



**FIRST PEOPLES'
ASSEMBLY OF
VICTORIA**

YOORROOK JUSTICE COMMISSION

Witness statement of: Ngarra Murray

Position: Co-Chair, First Peoples' Assembly of Victoria

Address: 48 Cambridge Street, Collingwood VIC 3066

Date: 11 April 2024

I, Ngarra Katy Murray, Co-Chair, First Peoples' Assembly of Victoria (the **Assembly**), provide this witness statement to assist the Yoorrook Justice Commission (the **Yoorrook**) as part of its hearing block on land injustice. This witness statement should be read with the Assembly's submission on land injustice dated 22 December 2023.

A. ACKNOWLEDGMENTS

1. I, and the Assembly, acknowledge the unceded sovereignty of Traditional Owners of Country throughout Victoria and pay our respect to our Elders past and present.
2. The Assembly Members pay respect to the warriors of the frontier wars and resistance fighters who made the ultimate sacrifice protecting their Country. We mourn our ancestors with the honesty and integrity they deserve.
3. Since time immemorial First Peoples have practised our lore, customs, languages and nurtured Country through spiritual, cultural, material and economic connections to land, water and resources. Our peoples' ability to adapt and survive in some of the world's harshest environment is a testament to our ancestors. The fight for land justice began with our ancestors and continues today. Land justice is foundational to our journey to self-determination and empowerment.

4. I, and the Assembly, also specifically acknowledge the Traditional Owners of Country where Yoorrook’s hearings take place, the Wurundjeri Woi-wurrung people. I, and my family, have a long history with the Wurundjeri Woi-wurrung people. My ancestors — including my grandparents, Pastor Sir Doug and Lady Gladys Nicholls, and Stewart and Nora Murray — had strong relationships with Wurundjeri Woi-wurrung esteemed Elders and those relationships have continued through our families over generations, into the present day. I recognise the Wurundjeri Woi-wurrung people’s care for their Country for tens of thousands of years, but also their ongoing work to care and heal Country.
5. I acknowledge the Yoorrook Justice Commissioners and the work of Yoorrook. In establishing this Commission, we gifted to it the Wemba Wemba/Wamba Wamba word “Yoorrook” — meaning “Truth” — to represent the value of our living culture and the importance of First Peoples being at the centre of the Commission’s inquiry. The word “Yoorrook” pays homage to a long line of warriors, men and women, who have fought over generations against the callous, discriminatory and oppressive forces of injustices and human rights abuses against First Peoples. The Assembly has been pleased with the extent to which this Commission has given effect to, and respected, the significance of this term throughout its inquiry.
6. Finally, on behalf of the Assembly I offer our gratitude to the many First Peoples who have shared their stories for truth-telling.

B. BACKGROUND

7. I provide this statement as someone with a deep, long and unbroken connection to my lands and communities, as Co-Chair of the Assembly, representing First Peoples throughout this State, and to ensure that my peoples’ truth is heard.
8. I am a First Nations woman of the Wamba Wamba, Yorta Yorta, Dhudhuroa, Jupagulk, Baraparapa, Wiradjuri, and Dja Dja Wurrung. I grew up on Yorta Yorta Country and I now live on Wurundjeri – Woi-wurrung Country. I was elected as an inaugural Member of the Assembly in December 2019. I was re-elected for a second term in 2023 and elected as Co-Chair in July 2023.

9. Before commencing my full-time leadership role at the Assembly, I was Executive Lead at Oxfam Australia where I devoted more than 10 years of service to the organisation. I've held a range of positions at The University of Melbourne, City of Melbourne and Museum Victoria. Outside of my professional role, I'm a mother of four children and second oldest of twelve siblings.
10. My family has been involved in the fight for land justice in this country over seven generations, and the fight for land rights continues today. Our active participation in the land rights movement includes, as I explain below, the 1881 Maloga petition, 1886 Deputation to the Victorian Parliament, 1938 Day of Mourning, 1939 Cummeragunja Walk Off, 1965 Lake Tyers protest, 1988 letter to the Premier calling for compensation and Treaty, and numerous land rights protests in Victoria.
11. I tell the stories of some of my ancestors below. I use the terms 'grandfather' or 'grandmother' to refer to my parents' parents, and also to refer to earlier generations of my direct ancestors.
12. My grandfathers John Atkinson and Aaron Atkinson (pictured below, John and Aaron are in the back row, fifth and fourth from the left respectively) were involved along with 40 other men in petitioning for land to be granted to First Peoples in New South Wales, including through and in relation to the Maloga petition in 1881.



13. The Maloga petition (full text in newspaper article pictured below) requested a grant of land, stating that access to food and water around Maloga were limited as settlers exterminated game and farmed sheep on the land, destroying native vegetation and waterholes.¹ In 1883, in response to the petition, the New South Wales government set aside an 1800-acre reserve across the river from Maloga. My grandfathers John and

THE ABORIGINES.

The following is the text of a petition to be presented to His Excellency the Governor:—

"To His Excellency Lord Augustus Loftus, G.C.B., Governor of the colony of New South Wales. The humble petition of the undersigned aboriginal natives, residents on the Murray River, in the Colony of New South Wales, members of the Morra and Ulupaa tribes, respectfully sheweth:—

"1. That all the land within our tribal boundaries has been taken possession of by the Government and white settlers. Our hunting grounds are used for sheep pasturage, and the game reduced, and in many places exterminated; rendering our means of subsistence extremely precarious, and often reducing us, and our wives and children, to beggary.

"2. We, the men of our several tribes, are desirous of honestly maintaining our young and infirm, who are in many cases the subjects of extreme want and semi-starvation; and we believe we could, in a few years, support ourselves by our own industry were a sufficient area of land granted us to cultivate and raise stock.

"3. We have been under training for some years, and feel that our old mode of life is not in keeping with the instructions we have received, and we are earnestly desirous of settling down to more orderly habits of industry, that we may form homes for our families.

"We more confidently ask this favour of a grant of land, as our fellow-natives in other colonies have proved capable of supporting themselves where suitable land has been reserved for them.

"We hopefully appeal to your Excellency, as we recognise in you the protector specially appointed by Her Gracious Majesty the Queen to promote religion and education among the aboriginal natives of the colony, and to protect us in our persons and in the free enjoyment of our possessions, and to take such measures as may be necessary for our advancement in civilisation.

"And your petitioners, as in duty bound, will ever pray:—

"Lobby Wilberforce, Richard (x, his mark), Thomas Williams, Aaron Atkinson, George Chales, Freddy Walker, Daylight, David Berrick, Peter Stucky, Jacky Wilberforce, Jimmy Turner, Sydney, George Keele, James Coghil, Samson Barber, Bagot Morgan, John Atkinson, Peter, Robert Taylor, David Taylor, Jasper Angus, George Aben, Bradshaw, Harry Fenton, Thomas Fenton, Alowidgee, Johnny Golway, Charlia Stewart, Ted, Robertson, Buchford Robertson, Gibson Platt, Jacky John, Tommy Hawke, Robertson, Boney, Cockey, Barratta, Harry, Jimmy Martin, Blucher, Dick Richards, James Edgar, Whyman M'Lean.

¹ 'The Aborigines' *Sydney Daily Telegraph* (online, 5 July 1881) <<https://trove.nla.gov.au/newspaper/article/238309689?searchTerm=aaron%20atkinson%20john%20atkinson%20maloga>>.

Aaron Atkinson were among Maloga residents who moved to the new reserve, which residents named 'Cummeragunja', the Yorta Yorta word meaning 'our home'.²

14. My grandfathers John and Aaron Atkinson were instrumental in working the land at Maloga and Cummeragunja. They were stockmen and with the other men in the photograph on page 3, had a commercial enterprise selling wheat and wool, the proceeds of which they directed back into their community. However, the *Aborigines Protection Act 1909* (NSW) took away their autonomy to provide for their community and they worked as slaves after that time, building infrastructure (such as cattle runs) for the colonisers. John and Aaron Atkinson both lived at Cummeragunja until they died, in 1910 and 1913 respectively.
15. My grandmother (my father's mother), Nora Murray (pictured below, left, and addressed further below), was also born at Cummeragunja and lived there until 1939 when she and other residents left as part of the 'Cummeragunja Walk-Off' in protest of the way they were treated.



² Julie Andrews and Richard Broome, 'The 1881 Maloga Petition', *The Conversation* (online, 27 January 2023) <<https://www.latrobe.edu.au/news/articles/2023/opinion/the-1881-maloga-petition>>.

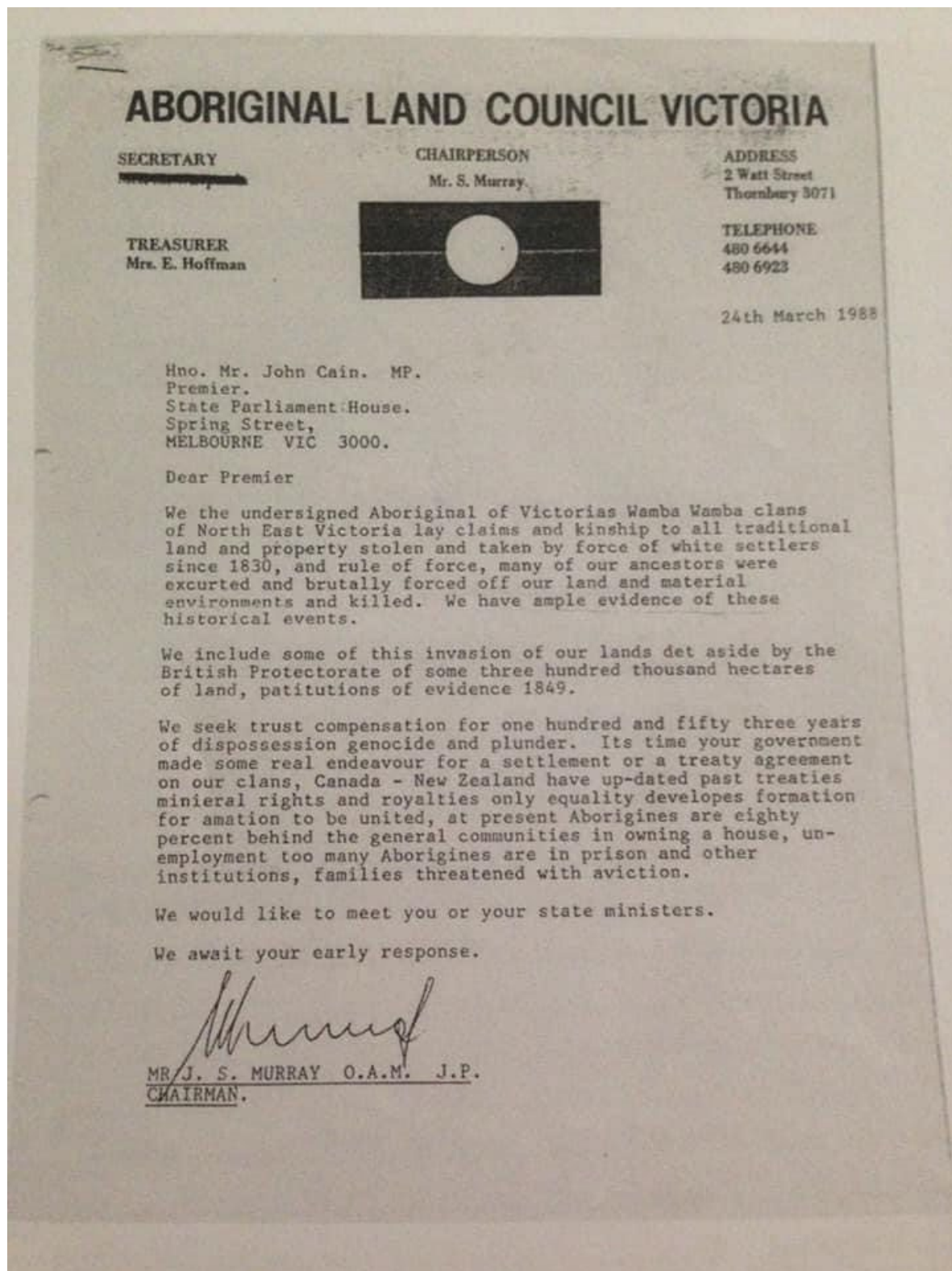
16. My grandfather, Walpanumin (also known as John Logan; pictured below, second row, second from the left), a Dja Dja Wurrung man, was involved in attempting to resist the closure of the Corranderk Mission, as part of a deputation of First Peoples sent to the Parliament of Victoria.



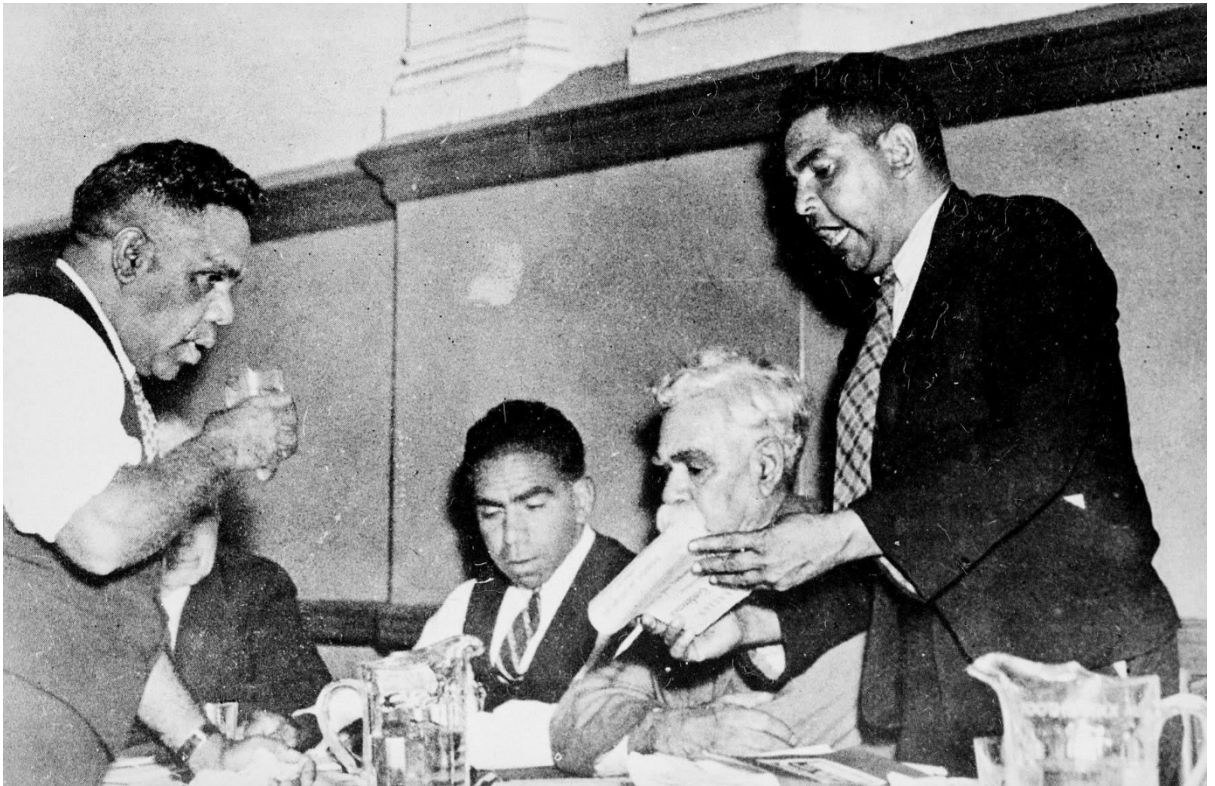
17. My grandfather, Stewart Murray OAM JP (pictured below, and addressed further below), was heavily involved in the fight for land rights in Victoria, including as the first Chairperson of the Victorian Aboriginal Land Council.



18. In his role as the first Chairperson of the Victorian Aboriginal Land Council, Stewart Murray advocated for a treaty between the Wamba Wamba clans of Victoria and the Victorian Government to address land injustice. His letter to the then Premier is below.



19. In a personal capacity, he attempted, ultimately unsuccessfully, to access his ancestral lands through the Soldier Settlement Scheme (addressed further below).
20. My grandfather Pastor Sir Doug Nicholls KCVO OBE JP was involved in advocating for First Peoples' rights his whole life. He participated in the Day of Mourning in 1938 in protest of 150 years of colonisation and the treatment of Aboriginal people (pictured below, seated on the left next to William Cooper).



21. My grandfather was involved in establishing the Victorian Aborigines Advancement League, which petitioned the United Nations for land rights in 1963. He also led a protest against the proposed closure of the Lake Tyers reserve, as pictured below (first from the right).



22. My father, Gary Murray, has been involved in the land rights movement for many years. He has over fifty years of activism and experience in many aspects of First Peoples' community development, native title, cultural heritage, economic development and human rights. A picture of him participating in a protest in 1970 is below.



C. EVIDENCE

First Peoples' connection to Country is unique, spiritual, and intergenerational

Country is the essence of who we are

23. It is difficult to put in to words for those who are not First Peoples what Country means to our people.
24. While those who are not First Peoples live on the land, we *are* the land. Country is the essence of who we are. Country is in our blood and our blood is in Country. Our peoples' relationship with the land and waters has been built over thousands of generations — working alongside and as part of our environments — connecting us to blood, spirit and place. Every part of the cosmos — including the land, sky, stars, plants and totems — was a part of our ancestors and is a part of us today.
25. Country is both our heritage and our responsibility. We are its custodians. We sing for Country, we dance for Country. When Country is sick, we are sick. Damage to Country

affects us on many levels. We feel today past impacts on Country and what we do today will impact Country for generations to come. Our old people instilled in us a culture of caring for our environments, their old people told them the same, as we will tell our children.

This land is full of our heritage

26. Because our connection to Country is unique, spiritual and intergenerational, in telling our truth to Yoorrook, I hope to help those who are not members of our Community to understand who we are as First Peoples. To that end, I wanted to refer to a few examples of places within the land known as Victoria that are of deep value to our people: the Budj Bim Cultural Landscape, Kow Swamp, scar trees on Dja Dja Wurrung Country and Barmah-Millewa Forest. Not only are these places of value to First Peoples, they are places that all Victorians should feel proud to live near and which people from all around the world travel to see. As custodians of the land, we want to protect these places, so that we can share them with Victorians and the global community long into the future.
27. However, it is important to understand that all Country is significant to First Peoples, not just sacred sites, including those sites addressed below. Further, our cultural connections and responsibilities to Country cannot be understood by reference only to management of particular areas of land.

Budj Bim Cultural Landscape

28. The Budj Bim Cultural Landscape is at the heart of Gunditjmara Country. At around 30,000 years old, it is older than the pyramids in Egypt. The landscape consists, in the North, of Budj Bim Volcano, in the South, of an area of rocky ridges and large marshes containing one of the world's most extensive and oldest aquaculture systems and, in the central area, wetland swamps.³

³ World Heritage Committee, *Budj Bim Cultural Landscape (Australia)*, Decision 43 COM 8B.14 (2019).

29. Due to the advocacy of Gunditjmara, Budj Bim Cultural Landscape was included in the World Heritage List as the first Australian place nominated for inclusion solely on the basis of its cultural value for First Peoples.⁴
30. The World Heritage Committee described the “Outstanding Universal Value” of the Budj Bim Cultural Landscape as follows:⁵

Over a period of at least 6,600 years the Gunditjmara created, manipulated and modified these local hydrological regimes and ecological systems. They utilised the abundant local volcanic rock to construct channels, weirs and dams and manage water flows in order to systematically trap, store and harvest kooyang (short-finned eel – *Anguilla australis*) and support enhancement of other food resources.

The highly productive aquaculture system provided a six millennia-long economic and social base for Gunditjmara society. This deep time interrelationship of Gunditjmara cultural and environmental systems is documented through present-day Gunditjmara cultural knowledge, practices, material culture, scientific research and historical documents. It is evidenced in the aquaculture system itself and in the interrelated geological, hydrological and ecological systems.

The Budj Bim Cultural Landscape is the result of a creational process narrated by the Gunditjmara as a deep time story. For the Gunditjmara, deep time refers to the idea that they have always been there. From an archaeological perspective, deep time refers to a period of at least 32,000 years that Aboriginal people have lived in the Budj Bim Cultural Landscape. The ongoing dynamic relationship of Gunditjmara and their land is nowadays carried by knowledge systems retained through oral transmission and continuity of cultural practice.

... The Budj Bim Cultural Landscape bears an exceptional testimony to the cultural traditions, knowledge, practices and ingenuity of the Gunditjmara. The extensive networks and antiquity of the constructed and modified aquaculture system of the Budj Bim Cultural Landscape bears testimony to the Gunditjmara as engineers and kooyang fishers. Gunditjmara knowledge and practices have endured and continue to be passed down through their Elders and are

⁴ Commonwealth, Gazette: General, No 735, 19 August 2019.

⁵ World Heritage Committee, *Budj Bim Cultural Landscape (Australia)*, Decision 43 COM 8B.14 (2019).

recognisable across the wetlands of the Budj Bim Cultural Landscape in the form of ancient and elaborate systems of stone-walled kooyang husbandry (or aquaculture) facilities. Gunditjmara cultural traditions, including associated storytelling, dance and basket weaving, continue to be maintained by their collective multigenerational knowledge.

... The continuing cultural landscape of the Budj Bim Cultural Landscape is an outstanding representative example of human interaction with the environment and testimony to the lives of the Gunditjmara. The Budj Bim Cultural Landscape was created by the Gunditjmara who purposefully harnessed the productive potential of the patchwork of wetlands on the Budj Bim lava flow. They achieved this by creating, modifying and maintaining an extensive hydrological engineering system that manipulated water flow in order to trap, store and harvest kooyang that migrate seasonally through the system. The key elements of this system are the interconnected clusters of constructed and modified water channels, weirs, dams, ponds and sinkholes in combination with the lava flow, water flow and ecology and life-cycle of kooyang. The Budj Bim Cultural Landscape exemplifies the dynamic ecological-cultural relationships evidenced in the Gunditjmara's deliberate manipulation and management of the environment.

31. The Gunditj Mirring Traditional Owners Aboriginal Corporation has described the significance of the landscape to Gunditjmara in the following terms:⁶

Sacred to the Gunditjmara people, the Budj Bim National Heritage Landscape is home to the remains of potentially one of Australia's largest aquaculture systems.

For thousands of years the Gunditjmara people flourished through their ingenious methods of channelling water flows and systematically harvesting eels to ensure a year round supply. Here the Gunditjmara lived in permanent settlements, dispelling the myth that Australia's Indigenous peoples were all nomadic.

Dating back thousands of years, the area shows evidence of a large, settled Aboriginal community systematically farming and smoking eels for food and

⁶ Gunditj Mirring Traditional Owners Aboriginal Corporation, *Budj Bim National Heritage Listing* (Web Page) <<https://www.gunditjmirring.com/nationalheritagelisting>>.

trade in what is considered to be one of Australia's earliest and largest aquaculture ventures.

This complex enterprise took place in a landscape carved by natural forces and are full of meaning to the Gunditjmarra people.

More than 30 000 years ago the Gunditjmarra witnessed an important creation being reveal himself in the landscape. Budj Bim (known today as Mount Eccles) is the source of the Tyrendarra lava flow, which as it flowed to the sea changed the drainage pattern in this part of western Victoria, creating large wetlands.

The Gunditjmarra people developed this landscape by engineering channels to bring water and young eels from Darlots Creek to low lying areas. They created ponds and wetlands linked by channels containing weirs. Woven baskets were placed in the weir to harvest mature eels.

32. I have visited the Budj Bim and Tae Rak areas since I was five years old to see my family, including most recently with my children in January of this year. Every time I visit, it is fantastic to see how the Gunditjmarra people have been caring for, and rehabilitating, Country; it is such an impressive area, with lots to see. Budj Bim really is a key example of how Traditional Owners and the wider community benefit when First Peoples have self-determination. As a result of the work of the Gunditjmarra through organisations such as the Gunditj Mirring Traditional Owners Aboriginal Corporation and Winda-Mara Aboriginal Corporation, Budj Bim has World Heritage protection and attracts a high level of tourism, with benefits to all in the area.

Kow Swamp

33. Kow Swamp Aboriginal Place (derived from "Ghow" in Yorta Yorta language) is one of the largest sites of our ancestors' remains. To appreciate the extent of its significance in this respect, it is necessary to understand that death is an important part of First Peoples' life cycles.
34. The significance of Kow Swamp has been recognised by the Victorian Minister for Treaty and First Peoples in making an ongoing protection declaration in respect of that

place for the purposes of the *Aboriginal Heritage Act 2006* (Vic).⁷ It is important not to lose sight of the reason places are protected under the *Aboriginal Heritage Act* in any debate about the effectiveness of that law. The Government has summarised the significance of the Kow Swamp site as follows:⁸

Ghow Swamp is highly significant to its Traditional Owners, who have lived on, been supported by, and cared for this landscape for tens of thousands of years. The connection of the Traditional Owners to Ghow Swamp remains strong and significant today and is evident through years of advocacy for its protection.

Interconnected with the immense significance Ghow Swamp holds to Traditional Owners is the international recognition afforded to Ghow Swamp due to its large number of Aboriginal Ancestral Remains. This includes what is considered to be the world's largest grouping of late Pleistocene age Ancestral burials (radiocarbon dated to between 9,300 and 13,000 years Before Present) found in one location.

Ghow Swamp is also highly significant as a location where Traditional Owners have again laid their repatriated ancestors to rest, following sustained campaigning by the local Aboriginal community for the return of Ancestral Remains from museums and universities.

35. Kow Swamp has long been recognised as an area of high archaeological and cultural significance and a burial ground to the Yorta Yorta people.⁹
36. In or around 1985, my father, Gary Murray, participated in the repatriation and reburial of ancestors at Kow Swamp where our ancestors were stolen from their graves for a shilling and sixpence and kept by Museum Victoria for decades for research.
37. Our Elders have recovered, repatriated and returned esteemed ancestors back to Country since the 1980s. Today, First Peoples are still recovering ancestral remains

⁷ Available on the website of First Peoples' Relations Victoria: 'Ongoing Protection Declaration for Ghow Swamp Aboriginal Place', <<https://www.firstpeoplesrelations.vic.gov.au/proposed-ongoing-protection-declaration-ghow-swamp-aboriginal-place>>.

⁸ First Peoples' Relations Victoria, 'Ongoing Protection Declaration for Ghow Swamp Aboriginal Place', <<https://www.firstpeoplesrelations.vic.gov.au/proposed-ongoing-protection-declaration-ghow-swamp-aboriginal-place>>.

⁹ Yorta Yorta Aboriginal Corporation, *Newsletter* (online, 1 February 2024) 5.

from museums and institutions, and their sacred sites and burial grounds are continuously desecrated.

Dja Dja Wurrung Country

38. On Dja Dja Wurrung Country, in the Boort region, there is the largest collection of scar trees in the world and around 400 sites of cultural significance. This is an area of rare cultural, archaeological, and environmental significance.
39. It is an area of particular significance to me and my family. We were involved in the creation of a documentary film, 'Lake of Scars' which is about our peoples' fight to care and protect Country and save scar trees.¹⁰ The film tells the story of building a Keeping Place on Dja Dja Wurrung Country, so that we can safely care for cultural items of significance.

Barmah-Millewa Forest

40. Barmah-Millewa Forest, in both New South Wales and Victoria, is the largest river red gum forest in the world and is in the heartland of Yorta Yorta ancestral land and waters. There is evidence that the Yorta Yorta people have occupied the region for 40,000 years. Scarred trees, mound sites and traditional fish trap systems can still be seen in the forest today.
41. The Yorta Yorta Nation Aboriginal Corporation has described the significance of river systems flowing through Barmah-Millewa Forest as follows:¹¹

Our lifestyle and culture was based on hunting, fishing and collecting food from the variety of food sources provided by the ancestral lands.

Being river based people [...] the majority of food that was provided came from the rich network of rivers, lagoons, creeks, and wetlands which are still regarded as the life source and the spirit of the Yorta Yorta Nation.

¹⁰ *Lake of Scars* (Wedge Tail Pictures, 2022) <<https://www.lakeofscarsfilm.com>>.

¹¹ Yorta Yorta Nation Aboriginal Corporation, *Yorta Yorta History* (Web Page) <<https://yynac.com.au/yorta-yorta-history/>>.

42. The Yorta Yorta Traditional Owner Land Management Board has described the significance of Barmah-Millewa Forest as:¹²
- ... represent[ing] a natural and cultural landscape of profound heritage importance, which demonstrates some of Australia's most significant historical themes: ancient ancestral occupation by Yorta Yorta, the mission era, pastoral expansion, the timber industry, stock grazing, river regulation and water extraction, and the struggle for Indigenous land justice.
43. As a Yorta Yorta woman, Cummeragunja, Maloga and Barmah are at the heart of our lands. A significant part of our families' story is our connection to Yorta Yorta Country; it is where our ancestors come from, there are important sites all along the Dhungala (Murray River) and it has one of the largest collections of red gums in the world.
44. In the 1850s, the Murray Fishing Company was established to supply fish for the gold mining region of Bendigo,¹³ and eventually to Melbourne markets once the railway reached Echuca. Murray cod were a significant source of food for the Yorta Yorta people. The settlers' fishing and consumption threatened the food security of the Yorta Yorta people, and disrupted their fishing, hunting and gathering.
45. There are also sheep and cattle runs across the Barmah area, set up by the colonisers to exploit the land for their financial gain. For example, Moira run at one point was over 100,000 acres. The leaseholders of Moira run ran 3,000 to 4,000 sheep and cattle across our Country, watering them on the land and at rivers, and fishing all of our fish out of the lakes. They caused widespread destruction across the land, which we have been trying to repair for over a hundred years, and have profited considerably from doing so. The descendants of the colonisers are still living in the area, benefiting from the land while we are not allowed to manage our Country.

¹² Yorta Yorta Traditional Owner Land Management Board, *Joint Management Plan for Barmah National Park* (2020), 85.

¹³ Paul Humphries, 'Hungry gold miners created Victoria's Murray cod fisheries - and we're still dealing with the consequences', *The Conversation* (online, 16 July 2023) < <https://theconversation.com/hungry-gold-miners-created-victorias-murray-cod-fisheries-and-were-still-dealing-with-the-consequences-206768>>.

46. Today, there is joint management of the Barmah National Park by Yorta Yorta people and the State.¹⁴ This is a step in the right direction towards valuing and incorporating the culture and knowledge of the Yorta Yorta people over our land, which benefits Country and the wider community.

First Peoples' dispossession harms everyone and continues today

47. The history of First Peoples' dispossession in this State is long. Our dispossession was effected by the colonisers through a systemic campaign of intentional violence. The detrimental impacts on First Peoples of that campaign, and its benefits to persons other than First Peoples, both continue today.

The impacts of dispossession on First Peoples continue today

48. The First Peoples Estate in Victoria has been decimated by colonisation and deliberate government action from the 1830s up to the present day. These actions include the sale, leasing and licencing of Crown land, pastoralism and farming, frontier wars, and massacres.
49. When colonisers arrived, many First Peoples were killed. Those who survived were forced to move to reserves and missions (such as Coranderrk, Lake Tyers and Cummeragunja, to name a few) and to work to build wealth for the colonisers (including on cattle runs and in various industries). Our traditional lands were siphoned off to various government and non-government entities, entirely outside of our control. First Peoples' labour during this time was often unpaid and in conditions far worse than those of European workers.
50. In these early days, and for many years that followed, our people had no options for work or education, and many of our people died young.

¹⁴ The Yorta Yorta Traditional Owner Land Management Board was established under a Traditional Owner Land Management Agreement between the State and Yorta Yorta Nation Aboriginal Corporation. Yorta Yorta Traditional Owner Land Management Board, Yorta Yorta Traditional Owner Land Management Agreement (Web Page) < <https://www.yytolmb.com.au/about/yyto-land-management-agreement/> >.

51. For example, my grandmother was born on Cummeragunja at a time when schooling was only provided to grade 3 standard and strict religious principles were applied. She tried to continue her schooling, but was prevented from doing so. All the children from Cummeragunja were lined up in Barmah and had their shirts pulled up to check the colour of their skin. My grandmother was considered too black, so she wasn't allowed to go to the school in Barmah. She was forced to go to work instead and after the Cummeragunja Walk Off ended up working in a canning factory in Melbourne. My daughter is currently in grade 3 and I tell her about Nan story, so that she understands what Nan went through and that Nan's story is part of her story
52. When my grandfather, Doug Nicholls, was eight-years-old, his sister was stolen and billeted out as a slave to work. Although she came back in her 20s from Cootamundra Domestic Training Home for Aboriginal Girls, she passed away at just 25-years-old. My grandfather himself was later billeted out as a tar boy to clean up around the sheep shearers.
53. These experiences were common for First Peoples at the time. Their enslavement was all part of a campaign to dispossess them of their lands.
54. The colonisers exploited Country for the highest short-term economic benefit. That European approach to land management pushed the land to the brink of ruin. In adopting such an approach, the colonisers actively shunned our generations of wisdom and practices. The Dja Dja Wurrung use the term "upside-down Country" to describe the enormity of impacts that colonisation has had on our land from gold mining and land clearing.
55. We felt the impacts of colonisation and dispossession physically, culturally, spiritually, economically and legally. These impacts continue today, with First Peoples owning just a tiny fraction of the land in this State, while large agri-businesses control over half of Australia's farmlands. We also have no water rights. Without ownership of Country, we cannot fulfill our cultural responsibilities, in the sense that we cannot practise our culture on Country. Our economic development has also been limited, as we have been shut out of the economy that has developed around colonial use of our land.
56. In a single generation, First Peoples went from custodians and effective land managers to slave labourers, caught up in a self-perpetuating system of stolen wealth.

57. Despite colonisation disrupting our connection to Country, it remains strong. Our culture has evolved and we are continually adapting. I believe that we are the most resilient people in the world — despite everything that has been done to us, we are still here. We love this Country more than anything. I grew up on Yorta Yorta Country and our families still live on Yorta Yorta Country and at Cummeragunja, passing down our traditional knowledge to our children. That is our cultural responsibility. We have blood lines to Country, with many of our ancestors buried there. I want my children to grow up culturally strong, to understand our Country, our story. We pass down our stories, and our ancestors' stories, so that our children are prepared for the world they will inherit.

The benefits derived from First Peoples' dispossession continue today

58. Just as the impacts of First Peoples' dispossession continue today, so do the benefits that colonisers gained from exploiting our lands.
59. For example, the Assembly's submission addresses the Soldier Settlement Scheme (at p 41). As part of that scheme, soldiers returning from World War I were given land as compensation for their service. However, few returning indigenous soldiers were able to access the scheme. One of those was my grandfather, Stewart Murray, who tried to get access to his own traditional lands when he returned from war, but was unable to do so. In his unpublished manuscript, my grandfather said this of his experience of the Soldier Settlement Scheme:
- I had made a number of applications for soldier settlement land in NSW and Victoria. I was after a sheep farm or mixed farming. I finished third at a ballot at Wagga, the closest I ever got to a soldier settlement farm. I was married and had two children and was hoping to get something for them to live on and feel secure in owning a piece of my ancestors land that was stolen and exploited from my grandfathers tribes.
60. Inevitably, soldiers who were given land as part of the scheme generated wealth from that land and passed it on to their descendants.
61. While the inheritance of colonial descendants was stolen wealth, the inheritance of our people was the complex, overlapping, harm of dispossession.

When First Peoples care for Country everyone benefits

62. Not only does our dispossession harm First Peoples, but it harms those who are not First Peoples. That is because when First Peoples care for Country everyone benefits.
63. When the colonisers arrived, it was evident that we had done an effective job caring for Country, as they noted how pristine our lands were. The standard of the land, and the practices used, then are still considered examples of best-practice. Yet our practices are not deployed in a widespread way to heal, and care for, the land today. As a result, many lands and waterways in this State are sick.
64. Because we are Country, and because we have been here for generations and know Country best, we have the expertise necessary to care for Country and to ensure a safe environment for everyone who lives here well into the future. For example, First Peoples are leaders in responding to climate change, with climate, renewable energy and fire strategies intended to ensure a safe and healthy environment.¹⁵
65. There is a strong link between the health of Country and our people. Not only does healthy Country provide food to nourish us, but we know that caring for Country is an important determinant for First Peoples' health and well-being.¹⁶
66. Although First Peoples have the expertise necessary to care for Country, and are already involved in joint land management with positive results, we lack the resources necessary to do so properly. First Peoples managing land and cultural heritage sites of significance across the State, including all Registered Aboriginal Parties under the *Aboriginal*

¹⁵ See for example Djaara's Climate Change Strategy 2023-2034 'Turning "wrong way" climate "right way"' (2023) <[DJA46.-Climate-Change-Strategy-230523.pdf \(djadawurrung.com.au\)](https://www.djadawurrung.com.au/djaara-climate-change-strategy-230523.pdf)>; Djaara's Renewable Energy Strategy 'Nyauwi Mutjeka: To keep the Sun' (2021) <[DJA25.-Renewable-Energy-20220921-Final.pdf \(djandak.com.au\)](https://www.djandak.com.au/djaara-renewable-energy-20220921-final.pdf)>; Djaara's Water Strategy 'Dhelkunyangu Gatjin: Working together to heal water' (2023) <<https://djandak.com.au/wp-content/uploads/2023/10/Dhelkunyangu-Gatjin-Working-together-to-heal-water-Gatjin-Strategy-2023.pdf>>; GunaiKurnai Land and Waters Aboriginal Corporation's Cultural Fire Strategy 'Managing Country Using Fire' (2021) <[GLaWAC-Fire-Cultural-Strategy-FINAL-pages.pdf \(gunaikurnai.org\)](https://www.gunai.com.au/gunai-wac-cultural-strategy-final-pages.pdf)>.

¹⁶ See Assembly submission, pages 19-20. See also for example Jessica Weir, Claire Stacy and Kara Youngtob, 'The Benefits Associated with Caring for Country: Literature Review' (Australian Institute of Aboriginal and Torres Strait Islander Studies, June 2011) <https://aiatsis.gov.au/sites/default/files/research_pub/benefits-cfc_0_3.pdf>; Johnathan Kingsley et al, "'If the land is healthy... it makes the people healthy": the relationship between caring for Country and health for the Yorta Yorta Nation, Boonwurrung and Bangerang Tribes' (2009) 15(1) *Health and Place* 291 <<https://doi.org/10.1016/j.healthplace.2008.05.009>>.

Heritage Act 2006 (Vic), are stretched beyond capacity, deprived of adequate time and funding to perform their cultural responsibilities and legal functions.

67. Sadly, some of the damage done to Country is irreversible, with much of our lands, totems and significant places never to return. Such damage to Country is exacerbated by climate change, continued over-exploitation of natural resources and continued shunning of First Peoples' land management expertise. However, even damaged Country is part of Country and is sacred to First Peoples. We still care for that Country, mourn for that Country and try, to the best of our ability, to restore it to its previous condition.

Treaty is an opportunity to redress land injustice

68. In the land known as Victoria, First People have a long and proud history of fighting for land rights and not giving up on that fight. This includes the families of Assembly Members — the Murrays, Nicholls, Thorpes, Lovetts, Coopers, Bambletts, Browns, Morgans, Briggs, Firebraces, Kellys, Clarkes, Austins, Atkinsons, Terricks, James', Charles', Edwards, Hoods, Booths, to name a few. We would not be here today without our peoples' commitment to that fight. The fight for Treaty was just one chapter in a longer story.
69. Reflecting the efforts of early activists, Victoria has been at the forefront of recognising First Peoples' rights to, and responsibilities for, Country. The *Aboriginal Heritage Act 2006* (Vic), is one of the best regulatory schemes in Australia, prioritising First Peoples-led decision-making.¹⁷ However, we can make these laws stronger and get them working better. Agreeing a Treaty will be the next step in First Peoples' fight for land justice, a continuation of the advocacy efforts of our ancestors. In Treaty, we have a critical opportunity to heal the land.
70. The existing government processes for recognising First Peoples' inherent rights to Country have been used to divide us. Through the Treaty process, we are learning from these mistakes. The Assembly agreed a Treaty Negotiating Framework which sets out how Treaty is to be negotiated and agreed. By providing for Traditional Owners to decide who will negotiate their Treaty over their own Country — not the Government

¹⁷ See also the report of the Victorian Aboriginal Heritage Council, *State of Victoria's Aboriginal Cultural Heritage Report 2016-2021* (October 2021) 14.

— the Treaty Negotiation Framework addresses some of the consequences of divisions caused by First Peoples’ historic dispossession and the current processes. This is First Peoples’ self-determination in action.

71. The Assembly is also practising self-determination in the way we do business. I am proud of the Assembly full Chamber’s unanimous decision in March to create a new seat on the Assembly for a representative of the Wamba Wamba / Wemba Wemba peoples. This is an example of the Treaty process empowering First Peoples to move beyond existing government processes.
72. The Assembly’s submission addresses the significance of Treaty for land justice in Victoria in detail.¹⁸ Relevantly, the Treaty Negotiating Framework provides that issues relating to land, waters and cultural heritage are squarely within the scope of both Statewide and Traditional Owner Treaties.¹⁹

Treaty negotiations will begin this year

73. We expect both Statewide and Traditional Owner Treaty negotiations with the State to begin this year, once the Treaty Authority opens the process.
74. Traditional Owners will be able to negotiate Treaties that reflect their priorities, including in relation to their Country and culture if they wish. We encourage Traditional Owners to draw on the resources of the Self-Determination Fund to support their aspirations and prepare for Treaty negotiations.²⁰ Our communities know what they need to thrive. The Treaty process aims to ensure our communities have the ability and tools to develop and deliver solutions at a local level.
75. The Assembly is preparing to be recognised as the First Peoples’ Representative Body to negotiate Statewide Treaty, and to enter negotiations later this year.
76. We are engaging with our community to understand their priorities, which we will develop into Treaty proposals that we will take into negotiations. Earlier this month, the Assembly held a Statewide Gathering on Wadawurrung Country where First Peoples

¹⁸ First Peoples’ Assembly of Victoria, Submission to Yoorrook Justice Commission, *Land Justice Inquiry*, (22 December 2023) 30-33.

¹⁹ *Treaty Negotiation Framework* (2022) cls 25.2(e)(iii)(L), 25.4(b) and (c).

²⁰ See <<https://www.selfdeterminationfund.org.au/>>

came together to yarn about Treaty, and shape the next steps on the journey to Treaty. The Assembly regularly holds regional gatherings, led by elected Members, to hear from community that will help shape Treaty priorities. Our processes are guided by our Elders' Voice and with input from young people through our Youth Voice.

77. Our emerging priorities and aspirations for Statewide Treaty are grounded in the voices, knowledge and input of the Victorian Aboriginal community over many years. They can be understood in two parts:
- a. First, we will negotiate taking back power from the State, so we can redesign how our communities are run and our Country is looked after. This will include transferring power to a future form of the Assembly that has enhanced functions including: decision-making; giving authoritative advice to government and having oversight of policy development that affects us; and holding government accountable for their actions.
 - b. Second, through Statewide Treaty, the Assembly will use its power, working with our community, to design and implement outcomes that will make a difference in the lives of our people for generations to come.

Our aspirations for Country

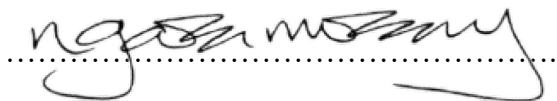
78. Treaty is an opportunity for awakening and for recognition of 60,000 years of history in the law of Victoria and the systems by which it is governed. Everything that has happened to our people and country over generations needs to be recognised and understood by the wider community. We need an awakening that acknowledges and respects the uniqueness of 60,000 years of Aboriginal custodianship of this land. This is what makes our country so special.
79. Treaty is also an opportunity for realising the full breadth of First Peoples' aspirations for Country. Only by conferring First Peoples with sufficient resources and authority with respect to the land and our sacred sites — by a comprehensive transfer of decision-making authority — can we succeed as carers of that land and deliver benefits for all Victorians. Our culture is more than just our heritage; it must be a heartbeat that nourishes our identity. Minor amendments to existing regulatory schemes, without

more, would simply be setting us up to fail. That is why the notion that decisions about First People, our communities, cultures and lands should be made by First People is central to all of the Assembly's efforts when it comes to Treaty.

80. Insofar as the financial impacts of dispossession on First Peoples continue today, Treaty is an opportunity to bring First Peoples into the economy. No amount of money could ever possibly address the immeasurable suffering and hurt caused by the dispossession, murder and injustice inflicted on our peoples since invasion. But through Treaty, we will look at what changes we can make now to create a better future for our people.
81. Ultimately, Treaty is about restoration and justice. Restoration of First Peoples' inherent rights to Country as people who have been here for 60,000 years. Rights to our lands and our waters — so we can manage and continue to care for the Country which the heart of our culture. Justice for the harm done to us by the colonisation of this land. Resetting relationships between First Peoples and other members of the Victorian community in a way that lays the foundation for a strong culture of mutual value and respect.

Signed by Ngarra Murray

on 11/04/2024

A handwritten signature in black ink, appearing to read 'ngarra murray', written over a horizontal dotted line.

Signature