of the time. He was clever with his hands and his knowledge of mechanics seen him work in Allansford as a mechanic for a number of years. Pop was also very good with timber and he made boomerangs and other objects. Pop was also a good painter and would go to Childers Cove and Port Campbell to do painting. We don't have any of his paintings as he sold them. We heard there were two paintings hanging at the Peterborough Hotel but during the two fires there they were lost.

Pop became aware of the social justice issues affecting Aboriginal people from his mother and his own life experiences living under the prohibitive and oppressive jurisdiction of the Aboriginal Protection Board. Great grandmother Harriet wrote to the Protection Board to question why they were closing Framlingham Mission in the 1870s and told the Board she thought '...it was our land til we die'.

These things shaped Pop's sense of right and wrong and strong self-determination ideas and values. Pop grew to be a strict father with high values and expectations of his family and the human rights we are entitled to as Aboriginal people. He worked hard all his life from cutting and selling wood from the forest to share farming for most of his life.

One of the stories we want to tell is how Pop was Secretary of the Aboriginal Progress Association of the Framlingham Mission in the 1930-40s. This was the era when Uncle William Cooper and Uncle Jack Patten were travelling around to communities talking with people on missions about lobbying to the government and fighting for our rights.

So it was at this time that Pop along with his brother John, brother in law Jimmy Rose and cousin Uncle Tommy Clarke and others set up and became involved in the Aboriginal Progress Association on the mission. This Progress Association was to be a representative body to advocate and speak on behalf of the People on the mission: to speak up about our rights as Aboriginal people and to lobby for better conditions, freedom and so on.

We have a photo of Pop, Uncle Jimmy Rose, Uncle Henry McRae, Bill Austin with William Cooper when he visited the mission in the 1930s. With this photo we have a letter that Pop wrote as the Secretary of the Progress Association which was published in the Warrnambool Standard in 1940.

So this story we want to share begins with the families on the mission living in huts in the bush. Pop and Nan lived with their children in hut in the bush. It was a hard life hunting for rabbits, eel and fish spearing, growing vegetables trying to feed and shelter a growing family along with trying to find work. The Aboriginal Protection Board and the Warrnambool Welfare Society had a house building program around 1937-38. In 1938 the houses were erected and Nan and Pop along with their then 6 children, moved into the first house. Pop and Nan were considered hard workers and 'good' tenants at this time. All the families were eventually housed in the new houses.

This scheme by the Board was to give each house ten acres to farm providing food and work for the People. The Protection Board had promised 3 thousand pounds to support the mission people to get their farms started with ploughs, horses and other necessary equipment. This funding failed to materialise and the People were told to do these tasks '...by hand...'

Pop became frustrated with the treatment that he was personally subject to and along with the others in the Progress Association voiced their concerns in this letter. The letter gives an insight into the oppressive conditions people were forced to endure in these times and the level of frustration and anger at the attitudes and treatment by the non-Aboriginal Board and the local Warrnambool community.

Following this letter Pop and Nan eventually left the Mission and the house to do share farming. At this time the Protection Board considered Pop to be a '...troublemaker...' and were glad to be rid of him

A few years later when Nan and Pop were finding it hard to make ends meet and find enough work they applied to the Protection Board to be housed again on the Mission but the Board refused them. Nan and Pop went on to further work and more share farming near the Mission and remained in close contact with family and Mission life but they never lived on the Mission again.

We are proud of Pop's legacy as a person who stands up for our rights and it is something that many members of the family continue in working in the community.



Photo of Pop, Uncle Jimmy Rose, Uncle Henry McRae, Bill Austin and William Cooper, when William Cooper visited Framlingham Mission in the 1930s

Warrnambool Standard 3 April 1940

CORRESPONDENCE.

[Letters appearing under the above heading do not necessarily express the views of the "Warrnambool Standard."

FRAMLINGHAM RESERVE
SETTLERS.

(To the Editor).

Sir,—Might we be permitted just a small space in your valued columns to stress the views of the now existing residents of the Framlingham Reserve settlement. We quite realise all the responsibilities we had to face in regards to improving our ten acre blocks. So with regard to the promise of a couple of horses, plough, windmill, etc., all this had been promised at the start of this scheme, water being the main object. But up to date nothing has been done. I am sure the people of Warrnambool and district will quite agree with me when I say that to start a nice vegetable or flower garden one must have a good supply of water. This is one of our hardest handicaps, but I am sure that if those items were granted, there would have been a good bit of improvement on this reserve. Might I ask what has become of the balance of the £3000 Government grant and the £30 or more that the local people so willingly donated at the opening of the first home? Could not some of that money be put to some purpose and not be held for the repair of the houses? This would be giving us a chance to plow our land instead of being told to dig it up with pick and shovel. Give us a chance and let us do our own planning. We have taken enough advice from this so-called Board of Management. I for one have been repeatedly cautioned, but I have done all I possibly can, and a few others, all with disappointing results. I do say that we would be better off if we were left alone, instead of being ordered about and complaints made about the dirty houses. This talk makes the women folk very annoyed. We have been in our homes now over twelve months, and I have never seen any of the new homes dirty. The people of Warrnambool and district think it is a great life; but to have visits paid by one of the Board's members and then comments made and printed in the paper, when they hold their Board meetings, makes one feel miserable. We might be told to do a few things, but we won't be driven by anybody.

Now, with regards to the houses (four rooms only) and families up to twelve occupy them. Some of the children have to sleep in the kitchen, and others huddled up in the rooms; while five or six small families, some with only one child, and others only man and wife, have just the same number of rooms, some of which they do not use. Why could not the Board of management have seen to this and have the homes built according to the families. The lavatory is only 10 yards from the back door, and on hot days encourages flies in thousands. Nevertheless, we have to put up with this. I have a host of things to say, but space will not permit me to go on.

In conclusion, I do say that before this year is out there will be a good many of these model homes empty.

Yours, etc.,

NICHOLAS COUZENS,
Secretary, Framlingham Reserve
Progress Committee.

Attachment 2 Transcript of trial of Sandford George Bolden for Shooting with Intent to Murder

Willis Note Book No 12, page 88.

Dec'r 2'd 1841

Sandford George Bolden
Tachier Aborig'l – shooting with intent to Kill –
Plea Not Guilty

Mr Croke

The Pris'r a respectable Settler charged with shoot'g with Intent – Prosecution Instituted at the instance of Assis't Protector – States the facts from Depos'n & Letter – Shot at the Black & killed him

(Vide Deposit'n & Letter)

Letter – I stated my wish for the fullest investigat'n

Peter Carney Sworn

I am in the Service of Messrs. Bolden as Stockman – I have been 8 yrs in the Country – I recollect the 27th of Oct'r – I recollect seeing the Pris'r on that day I went with him to Muster the Cattle – William Kiernan & Mr. L Bolden & Pris'r accompanied me – I did not see any Aborigines on the run while we were out – until we had been a good while out – I saw Aborigines on the run that day – ab't two or three Miles from the House – We went on to the run to Muster the Cattle. we parted, each took a Separate road – if any of us heard the Whip Crack We were to return – I heard the Whip Crack & returned, when I was return'g I saw some Blacks. I just saw Mr Kiernan com'g up – When the Blacks saw me they parted I can't say how many there were one of them said Plenty more Blacks One man separated from the Blacks & went towards the Run – there was a black Woman & a grown up boy – This Man (the Black) ran into the Flat The Pris'r was sitting on his Horse which was stand'g in the flat. The Native rushed off the Hill into the flat – Pris'r sang out to the Black to Gigo (go away) – with that the Native stood with his left foot projected & his Eyes fixed on the Pris'r & drew a Weapon – (a sort of Club carved with 2 Edges like a Sword) it probably wo'd cut a Horse's Head off – the Native was stand'g close to Pris'r's Horse's head – Mak'g a Stroke at Pris'r with his Weapon – Pris'r was quite passive – he Heaved himself on the saddle & escaped the blow I don't think the Pris'r saw the Native till he (Native) rushed down close to him from the Hill.

Here an objection was made as to the way in which Wit's's previous deposition was taken & in ans'r to my question

per Cur

I made depositions with regard to this matter before a Magistrate Mr. Sieveright. Capt'n Webster was not present when my deposit'n was taken down – Capt'n Webster on a subsequ't day asked me if the Deposition was correct – To the best of my opinion Capt'n Webster never read it to me at all – Capt'n Webster did not swear me Mr Sieveright swore me first but I was not sworn when Capt'n Webster asked me if the Deposition was correct – The Pris'n was not to the best of my opin'n present at the begin'g of the Exam'n. he came in tow'ds the End – To the best of my opin'n Mr Sieveright did read it over to me in Pris'r's Presence & I put my Mark to it. If Pris'r had wished he co'd have asked me any questions

(Allow'd the Crown Prosecutor to refer to the deposition)

Pris'r did not previously to the blow be'g aimed at him by the Native make any rush at him with his Horse. Pris'r did not attack the Native till the second blow was aimed at him by the Native – I sang out to Pris'r to take care or the Native wo'd unhorse him;. When the Native repeated the second Stroke at pris'r Pris'r reined his Horse round to the left & fired a Pistol at the Native – I can't say that he hit him – ab't 3 or 4 yards distance – Small double barrell'd Pistol – very short Barrel – Pistol not more than 9 Inches – When Pris'r fired the Pistol the Native stood clapped his hand on his belly & grinned at him & called him a White B – r – then turned about & ran he ran ab't 100 or 150 yds before he came to a Water Hole – The Native was Naked – I saw no blood – I saw him come out of one Water Hole, & go into an'r I saw smoke from the Pistol – I saw no Wound – no blood – The Native stopp'd in the 1st Water Hole ¼ of an hour or 20 min's. Pris'r said to me Keep that Man (the Native a Pris'r) the Black kept sing'g out when in the Water Hole – Gigo – plenty more

blacks – When the Native said so Pris'r at the Bar told me to keep him, Native, a Pris'r till he return'd – Pris'r went away – he said he was going home – he had only the double barrel Pistol – he told me to keep the Native till he (Pris'r) returned with more fire arms – In the Pris'r's absence the other Stockman Wm Kiernan came up – he had not been up long before the Native came out of the Water Hole – he still had his hand on his belly – he ran into the other water Hole – more than 5 or 6 yards – stopped in for a short time, & then came out & struck at the Stockman – he was going out at the off side of the Water Hole – I was holding the two Horses when Kiernan went round to take the Native as he came out of the Water Hole – The Native struck Kiernan with one of their own Clubs on his temple & on the right Elbow, in the mean While they another native were fighting I was sing'g out to Kiernan that the Native wo'd get the best of it that he Kiernan wo'd never be able to take him & for Kiernan to come to his Horse – With that Pris'r came up & wh'r the Native fell or jumped in to the Water Hole I cant say – The Native was stand'g on a Stump & just as Mr Geo Bolden came up Mr G B fired – The Native jumped into the Water Hole just as the Shot was fired – The Pris'r was 15 or 20 yards from the Native when he fired. The Native was on the opposite side of the Water Hole when Mr Bolden fired – Describes the distance – ab't 13 yds – from where Wit's stood Pris'r was behind – I saw smoke when the Pistol was fired – The Pistol was a little longer than the double barrell'd Pistol Immediately After the shot was fired Pris'r & myself rode away –

Per Cur

Wh't has become of the Native if dead or alive – if dead Where's the Body – if Alive why not produced?

Mr Croke

The Charge is for intent to Kill & Murder

X'ex'd

I am not aware that the Pistol was loaded – To the best of my opin'n Mr. Bolden was absent ¼ of an hour – I never heard the Native complain dur'g Pris'r's absence of be'g hit – The other Stockkeeper said to Pris'r after the first Pistol was fired, & before the 2'd for goodness sake go home for more fire Arms to protect us, as this Man says there are so many Blacks on the Run – To the best of my Opin'n I never saw the Native before – there were other Natives with him – I saw an axe on the Run – There was A Woman who had a basket with beef fat – Cattle were killed – Then There had been previous depredations (92a) She was detained & her basket op'd (Evidence objected to by Cro: Pros'r – detention improper)

(The following is written on a small piece of paper (92a) pinned to page 93 but meant for insertion in page 92)

(a) I said that the owner, Lessee, or person pay'g for a licence for a run had a right to use every lawful means for recovering from any person wh'r White or Black any of his Property attempted to be illegally carried away – and further there being no reservation in the grant, lease Licence from Gov't in favor of the Aborigines, the possessor had also a right by all lawful means to turn off any person wh'r White or Black who sho'd trespass on his Run – This was not like Bonjon's Case, it was a case of Aggression between Blacks & Whites in which the C't had clearly Jurisdiction – (b)

X'ex'n cont'd

Wit's Describes how Pris'r fired the first shot – I first said stand clear or the Man will unhorse you – I cant say Pris'r took aim (1st shot) at all – describes Pris'r's position in his saddle & on Horse back– Kiernan & the Native were 5 or 10 Mins. fighting – I am quite sure it was the same Native – Pris'r co'd not come within 3 or 4 yards of the Water Hole on acc't of the gr'd – The Native must have seen Pris'r gallop'g up before he jumped into the Water Hole – This occurring on Wednesday – the 1st Deposition was made on the Friday following – When I made my Deposition I did not know that the Man was killed –

per jury

It is common to frighten the Natives by snapping, or present'g fire Arms –

per Cur

The Native had three or 4 Weapons ab't him when he struck at Pris'r

Wm Kiernan Sworn

I am Stockkeeper in the Employ'm't of Messrs Bolden at their Station – I recollect 27th of Oct'r perfectly well – I went on my bus's in getting in Mr B's Cattle – I endeavoured to get them in I saw three Natives – a Man, Woman & a Boy – I sang out "Gigo" that is, go away – they said they were going to Mr Sieveright's ab't 11 miles off – I did not attempt to drive them off the run

I consid'd Pris'r in hear'g – The Blacks said Mr Sieveright “Wiggell Wiggel Wiggle you” (that is, You should be hung) In the course of 5 Min's last Wit's hear'g me talk to the Natives came to me With that the Blacks came down a small bit of a hill into a flat – Mr. L'I B & Pris'r were in the flat. I sing out to both that the Woman's Net on her back was full of fat – I ex'd the bag & took the fat out of it – Pris'r & the Black Man dur'g the time I was show'g the fat to Mr Lemmuel had some Words – I co'd not hear exactly what the Words were – I was engaged with the Woman – I turned round – saw Pris'r engaged with the Native – the Native try'g to strike him with his Club – I was ab't 40 or 50 yds off. I did not see Pris'r riding down this Black or gallop'g his Horse – I heard a Pistol Shot – at the time I heard the Shot & turned round – I took the Native to be within 4 or 5 yds of Pris'r I saw smoke after the Pistol was fired I saw the Black going to the Water Hole – The Black did not Walk as if wound'd He ran as hard as he co'd – Black was Naked – The Native went legs foremost into the Water Hole I saw him. I might be 5 or 10 min's exam'g the basket I frequently looked as I expected a reinforcement of Blacks – Pris'r was on the flat nearer to the River than I was – 40 or 50 yds from where Pris'r was when he fired to the River – Pris'r came down to the Water Hole with me when Native sprang in & got hold of a boy & said “plenty more Blacks fellows come – bally directly – I beg'd Pris'r to go home & get more Fire Arms – The Pistol Pris'r shot with the first time was a double barrell'd Pistol – The Barrel ab't 4 Inches long – Pris'r went home for fire Arms I was try'g to keep the Black fellow (This endeavour to detain native ??

(B) here inserted is written sideways on the MS, top of page 94)

B per Cur

That if the Native was in comp'y with the Woman who had stolen fat in her possession, I thought the Wit's was justified in endeavouring to detain the party.

Pris'r returned – during his Absence the Native came out of the Water Hole to me – I let him out quietly – I just Walked up to the Native when he struck at me with his Club – My Master told me to keep the Native till he came back – At the time Pris'r returned the Native was in hand–hold with me – I thought to get a hold of his Club – he flung one of his weapons at me before he got out of the Water Hole – As soon as he saw the Pris'r gallop'g up Native ran into the Water hole – The first thing I heard was a Pistol fired The Native got into the Water Hole just at the time the Pistol was fired – The native was encountered with me when Pris'r came up – Three years here – I got sev'l blows from the native – one on my forehead I bled sev'l on the Arms with the Club – After the 2'd Shot fired Pris'r & I immediately went away – I was at the Water Hole afterw'ds sev'l times – I go that way about my Bus's

X'd

I do not know the Natives Name, the same man I found killing a beast on the 19th of this Month – I saw him sev'l times on the run before – I cant swear there was anything in the Pistol that might have caused death – There might have been such a thing as a Pistol discharged with't Ball or Shot to frighten the natives – It frequently happens – Pris'r was but 25 yds from Native when first I saw him after he fired – 2nd Shot – he was in full gallop – At the moment the 2'd Pistol was fired the Black was in the act of attack'g me –

C W Sieveright Esq Sworn

Assis't Pro'r of Aborigines in the Western District – I am a J.P. – I know Pris'r – he lives 17or 18 miles from me – I took the depositions in this Case – they were taken in the Presence of the Pris'r on Friday 29th of Oct'r they were read over to the Witn's after they were taken Titles also from begin'g to End – I knew Tachier – I was perfectly acquainted with his person – I have no doubt he is one of the tribe over which I have Superintendence – That is the name by which he is generally known – I have not seen him tho' I have made much inquiry for him from his own Tribe in par'lar & from sev'l other Tribes – I saw him ab't a fortnight before the dates to which I have referred – It is impossible that he can be ab't the Bush – I have twice searched for him from Sun Rise to Sun Set – He may be still alive

(the following is written across the MS on the top left of page 96)

C. I asked him Wit's reconciled this with his hearing of the depositions which were relative to the death of an aboriginal native

I saw Pris'r after the Commiss'g of the Act imputed to him – On the 28 of Oct'r I went to Mr Bolden's Stat'n – I was directed where I sho'd find Mr Geo Bolden on join'g him at his Stock y'd I made myself known to him after ascertain'g that his Name was Bolden, I said I was sorry to learn that there had been collision betw'n some of his people & the Natives – He said No. No Collision – I replied “are you not aware of it?” He said

“Are the bodies found” I answered I believed so Witness now states he believed ? from the Report of an Aboriginal Boy – wholly a Savage – He co’d speak English partially When I said I believed the bodies were found Pris’r said “I have no hesitation in say’g it was I who shot the native but I assure you it was in self defence & I intended to have inform’d you of the Case as soon as I possibly could – This was not said, till I had said the Bodies were found – He then said he was engaged in giving over the Cattle which he had lately sold, this was the reason he had not informed me of the Circ’e already;. I observed Pris’r was under consid’le agitation – I advised him to say nothing more at present but to defer his Statem’t till the morrow when I sho’d return & receive it from him – My reason for doing so was seeing that he was under agitat’n he might inadvertently make a statem’t that might

Criminate himself – I held out no inducem’t to the Pris’r to confess – I did take steps to ascertain wh’r the story of the Aboriginal boy was true before I went to the Pris’r – I traced in comp’y with six Natives & a Constable footsteps with shoes to a Water Hole & where there were marks of Horses – I was engaged in this when a Boy made his appearance a Boy on Horse back – In consequence of this Boy’s life be’g in danger from the natives with me I gave up the search & went to the Pris’r orse back – Horse

Per Cur

The Prison’s confession was under the false impression from Wit’s Statement that the bodies were found – which was not the case.

I said I wo’d reserve the point, but I did not consider the Confession admissable .

X’ex’d

The existence of this Man was improbable The inducement to state the Native’s name was Tachier was the Statement of the Aboriginal – boy ab’t 10 yrs old – Pris’r’s Statement was freely & voluntarily made

“The Pris’r afterw’ds said had he known that the bodies had not been found, he wo’d not have made that Statem’t”

The Deposition was made previous to the bodies not hav’g been found been made known – Pris’r said “I believe I wo’d not have made the Statem’t ?” I can’t say I fully understand the language of these Natives – I made a subsequent search for the Bodies they have not been found – The confession made by Pris’r made no ment’n of the Woman” Therefore I did not investigate the Matter – I heard the Woman was alive – It most usual for Natives after committ’g depreddations to abscond – After Collisions betw’n themselves the Natives Abscond – It sometimes happens after collision with the Settlers that the Natives abscond for two or three Weeks – The Woman has not returned – This Man belonged to the Connawa Tribe – ab’t 15 Miles from the place of the collision – The Water Hole has been searched – not dragged Every facility afforded by the Pris’r & his friends for the fullest investigation –

Mr Barry addressed the Jury in an able Speech

Not Guilty

I strongly censured Mr Sieveright’s conduct for not stat’g to the Pris’r that the Bodies in fact had not been found especially after the Woman was known to be alive, & also for bring’g forward such a Charge as this which rested solely as regard’g the Identity of Tachier on the Hearsay Evid’ce of a Savage Boy of 9 or 10 yrs of Age – I told the Crown Prosecutor there was no Evidence that I co’d ?receive to show that an aborig’l named Tachier had been shot at & alluded to the recent case of the Earl of Cardigan in the H of L’ds

The learned Crown Prosecuter insisted that the Evid’ce of Identity of Tachier which at the utmost was merely the report obt’d by Sieveright from the Savage Boy of ab’t 10 yrs old who but partially understood English was suff’t – I told the Jury that the Informat’n co’d not on that gro’d be sust’d that in fact there was no proof of the main allegation that Tatchrer was Shot at & that they must acquit the Pris’r but even had it been otherwise the Circ’s of the case were such as in my opin’n wo’d most probably have induced them to acquit the Pris’r –

Mr Croke persist’d that the Evid’ce was suff’t & that he wo’d file a thousand Informat’ns on the same Evidence – I said that if so I must reprehend your Conduct in improperly wast’g the time of the Public & putt’g the Gov’r to unnecessary Expencc –

The Jury immediately acquitted the Pris’r

Commentary

James Croke prosecuted and Redmond Barry defended Bolden.

Some Aborigines had reported to Charles Seivwright, the assistant protector, that a boy named Bang–il–bang had told them of the shooting of a male and a female Aborigines who had later died. His enquiries led him to the station of Bolden who at first denied any involvement but, when Seivwright told him the bodies had been found, Bolden said he had shot them in self defence. On the following day Bolden gave Seivwright a written statement setting out how he was attacked by a male Aborigine whom he then fired at and the Aborigine ran off. Bolden went to a hut and got more firearms and when he returned he saw the same Aborigine attacking his stockman, William Kiernan. He again fired at him and the Aborigine again ran off. Seivwright later conducted a committal proceeding but some aspects of how he conducted it raised concerns about its legality during Carney's evidence. Willis did allow Croke to refer to these depositions.

During Barry's cross–examination of Carney he raised some issue about 'previous depredations' and apparently this led Croke to take some objection to such evidence and in dealing with this issue Willis made some reference to the rights of the landholder. Later in the attachment '(a)' he noted what he had said.

When Seivwright was giving evidence he swore about his previous contact with the Aborigine, whom he knew as Tachier, (the name is given as Totkeire or Tatkier in other contemporary documents) and of his subsequent searches for him. Apparently, Willis raised some concerns whether it was properly proved that the victim's name was Tachier and made some reference to the decision of the House of Lords in the Earl of Cardigan's case which decided that the prosecution must strictly prove that the name of the victim was that alleged in the Information.

Then Seivwright gave evidence about his contact with Bolden and receiving his statement (which was the 'letter' to which Croke had referred in his opening). Barry the objected to this evidence being received as Seivwright had misled Bolden about the discovery of the bodies. Willis rejected this evidence. In his final address to the jury Barry referred to the Earl of Cardigan's case and to the law that a master could act in defence of his servants.

In his address, Croke asserted that he could frame the Information the way he had done so in this case' Willis disagreed with him and directed the jury to acquit Bolden.

Willis subsequently sent La Trobe some extracts of his notes taken during this trial and it may be that he made the alterations and additions noted above as an indication to his clerk as to what he wanted to be transcribed (See Mullaly pp. 92, 369–75)

Attachment 3 **Victorian Aboriginal Corporation for Languages Draft Manifesto**



Administrative Offices:
33 Saxon St, Brunswick 3056
Melbourne, VIC

Postal Address:
PO Box 184, Brunswick 3056
Melbourne, VIC, Australia

ABN 86757997574
ICN 2255

VACL MANIFESTO

7 August 2020

Manifesto

We assert our Sovereignty, this is, we have never ceded our freedom, our country our lands, our sea's, rivers, waterways and our languages, our cultures and ways of being and doing.

We retain the right and will to consult/yarn widely and broadly with First People about our Languages, Culture and ways of seeking consensus on matters that affect our ourselves, this includes the processes that we design and consider appropriate to do so. This birth right is inherent to Language Revitalization and Language Reclamation.

We assert, our languages are an inherent part of our everyday practices, as such we are committed to exercise our cultural ways for Language revitalization development, research, learning and practices and prioritize our community of languages' needs.

We assert as in the past as the present and future, our Laws and protocols are valid and truth to us. This influences our ways of learning, living and doing. It also shapes our country and its people. Thus, language revitalization requires a multifaceted, holistic efforts that involving our interconnectedness to land, our environment, first peoples and our ethos.

We assert our ways to articulate through our languages the creation of meanings, our development of concepts and validate our notions across all areas of life. This

includes our secular Spirituality. Our profound connection to our country and interconnectedness across our systems of kinship. All of the above fractured through the occupation and colonization of our country which includes current actions

that are yet to fully support our recovery to the full extent that we aim for. We are resilient and will continue to live in our lands for many generations to come while rebuilding our ways of being, doing, and living.

We assert our heritage by assuming our heritage and valuing our current and ancestral knowledges. Furthermore, we reclaim our active and responsive self-representations of our past, present and future based on our experiences that that of our ancestors. As such, our Language Revitalization and Language Reclamation works are the continuum of our lives and practices. This continuum applies to those who are yet to come and also to those who are no longer with us because they are inherently part of our present.

We assert our capabilities to shape and re-shape our present and future aims in language revitalization and we acknowledge living in systems that require resources in monetary ways that was alien to us. Also, our use of time and formal education plays an important role to bridge our social participation and allow change to balance asymmetries in all areas of life. Thus, we seek an integrity tax and/or royalties derived from renewed energy and ethical business as a form of immediate relieve to achieve this purpose. Note that reparations for the damages caused through colonization and the current state of Indigenous affairs is yet to be fully addressed across our people.

We assert as active actors pursuing changes to the current state of Indigenous languages. The absence of appropriate infrastructure is well overdue. We call to urgent actions to respect our rights to rebuild our lives in a holistic manner. This means, to exercise our sovereignty and define the parameters for a healthy co-existence with other entities and institutions.

We assert that our languages are an inherent part of who we are, and we take absolute ownership of these and welcome collaborative approaches that are in alignment with our ethical practice and Indigenous protocols for collaborative engagement.

We reiterate our preparedness to co-exist requires fair agreements with our non-Indigenous collaborators. We remain amicably vigilant about our ways of engaging, working and collaborating across our new collaborators.

We assert diversity and multiplicity of views and positions about Language revitalization by Indigenous peoples. Likewise, Indigenous voices and views must be respected in a respectful manner and without obstructions to continue our living practices according to our aspirations, culture and ways of life.

We emphasize our diverse positions shall never be taken or used to disadvantage one group against each other. We call to end up all forms of violence and utilitarian actions that cause division, confusion and attempt to de-moralise our mob. Also, we call to stop inflicting prejudice and creating intentional damage across our Language

groups by depriving us from realistic resources to revitalize, practice and retain our languages.

END of Draft.

Manifesto Rationale

Consultations across the State of Victoria with:
 Elders, men and women (he, she, they)
 Youth, men and women (he, she, they)
 Language Practitioners (he, she, they)

Aboriginal Linguists and Academics (he, she they)

Locations:
 Gippsland
 Warrnambool
 Shepparton
 Swan Hill
 Robinvale

[Note 1. – This section aims to set the context for the manifesto]

[Quote 1. And paragraph 1, Setting terms of engagement from First People's perspective]

If you have come to help me, you are wasting your time. But if you have come because your liberation is tied up with mine, then let us work together.

Aunty, Dr. Lila Watson,
 Gangulu woman, Murry Artist

p.1

Aunty Lila Watson articulates key ethical notions about collaboration, developing relationships and the role of participants in the lives of First Peoples. A call for active self-reflection from former and new settlers that calls into question the trappings from 'helpers', paternalistic, benevolent or 'the good doers' who too often normalise their presence which is at the core of colonialist ethos.

A dignified and respectful way to collaborate with First Peoples demands a profound understanding from those who work and live in Indigenous lands. Whether new migrants, refugees, economic migrants and/or those whose ties with first colonizers extend over generations and so forth.

[2. How did we get here?]

Historical Context

p. 2

Genocide and dispossession characterize the creation of new laws imposed in Australia through colonization. Policies and enforcement of these in the lands of Indigenous peoples of Australia where over five hundred languages were spoken prior to colonisation have been on decline since. Numerous languages remain

dormant and the Victorian Aboriginal Corporation for Languages have taken an enduring task to revitalise languages in what now we know as the State of Victoria and subsequent borders.

A nascent field emerging from Displacement and Colonization

[p.3 What is Language revitalisation?]

p.3

The revitalisation of languages is a permanent and ongoing task to awaken Indigenous languages that were forbidden to practice during and after colonization. This commitment requires extensive work, too often broadly misunderstood and equated with bilingual education. This mistake assumes languages are fully developed and speakers are fluent when in fact, there is a loaded effort to remember, re-dream Indigenous Languages. Unlike the acquisition of a second language, it requires skills to search and engage with community; building capabilities for linguistic understanding is not always supported. Long term commitment and inwards exploration into the lives, culture and knowledges that are contained across Indigenous peoples' collective memory.

[p. 4 Governance at work. Some implications about Commonwealth imposition of draconian policies for Language revitalization]

p.4

In terms of governance, assessing outcomes becomes even more challenging due lack of appropriate funding to train, support and retain language workers whose skills, experience and qualifications could carry on this task. Furthermore, statutory bodies framework and implementation standards set enormous pressure for 'delivery'. The lost of Indigenous language practice continues whether past policies and everyday actions as described by Yolnu from Bawaka in North East Arnhem Land, Elder Laklak Burarrwanga who was forced to wash her mouth with soap when found speaking her mother tongue (June 03 2007, <http://itre.cis.upenn.edu/~myl/languageblog/archives/004567.html>). Turning the tide is not only a matter for Indigenous peoples to pick up where it was left but it requires to re-visit very traumatic experiences lived by their immediate family and kindship members.

[p.5 Key notes that distinguish language revitalization work from language learning]

p.5

Although the notion of 'emotional work' and emotional intelligence are recognised as important attributes for productivity purposes in work settings. Increasingly, professional development investment in training an education has been welcomed, so far there is nothing that addresses the specificity of intergenerational trauma in the workplace. Thus, corresponding provisions are yet to try for a change on this matter.

[p6 Importance of language]

p.6

Languages are but one form of communication. It is an organising system that echoes our environment, the expressions of human knowledges, laws, cultural practices and ceremony. The creative process of sounds making with structured

patters of repetition and codified information synthetized as 'languages', articulations of all kinds, sometimes harmonious sounds of poetry and others rough, vibrant and descriptive passages related to any aspect of our lives. Anything that falls within the oral spectrum and well beyond it; a tool named languages articulates our sense of binding, belonging, an unwritten contract that it's a given; an ongoing learning and living process going side by side at the same time of our birth.

Indigenous Languages are living entities, each word, sound and meaning emerges from our environment, from us, from our ideas, cosmology and overall perception. Through the great diversity of Languages, we mediate our interconnectedness, our inclusions and exclusions, our commonalities and differences. It is through this communicative practice that we are constantly and endlessly engaged to make sense about our life experiences, our dreaming, laws, knowledges, protocols, ways of life and wonder.

Language Reclamation, a need to recover Language practices and First Peoples Knowledges, ways of Being and Doing.

[p.6 Why a Restorative approach to Language Revitalization must be an appropriate way to opt?}

Dispossession from the colonial enterprise has disrupted numerous Aboriginal languages and practices. Some languages had been lost and precarious records for its revitalization are yet to be recorded. The endangerment and significant decimation of people was intentionally created and a such, restorative approaches for Language Revitalization in Victoria are well overdue. The incommensurable damage continues due lack of appropriate provisions, imposition of inappropriate policies and lack of understanding.

Our agency, sense of commitment and responsibility continues to sustain the revitalization of languages in Victoria. Whilst we aim to include and support State-wide language groups, establishing a multifaceted, collaborative approach for the improvement of Indigenous Languages Policy, Education and raising Language retention rates we need our self-determination path with appropriate resources and infrastructure.

First Peoples' languages are not and shall not be equated with the specific needs emerging from people with migrant and refugee backgrounds often addressed as Culturally and Linguistically Diverse people (CaLD). Furthermore, VACL is no supportive of bilingualism because we oppose privileging one Indigenous language to the expense of 44+ languages in the state of Victoria.

Language diversity points out that contrary to the notion and push for recognising 'official' bearers of Language, VACL is respectful from each and all language groups whose birth-rights to speak their own languages and engage in their own terms with

the task of language revitalization.

VACL's framework for advocacy is in alignment with our vision and mission and as such we would like to emphasise through this manifest our position regarding Language revitalization.

Attachment 4 Possum Skin Cloaks



Aunty Vicki's father, Uncle Ivan Couzens, wearing a possum skin cloak made by Aunty Vicki



Aunty Vicki wearing a possum skin cloak



Aunty Vicki drawing Lake Condah on the new cloak with a wire-nib burner

**Attachment 5 Victorian Aboriginal Corporation for Languages
Submission to the Victorian Aboriginal Employment and
Economic Council**



Administration

1207/401 Docklands Drive, Docklands

3008. Melbourne, VIC.

www.vacl.org.au

ABN 86757997574

*****Warning this document contains names of and references to deceased persons**

ICN 2255

'First Peoples Languages are Medicine'

**Briefing Submission to the Victorian Aboriginal Employment and Economic Council (VAEEC) by
Victorian Aboriginal Corporation for Languages (VACL)**

Our Languages are our living archival repositories of our 'knowing' and are vital to our survival and continuance of identity, relationship with Country, health and wellbeing.

Aboriginal and Torres Strait Islander Languages state of Being background summary

Global shifts to speaking English highlight the threat of First Language extinction and Australia carries the fastest rate of loss (Davis 2017). The status and wellbeing of Indigenous languages in Australia have been described as critically endangered (UNESCO 2020). Of the 6000+ languages still spoken in the world, linguists predict half will be lost in the next century (Forrest 2018). By 2050, the majority of Australia's surviving Indigenous languages are likely to become 'extinct' (Parliament of Australia 2012). Existing research highlights a 'pattern of language loss' rapid across generations (Davis 2017; Nettle & Romaine 2000). Studies also recognise how 'sleeping' First Languages can be reclaimed, revitalised and re-awakened (Amery 2016; Stebbins, Eira & Couzens 2017).

These studies show it is possible to reverse this declining trend through language revitalisation, immersion and intergenerational transmission (Forrest 2018). The need to research First Languages and integrate these knowledges and practices into contemporary community life is a critical priority for Indigenous Australians (Zuckermann 2020; Henderson 2011).

Despite these studies findings and recommendations from 5 National Language reports commissioned by the Federal Government, only \$20M continues to be offered in National language revitalisation, compared to \$54M spent on Australian wine exports (Mahboob 2017). There is a serious paucity of resourcing from the State and Federal governments. As mentioned the Federal government provides \$20M per annum to support

language centres and language revitalisation work across the 300+ languages of Australia. All Aboriginal and Torres Strait Islander languages are classified as endangered.

One of the biggest challenges for Aboriginal communities is how to maintain or reinvigorate, make relevant and integrate traditional knowledges and practices back into contemporary everyday life. Living and using language in every day settings in immersive practices is ideal. Employment and education opportunities are spaces where language learning and acquisition can be integral, integrated, build social and economic capital and be economic drivers.

1. Outline of purpose of submission

This submission has a twofold purpose: one is to actively advocate for and support our rights to exercise our community practices with a priority on the revitalization, learning and practice of our languages, ceremonies, customary practices and ways of life. And through this, support the pursuit of fair and realistic opportunities for employment, enterprise and building of further capabilities across First Peoples in Victoria; to raise life expectancy by improving health access, education and employment.

The second purpose is to call for a thorough review about how current policies and the internal government bureaucratic systems continue to challenge genuine resourcing and support for our Languages. In doing so, our intention is to inform the Aboriginal Employment and Economic Council's economic strategy about what we perceive as 'gaps' within already recognizable Gaps.

The business of language revitalisation provides a gateway to entrepreneurial and employment opportunities across industries

- This submission is made for and on behalf of the Victorian Aboriginal Corporation for Languages - the peak body for Aboriginal Languages revitalization in the state of Victoria. We wish to draw VAEEC's attention to the urgent need to consider the foundational role that our First People's Languages play in enabling Aboriginal Victorians to be self-determining and participate fully in the Australian and global economy.
- VACL contends that our First Languages are a cornerstone of Aboriginal self-determination and cultural survival. We want to thrive beyond survival, and language holds the key to Identity, Sovereignty, and full economic participation and prosperity governed on our terms.
- We submit that the Council consider the fundamental role that our languages have in retaining and claiming our traditional knowledge, mob identities and connections to kin and Country, and that equitable economic participation, parity of access and opportunity and beneficial outcomes in health, education and wealth creation is ultimately dependent upon these things.
- We ask that VAEEC formally recognise that the retention and revitalisation of our First Languages as the foundation of culture, should form the basis of our approach to developing a strategy for fostering inclusive
- **VACL urges VAEEC to consider the primacy of language in the foundational development of the VAEEC Strategy, and to commit to and integrate exploring further the impacts and benefits of revitalising our Aboriginal languages into strategic considerations.**

2. Why language revitalisation is critical for Indigenous economic advancement and sovereignty and is therefore essential to include in the economic strategy under development.

*‘...language is land, language is family, language is culture.....
one can’t live with the other...’*

David Tournier (dec)

- Our languages are at the core of our cultures and identity as Sovereign Peoples. Our right to learn, to speak and to continue to revitalise our Mother Tongues is the inherent birthright of those who have gone before us, those of us here in this time and our childrens’ childrens’ children within the continuing cycle of Creation.
- Language is powerful. Language is Story. Language gives us Voice and to name things in and on our terms. Our languages are the vehicles that link us with our Ancestors, our deep knowledge of place and Country, our living legacy that connects our children to our history and stories and shapes our future. We are Custodians of

knowledges from time immemorial. Knowledge is embedded in our languages, everyday practices and profound connection to our lands, our Mother Country.

Language shapes our thoughts. It shapes how we see the world, our ways of understanding and how we Be in the world. This ontology is unique to our Peoples as the oldest living culture. Language revitalisation provides a way to restore and reclaim Indigenous cultural values. It expresses our values of Respect, Relationship, Belonging, Reciprocity and Inclusiveness that are the foundational principles of Law of the Land. Our language is the medium through which we articulate our connections to Kin, Country and Spirit - our Ways of Knowing, Learning, Living and Being - on our own terms.

- Numerous reports, including Closing the Gap 2018 and 2020, and VACL’s own research in partnership with the Lowitja Institute, provide evidence that language acquisition and learning builds cultural resilience and is a key social determinant in health and prosperity for Aboriginal and Torres Strait Islander people. Language informs identity, self esteem, cultural knowledge and practice. It affects access to health, cultural safety, culturally appropriate health and economic infrastructure and systems.
- Our Mother Tongue languages continue to be under threat. Out of the 44 language groups in Victoria, plus 14-16 emerging clan languages that we are only just beginning to document, there are few speakers with fluency. There are few Elders who are the last knowledge holders with perhaps 2-3 language speakers in a few language groups. Linguicide is a recognised strategic action or tool in the actioning of genocide. It is undertaken with aforethought and intention as a key part of the colonial method of perpetrating and continuing genocide. The intergenerational transmission of knowledge embedded in language is severely impacted when language use is punished and forbidden.
- With the oppression and attempted linguicide of our languages, our entire Knowledge Systems are threatened. Knowledge of how to co-exist sustainably in Country; our traditional ecological knowledges of bush medicine, foods, seasons, land management, water systems, flora and fauna, all so threatened by colonial misuse and exploitation.

- With language attrition comes the trauma of and gaps in knowledge. The songs and stories of our Ancestors, our identity as Sovereign Peoples is eroded, our children are bereft of their living heritage and identity. Language is foundational in the pathways forward to a self-determined future where the knowledge of our mobs is core to sustainable livelihoods.

3. Connection of language to jobs, employment and entrepreneurship opportunities

Let us consider now the direct impact of language retention and revitalisation on entrepreneurial and employment opportunities for Aboriginal Victorians.

The revitalisation of Indigenous languages provides entrepreneurial and employment opportunities across multiple sectors, but much more importantly, there is an opportunity to rethink the way in which economic prosperity can be created through language revitalisation and by building regenerative economies in Indigenous communities, in ways determined by Indigenous communities

- Economically speaking, Language contains embedded knowledges; knowledge of ecological systems, of Earth and Sea Country ; fire management, seasonal change and experience of climate change events. This knowledge is directly applicable through land management systems, and can be channelled through Traditional Custodian organisations and agencies like Parks Vic, translating directly into jobs as Rangers, in the co-management of parks and protected areas, employment in national parks, emergency services and environmental custodianship. A practical application example is where a Language revitalisation and research Project into plants, medicines and placenames further identifies/uncovers ecological knowledge embedded in language words and phrases that will inform revegetation and habitat restoration; reintroduction of native species.
- There is huge applicability and appetite for local Aboriginal languages in cultural tourism and eco-tourism, in the growth of opportunities for example around Budj Bim World Heritage site and other as yet untapped/undeveloped opportunities..
- Language holds the key to arts and creative expression, health and mental wellbeing, Reciprocal and incremental benefits will be generated through accumulative health and wellbeing outcomes across generations through intercultural and intergenerational knowledge transmission. Unique knowledge of plants and traditional bush medicines, native foods, flora and fauna translates directly into opportunities for job creation and entrepreneurial activity in the health and healing sectors, gastronomy, food and ingredient exports and pharmaceuticals. -new foods and medicines, tourism opportunities for Indigenous cultural experiences, conference resorts and spas, arts and crafts products
- There are great opportunities in the creative arts, media and music industries where Indigenous cultural expressions and ancestral knowledge benefits both our young people and creates intercultural connections.
- There are huge opportunities in the field of language revitalisation itself: education and employment opportunities in linguistics, in community education and schooling, in translation. We need people on Country, language needs to be in Country – to research and develop language fluency community education, for training and learning to be taught in viable sustainable ways on our own terms.

4. Which way from here?

All of these opportunities can inform and build regenerative circular economies in communities supporting long term wealth and asset creation for communities and individuals.

Our approach needs to be practical and Indigenous led, through Indigenous designed and grounded epistemological and methodological praxis. Language revitalisation and integration in community as led by VACL for over 27 years, is driven by Aboriginal community need, aspirations and priorities.

To support Language use and integration into Indigenous business and economic development opportunities, major strategic investment is needed to establish infrastructure to build an ecology that supports the work of Language Revitalisation which in turn will support businesses and employment.

VACL's a Strategic Plan provides the roadmap for moving this vision and strategy forward.

- Need key foundational investment to facilitate scaling up of Language revitalisation activities across 44+ Language Groups. Language revitalisation in short, involves research in Community, with people and in historical archives. It requires dedicated positions to conduct research and community teaching; Elders and Community Reference Groups to consider all the decisions that are required on a Language Revitalisation journey such as spelling and sounds; production of resources; place for learning and teaching and so on.
- Need for resources to fund strategic work. Investment in research capability through VACL in partnership with Language Groups, to co-design and develop Language Group specific Language Policies and Protocols for Language uses and Integration for Business. This research would develop policies and protocols; contracts and fee for service structures; and inform the development of a Victorian Aboriginal Languages Legislation.

REFERENCES

- Archibald, J. A., Lee-Morgan, J., & De Santolo, J. (Eds.) (2019). *Decolonizing research: Indigenous storywork as methodology*. Winnipeg: ZED Books.
- Amery, R. (2016). *Warraparna Kaurna!: Reclaiming an Australian language*, South Australia, University of Adelaide Press.
- Beckles, H. M. (2016). Rise to your responsibility. *Africology: The Journal of Pan African Studies*, 9(5), 8-14.
- Bessarab, D., & Ng'andu, B. (2010). Yarning about yarning as a legitimate method in Indigenous research. *International Journal of Critical Indigenous Studies*, 3(1), 37-50.
- Couzens, V., & Darroch, L. (2012). Possum skin cloaks as a vehicle for healing in Aboriginal communities in the south-east of Australia. *Urban Representations: Cultural expression, identity and politics*, 63-68.
- Couzens, V., Gaby, A., & Stebbins, T. (2020). Standardise This! Prescriptivism and Resistance to Standardization in Language Revitalization. In *Dynamics of Language Changes* (37-55), New York: Routledge.
- Davis, J.L. (2017). Resisting rhetorics of language endangerment: Reclamation through Indigenous language survivance. In W.Y. Leonard & H. De Korne (eds) *Language Documentation and Description*, 14. London: EL Publishing (37-58).
- De Korne, H. (2010). Indigenous language education policy: Supporting community-controlled immersion in Canada and the US. *Language Policy*, 9(2), 115-141.
- Forrest, W. (2018) The intergenerational transmission of Australian Indigenous languages: why language maintenance programmes should be family-focused, *Ethnic and Racial Studies*, 41:2, 303-323.
- Henderson, J. (2011). Re-Awakening Languages: Theory and Practice. in the Revitalisation of Australia's Indigenous Languages by John Hobson, Kevin Lowe, Susan Poetsch and Michael Walsh (Eds), Sydney: Sydney University Press.
- Higgins, M. (2014). De/colonizing pedagogy and pedagogue: Science education through participatory and reflexive videography. *Canadian Journal of Science, Mathematics and Technology Education*, 14(2), 154-171.
- Hinton, L., and Hale, K., (2013). *Green book of language revitalization in practice*. Boston: Brill.
- Hinton, L. and Meeks, B., (2016). 'Language Acquisition, Shift, and Revitalization Processes in the USA and Canada ', *Indigenous Language Revitalization in the Americas* edited by Serafin M. Coronel-Molina, Teresa L. McCarty. Routledge. 19 pages.
- Janke, T., (2020). 'First Languages Law and Governance Guide': ILA Commonwealth Government.
- Leerssen, J. (2016). Cúchulain in the General Post Office: Gaelic revival, Irish rising. *Journal of the British Academy*, 4, 137-168.
- Lowe, K., & Giacón, J., (2019). Meeting community aspirations: The current state of Aboriginal language programs in NSW.
- Mahboob, A., Jacobsen, B., Kemble, M., & Xu, ZC., (2017). Money for language: Indigenous language funding in Australia, *Current Issues in Language Planning*, 18:4, 422-441.
- Marmion, D., (2014). Community, identity, wellbeing: the report of the Second National Indigenous Languages Survey / Doug Marmion, Kazuko Obata and Jakelin Troy.
- Martin, K., & Mirraoopa, B. (2003). Ways of knowing, being and doing: A theoretical framework and methods for indigenous and indigenist re-search. *Journal of Australian studies*, 27(76), 203-214.
- McConvell, P., & Thieberger, N., (2001) State of Indigenous languages in Australia – Australian Institute of Aboriginal and Torres Strait Islander Studies; The University of Melbourne November; Australia: State of the Environment Second Technical Paper Series No. 2 (Natural and Cultural Heritage).
- Moreton-Robinson, A. (2006). Whiteness Matters, *Australian Feminist Studies*, 21:50, 245-256.
- . (2013) Towards an Australian Indigenous Women's Standpoint Theory, *Australian Feminist Studies*, 28:78, 331-347.
- Nettle, D. & Romaine, S. (2000). *Vanishing Voices: The extinction of the world's languages*. Oxford University Press, Précis.
- Paton, P., Eira, C., and Solomon-Dent, L. (2011) *Peetyawan Weeyn: a guide to language revival planning*, Melbourne, Victorian Aboriginal Corporation for Languages.
- Parliament of Australia - House of Representatives Committee – House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs – (2012) *Our Land Our Languages – Language Learning in Indigenous Communities*.
- Shah, S., & Brenzinger, M. (2018). The role of teaching in language revival and revitalization movements. *Annual Review of Applied Linguistics*, 38, 201-208.
- Sivak, L., Westhead, S., Richards, E., Atkinson, S., Richards, J., Dare, H., ... & Walsh, M. (2019). "Language Breathes Life"—Barngarla Community Perspectives on the Wellbeing Impacts of Reclaiming a Dormant Australian Aboriginal Language. *International Journal of Environmental Research and Public Health*, 16(20), 3918.
- Stebbins, T. N., Eira, K., & Couzens, V. L. (2017). *Living languages and new approaches to language revitalisation research*. New York: Routledge.
- Taylor, J., & Kochem, T. (2020). Access and empowerment in digital language learning, maintenance, and revival: a critical literature review. *Diaspora, Indigenous, and Minority Education*, 1-12.
- UNESCO Atlas of World's Endangered languages (2020). Available at: <http://www.unesco.org/culture/ich/indox.php?pg=00206>
- Yemini, B. Z. (2019). The Revival of Ancient Hebrew Words With the Revival of Israel. *Sociology*, 9(4), 156-168.
- Zuckermann, G. A. (2020). *Revivalistics: from the genesis of Israeli to language reclamation in Australia and beyond*. Oxford: Oxford University

**Attachment 6 Professor Emeritus Joseph Lo Bianco, ‘A Proposed
Draft Framework for Aboriginal Languages in the State
of Victoria: Language Rights Legislation for Victoria’,
August 2021**

**A proposed Draft Framework for Aboriginal Languages in the State of Victoria
LANGUAGE RIGHTS LEGISLATION FOR VICTORIA**

**Joseph Lo Bianco
Professor Emeritus**
Melbourne Graduate School of Education
University of Melbourne

August 2021

Table of Contents

I	BACKGROUND	1
II	EARLY YEARS AND FAMILY HISTORY	4
III	PROFESSIONAL LIFE	6
IV	EFFECTS OF COLONISATION ON LANGUAGE	7

1. INTRODUCTION AND CONTEXT

This paper is the result of discussions with Brendan Kennedy, Chair, Dr. Vicki Couzens, Secretary and Rosales Martinez Guadalupe, Chief Executive, of the Victorian Aboriginal Corporation for Languages. It began with an approach to me from Brendan Kennedy during my input to the professional development for staff implementing the Kindergarten and Early Childhood Bilingual Education initiative in Victoria, in 2019 and 2020. VACL formed a working group to take forward the idea of pushing for a Victorian language law. It was agreed that JLB would prepare an outline of some relevant cases and add some comments about how the law could be designed to support language revitalisation. VACL is keen to make the most of the current interest in Aboriginal languages and voice. It is also important to promote support the efforts of communities and take action to repair past injustices.

However, not all legal models work equally well and some would not be suitable to the Victorian context. The effort needed to persuade the state government needs to be worthwhile. For this reason VACL will gather the voices of the Traditional Owners of the more than 44 language groups across Victoria and adjacent borders and through its well-established participatory strategy VACL will coordinate discussion and agreement on a course of action.

The current report is the outcome of these discussions and my research into the topic. It is intended to inform and support VACL in this important process. In preparing this report I have looked at

- Constitutional arrangements supporting languages (Ireland, South Africa, Myanmar, Sri Lanka)
- Treaties and charters (European Charter of Regional and Minority Languages)
- Various declarations, especially the Los Pinos Declaration of 2020.

The *Los Pinos Declaration* [Chapoltepek] is the outcome of discussions organized by UNESCO and the Government of Mexico, with input from many local and international partners, to reflect on the achievements of the International Year of Indigenous Languages, 2019 (IYIL2019). The final discussions were held on 27 and 28 February 2020 at Los Pinos Cultural Complex in the Chapoltepek Forest, Mexico City, Mexico. The Los Pinos report contains key lessons learnt from IYIL2019 as well as milestones and plans for the International Decade of Indigenous Languages (2022-2032), proclaimed by the United Nations on 18 December 2019. The International Decade for Indigenous Languages also provides an important context for asking the Victorian government to legislate support for languages.

Taking into consideration all these inputs I have decided to limit the scope of this report to a few key laws that are specific to language. From these I will extract key lessons about the role of legal instruments in language revitalisation and language rights. The main conclusion is that while it is important to push for legal recognition, it is also important to be realistic about the extent of the practical benefit of doing so. Legal and constitutional backing for minority and threatened languages are not a guarantee of the revitalisation of those languages. Not all legal bolsters provide for reparations and recognition to speakers of endangered languages and others who identify with them. The law can be a powerful and

useful instrument but paradoxically there can be positive progress in language revitalisation without supportive laws, and sometimes supportive laws produce little concrete benefits.

It is important for VACL to be part of a co-design process crafting a law which can lead to proper and full legal acknowledgment. This is ultimately a human right and a question of great pragmatic and symbolic importance. In this brief paper the focus is specifically on language rights, and language revitalisation, and especially on some key examples of language laws that can be pursued by VCAL, but the broader decolonising of Australia's legal order is also a relevant context to keep in mind because the ultimate objectives are closely related. This wider agenda is currently associated with the 2017 Uluru Statement process (Referendum Council 2017) with the *Uluru Statement from the Heart* as its centrepiece, as part of a package of proposed reforms. Unfortunately, this legal and constitutional reform does not give great prominence to language. There have been mentions of language in the dialogues that produced the reform process and the Uluru Statement, but language reclamation and language rights are not a major focus of this work.

1.1 Law and its Limits: examples from Ireland and South Africa

There is great variety in the language laws and constitutional provisions across the world. Most constitutions in the world do not mention language, meaning that the dominant language of the society is *de facto official*. Constitutions that do mention language usually select the national language and declare it official, this is called *de jure official*. In 1922 after the Irish War of Independence most of Ireland seceded from the United Kingdom and formed the Irish Free State, and eventually the Republic of Ireland. The current Constitution (*Bunreacht na hÉireann*) was adopted in 1937 and strongly recognises Irish (Gaeilge). Article 8 (1) declares "*The Irish language as the national language is the first official language*" and at 8 (2) it states that "*The English language is recognised as a second official language*". Elsewhere the Constitution describes Irish as the language of the nation. Over several centuries of English domination Gaelic (Gaeilge) was severely repressed and has retreated to some small geographic areas and islands while social and economic life is dominated even today by English. The Constitution gives priority to Irish, declaring it to be both the national and first official language, English is called the 'second official' language.

Unfortunately, despite these high level supports Irish is still a highly endangered language. Even though it is widely taught in schools and promoted, very few people actually use it. I can reflect on this from personal experience. Between 2006 and 2009 in a project coordinated by Fiontar, the Dublin City University Irish Language Centre, I was invited to be part of an international team to advise the Government of Ireland to prepare a *Twenty Year Strategy for Irish* (Ó Flatharta et al, 2009). The aim of the *Strategy* was to raise the number of people who used Irish daily from approximately 57000 in 2006 to 250000 in 20 years <http://www.pobail.ie/en/IrishLanguage/file,10104,en.pdf>

After researching the situation our team devised a plan to expand beyond its traditional approach (law and education) and build up support for Irish in the economy, in social and recreational measures. The idea was to extend the domains where Irish is actually used beyond the restricted focus of isolated areas and contexts. The *Twenty Year Strategy for Irish* was delayed because of the financial crisis of 2007-2009, but is now being implemented and

showing early signs of success. The lesson from the Irish case is that even a strong legal support needs to be complemented by action in education, culture and society to be effective in revitalising an endangered language.

Other Constitutions are more ambitious. South Africa's Constitution under Apartheid excluded all African languages, and supported only Afrikaans and English. The Constitution after Apartheid (1994) recognised the following: *"The official languages of the Republic are Sepedi, Sesotho, Setswana, siSwati, Tshivenda, Xitsonga, Afrikaans, English, isiNdebele, isiXhosa and isiZulu"*. Other language clauses state: *"[R]ecognising the historically diminished use and status of the indigenous languages of our people, the state must take practical and positive measures to elevate the status and advance the use of these languages"* and gives support to Khoi, Nama and San languages, and sign language and *"respect for all languages commonly used by communities in South Africa"*, including German, Greek, Gujarati, Hindi, Portuguese, Tamil, Telegu and Urdu; and ii), Arabic, Hebrew, Sanskrit and other languages used for religious purposes. There is a Pan South African Language Board (partly modelled on the then Language Australia: The National Languages and Literacy Institute of Australia). Most of the main African languages of South African are not endangered, but it is clear that the ambition in this Constitution is huge, and implementation is uneven.

These two examples are included to show how very different Constitutions can be, and the need for language laws to be designed well and complemented by action in society. Without continuing action in the domains of education, culture, social life, employment and family life, especially raising children in language, legal bolsters can fail to achieve their stated aims.

1.2 A brief note about symbolic and practical change

We can think of the two aims of a language law as symbolic and practical. In my view it can be a distraction to be drawn too far into evaluating the symbolic versus pragmatic value of change in First Nations' rights. Both are important and both should be advanced. Symbolic change without practical action is politically unacceptable and ignores concrete needs of people. However, denying the importance of symbolism removes cultural rights and recognition and continues domination of Indigenous people in the realm of the arts, values, messages, symbols and representations.

Both practical and re-negotiation of the symbols of our society can and should be advanced at the same time. Many laws offer important contextual and interpretation functions to the whole community, about what are the shared symbols of our collective life, how to incorporate knowledge, tradition, ways of understanding and representing the world. All of these have both practical and symbolic value at the same time. The AUSPUBLAW article also cites prior legislation in Western Australian and Victoria that makes use of Indigenous languages in their titles and this serves to given prominence to the rights of First Nations' practices of naming and representing the physical as well as the symbolic environment of Australia. The Irish and South African constitutions deliver practical programs and can be cited in legal cases to get justice in education, health care and other rights. They are also symbolically important, standing for a new image and set of values of an inclusive society that aims to repair past injustices.

1.3 The Great Ocean Road and the Yarra River

Not all language laws are laws about language. Victoria has recently been in the forefront on using Traditional Languages in legislation about natural environmental protection. I will discuss two examples here, one related to the Great Ocean Road and the other focused on protecting the Yarra River. Both are a radical break with monolingual legislation of the past.

These two laws are the 2017 [Yarra River Protection \(Wilip-gin Birrarung murrong\) Act 2017 \(Vic\)](#) and the Great Ocean Road Act of 2020 [Great Ocean Road and Environs Protection Act 2020 \(Vic\)](#).

The Great Ocean Road act may be Australia's first trilingual statute. This suggests that the state's legal system is increasingly open to a respectful acknowledgement of the naming of the land and policies to manage and protect Country, rivers, waterways and the environment generally. If it is possible to use Victorian Traditional Languages in laws about the environment then the case for Victoria to create a supportive and robust language law becomes much stronger and logically follows. It would be perverse for the state to celebrate and acknowledge languages without taking action to strengthen and preserve them. Here we can see the practical and the symbolic are fused together in a clear way.

The Great Ocean Road Act is an impressive and extensive framework for the entire region of land and water associated with Victoria's world famous tourist attraction, the Great Ocean Road, but also for many surrounding areas. Importantly the Act makes 'Aboriginal inclusion principles' a key part of its focus. The Act contains a preamble written in Eastern Maar and Wadawurrung, and then translated into English. Here we have a recent piece of legislation that gives us encouragement about the formal use of languages for practical governance and decision-making, but the languages in the preamble also act symbolically, in a good and powerful way.

Writing about the Great Ocean Road Act legal academics and public law experts Shireen Morris and Julian Murphy, in an article in the public law blog AUSPUBLAW, praise the care that is evident in how this law was drafted, the prominence of Eastern Maar and Wadawurrung in the text. They note that the order of languages reverses the order of languages in the earlier and also multilingual Victorian statute, the [Yarra River Protection \(Wilip-gin Birrarung murrong\) Act 2017 \(Vic\)](#) and cite the parliamentary speech of the Victorian Minister for Aboriginal Affairs who stated: *"The Bill is a landmark because ... [i]t recognises that the sovereignty of our First Nations was never ceded. And it includes statements of the significance of the area by the Eastern Maar and Wadawurrung people, and these are in their language. This will be one of just a few Bills in Australia that includes text in its body in a First Nation language."*

Morris and Murphy point out that preambles in laws are not just a gateway into the main part of the law, but they serve to establish public values, legitimacy and a narrative for the legislation. The *Great Ocean Road Act* goes further than the *Yarra River Protection Act* of 2017 but both of them represent a benchmark on which VCAL can build a wider case for a specific language protection act in the state. This advocacy can build recognition of Indigenous languages in the legal system of Victoria but also link this recognition to a deeper

case for cultural change, empowerment, rights and reparation. Ultimately a language law in Victoria will boost the case for better support including possible constitutional recognition at the national level. As the foundational document of the nation the Australian Constitution is the ultimate or preeminent source of law in the country. That it makes no mention of the prior and continuing ownership and cultural life of Indigenous Australians is a travesty of justice, and a contradiction. The past few years have seen progress in overcoming cultural erasure that we can only hope and work towards overturning, though the current struggle for recognition in the Uluru Statement process suggests the struggle will not be easily achieved. The Constitution's silence on Indigenous rights reflects the political consciousness of when the vast continent and its islands were considered to have no legal ownership to British possession. In this sense too the symbolic and the practical are deeply interconnected.

1.4 Winter 2020: two more developments

In 2020 the *National Indigenous Language Report* (Australian Government 2020), is relevant to this discussion because of how Indigenous languages are linked to the likelihood of achieving targets in the Closing the Gap National Agreement. The NILR is the third report of its kind, a collaboration between the Federal Government, the Australian Institute of Aboriginal and Torres Strait Islander Studies, and the Australian National University.

Also last winter, in a departure from past practice, the version of Closing the Gap, CtG, (Australian Government 2020i) *National Agreement* lists 'Cultures and Languages are Strong' among its 16 new socio-economic targets and five priority areas and reads as a much less assimilationist benchmarking format than previous versions of the CtG. Unfortunately there is still little clarity about some of these new elements in CtG, such as Socio-Economic Outcome number 16 which states that 'Cultures and Languages are Strong' and links this to the target descriptor that "[B]y 2031, there is a sustained increase in number and strength of Aboriginal and Torres Strait Islander languages being spoken".

Both of these developments might be useful to VACL in advocating for a Victorian language law. Administratively and politically the National Agreement on CtG express some principles that link identity and culture to practical measures of disadvantage and the three language ecologies or contexts described in the *National Indigenous Language Report* are a potentially useful national map of communication contexts which a local language law should address. There is of course the rich data base already available at VACL in its factsheets, data base, language map. The NILR describes:

- Contexts where Indigenous children for the most part speak one or more traditional Indigenous language and in school learn standard Australian English;
- Contexts where Indigenous children for the most part speak new Indigenous languages, and learn standard Australian English at school, and sometimes also their heritage languages;
- Contexts where children speak varieties of English and often learn their heritage language in formal education.

2. THREE LANGUAGE LAWS: MODELS AND POSSIBILITIES

Four possible models are discussed in this section, NSW, NZ, USA and Mexico. I will not describe the modifications and amendments except to mention that a capacity to amend and regularly review the law is an important principle to build into its original design.

2.1 NSW Aboriginal Languages Act 2017

The closest to home is the NSW Act of 2017 (NSW, 2017). This statute is not only the first in Australia of its kind, meaning a specific law recognising the languages of Australia's First Nations people but in its preamble and in other sections it has a strong account of the history of public suppression and damage to the Indigenous languages of the state. The Act is both practical and symbolic, seeing Aboriginal languages as part of NSW's cultural heritage and recognising Aboriginal people as custodians of these languages. It directly acknowledges their right to control and nurture these languages.

The process towards the Act began with requests and lobbying from Indigenous people, linguists and ordinary citizens in 2012. In November 2016 a policy announcement was made to the effect that the State would protect the unique Indigenous languages of NSW. A bill was introduced into the NSW Legislative Council on 11 October 2017 accompanied by a Traditional message stick ceremony. The Act became law on 24 October 2017 but the Aboriginal Languages Trust only came effectively into being in March 2020.

The *Act 2017* consists of three main components:

- **A preamble** acknowledging the significance and uniqueness of Aboriginal languages and of the need of "reawakening, nurturing and growing Aboriginal languages and Aboriginal custodianship of languages";
- Establishment of an **Aboriginal Languages Trust** which will resource local language activities (March 2020)
- A **5-year Strategic Plan** is envisaged to guide investment and support various activities undertaken to revitalise the original languages of NSW (currently being developed).

On 8 October 2018 the Sydney Morning Herald published an article entitled *The Aboriginal language taught more than Spanish in NSW schools* (Singhal, 2018). In fact the language concerned, Wiradjuri, is more widely taught than Korean, Spanish, Indonesian and Hindi at the primary school level in NSW schools, and is one of three Aboriginal languages which feature among the top 15 studied in NSW government primary schools for the first time.

There were 3,236 students studying Wiradjuri, 1,294 students across NSW learning Gumbaynggir and 962 learning Bundjalung. The latter has been taught in Victoria in recent years. These figures represent significant enrolment gains, in 2015 alone 1500 students at the primary level were enrolled to study Wiradjuri, 286 were learning Gumbaynggir and 351 were learning Bundjalung. Three students completed the newly created Aboriginal Languages course for the NSW HSC in 2017 and five in 2018.

The Aboriginal Languages Trust is to "provide a focused, coordinated and sustained effort in relation to Aboriginal language activities at local, regional and State levels". The Trust

operates as government agency on a not-for-profit basis and its key work is to prepare a strategic plan in conjunction with NSW Aboriginal communities to help preserve and “reawaken languages”.

Sarah Smit (2021) writing in the National Indigenous Times reports that the Aboriginal Languages Trust has embarked on a five year Strategic plan which it aims to finalise in March 2022 and to be operational until March 2027. Since its adoption important outcomes have been that the state has adopted an approach to language revitalisation Aboriginal Languages Policy and funding for Aboriginal Language and Culture Nests, research and resource grants and local language revitalisation activities. While many of these measures are already done in Victoria without the existence of a specific language law it is clear that the NSW Act has given momentum, support, encouragement and a legal framework for the rapid expansion of initiatives, with many others in the pipeline.

2.2 Native American Languages Act of 1990

In a very different context of law and language is the Native American Languages Act of 1990, (Public Law 101-477), since modified and reauthorised on several occasions. There is a long history of legal involvement in social affairs and education in the United States which is not found in Australia. The NALA builds on a long sequence of legal actions commencing with the Civil Rights Act of 1964, and a language specific litigation over the decades involving language rights and recognition for immigrant groups and for African Americans. Specifically for Native American populations responded to some of these developments, such as the Bilingual Education Act of 1968, to request funding for bilingual education, both on reservations and Indian controlled territories and within other areas of mainstream US life. Under the Nixon administration (1969-1974), in a series of policies of the so-called Self-Determination Era some level of sovereign was returned to tribes for self-governance action, so they could modify federal programs for schools and health delivery. This encouraged many tribes and “US territorial communities” to begin a more active process of language reclamation. The culmination of these beginnings was the Native American Languages Act of 1990. NALA and its modifications and re-authorisations (1992, 2006, 2014) is notable because of the important symbolic change that the assertive language it uses brought in, with its key principle of:

The United States "declares to preserve, protect and promote the rights and freedom of Native Americans to use practice and develop Native American Languages". It also states that the aim is to "fully recognize the right of Indian Tribes and other Native American governing bodies, States, territories, and possessions of the United States to take action on, and give official status to their Native American languages for the purpose of conducting their own business" and formally declares, in section 104, that “It is the policy of the United States to—

(1) preserve, protect, and promote the rights and freedom of Native Americans to use, practice, and develop Native American languages... NALA 1992 aimed to “assist Native Americans in assuring the survival and continuing vitality of their languages.” By attaching an implementation mechanism that was missing from the initial law. Additional financing came with the Esther Martinez Native American Languages Preservation Act of 2006 (Klug, 2012)

We can see that NALA retains significant power in the ‘discourse’ of entitlements and rights. An example of this was in March 2021 when the US Senate under President Joe Biden’s

American Rescue Plan to stimulate the economy in the wake of the devastation of Covid the passed the “largest investment in Native programs in history, more than \$31billion heading to native communities” (United States Senate 2021) which included \$20 million for an “emergency Native language preservation and maintenance grant...for Native Americans to mitigate impacts of COVID-19 on Native language communities”. This language specific allocation was among support for health care, water, housing, native and tribal education, child care and family support, domestic violence support, tribal government and basic infrastructure.

1.5 Māori Language Act 1987/2016

The original Māori Language Act of 1987 was amended and repealed and eventually replaced with a near-identical Māori Language Act in 2016. Along with the New Zealand Sign Language Act 2006 it is the only piece of de jure language policy in New Zealand/Aotearoa. The main effect of the Act was to confer de jure official language status on *te reo Māori*, English is an official language by de facto means, since there is no law or constitutional provision granting English official status. Under the Māori Language Act speakers of Māori are granted the right to use their language in court proceedings and other legal environments.

Under the initial act in 1987 the Māori Language Commission was created, the Commission is responsible for promotion of the language and keeping the government advised of the health and progress of the language in society. The original act was a governmental response to demands and protests by Māori, but scholars trace the thinking that led to its adoption to the Treaty of Waitangi, which on 6 February 1840 was signed between the British Crown representatives and Māori chiefs, on the North Island. The Treaty has made possible many developments in law and policy and has an iconic significance in New Zealand/ Aotearoa public life and politics.

In the text of the 2016 repeal and replacement acts the influence from the Irish Bord na Gaelige is clear (New Zealand Legislation, 2016) and is cited in the original legislation as an influence. The act is important in multiple ways, both symbolic and practical. There are two independent language versions of the 2016 act, one in Māori and the other in English, but section 12 in both states that in the event of any dispute or conflict of intention or meaning the Māori version prevails. The practical measures relate to legal proceedings in the main, but the major progress in the fortunes of the language in the past two decades also is owed to the act, or more specifically to measures promoted by the policy measures and promotion of the Māori Language Commission.

This case shows a link between the constitutional situation as represented by the Treaty of Waitangi and cultural change. The process in Victoria is not analogous in this important respect, as is also the vitality of Māori and the fact that the country essentially has a single Indigenous language, despite considerable variation.

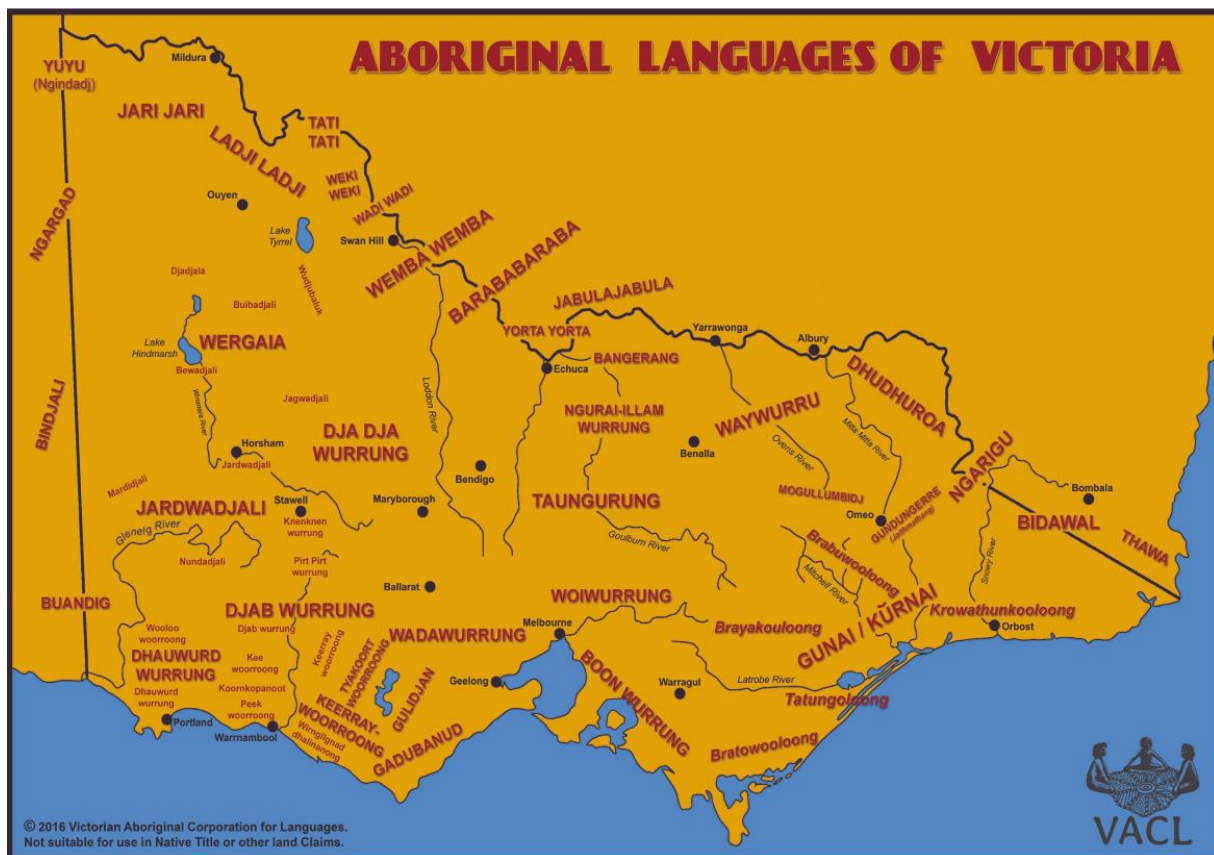
2. SUGGESTIONS FOR A WAY FORWARD

Since being established in 1994 as the peak body for Aboriginal languages revitalisation VACL has operated without an overarching language law. The main remit has been public policy,

the many initiatives and creativity of the VACL directors and staff, and local communities across the state. All this has allowed VACL to establish its expertise and influence in:

Language Revitalization
 Resources Development Research
 Archival and documentation activities
 Library and Aboriginal languages digital information

Much of this has occurred through its innovation and leadership, and its multi-institutional collaborations. VACL uses the term *lects*, devised in 2020 by Harley Dunolly-Lee, a Dja Dja Wurrung person and Corey Theatre, a Gunditjmara Gunai person to expand the scope of reference in language discussions. A *lect* includes regional, personal father and mother perspectives on communication. The map below from VACL's website places the names of these lects on the political territory of the state of Victoria and adjacent areas, reflecting traditional as well as current geography. There are forty-four language groups, featured in the following map from the VACL website.



The languages of Victoria are classified under the following groupings:

- ~~Bunurong~~ (Gunnai/Kürnai, Bidawal, Thawa, Ngarigu/Ngarigo and Gundungerre/Jaimathang)

- Eastern Kulin (Woiwurrung, Dja Dja Wurrung, Boonwurrung, Taungurung, Wathaurong/WaddaWurrung),
- Western Kulin (Wegaia, bewadjali, Jagwadjali/Hardwadjali/Jaritari and Jupagalk, Wotjokaluk, Djadjala, Barapa Barapa, Wemba Wemba, Tati Tati, Latji Latji, Wadi Wadi, Weki Weki, Ngargad, Jari Jari and Yuyu or Ngingadj)
- North East (Mogullumbidj, Waywurru, Dhudhuroa, Ngurai-illam Wurrung, Bangerang, Yorta Yorta, Jabula Jabula)
- Western Districts (Jardwadjali, Mardidjali, Nundadjali, Djab Wurrung, Pirt Pirt Wurrung, Knen Knen Wurrung, Gulidjan and Boandik or Buganditj).

From this level and range of activities I believe a state language law could be envisioned that would greatly assist community revitalisation, offer strong recognition and respect, and establish a reparation based principle to support learning, teaching, documentation, materials development, cultural and archival activity. Each of the models I have described above and others I am familiar with in some way or other (Bangladesh, Canada, India, Ireland, Israel, Italy, Myanmar, Scandinavia, and Singapore, South Africa, Sri Lanka and Wales) we can distil the following functions and features. Not all of the following are present in every one of the models and many of these are devolved to one or more dependent agencies.

- *A principle of recognition*
- *A principle of symbolism*
- *A program of action (funding, coordination of initiatives, legal*
- *Leadership and advocacy*
- *An annual public reporting function*
- *A strategic planning function*
- *A public education function*

Currently VACL's model for creative revival of Aboriginal languages involves joint action to strengthen communities as well as their language and culture. This can happen through the arts to empower and solidify cultural strengthening, or in programs linked to health and well-being, educational opportunities and reconciliation in a large number of activities across the state and surrounding areas. There are also activities of recuperating and restoring archival records, especially from the 19th century accounts by Howitt and Fison and the Wotjobaluk People. These record language, kinship, and social organisation and are a priceless documentation of cultural expertise of Aboriginal informants comprising unique word lists, information about kinship and social relations, stories and songs. Other leadership functions include the Mother Tongue as Birthright project and the Factsheets program developed through the Meeting Point Project, between 2008 and 2014. Given this vast experience it is important that VACL be involved in co-design of the Victorian Language Law, and that it lead the public consultations to make sure that the mix of functions that the Law and its implementation mechanism are granted is built with strong Indigenous voice at every step of the way, and is maintained at all steps of implementation. Because of the cross border function of some of its work the model of the Sámi parliaments across Scandinavia, in their internal national work and also across borders, reflecting the traditional scope of the territories of the Indigenous Sámi, can offer some useful insights.

4. REFERENCES

Australian Government (2020i) <https://www.arts.gov.au/what-we-do/indigenous-arts-and-languages/national-indigenous-languages-report>

Australian Government (2020i), [Closing the Gap Report 2020](#)

Klug, Kelsey (2012) Native American Languages Act: Twenty Years Later, Has it Made a Difference? Cultural Survival, <https://www.culturalsurvival.org/news/native-american-languages-act-twenty-years-later-has-it-made-difference>

NSW (2017), Aboriginal Languages Act, <https://protect-au.mimecast.com/s/XgYoCJypvAfqxpYomlVnGnc?domain=aboriginalaffairs.nsw.gov.au>

New Zealand Legislation (2016) Te Ture mō Te Reo Māori 2016, No. 17 / Māori Language Act 2016 (Māori Language Act of 1987 repeal) <https://www.legislation.govt.nz/act/public/1987/0176/latest/whole.html>

Morris, Shireen and Julian R Murphy (2020) Australia's First Trilingual Statute. [21/10/2020 / AUSPUBLAW](#) <https://auspublaw.org/2020/10/australias-first-trilingual-statute/> Last retrieved 07 July 2021

Ó Flatharta, Paedar , Nic Pháidín, C, Williams, C, Grin, F, and Lo Bianco, J, (2009). *20-Year Strategy for the Irish Language*. Dublin: Dublin City University.

Referendum Council (2017), *Final Report of the Referendum Council*, 30 June 2017, Department of Prime Minister and Cabinet, Canberra: Commonwealth of Australia (Co- chairs, Pat Anderson and Mark Leibler)

Smit, Sarah 2021 NSW begins Aboriginal languages project, National Indigenous Times <https://nit.com.au/nsw-begins-aboriginal-languages-project/>

Singhal, Pallavi (2018). The Aboriginal language taught more than Spanish in NSW schools. *The Sydney Morning Herald*, <<https://www.smh.com.au/education/the-aboriginal-language-taught-more-than-spanish-in-nsw-schools-20180914-p503r3.html>

United States Senate (2021), Committee of Indian Affairs, 2021 <https://www.indian.senate.gov/news/press-release/senate-passes-largest-investment-native-programs-history-more-31-billion-heading>