

6.4 WELCOMING THE YOO-RROOK JUSTICE COMMISSION

Submitting Councillor: Josh Fergeus

MOTION

That Council:

- 1. Notes the announcement this month of the Yoo-rrook Justice Commission, which will examine the lasting effects of colonisation on social, economic and health outcomes for First Nations people;*
- 2. Publicly expresses its support for the establishment of the Commission, and for the Uluru Statement from the Heart which preceded it;*
- 3. Acknowledge that First Nations people never ceded sovereignty of their lands and have continuously cared for their country for over 60,000 years, as the world's oldest living culture;*
- 4. Notes that the first Day of Mourning was held on January 26 1938, being the 150th anniversary of the British invasion, attended by First Nations people and non-indigenous supporters in protest of the national holiday and the treatment of First Nations people;*
- 5. Lowers the Aboriginal and Torres Strait Islander flags to half-mast each year on January 26 to acknowledge the pain and suffering experience by First Nations people, befitting a day of grief and remembrance;*
- 6. To contribute to Makarrata, truth-telling, justice and reconciliation, commits to hosting a dawn service on January 26 from the year 2022 onwards, acknowledging the loss of culture, language and identity felt by many First Nations people on January 26;*
- 7. Commits to talking with our community and improving their understanding of First Nations issues, as well as strengthening our understanding of community views on these issues.*

YOO-RROOK JUSTICE COMMISSION

On the 9th of March 2021, Premier Daniel Andrews made the following announcement, marking the establishment of the Yoo-rrook Justice Commission:

“Today has been owed for 233 years.
233 years of violence, dispossession and deprivation. 233 years of deliberate silence.

Today we commit to telling the truth.
We do so for the kids who never came home – and those who are still finding their way back.

For those who were told they were not allowed to speak their own language, practice their own culture, know their own identity.

For the families who lost loved ones in the massacres.

For those who were made to feel like they didn't belong to their own country. And for those who still feel this way.

Today we commit to telling their truth.

We do so in partnership – a shared commitment between the Victorian Government and the First Peoples' Assembly of Victoria, the state's first and only democratically-elected body for Aboriginal people.

Named after the Wemba Wemba/Wamba Wamba word for 'truth', the Yoo-rook Justice Commission will formally begin its work in the coming months.

Held independently from Government, and afforded the full power of a Royal Commission, it will mark the beginning of a conversation long overdue, and a commitment to change.

It will compel us to confront what's come before. To acknowledge that the pain in our past lives on in our present.

And to recognise that without truth, without justice, there can be no Treaty.

Because, 233 years on, Aboriginal Victorians continue to experience outcomes far worse than non-Aboriginal Victorians.

It's why the Yoo-rook Justice Commission will investigate both historical and ongoing injustices committed against Aboriginal Victorians, across all areas of social, political, cultural and economic life

With the establishment of the Commission, Victoria will be the first and only jurisdiction in our nation to institute a formal truth-telling forum.

We make this point, not out of pride, but with purpose:

As a state, as a nation, we must do better.

That means not only hearing Aboriginal voices – but actually listening to them. And taking meaningful action in order to achieve real and lasting change.

Victoria's truth-telling Commission will be led by experts and held in partnership with community.

But its work will be for all of us.

Because only by reconciling with our past can we reach for a fairer, more just future – for all Victorians.”

JANUARY 26

Celebrations held on January 26 are known to have a negative impact on many Aboriginal and Torres Strait Islander peoples, who experience the day as a sad and painful day.

There is a visible groundswell of support for change, demonstrated by the tens of thousands of Victorians – Aboriginal and non-Aboriginal – who took to the streets each year on January 26.

Council has a responsibility to advocate on behalf of its community, as well as deliver a range of essential services. The Aboriginal and Torres Strait Islander community have clearly stated that January 26 celebrations have a significant negative impact on the health and wellbeing of many First Nations people. These are local issues as much as national issues. The way Council operates and how we celebrate have a significant negative impact on many local people.

While Australia has significant days which recognise Aboriginal and Torres Strait Islander culture, these days are not strictly days of celebration, neither are they exclusive. None of them are national holidays. These days are a celebration of the survival of Aboriginal culture within a framework of reflection, recognition and redressing the loss and dispossession of First Nations people. These days are inclusive of all Australians as they aim to build partnerships and alliances between First Nations people and all Australians who are committed to social justice.

ULURU STATEMENT FROM THE HEART

The Uluru Statement from the Heart is an invitation from First Nations to “walk with us in a movement of the Australian people for a better future”. It was issued to the Australian people in May 2017 following almost two years of work.

The Statement calls for structural reform including constitutional change. Structural reform means establishing a new relationship between First Nations and the Australian nation based on justice and self-determination where Indigenous cultures and peoples can flourish, and we all move forward.

The statement is included in full below.

“OUR ABORIGINAL AND TORRES STRAIT ISLANDER TRIBES WERE THE FIRST SOVEREIGN NATIONS OF THE AUSTRALIAN CONTINENT AND ITS ADJACENT ISLANDS, AND POSSESSED IT UNDER OUR OWN LAWS AND CUSTOMS. THIS OUR ANCESTORS DID, ACCORDING TO THE RECKONING OF OUR CULTURE, FROM THE CREATION, ACCORDING TO THE COMMON LAW FROM ‘TIME IMMEMORIAL’, AND ACCORDING TO SCIENCE MORE THAN 60,000 YEARS AGO.

THIS SOVEREIGNTY IS A SPIRITUAL NOTION: THE ANCESTRAL TIE BETWEEN THE LAND, OR ‘MOTHER NATURE’, AND THE ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES WHO WERE BORN THEREFROM, REMAIN ATTACHED THERETO, AND MUST ONE DAY RETURN THITHER TO BE UNITED WITH OUR ANCESTORS. THIS LINK IS THE BASIS OF THE OWNERSHIP OF THE SOIL, OR BETTER, OF SOVEREIGNTY. IT HAS NEVER BEEN CEDED OR EXTINGUISHED, AND CO-EXISTS WITH THE SOVEREIGNTY OF THE CROWN.

HOW COULD IT BE OTHERWISE? THAT PEOPLES POSSESSED A LAND FOR SIXTY MILLENNIA AND THIS SACRED LINK DISAPPEARS FROM WORLD HISTORY IN MERELY THE LAST TWO HUNDRED YEARS?

WITH SUBSTANTIVE CONSTITUTIONAL CHANGE AND STRUCTURAL REFORM, WE BELIEVE THIS ANCIENT SOVEREIGNTY CAN SHINE THROUGH AS A FULLER EXPRESSION OF AUSTRALIA’S NATIONHOOD.

PROPORTIONALLY, WE ARE THE MOST INCARCERATED PEOPLE ON THE PLANET. WE ARE NOT AN INNATELY CRIMINAL PEOPLE. OUR CHILDREN ARE ALIENED FROM THEIR FAMILIES AT UNPRECEDENTED RATES. THIS CANNOT BE BECAUSE WE HAVE NO LOVE FOR THEM. AND OUR YOUTH LANGUISH IN DETENTION IN OBSCENE NUMBERS. THEY SHOULD BE OUR HOPE FOR THE FUTURE.

THESE DIMENSIONS OF OUR CRISIS TELL PLAINLY THE STRUCTURAL NATURE OF OUR PROBLEM. THIS IS THE TORMENT OF OUR POWERLESSNESS.

WE SEEK CONSTITUTIONAL REFORMS TO EMPOWER OUR PEOPLE AND TAKE A RIGHTFUL PLACE IN OUR OWN COUNTRY. WHEN WE HAVE POWER OVER OUR DESTINY OUR CHILDREN WILL FLOURISH. THEY

WILL WALK IN TWO WORLDS AND THEIR CULTURE WILL BE A GIFT TO THEIR COUNTRY.

WE CALL FOR THE ESTABLISHMENT OF A FIRST NATIONS VOICE ENSHRINED IN THE CONSTITUTION.

MAKARRATA IS THE CULMINATION OF OUR AGENDA: THE COMING TOGETHER AFTER A STRUGGLE. IT CAPTURES OUR ASPIRATIONS FOR A FAIR AND TRUTHFUL RELATIONSHIP WITH THE PEOPLE OF AUSTRALIA AND A BETTER FUTURE FOR OUR CHILDREN BASED ON JUSTICE AND SELF-DETERMINATION.

WE SEEK A MAKARRATA COMMISSION TO SUPERVISE A PROCESS OF AGREEMENT-MAKING BETWEEN GOVERNMENTS AND FIRST NATIONS AND TRUTH-TELLING ABOUT OUR HISTORY.

IN 1967 WE WERE COUNTED, IN 2017 WE SEEK TO BE HEARD. WE LEAVE BASE CAMP AND START OUR TREK ACROSS THIS VAST COUNTRY. WE INVITE YOU TO WALK WITH US IN A MOVEMENT OF THE AUSTRALIAN PEOPLE FOR A BETTER FUTURE.¹

¹ <https://ulurustatement.org/the-statement>