

# Yoorrook Justice Commission

## WITNESS STATEMENT OF STEVE DIMOPOULOS MP

I, Steve Dimopoulos, Minister for Environment, of 8 Nicholson Street, East Melbourne VIC 3002, affirm and say as follows:

### Introduction

1. I make this statement to the Yoorrook Justice Commission (the **Commission**) in my capacity as the Minister for Environment and Minister for Outdoor Recreation. I am also the Minister for Tourism, Sport and Major Events.
2. I thank the Commissioners for the opportunity to contribute to the Commission's Inquiry into Land Injustice and to meaningfully engage with this significant truth telling opportunity.

### Materials that have informed this statement

3. In preparing this statement, I have:
  - a. consulted with subject matter experts from within the Department of Energy, Environment and Climate Action (**DEECA**) and the Department of Jobs, Skills, Industry and Recreation (**DJSIR**); and
  - b. read and had regard to the background papers that DEECA has produced to the Commission and to the background paper that the Department of Premier and Cabinet (**DPC**) produced to the Commission titled: "*Historical Timeline – State laws, policies and practices that drive dispossession in Victoria*" (**DPC.0009.0012.0021**).
4. I have also read and had regard to DEECA's Response to the Commission's Request for Information provided to the Commission on 19 February 2024 (**RFI Response**), and in particular, to the responses to questions relevant to my areas of responsibility as Minister for Environment and Minister for Outdoor Recreation, namely the response to questions 5(a)(i)-(ii), 5(b)(iii)-(iv), 5(c)(i)-(ii), 5(d)(i)-(ii), 8(a)-(i), 9(c), 9(d)(iii), 10(a)-(b), 11(b), 14, 15(a)-(c), 16(a)-(d), 20(d), 24(a)-(c), 32(a)(i)-(iv), 32(b)(i)-(iii), 32(c), 34(b)-(c), 38, 39(a)-(b), 51(a)-(b), 52(a)-I, 53(a)-(b), 54, 55(a), 55(b)(i)-(iii), 56(b), 57(a)-(b), 58(a)-(b), 59, 60(a)-(b), 61, 62(a)-(c), 63(a)-(c), 64, 65(a)-(c). I adopt the responses to those questions in the RFI Response and do not wish to add anything further.
5. The views I express in this statement are informed by those consultations and documents, along with my personal and professional experiences and observations as the Minister for Environment, and my

interactions with Traditional Owners and First Peoples communities, and my experiences and observations as a citizen of Victoria.

### **Use of terms**

6. I use the term First Peoples in this statement to respectfully refer to all Aboriginal and Torres Strait Islander people in Victoria and Traditional Owner to refer to Traditional Owners of Country in Victoria. Other terminology, such as Aboriginal, is used where it is in the name of a program, initiative or organisation. I recognise that the term Traditional Owner may have different meanings depending on the context including, for example, in technical definitions that might be used in formal recognition processes under the *Native Title Act 1993* (Cth) (**NTA**) and the *Traditional Owner Settlement Act 2010* (Vic) (**TOS Act**).
7. I use the term self-determination as described in Articles 3 and 4 of the United Nations Declaration on the Rights of Indigenous Peoples to mean the ability for Indigenous people to freely determine their political status and pursue their economic, social and cultural development. The Victorian Aboriginal Affairs Framework (**VAAF**) outlines enablers to support self-determination, with the end goal being First Peoples having decision-making and resources control.

### **Acknowledgements**

8. I wish to acknowledge and pay my respects to the Traditional Owners and custodians of the Country on which I live, the lands of the Bunurong people of the Kulin Nation and of the Country on which I work, the lands of the Wurundjeri Woi Wurrung people of the Kulin Nation. I acknowledge that sovereignty has never been ceded. I acknowledge and pay my respects to the Elders of those communities, both past and present. I also acknowledge the critical role of knowledge holders and leaders who have advocated and continue to advocate for better outcomes and in particular for land justice.
9. I acknowledge the diversity of First Peoples communities across Victoria, their strength and resilience and their ongoing connections to their traditional lands, waters and skies. I acknowledge the interconnectedness of those elements, and the importance of natural resources, and that together these are known by First Peoples as “Country”.
10. I am mindful of the impact of the work of the government on Country and on culture and in turn on the spiritual and physical wellbeing of First Peoples. I am aware of the responsibility that I carry, as a Minister, to listen to the voices of First Peoples and to the truths that are being told through the important work of the Commission.

11. In section B of her statement to the Commission dated 5 May 2022, Minister Gabrielle Williams acknowledged, on behalf of the State, the history of the dispossession of First Peoples of their land and waters. That history was also described in the background paper produced by DPC titled *Historical Timeline – State laws, policies and practices that drove dispossession in Victoria* (DPC.0009.0012.0021).
12. I will not set out that history again but wish to acknowledge the following important truths. I acknowledge that Traditional Owners in what is now Victoria were dispossessed of their land by the actions of the British Crown.
13. I understand that the proclamation of Crown sovereignty in Victoria set in train events that altered the course of First Peoples' lives in profound ways, and that, despite the assurances of the law of the time that it "protected" First Peoples and colonists alike, the reality for First Peoples was in stark contrast to these assurances.
14. In relation to my portfolio, I acknowledge that the proclamation of Crown ownership, and the allied right of the Crown to sell, manage, and make decisions about "Crown lands" or what was described upon colonisation as "waste lands" formed the foundation of successive Crown and public land legislation and policies, and that they continue to form the foundation of current public land management and administration to this day. (Further information relating to those legal and policy frameworks is set out in the DEECA background paper on *The legal and policy frameworks concerning the ownership, management and administration of public land and natural resources* (DEEC.001.0001.0030).<sup>1</sup>
15. I understand and acknowledge that the legal frameworks that enabled land to be taken from First Peoples and then sold, leased or licensed and reserved for purposes determined by the government also excluded First Peoples from the economic benefits of Victoria's land, waters and other natural resources.
16. I acknowledge that the dispossession of Country and culture has been identified by successive inquiries and commissions as a matter at the heart of the myriad injustices which are still being suffered by First Peoples in Victoria. I recognise that the true nature of the dispossession of land in Victoria, and the legal and policy frameworks that enabled it, and that enabled the sale of and other dealings in it by the State have not been fully acknowledged or addressed by the State to date. The existence of

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<sup>1</sup> Department of Energy, Environment and Climate Action, 'The legal and policy frameworks concerning the ownership, management and administration of public land and natural resources', (DEEC.001.0001.0030) 2 November 2023.

ongoing systemic injustice in relation to land has also not been fully addressed. I am mindful of the significance of the opportunity to acknowledge and address these matters.

17. I acknowledge that as Minister for Environment and Minister for Outdoor Recreation, my daily work and that of my departments, has historically had, and continues to have, an impact on Country and in turn on Traditional Owners' rights and obligations with respect to Country.
18. I acknowledge that despite the actions of the State, and the devastating effects of dispossession on Country and culture, First Peoples communities in Victoria remain strong, diverse, rich in culture, and resilient.
19. I am truly grateful for the ground-breaking and historic work of the Commission. I am humbled by the bravery and dignity with which First Peoples individuals and organisations have engaged with this process and I am honoured to play my part in truth telling as a Minister of the State. It is my sincerest wish that through the work of the Commission and the State, we will see better outcomes for First Peoples and a more just, self-determined and prosperous future for First Peoples and their future generations, and in turn for all Victorians.

### **Personal and Professional experience**

20. I believe that Victorians have aspirations for a better life, whether they have come here as migrants like my parents or whether they are born here like I was. I am, however, acutely aware that I have benefited from the dispossession of First Peoples' of their lands, and I feel a strong purpose and commitment to work to address this dispossession.
21. In 2015, I was elected to the Legislative Assembly representing the electoral district of Oakleigh. In my first speech, the first issue that I outlined was the treatment of First Peoples in Victoria. I specifically stated that "Australia's prosperity has come at a great cost." I outlined that "our collective past failures as a nation mean that Indigenous Australians have been denied the equality and social justice that we take for granted". Since then, we can point to some meaningful advances in First Peoples Self-Determination, including the establishment of the First Peoples' Assembly, the progress towards Treaty and practical projects on Country. However, I understand that progress is painfully slow for many First Peoples in Victoria.
22. I was appointed to Cabinet in June 2022. From June 2022 to October 2023, I was the Minister for Creative Industries. Since June 2022, I have been the Minister for Tourism, Sports and Major Events.

Since October 2023, I have also been the Minister for Environment and Minister for Outdoor Recreation.

23. As Minister for Environment, I am responsible for the administration, management and oversight of the State's public land estate, which includes our forests, coasts, State and other parks and reserves. I am also responsible for a wide range of the State's laws and initiatives on the environment, including in relation to biodiversity, forests, and fire management.

24. As Minister for Outdoor Recreation, my responsibilities include the oversight and management of fisheries and game hunting, including on public land and in state forests and parks.

25. Under the General Order issued by the Premier of Victoria on 2 October 2023, DEECA, DJSIR and I have responsibility for several different and varied Acts which may be directly or indirectly connected to the Commission's Land Injustice Inquiry. Without being exhaustive, this legislation includes:

a. for the Environment portfolio:

- the *Conservation, Forests and Lands Act 1987* (Vic),
- the *Crown Land (Reserves) Act 1978* (Vic),
- the *Forests Act 1958* (Vic),
- the *Land Act 1958* (Vic),
- the *Marine and Coastal Act 2018* (Vic),
- the *Great Ocean Road and Environs Protection Act 2020* (Vic) (**GOREP Act**),
- the *National Parks Act 1975* (Vic),
- the *Parks Victoria Act 2018* (Vic),
- the *Sustainable Forests (Timber) Act 2004* (Vic),
- the *Victorian Plantations Corporation Act 1993* (Vic), and
- the *Wildlife Act 1975* (Vic); and

b. for the Outdoor Recreation portfolio:

- the *Conservation, Forests and Lands Act 1987* (Vic),
- the *Fisheries Act 1995* (Vic),
- the *Game Management Authority Act 2014* (Vic),
- the *Water Act 1989* (Vic), and
- the *Wildlife Act 1975* (Vic).

26. As Minister for Environment and Minister for Outdoor Recreation I acknowledge the unique connection my portfolio has with Traditional Owners and Country and the importance of strong and respectful relationships with Traditional Owners across Victoria. As part of my duties, I have been building these relationships through on Country visits and meeting with Traditional Owner Groups and representatives and will continue to make this a priority.

## **DEECA**

27. DEECA was established on 1 January 2023. It replaced the former Department of Environment, Land, Water and Planning.

28. The departmental groups within DEECA with responsibility for matters relevant to the Commission's Land Injustice Inquiry are:

- a. the Regions, Environment, Climate Action and First Peoples Group; and
- b. the Bushfire and Forest Services Group.

29. The Regions, Environment, Climate Action and First Peoples Group is responsible for climate action programs, environmental protection, and managing assets on public land. DEECA's First Peoples' Self-Determination Division sits within this Group. The First Peoples' Self-Determination Division provides expert guidance to DEECA on engagement with First Peoples, together with leading DEECA's response and engagement with the Commission and its Treaty readiness program. The First Peoples' Self-Determination Division also provides specialised guidance and support for DEECA's responsibilities under the NTA and as a key land manager with responsibilities under TOS Act agreements, including Recognition and Settlement Agreements, Land Agreements, Land Use Activity Agreements, Natural Resource Agreements and Traditional Owner Land Management Agreements. In addition to these responsibilities, the division drives the self-determination reform agenda across

DEECA, as informed by the Department's Aboriginal Self-Determination Reform Strategy 2020-2025, *Pupangarli Marnmarnepu*. With respect to Country, through *Pupangarli Marnmarnepu*, DEECA has committed to supporting Traditional Owners' rights on Country so that their aspirations for land, water and culture may be realised.

30. The Bushfire and Forest Services Group is responsible for managing 3.2 million hectares of state forests. It also delivers and maintains recreation assets, tourism services and forest health activities, and leads DEECA's work in preparing for and responding to fire and other emergencies.

## DJSIR

31. The Victorian Fisheries Authority (**VFA**) sits within DJSIR and is an independent statutory authority of which I am the responsible Minister. In accordance with the *Fisheries Act 1995* (Vic) the VFA is responsible for managing Victoria's fisheries resources and enforcing the provisions of the Fisheries Act. As the responsible Minister for fisheries in Victoria, the VFA also supports me in administering the commercial wild catch fisheries licencing and quotas system, recreational licensing, sustainable fisheries management and in supporting indigenous community engagement focussed on recognition of customary fishing rights and better economic opportunities.

## Land Injustice

32. In this statement, I reflect on the key issues identified in the Commission's Land Injustice Issues Paper, including the role of the State, and of land law and administration, in the historical and ongoing dispossession of First Peoples of their traditional Country. I also provide some examples of "good practice", as described in the Issues Paper, and my views on ways forward across my portfolio to take steps to address systemic injustices experienced by First Peoples.
33. I understand that, while formal recognition frameworks have paved the way for better land justice outcomes for First Peoples, there are shortcomings in these regimes, which have been identified through the First Principles Review (**FPR**) of the TOS Act. Details of the review are set out in DPC's background paper titled *Native Title Act 1993 and the Traditional Owner Settlement Act 2010* (**DPC.0009.0012.0068**).<sup>2</sup>

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<sup>2</sup> Department of Premier and Cabinet, Background Paper: *Native Title Act 1993 and the Traditional Owner Settlement Act 2010*, (DPC.0009.0012.0021), pp. 32-33, 2023.



34. The FPR provides an opportunity to better understand the priorities of Traditional Owners and ways to better enable Traditional Owner management of Country. For my Environment portfolio, the issues raised by First Peoples' representatives in the review and as set out in the joint report include greater access to land ownership and management opportunities, access to and commercial use of natural resources, and the leasing and sale of Crown Land.

***My role in TOS Act agreement negotiation and implementation***

35. As Minister for Environment with significant responsibilities as Victoria's key public land manager, I am required by the TOS Act to agree to the terms of the agreements negotiated with Traditional Owner Groups and I am the lead minister for Traditional Owner Land Management Agreements (**TOLMAs**)

36. As part of this responsibility, I am represented by DEECA in TOS Act agreement negotiations between the State, led by DPC and the Traditional Owner Group Entity nominated as the representative of the respective Traditional Owners involved. In this way, matters relevant to public land administration and management may be raised and addressed and understandings and experiences "on the ground" can be shared, to inform practical solutions in the agreement making process.

***Recognition of Traditional Owners' connection to Country in legislation, policy and practice***

37. Until recently, public land and other key legislation within my portfolio, based on the legacy of colonial frameworks and assumptions, was silent as to the rights and interests of Traditional Owners.

38. Correspondingly, the Environment portfolio presents opportunities to address this silence and embrace the world's oldest living culture by progressing First Peoples' rights and aspirations in relation to Country. I see promise in my portfolio's new approach including in legislative change, and to the development of a new and refreshed approach to policies and practices, as outlined in paragraphs 70 to 79 below.

39. For example, the GOREP Act, which established the Great Ocean Road Coast and Parks Authority, reflects this new approach to public land legislation in Victoria. By recognising the unique role of Traditional Owners and their connection to Country in the preamble of the Act, and by incorporating First Peoples' own words in their own languages, it is an example of a positive and meaningful way forward in addressing a "long silence" which First Peoples have spoken of in their experiences with government.

40. The preamble to the GOREP Act states that "The Parliament recognises the intrinsic connection of the traditional owners to the land and sea Country that the Great Ocean Road traverses, and that the area



has nourished and sustained the traditional owners physically and spiritually and continues to be important to the traditional owners today and into the future". It also sets out statements about the meaning and importance of Country from the region's Traditional Owners, the Eastern Maar and Wadawurrung Peoples.

41. This new approach is also reflected in the development of new public land legislation, discussed further below, by recognising the benefits, for both First Peoples and the broader community, of enabling a range of Traditional Owner management opportunities, including through direct management of public land.
42. In addition to this new approach to legislative change, I also see great potential in the work across my portfolio in reflecting First Peoples' rights in relation to land, to self-determination, and to their practice of culture in the development of policies and programs.
43. I refer to DEECA's background paper *DEECA frameworks, roadmaps, strategies, and commitments concerning First Peoples' rights and interests, connection to Country and First Peoples' self-determination and their implementation to date* '(DEEC.0001.0001.0001) which sets out the rights enabled by policies and strategies across the Victorian government and my portfolio in particular.
44. I refer also to the following paragraphs of the RFI Response 91-119 which highlight the opportunities to build on good practice, examples of which are set out below.
45. These initiatives and programs demonstrate that through embedding the principles of First Peoples' self-determination in the work of the departments, steps can be made towards heeding the calls of First Peoples, not just for a recognition of their rights to land, but to their rights to Country, to culture and to decision-making as part of that culture.

### ***First Peoples' self-determined management of Country***

46. I understand that while progress has been made towards formal recognition under the NTA and the TOS Act, there remain significant barriers to First Peoples realising their aspirations for legal title, management and ownership of land.
47. As part of its intention to address land injustice and settle native title claims, to date the TOS Act has enabled the transfer or the commitment to transfer a total of approximately 2,291,488 hectares into

Aboriginal Title and Joint Management arrangements and approximately 758 hectares have been transferred or committed to be transferred in freehold title to Traditional Owner Group Entities.<sup>3</sup>

48. While reserved public land can be transferred into Aboriginal title, this form of title is strictly limited by the terms of the TOS Act, including by a required agreement to co-manage land with the State. Transfers into Aboriginal title therefore do not fully enable self-determined decision-making about care for Country by Traditional Owners. While there is still work to be done, this is one barrier that the new proposed public land legislation seeks to address (see paragraphs 73 – 75).
49. I acknowledge that First Peoples, notably through Traditional Owners' Caring for Country plans, have called for increased self-determination through land management opportunities, and the ability to use their knowledge systems to care for Country and to educate visitors, for the benefit of the broader community.
50. The ability of First Peoples to make decisions about Country, including through management and governance arrangements, can and should also be seen as opportunities for the State to enable land use in ways that benefit both First Peoples and the broader community.
51. While current systems allow for limited joint management with the State, the proposed reforms to the Public Land legislation outlined below will take steps to enable greater choices and opportunities for management and care for Country by Traditional Owners.
52. Our current frameworks for joint management of Aboriginal title land under the TOS Act also can do more to embrace the knowledge and experience that First Peoples have through the practice of the world's oldest living cultures. I am humbled by the extraordinary wealth of knowledge that Traditional Owners have about what is best for Country and their deep and abiding connections to Country. I believe that by embracing this deep knowledge and connection through culture and cultural practices, all Victorians will benefit.
53. Importantly, through the reforms of the Public Land legislation, the evolution of our current partnership arrangements and the work of this Commission, there is an opportunity to work collectively to explore and test the merits of different approaches to the management of public land.

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<sup>3</sup> Department of Premier and Cabinet, Background Paper: *Native Title Act 1993 and the Traditional Owner Settlement Act 2010* (DPC.0009.0012.0068), pp. 29-30, 2023.

54. By recognising the knowledge, customs and rights of Traditional Owners to care for Country, we can enable all Victorians to embrace and learn from First Peoples' cultures, to learn about the history of our rich and diverse landscapes, coasts and waterways and the importance of their protection for the benefit and enjoyment of all our future generations.

***Embracing on-Country relationships with Traditional Owners in Victoria.***

55. Through my work, I am acutely aware of the extensive footprint of the Environment portfolio across Victoria's landscapes, forests, coasts, and waterways. I acknowledge and am mindful of the impacts of the department's daily work on Country and in turn on its Traditional Owners who have shared aspirations about the need and responsibility for them to be on Country and to heal Country for future generations.

56. That is why the department, through the *Pupangarli Marnmarnepu* "Owning our Future" Aboriginal Self-Determination Reform Strategy 2020-2025 has embedded a commitment to working with First Peoples in ways which reflect their expectations and aspirations. The *Pupangarli Marnmarnepu* strategy also demonstrates some of the ways that DEECA and I can, and should, hold ourselves accountable for achieving meaningful outcomes together with First Peoples now and into the future.

57. By listening to First Peoples and learning from relationships with them, some meaningful steps have been taken to promote self-determination. Examples of good practice include the department's support of Traditional Owner led management practices, including the return of cultural fire and other cultural land management practices as informed by the Cultural Fire and Cultural Landscape Strategies.

***Traditional Owners Cultural Fire Strategy***

58. Since the earliest days of colonisation, the Government, through eviction, dispossession and denial of rights, sought to control and restrict First Peoples' lives. These controls included ongoing prohibitions against the practice of culture, including practices developed over thousands of years to care for Country. These practices included the use of fire to manage the health of Country and in turn the health and wellbeing of Traditional Owners.

59. In listening to First Peoples speak of the harm caused by the prohibitions against and criminalisation of cultural fire practices, DEECA supported the development by Traditional Owners of the *Traditional Owners Cultural Fire Strategy* (the **Cultural Fire Strategy**). The Strategy, which was launched in 2019, formally recognises and seeks to address the government's legacy and its ongoing exclusion of First Peoples knowledge and use of fire in the landscape.

60. The Cultural Fire Strategy defines cultural fire as “fire deliberately put into the landscape authorized and led by Traditional Owners of that Country, for a variety of purposes, including but not limited to ceremony, protection of cultural and natural assets, fuel reduction, regeneration and management of food, fibre and medicines, flora regeneration, fauna habitat protection and healing Country’s spirit”.<sup>4</sup>
61. The Cultural Fire Strategy has enabled and supported Traditional Owners to deliver cultural fire projects across Victoria through the Cultural Fire Grants Program. In 2022-2023, Forest and Fire Management Victoria supported the delivery of 20 cultural burns with six Traditional Owner Groups. As at December 2023, a further six cultural burns have been delivered, and it is anticipated there will be further cultural burns in Autumn 2024.

#### *Victorian Traditional Owners Cultural Landscape Strategy*

62. The management of land, forests and fire in Victoria is based on the British legal system of Crown ownership and control and informed by European concepts of land management. These concepts include land as an asset to be bought and sold, and as a source of revenue, which is in stark contrast to Traditional Owners’ view of Country. In acknowledgement of this different perspective of land, the Department and its agencies supported Traditional Owners to develop and write the *Victorian Traditional Owners Cultural Landscape Strategy* (the **Cultural Landscapes Strategy**), which was launched in 2021. The Cultural Landscapes Strategy provides a strategic framework for Traditional Owners to lead the management of Country in ways which reflect their obligations to care for Country. In practice this will help to restore knowledge systems and reconnect Traditional Owners to Country and cultural land management practices.
63. As defined in the Cultural Landscapes Strategy, the concept of cultural landscapes is used to bridge the differences between Indigenous and western world views of managing Country, and the current legal and administrative frameworks governing public land ownership and management.
64. The Cultural Landscapes Strategy recognises that Australia is “a tapestry of interwoven cultural landscapes that are the product of the skills, knowledge and activities of Aboriginal land managers over thousands of generations. Cultural landscapes are reflections of how Aboriginal people engage with the world”.<sup>5</sup>

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<sup>4</sup> The Victorian Traditional Owner Cultural Fire Knowledge Group, The Victorian Traditional Owner Cultural Fire Strategy, p. 25 <https://knowledge.aidr.org.au/media/6817/fireplusstrategyplusfinal.pdf>.

<sup>5</sup> Federation of Victorian Traditional Owners Corporations, Victorian Traditional Owner Cultural Landscapes Strategy, p. 5 <https://fvtoc.com.au/wp-content/uploads/2023/07/Cultural-Landscapes-Strategy.pdf>.

65. The Cultural Landscapes Strategy supports the development of institutional frameworks and operational and procedural pathways tailored to each Traditional Owner Group's self-determined pathway. It also provides core principles, tangible actions and a common language that informs DEECA and Parks Victoria's approach to future forest and parks management decisions including policy and legislative reforms. For example, Parks Victoria's Land Management Strategy incorporates the Cultural Landscapes Strategy's Strategic Framework,<sup>6</sup> which provides direction for Parks Victoria to work in partnership with Traditional Owners to implement the outcomes expressed in the Cultural Landscapes Strategy and to better enable and empower Traditional Owner self-determination in park and land management.

*Marine and Coastal Strategy 2022 and the Marine and Coastal Policy 2020*

66. The *Marine and Coastal Strategy 2022* and the *Marine and Coastal Policy 2020* which are described in detail in the response to RFI question 16 a-d were developed with input from Traditional Owners and establishes a whole-of-government approach to working with Traditional Owners to manage Victoria's marine and coastal environment. They recognise First Peoples' enduring connection to, and cultural responsibility to care for, Country and enable decisions to be made which are reflective of those responsibilities.

67. The *Marine and Coastal Strategy 2022* enables Traditional Owners to fully integrate cultural values, uses and practices in the healing and ongoing management of Country. This includes through Action 1: 'Supporting Traditional Owners to embed their rights and obligations into planning and management of the marine and coastal environment.'

68. These programs and initiatives demonstrate that there are ways to embed self-determination and the importance of Country and culture in policy and practice, provided that these ways are supported and appropriately funded.

### **Opportunities for reform**

69. As set out above, there remain a number of key gaps and barriers to the achievement of First Peoples' aspirations, and in fact rightly held expectations, for Country and culture.

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<sup>6</sup> Parks Victoria, Parks Victoria Land Management Strategy 2022, p. 18. <https://www.parks.vic.gov.au/-/media/project/pv/main/parks/documents/land-management/parks-victoria-land-management-strategy-2022.pdf?la=en&rev=498156a0dd6d4137aa223d663870c044&hash=F80DFFDD6E6553C39D7243ED89CB708B5AA5E562>

70. The significant reforms that are underway across my portfolio provide an insight into how we can continue to effect change to address land and Country related injustice in informed and meaningful ways.
71. I also note the potential for Treaty to change how the State works with Traditional Owners in relation to a range of issues, including land management. Treaty is an agreement that gives us the pathway to stop doing things to, or for, but to do things with First Peoples.
72. Having reflected on the historical legacy of my portfolio, including the fact that many existing legal frameworks have remained largely unchanged since colonial times, I am encouraged by the work of the Department in its significant reform to Victoria's public land legislation.
73. Following an extensive review of Victoria's three key public land Acts, the *Crown Land (Reserves) Act 1978*, the *Forest Act 1958* and the *Land Act 1958*, the Government is now in the process of enacting one new consolidated and updated Public Land Act. The Public Land Act will, if passed, sit alongside a refined *National Parks Act 1975* and expanded *Conservation, Forests and Lands Act 1987*, and provide a fit for purpose legislative framework for managing Victoria's public land.
74. A key aspect of the reforms to public land legislation will be to provide Traditional Owners with a range of opportunities to be involved in public land management. These include the opportunity to directly manage public land, as well as providing greater flexibility in joint management with the State.
75. Notably, to address the barriers posed by the TOS Act requirement that Aboriginal title land be the subject of joint management arrangements with the State, the proposed legislation aims to enable direct and other management options for Traditional Owners. These options are both reflective of the right to self-determination but importantly also enable all Victorians to benefit from First Peoples' knowledge of Country and to embrace the cultural practices which have protected and nurtured Country for thousands of years.
76. The reforms seek to make these options available for Traditional Owners regardless of whether Aboriginal Title has been granted over the relevant land. Consistent with the principles of self-determination, it is not proposed to mandate any single way for Traditional Owners to be involved in public land management, but rather to provide a range of options from which Traditional Owners may choose.

77. Again, I see that greater Traditional Owner involvement in public land management will provide broader benefits to the community by embracing and enabling First Peoples' knowledge of Country to guide land management and other decision-making processes.
78. The proposed legislation is an example of my portfolio's work not only to remove outdated concepts and take a new approach to public land, but also to move to an approach which recognises and embeds Traditional Owners' unique knowledge and connections to Country. It is this knowledge and these connections which should be honoured and embraced to better understand our shared history.
79. I understand and acknowledge that the legal frameworks that enabled lands to be sold or transferred by lease or licence have also excluded First Peoples from sharing the economic benefits of Victoria's waters. The commercial wild catch fisheries licensing and quotas system for which I am responsible currently limits access to commercial fishing to parties with a valid licence. As all available commercial wild catch licences are currently allocated, a licence can currently only be obtained via a commercial transaction for transfer of an existing licence. Accordingly, I have instructed the Victorian Fisheries Authority to commit to a regular schedule of meetings across Victoria with each Traditional Owner Group to investigate aspirations for access to Victoria's waters for commercial purposes, including both wild catch, commercial use and aquaculture operations. These meetings will examine how Traditional Owners can enjoy access to their ancestral waters not just for custom and recreation but as a source of wealth creation, income and employment. The VFA will work with Traditional Owner Groups to better understand their aspirations to engage in commercial fisheries operations, and to explore opportunities for their increased participation in the commercial fishing industry in Victoria.

## **Conclusion**

80. In conclusion, the work of the Commission is groundbreaking, and I am privileged to contribute to its efforts in truth-telling. It is humbling that for over 60,000 years First Peoples have practised their law and lore, and customs, and have cared for their traditional lands and have maintained connections to community, languages and culture.
81. Through these practices, First Peoples have maintained their strong spiritual connections to Country in the face of inhumane State dispossession and controls and attempts to suppress cultural practices.
82. Since colonisation, Traditional Owners have advocated for recognition by the State of their unique knowledge systems and unbreakable connection to their Country and culture. Key to this has been successive calls for the return of Country and for the rights they hold to that land to be equal to any other owner of land under the legal system.



83. First Peoples have also consistently called for the State to honour their cultural rights and responsibilities to make decisions about, and take care of, and share their knowledge of Country and culture for the benefit of all future generations.
84. I understand the Commission will make recommendations for healing, system reform and practical changes to laws, policy and education, as well as to matters to be included in future treaties. I acknowledge my role and the role of my department in working in partnership with Traditional Owners and First Nation communities to continue to progress better outcomes.
85. I am committed to acknowledging and addressing the historic and ongoing injustices faced by First Peoples and to embracing the opportunities that First Peoples' knowledge and culture present. It is my hope that First Peoples and the State of Victoria will be able to move towards a new relationship and advance a just and self-determined future that honours First Peoples rights and enduring connection to Country.



*Sign here :*

*Print name:* **Steve Dimopoulos**

*Date :* **08 / 03 / 2024**

*Witness:*



*Date* **08 / 03/ 2024**

## ANNEXURE A – TABLE OF ACRONYMS

<b>Acronym</b>	<b>Definition or use in this Witness Statement (including Annexure A)</b>
<b>Aboriginal Heritage Act</b>	<i>Aboriginal Heritage Act 2006 (Vic)</i>
<b>Commission</b>	Yoorrook Justice Commission
<b>Cultural Fire Strategy</b>	Traditional Owners Cultural Fire Strategy
<b>Cultural Landscapes Strategy</b>	Victorian Traditional Owners Cultural Landscape Strategy
<b>DEECA</b>	Department of Energy, Environment and Climate Action
<b>DJSIR</b>	Department of Jobs, Skills, Industry and Regions
<b>DPC</b>	Department of Premier and Cabinet
<b>FPR</b>	First Principles Review
<b>GOREP Act</b>	<i>Great Ocean Road and Environs Protection Act 2020 (Vic)</i>
<b>NTA</b>	<i>Native Title Act 1993 (Cth)</i>
<b>RFI Response</b>	DEECA's Response to the Commission's Request for Information provided to the Commission on 19 February 2024
<b>TOLMA</b>	Traditional Owner Land Management Agreement
<b>TOS Act</b>	<i>Traditional Owner Settlement Act 2010 (Vic)</i>
<b>VAAF</b>	Victorian Aboriginal Affairs Framework
<b>VFA</b>	Victorian Fisheries Authority