



Political Life

Yoorrook Justice Commission Submission



The peak representative for the health and wellbeing of Aboriginal and Torres Strait Islander people living in Victoria.

**Victorian Aboriginal Community
Controlled Health Organisation**

17-23 Sackville Street, PO Box 1328, Collingwood VIC 3066
T: 03 9411 9411 F: 03 9411 9411 E: enquiries@vaccho.org.au
www.vaccho.org.au ABN: 67 498 114 972 RTO: 20739

Table of contents

Table of contents.....	2
Acknowledgment of Country.....	3
About us.....	3
Note on Language.....	4
Executive Summary.....	5
Adequacy of current party and Parliamentary systems and processes for ensuring First Peoples' voices are appropriately represented and respected within Parliament.....	6
We have attached the full report as an addendum to this submission.....	9
Opportunities for and barriers to First Peoples' engagement with political parties and Parliament within Victoria.	9
The political influence on social and emotional wellbeing of First Peoples.....	9
Lack of resources as a barrier to accessing the political system.....	14
VACCHO's experience and progress in political advocacy.....	15
Suggested systemic changes or recommendations needed to ensure representation of First Peoples within political parties and Parliament.	17
Conclusion.....	19
References.....	20

Acknowledgment of Country

VACCHO respectfully acknowledges that our office is based on the unceded lands of the Wurundjeri people of the Kulin Nation.

We pay our respects to Wurundjeri ancestors and caretakers of this land, and to Elders both past and present.

We extend our respect to all Traditional Owners and Elders across the lands on which we and our Members work and acknowledge their everlasting connection to Country, Culture, and Community.

We acknowledge this connection to land is a deeply spiritual one based on a reciprocal nurturing relationship, whereby the health of Country is intrinsic to the health and wellbeing of First Peoples.

Always was, always will be, Aboriginal land.

About us

The Victorian Aboriginal Community Controlled Health Organisation (VACCHO) was established in 1996. VACCHO is the peak Aboriginal and Torres Strait Islander health and wellbeing body representing 33 Aboriginal Community Controlled Organisations (ACCOs) in Victoria. The role of VACCHO is to build the capacity of its Membership and to advocate for issues on behalf of the Victorian Aboriginal community.

Capacity is built amongst Members through strengthening support networks, increasing workforce development opportunities and through leadership on health and wellbeing. Advocacy is carried out with a range of private, community and government agencies, at state and national levels, on all issues related to Aboriginal and Torres Strait Islander health.

Nationally, VACCHO represents the Community-controlled health and wellbeing sector through its affiliation and membership on the board of the National Aboriginal Community Controlled Health Organisation (NACCHO). State and Federal Governments formally recognise VACCHO as Victoria's peak representative organisation on Aboriginal and Torres Strait Islander health. VACCHO's vision is that Aboriginal and Torres Strait Islander people will have a high quality of health and wellbeing, enabling individuals and communities to reach their full potential in life. This will be achieved through the process of Community control.

Note on Language

The term Aboriginal includes all Aboriginal people living in Victoria. The terms 'Community' or 'Communities' in this document refers to all Aboriginal and/or Torres Strait Islander communities across Australia, representing a wide diversity of cultures, traditions, and experiences. Community is always capitalised unless it has the word Aboriginal in front of it or if it's referencing a non-Aboriginal community.

Executive Summary

The Victorian Aboriginal Community Controlled Health Organisation (VACCHO) welcomes the opportunity to submit evidence to the Yoorrook Justice Commission's inquiry into Political Life. VACCHO recognises the political determinants of health and wellbeing, especially the impact that self-determination can have at the individual and systemic levels. We get the best outcomes when Aboriginal health is in Aboriginal hands.

Aboriginal and Torres Strait Islander peoples were never considered during the development of the current political systems, nor did we consent to them. Aboriginal and Torres Strait Islander peoples were only invited to participate in these systems centuries after they were established and even then with minimal access to power and representation.

The VACCHO submission focuses on the following themes:


- The current political structure and mechanisms for political representation within Victoria and Aboriginal Victoria's absence from political life
- Opportunities for and barriers to Aboriginal engagement with political parties and Parliament within Victoria with a particular focus on:
 - The political influence on social and emotional wellbeing of First Peoples
 - Lack of resources as a barrier to accessing the political system
- VACCHO's experience and progress in political advocacy including our experience engaging in Victorians Governance Forums and key barriers to self-determination such as the convention of Cabinet-in-confidence

VACCHO would like to also endorse the recommendations put forward by the First Peoples' Assembly.

Additionally, VACCHO would like to reiterate its commitment to the recommendations set out in the joint study between Lowitja Institute and VACCHO – *Victorian Aboriginal Authority: an initial feasibility study for discussion*.

Should you wish to discuss this submission further, please contact Gordon Conochie, Executive Manager for Policy, via policy@vaccho.org.au.

Kind regards,


Dr Jill Gallagher AO (Hon LLD)

Chief Executive Officer

Victorian Aboriginal Community Controlled Health Organisation

Adequacy of current party and Parliamentary systems and processes for ensuring First Peoples' voices are appropriately represented and respected within Parliament.

The current political system was created by and for the white settler state and is marked by a history of both political exclusion and refusal of Aboriginal and Torres Strait Islander recognition. Currently, the system does not adequately value nor recognise First Peoples voices and up until recently, First Peoples have been excluded entirely from political, economic and indeed broader societal participation. Upon British invasion/colonisation in 1788 through to 1901, Australia was a collection of colonies set up and ruled by the British government. It was during this period that the constitutions of Victoria and Australia, which structure political life, were drafted and enacted, with not one Aboriginal or Torres Strait Islander person involved.

Victoria was established in 1851 and its constitution completely excluded Aboriginal people, Country and Culture. Millennia of Aboriginal lore and custodianship was replaced by a constitution which stated that the laws of England were now to be applied as the laws of Victoria. This section still remains in Victoria's constitution, and the laws of England have been used in Victoria and nationwide to deny Aboriginal and Torres Strait Islander property rights. It wasn't until 1992 that the British founding principle of *terra nullius*, which was utilised to justify the claim to all property rights by Britain, was overturned¹.

Such was the subservience to the British Crown, Victoria's Constitution was actually an Act of the British Parliament and remained so until 1975, which meant that the British Parliament could have amended Victoria's Constitution at any time. Aboriginal people in Victoria were excluded from the political system whereas British people had the power to control.

When federation occurred in 1901, Aboriginal and Torres Strait Islander people Australia-wide were purposefully left out of discussions around Australia's

¹ [The Mabo decision – Parliament of Australia \(aph.gov.au\)](http://aph.gov.au)

VACCHO Political Life Submission

constitution². This new constitution explicitly excluded Aboriginal people³ because the drafters knew that if Aboriginal people were to be counted, the number of representatives states would have in the Australian Parliament would have to reflect this. The 1967 referendum changed Australia's Constitution to include Aboriginal and Torres Strait Islander Peoples in the census and give the Commonwealth power to make laws for First Peoples⁴, but the structure of political life is still determined by the 1901 Constitution which has changed very little since.

The 2023 referendum on the Voice has been the only attempt to fundamentally rebalance the political structure to include Aboriginal and Torres Strait Islander people across the Nation. The Victorian Constitution has been changed to recognise Victoria's Aboriginal people as the original custodians of the land but the same section advises that there is no legal right arising from this. The recognition is tokenistic only⁵.

Aboriginal and Torres Strait Islander people were never considered during the development of the current political systems, nor did we consent to them. Aboriginal and Torres Strait Islander people have only been invited to participate in them after they have been established and even then that participation has been with minimal access to power and representation.

The United Nations Declaration of the Rights of First Peoples sets out a universal framework of minimum standards for the survival, dignity and well-being of Indigenous peoples.⁶ Article 18 is of particular significance as it states that:

"Indigenous peoples have the right to participate in decision-making matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions."

Aboriginal and Torres Strait Islander people in Victoria and Australia do not have the right to participate through representatives chosen by themselves. The geographic representation that electoral systems in Victoria and Australia are based upon mean that Aboriginal and Torres Strait Islander people are

² [About Constitutional Recognition | Australian Human Rights Commission](#)

³ [About Constitutional Recognition | Australian Human Rights Commission](#)

⁴ <https://aiatsis.gov.au/explore/1967-referendum>

⁵ Section 1A, the Constitution Act 1975.

<https://content.legislation.vic.gov.au/sites/default/files/2022-03/75-8750aa224%20authorised.pdf>

⁶ [UN Declaration on the Rights of Indigenous Peoples | Australian Human Rights Commission](#)

VACCHO Political Life Submission

represented by people chosen by non-Aboriginal and Torres Strait Islander people. In Victoria, Aboriginal and Torres Strait Islander people make up 1% of the population and are a tiny minority in every electorate.

Members of Parliament have a primary duty to represent their electorate, and the conventions of party politics means that MPs combine that with representing their parties. Even if there is an Aboriginal and/or Torres Strait Islander MP, that MP was not chosen by Aboriginal and Torres Strait Islander people and cannot, as a function of the political system, represent Aboriginal and Torres Strait Islander people. Therefore, even on matters directly relating to our rights, Aboriginal and Torres Strait Islander people in Victoria cannot participate through representatives chosen by themselves.

The second part of Article 18 states that Aboriginal and Torres Strait Islander people should be able to develop our own decision-making institutions. It should be recognised that while the First Peoples' Assembly of Victoria has been established, its remit is limited to the treaty process. Aboriginal Community Controlled Organisations enable local communities to make decisions regarding the provision of certain services, but the scope of ACCOs do not extend into political life. It is imperative that Aboriginal and Torres Strait Islander people in Victoria are enabled to establish our own institutions that can make decisions on matters relating to us.

The inadequacy of electoral systems and political structures at the Victorian level are replicated at local government level meaning Aboriginal and Torres Strait Islander people and Traditional Owner groups are not able to participate in decision making through representatives chosen by them.

The democratic system in Australia is structured so that representatives are held to account by voters through elections. The low number of Aboriginal and Torres Strait Islander people in electorates mean that Aboriginal and Torres Strait Islanders do not have the power to hold representatives to account, and it also makes it easy for representatives to ignore the particular interests and views that Aboriginal and Torres Strait Islander people may have. The current political structure does not make it possible for Aboriginal and Torres Strait Islander people to hold representatives accountable through elections.

A recent joint study between VACCHO and The Lowitja Institute revealed that there is a failure in Victoria with regards to holding public bodies to account for achieving outcomes for Aboriginal people when funded or mandated to do so.⁷

⁷ [Victorian-Aboriginal-Authority An-Initial-Feasibility-study Final.pdf \(lowitja.org.au\)](#)

VACCHO Political Life Submission

Aboriginal stakeholders participating in the study were asked to share their views on how existing mechanisms were supporting transparency and oversight of the way governments design, deliver and monitor programs. Many stakeholders believed a lack of government accountability was shown in:

- the lack of equity in funding distribution,
- a lack of recognition for the role of the Aboriginal community-controlled sector in the way programs are funded, monitored and evaluated
- the short-term nature of funding
- a lack of cultural safety in mainstream organisations funded by government which are not contributing as they should to improving outcomes for Aboriginal people.

We have attached the full report as an addendum to this submission.

Opportunities for and barriers to First Peoples' engagement with political parties and Parliament within Victoria.

The political influence on social and emotional wellbeing of First Peoples

VACCHO's Balit Durn Durn Centre SEWB model (figure 1) represents holistic healing and includes protective factors that support good health and wellbeing for Aboriginal peoples and Communities. These include connection to body, mind and emotions, family and kinship, Community, culture, Country, spirit, spirituality, and ancestors. Importantly, the outer wheel speaks to how these factors interact with social, historical, and political determinants of health and wellbeing, and the importance of each element in keeping well.

VACCHO Political Life Submission

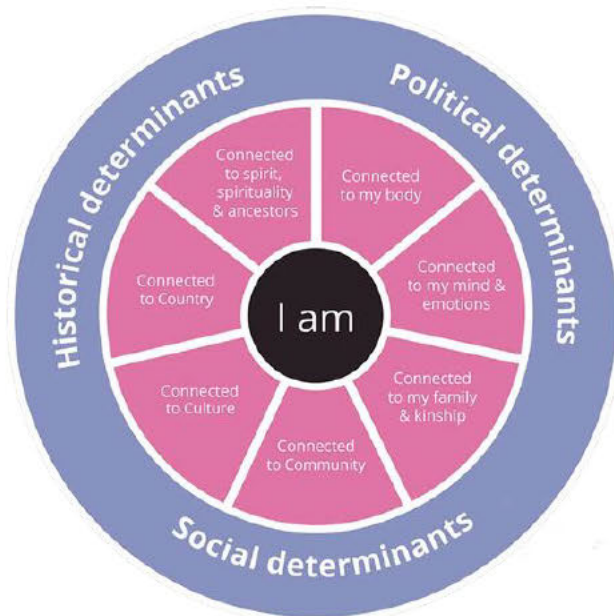


Figure 1. Aboriginal social and emotional wellbeing model ('SEWB wheel') adapted by the Balit Durn Durn Centre from Gee, Dudgeon, Shultz, Hart and Kelly, 2013.

VACCHO recognises the political determinants of health and wellbeing to include factors such as:

- the unresolved issues of land rights,
- control of resources, cultural security
- the rights of self-determination and sovereignty.

These political determinants affect the wellbeing of Aboriginal people at the individual and Community level. Unresolved issues of land rights continue to have detrimental impacts on First Peoples ability to fulfil their cultural rights and responsibilities and connect with Country. Connection to Country and to land is essential for Aboriginal people's health and wellbeing. For Aboriginal and Torres Strait Islander people, land is a living breathing entity and is deeply tied to cultural connection. Disconnection from Country and the subsequent inability to practice culture and custom can be extremely harmful for the health and wellbeing of First Peoples, both physically, mentally and spiritually.

The limitations and difficulties of the native title system mean that Aboriginal and Torres Strait Islander people do not have control of resources, further hampered by historic and current socioeconomic exclusion. Added to this are the barriers placed to restrict self-determination and contest the sovereignty of Aboriginal and Torres Strait Islander people.

VACCHO Political Life Submission

The social and emotional wellbeing impact of ongoing advocacy and struggle for rights and recognition should not be underestimated. The advocacy of our Elders has been relentless, but it is not tireless; it is the opposite and has significant effects on the wellbeing of our people.

Since colonisation, there has been a long history of Aboriginal political resistance and campaigning for equal rights and recognition within Victoria:

- 1834 – Victoria’s first permanent European settlement is established at Portland Bay
- 1835 – John Batman signs two treaties with the local Traditional Owner Group. This is soon after declared invalid by the Proclamation of Governor Bourke of New South Wales who declared the British Crown owned the entire land of Australia⁸.
- 1876–Coranderrk protests/petition: William Barak, Thomas Bamfield, Robert Wandin and others led many delegations along the 67-kilometre walk from Coranderrk to Melbourne to deliver written petitions and to talk to politicians and officials in response to deteriorating living conditions at Coranderrk⁹.
- 1881–Maloga petition sought freedoms from missionary control with a group of residents from the Maloga mission calling on the government to grant them their own parcel of land¹⁰.
- 1933–William Cooper starts collecting signatures for a petition to the King of England demanding representation for Aboriginal people in the Commonwealth Parliament¹¹.
- 1937–William Cooper presents his petition to the federal government–this petition was not passed on at the time and only reached England in 2014.¹²

⁸ [Pastoral ponderings and settler politics: how a colonial judge and poet wrote terra nullius into law \(theconversation.com\)](https://theconversation.com/pastoral-ponderings-and-settler-politics-how-a-colonial-judge-and-poet-wrote-terra-nullius-into-law-2014-08)

⁹ [Coranderrk | National Museum of Australia \(nma.gov.au\)](https://nma.gov.au/coranderrk)

¹⁰ [The 1881 Maloga petition: a call for self-determination and a key moment on the path to the Voice \(theconversation.com\)](https://theconversation.com/the-1881-maloga-petition-a-call-for-self-determination-and-a-key-moment-on-the-path-to-the-voice-2014-08)

¹¹ [The 1938 Day of Mourning | AIATSIS corporate website](https://www.aiatsis.gov.au/1938-day-of-mourning)

¹² [The 1938 Day of Mourning | AIATSIS corporate website](https://www.aiatsis.gov.au/1938-day-of-mourning)

VACCHO Political Life Submission

- 1938–William Cooper alongside other Aboriginal activists organised the Day of Mourning as a response to celebration of the 150th anniversary of the British arrival in Australia¹³
- 1939–Cummeragunja Walk-Off
- 1957–founding of the Victorian Aborigines Advancement League (later to become the Aboriginal Advancement League).
- 1973–VALS and VAHS both established
- 1985–landmark reburial of Ancestral Remains in Melbourne’s Kings Domain Garden
- 1989 – ATSIC established, this was then abolished in 2004 under the Howard government
- 2009–National Congress of Australia’s First Peoples established (ceased operating 2019 due to defunding)
- 2016–2019–Victorian Treaty proposal and creation of the First Peoples Assembly
- 2023–National Voice Referendum
- 2024–Victoria State-wide Treaty negotiations begin

The toll on Aboriginal and Torres Strait Islander people’s social and emotional wellbeing is exacerbated by the racism that we experience when advocating for our rights. During the campaign for the Voice referendum, our Chief Executive received hate mail that called her a “f***ing coon idiot” and a “black c***”. The people who hurl such abuse are not at the extremes of society, when giving a speech at a local branch of a political party that supported the Voice, our Chief Executive was accused of instigating “apartheid” by one of the party members.

The abuse worsened after the referendum was held with some of our ACCO Members receiving abusive phone calls and their signs and buildings being graffitied. Community members advised us they became scared to wear clothes that would identify them as Aboriginal because of the abuse they would receive in public.

¹³ [The 1938 Day of Mourning | AIATSIS corporate website](#)

VACCHO Political Life Submission

During the referendum campaign, our videos would often feature our own staff, many of whom are in their twenties, talking about why they supported the Voice. The level of abuse, in some instances, became overwhelming and required us to turn off the ability for people to make comments. This abuse has continued through to the present day with many people making racist abusive comments on videos we posted to celebrate NAIDOC. Comments likened us to apes and faeces, made graphically sexual references, questioned staff's Aboriginality, called Aboriginal people "parasites" and "animals", and accused all Aboriginal people of being "crackheads" and "leeching off" Australia.

Abuse received online can have the same effect as that received in person. Our staff should not be subjected to this for talking about the Country they come from and celebrating their Culture. It is understandable that there will be some Aboriginal and Torres Strait Islander people who do not want to subject themselves to this abuse, and therefore refrain from getting involved in politics and advocacy, denying their right to participate.

Exacerbating this emotional and spiritual disempowerment is the lack of self-determination to design policies, initiatives and decisions for our Community. When it comes to the poor health and wellbeing of Aboriginal and Torres Strait Islander people, this is deeply interconnected with the lack of decision-making power Aboriginal and Torres Strait Islander people currently hold. Aboriginal and Torres Strait Islander people lack the control of resources to fix the societal issues which continue to deeply impact Community. Despite Victoria's commitment to Closing the Gap, and attempts to develop strategies which align with self-determination, there is still significant action needed to share decision-making power with Community.

While in recent years, there has been a rise in a government rhetoric of self-determination, there still exists a deep-rooted idea that governments know best when it comes to Aboriginal and Torres Strait Islander people. It's this colonial mindset which has impacted and led to the consistent failure of Closing the Gap. The Review of the National Agreement on Closing the Gap, underscores this failure and cements the importance of needing to prioritise having Aboriginal health in Aboriginal hands¹⁴.

¹⁴ [Volume 1 - Study report - Review of the National Agreement on Closing the Gap \(pc.gov.au\)](https://www.pc.gov.au/review/2021/national-agreement-on-closing-the-gap)

VACCHO Political Life Submission

The review's assessment has illustrated that progress on the Priority Reforms has been "slow, uncoordinated and piecemeal"¹⁵. Of particular concern to VACCHO is the government's failure to empower ACCO's adequately - hindering their capacity to bring about change and address community needs as well as the continued undervaluation of this critical role. We know that when Aboriginal Communities are empowered to be in the driver's seat, actively involved in having a say over policies and service delivery down to a local level, excellent health and wellbeing outcomes can be achieved.

Lack of resources as a barrier to accessing the political system

Victoria and Australia more broadly has a party and political system which normalises a level of buying political access and influence. In recent times, political donations have come under increasing scrutiny at both a Commonwealth and state and territory level. There exist growing concerns around the potential for political funding to undermine principles of accountability and acting in the public interests, particularly the risk large donations from private interests pose in terms of 'corruption through undue influence.' A 2017 inquiry into the Political Influence of Donations found that many participants of the inquiry expressed concerns that the 'existing political funding and disclosure scheme does not effectively achieve the aim of preventing corruption and consequently, undermines the democratic process.'¹⁶

Nonetheless, the party political system as it currently exists relies upon a level of political donations as a key facet of its functioning. The Aboriginal Community and the Aboriginal Community Controlled Sector in Victoria do not have the resources to access and influence party politics and political decision making in ways that other groups and sectors do, including corporate sectors such as mining and banking, or trade unions. The Aboriginal Community, historically and currently denied economic wealth, does not have the financial resources to be an influential group and it would be improper to use funds intended for the Community in such ways. Furthermore, the Aboriginal leaders are often performing multiple roles within their Community making it difficult to devote time to influence politics, especially when it is a system that has historically been unwelcome to them.

¹⁵ [Study Report - Closing the Gap review - Productivity Commission \(pc.gov.au\)](https://www.pc.gov.au/reports/indigenous-gap-reports/2017)

¹⁶ [Chapter 3 - Parliament of Australia \(aph.gov.au\)](https://www.aph.gov.au/DocumentDownload.aspx?docId=39282)

VACCHO's experience and progress in political advocacy

In lieu of substantial reform to enable Aboriginal and Torres Strait Islander people to experience self-determination and be involved in political decision making for issues that affect them, the Victorian Government has established multiple governance and 'partnership' forums to engage the Aboriginal Community in decision making, with the Aboriginal Justice Forum being the first and longest running. Other government departments, like the Department of Health and the Department of Families, Fairness and Housing, have now established their own forums in an attempt to agree on priorities and share decision making.

These forums do not allow shared decision-making at the political level, however. They are in practice, engagement forums only. Official Agreements and Action Plans can be developed in collaboration between the government department and Aboriginal Community, but the Aboriginal Community is not able to view the final versions of these documents submitted to the Victorian Cabinet, due to conventions around Cabinet-in-confidence. This meant that in terms of the Aboriginal Health and Wellbeing Partnership Forum, co-chaired by the Chairperson of VACCHO Board and the Minister for Health, one of the co-chairs was not able to know the version of the Agreement and Action Plan that was to be considered by Cabinet. There cannot be shared decision-making when one party cannot even see what the other is deliberating in addition to being excluded from the room at the same time as that deliberation.

The convention of Cabinet-in-confidence also restricts the Aboriginal Community's involvement in the Victorian budget process. Despite the Department of Health stating that the Aboriginal Health and Wellbeing Partnership Forum is the authority on what bids the Department should submit, the Forum and its secretariat, VACCHO, was unable to know the details of what bids were submitted. Ultimately the power to decide which bids progress to the Minister rests with the Department, and then the Minister can decide which ones the Minister proposes.

VACCHO was unable to know the details of bids even when the bid stated that VACCHO would be responsible for delivering the project. This resulted in VACCHO being named in the budget to deliver projects without knowing details of funding and expectations. The Aboriginal Community should not be treated as a mere stakeholder on issues affecting us but a rights-holder and decision-maker.

VACCHO Political Life Submission

These are examples of the Government deciding what the Aboriginal Community should do without fully sharing decision making, and certainly not enabling self-determination. The convention of Cabinet-in-confidence maintains a power imbalance against the Aboriginal Community and is a major barrier to self-determination.

Furthermore, there is also often a lack of government accountability embedded within these forum structures. Despite many official agreements, commitments, cabinet endorsement and action plans, these are rarely binding or funded agreements. Too often Government agree to these knowing that it will not fund the implementation, which indicates that these are being made in bad faith. The requirement to bid for money through the budget process to agreements and actions plans, often cabinet endorsed already, adds administrative and financial burdens on the Aboriginal sector and means that actions are often only partially funded if there is a successful budget bid, or not funded at all. This results in a continual cycle of inaction and puts the burden on Aboriginal people to continue having to advocate to have these commitments honoured.

Participating in these forums also requires significant resources in terms of time and staffing to be expended by Aboriginal organisations. VACCHO, for example, attends seven different Victorian forums which each have caucus meetings of Aboriginal organisations attached to them. Each forum and caucus meet multiple times a year and mostly for multiple days. With seven forums and accompanying caucuses, each meeting four times a year lasting two days, this equates to 112 working days and we have often have two people attending, totalling 224 working days just to attend forums and caucuses that have agreements and action plans that the government doesn't commit to fully funding.

Where actions are being implemented, there are often working groups to drive and oversee this. For example, the Justice Forum currently has eleven active working groups meeting regularly which VACCHO participates in. These add even more burden on human resources, especially for smaller ACCOs.

This also does not capture ad-hoc departmental and government working groups, consultations and project groups- and does not include Commonwealth and statutory advisory body demands that fall on top of the Victorian Governments 'partnership' forums.

Aboriginal organisations participate in these because they are our only mechanism to be involved in decision making but we are under-resourced to do so, with many fewer resources than government has to participate. Generally, we do not receive funding to participate.

VACCHO Political Life Submission

Furthermore, the forums' scope of decision making is bureaucratic rather than political. They are mechanisms established by government and contain a power imbalance whereby they operate because the government wants them to, rather than being decision making bodies with resources that are self-determined by the Aboriginal Community.

Suggested systemic changes or recommendations needed to ensure representation of First Peoples within political parties and Parliament.

The UN Declaration on the Rights of Indigenous Peoples, which Australia has formally endorsed, should form the basis for systemic change. The Victorian Government should adapt existing legislation and pass new legislation where required to incorporate UNDRIP into Victoria's laws. We have already referenced Article 18 and there is further direction in Article 4:

"Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions."

VACCHO strongly supports the work of the First Peoples Assembly of Victoria and the State of Victoria in the current progress towards Treaty. The Treaty Negotiation Framework recognises that Aboriginal sovereignty has never been ceded¹⁷, which is a monumental step forward in re-setting the relationship between Victorian Aboriginal people and the State of Victoria, allowing the two sovereignties to peacefully co-exist within Victoria. A Treaty will shift Aboriginal and Torres Strait Islander people from being stakeholders to rights-holders and decision makers.

An Aboriginal decision-making body:

As being proposed by the First Peoples' Assembly, VACCHO supports the establishment of a permanent Aboriginal representative body with decision making powers and an ability to advise the Victorian Parliament and Government.

¹⁷ [Treaty Negotiation Framework | firstpeoplesrelations.vic.gov.au](https://firstpeoplesrelations.vic.gov.au)

VACCHO Political Life Submission

This Aboriginal representative body should be resourced to perform its functions of decision making and providing advice, and importantly ensuring the Aboriginal Community can participate in the body to ensure the body can represent Community.

The Aboriginal representative body should have the powers to be included in governing structures of Victoria, such as the Victorian Cabinet and parliamentary committees. There should be an approach to embed Aboriginal decision makers at all levels of political decision making and policy making. For instance, this could include Traditional Owner groups being represented on local councils.

In the health sector, the Aboriginal representative body should have the powers to appoint at least one member to the boards of public health services. Currently, all members are appointed by the Governor on recommendation from the Minister for Health. The Aboriginal representative body could also be involved in deciding funding of Aboriginal health programs, a power which is currently held by the Secretary of Health. Such powers could be extended to other sectors such as planning, with the Aboriginal representative body having the power to appoint a member to the Victorian Planning Authority, planning panels and VCAT.

Accountability body:

The Lowitja Institute and VACCHO co-produced a paper in 2023 setting out the case for an Accountability body in Victoria, its potential role and structure.

Victorian Aboriginal Authority: an initial feasibility study for discussion reveals that there is a clear accountability gap in Victoria¹⁸. This points to a role for a permanent, dedicated Aboriginal-led entity with independent power, designed to:

- improve the responsiveness and impact of Government policies, programs and services that affect the needs and safety of Aboriginal peoples;
- enhance Government accountability for the effective design, delivery and monitoring of commitments to Aboriginal peoples; and
- meet existing Government commitments to increase accountability in supporting improved outcomes for Aboriginal people in Victoria¹⁹.

To fulfill this purpose the study proposes the Authority should be

¹⁸ https://www.lowitja.org.au/wp-content/uploads/2023/10/Victorian-Aboriginal-Authority_An-Initial-Feasibility-study_Final.pdf

¹⁹ <https://www.vaccho.org.au/2024/02/07/lowitja-institute-vaccho-study-unveils-aboriginal-led-accountability-body-as-solution-to-closing-the-gap/>

VACCHO Political Life Submission

permanent, Aboriginal-led and independent of government. Importantly, this proposal shouldn't take the place of or duplicate existing Aboriginal led and controlled political initiatives or structures. Rather, each of these initiatives should be coupled with a strong oversight and accountability mechanism which the Authority proposal would provide.

Conclusion

This submission has attempted to highlight the development of current political systems within Victoria and Australia more broadly and the way in which Aboriginal people have been both absent from their creation, nor have we ever consented to them. This has occurred on the historical justification that Aboriginal peoples were neither equal citizens nor recognised as sovereign peoples.

Aboriginal Victorians have fought since colonisation for a seat at the table to participate within the political system and have control over our own affairs in our own Country. Whilst we have come some ways way in this regard, we still have minimal political representation and access to decision making power.

Key barriers to obtaining proper self-determination continue to be maintained while the Victorian Government continues to develop false 'partnership' forums and principal of cabinet-in-confidence restricts consultation, oversight and self-determination of Aboriginal-led work. Self-determination has an enormous impact on both individual and systemic levels and we know its well established that we get the best outcomes for Aboriginal people when decision making power is in Aboriginal hands.

As Victoria embarks on a historic journey towards Treaty/ies, VACCHO endorses the First Peoples Assembly proposal to establish permanent Aboriginal representative body with decision making powers. Additionally, VACCHO calls on Yoorrook to support the creation of accountability body to hold government accountable and ensure self-determination is being practiced and protected.

References

Atkinson, W (2000), *Koori Cultural Heritage & the Struggle for Ownership and Control*, University of Melbourne, Victoria, Australia. [Microsoft Word – Koori Cultural Heritage.doc \(wordpress.com\)](#)

Australian Human Rights Commission, *UN Declaration on the Rights of Indigenous Peoples*, accessed 22 July 2024. [UN Declaration on the Rights of Indigenous Peoples | Australian Human Rights Commission](#)

Australian Human Rights Commission, *About Constitutional Recognition*, accessed 22 July 2024. [About Constitutional Recognition | Australian Human Rights Commission](#)

AIATSIS, *The 1967 Referendum*, accessed 24 July. [The 1967 Referendum | AIATSIS corporate website](#)

AIATSIS, *The 1938 Day of Mourning*, accessed 9 August 2024. [The 1938 Day of Mourning | AIATSIS corporate website](#)

Australian Human Rights Commission, *Indigenous Rights & the Voice*, accessed 21 July 2024. [Indigenous Rights & the Voice | Australian Human Rights Commission](#)

Constitution Act 1975 (Cth)

Faulkard, S and Berg, J (2022), *The Power and the Passion: Our Ancestors Return Home*, Museums Victoria, Australia.

First Peoples-State Relations (2022), *Treaty Negotiation Framework*, accessed 25 July 2024. [Treaty Negotiation Framework | firstpeoplesrelations.vic.gov.au](#)

Gee, G, Dudgeon, P, Schultz, C, Hart, A & Kelly, K 2014, Aboriginal and Torres Strait Islander Social and Emotional Wellbeing. in P Dudgeon, H Milroy & R Walker (eds), *Working Together: Aboriginal and Torres Strait Islander Mental Health and Wellbeing Principles and Practice*. 2nd edn, Commonwealth Government of Australia, Canberra, pp. 55-58.

<https://www.telethonkids.org.au/globalassets/media/documents/aboriginal-health/working-together-second-edition/wt-part-1-chapt-4-final.pdf>

Haughton, J (2023). *Former Aboriginal and Torres Strait Islander Australian Government representative advisory bodies: a quick guide*, Parliament of Australia, accessed 24 July 2024. [Former Aboriginal and Torres Strait Islander Australian](#)

VACCHO Political Life Submission

[Government representative and advisory bodies: a quick guide – Parliament of Australia \(aph.gov.au\)](#)

Lowitja and VACCHO (2023) *Victorian Aboriginal Authority: an initial feasibility study*, accessed 5 August 2024. [Victorian-Aboriginal-Authority_An-Initial-Feasibility-study_Final.pdf \(lowitja.org.au\)](#)

National Museum Australia, *Coranderrk-defining moments*, accessed 9 August 2024. [Coranderrk | National Museum of Australia \(nma.gov.au\)](#)

Parliament of Australia (2023), *Indigenous and minority representation worldwide*, Parliament of Australia, accessed 22 July 2024. [Indigenous and minority representation worldwide – Parliament of Australia \(aph.gov.au\)](#)

Parliament of Australia, *The Mabo decision, Stories and Histories* (Parliament of Australia), accessed 23 July 2024. [The Mabo decision – Parliament of Australia \(aph.gov.au\)](#)

Productivity Commission (2024) *Review of the National Agreement on Closing the Gap*, Australian Government, accessed 21 July 2024. [Study Report – Closing the Gap review – Productivity Commission \(pc.gov.au\)](#)

Select Committee into the political influence of donations (2018), *Political Influence of Donations*, Parliament of Australia, accessed 21 July 2024. [Political Influence of Donations – Parliament of Australia \(aph.gov.au\)](#)

The Conversation (2023), *Pastoral ponderings and settler politics: how a colonial judge and poet wrote terra nullius into law*, accessed 9 August 2024. [Pastoral ponderings and settler politics: how a colonial judge and poet wrote terra nullius into law \(theconversation.com\)](#)

The Conversation (2023), *The 1881 Maloga petition: a call for self-determination and a key moment on the path to the Voice*, accessed 9 August 2024. [The 1881 Maloga petition: a call for self-determination and a key moment on the path to the Voice \(theconversation.com\)](#)

VACCHO (7 February 2024), *Lowitja Institute / VACCHO Study Unveils Aboriginal-led Accountability Body As Solution To Closing The Gap*, VACCHO, accessed 1 August 2024.

VACCHO Political Life Submission