Preamble

The First Peoples of Victoria are the traditional custodians of the lands currently known as the State of Victoria, over which sovereignty was never ceded. Their lived experiences of colonisation have included grave historic wrongs and past and ongoing injustices, intergenerational trauma, as well as resilience and survival of their living cultures and knowledge traditions.

The rights contained in the United Nations Declaration on the Rights of Indigenous Peoples, the International Covenants on Civil and Political and Economic, Social and Cultural Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention against Torture and Cruel, Inhuman and Degrading Treatment, the Convention on the Elimination of Racial Discrimination, the United National Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law; and the Updated Set of Principles for the protection and promotion of human rights through action to combat impunity, as well as other relevant international obligations, confirm the necessity of uncovering truth, providing justice and reparation, and preventing further harm.


Hearing First Peoples’ stories and acknowledging the truth about their experiences is essential for healing and justice for First Peoples. It will complement the advancement of Treaty or Treaties by building a new relationship with the State. Establishing a shared narrative that is founded on First Peoples’ voices will enrich the heritage of all Victorians to know their history.

The First Peoples of Victoria have resolved to work with the State of Victoria to establish an independent Truth and Justice Mechanism to examine the extent and ongoing impact of historical injustices against First Peoples of Victoria. The State of Victoria acknowledges both the continuing harms that arise from these historical injustices and the ongoing strength and resilience of First Nations peoples, and commits to working with the First Peoples of Victoria to address the systems and practices that perpetuate and entrench these harms.

Guiding Principles

The Truth and Justice Mechanism will be guided by the following principles in conducting its work and fulfilling its mission:

a. **Be community-driven and self-determining** by First Peoples of Victoria, as truth comes first from community;

b. **Be informed** by evidence and expertise:
   
   iii. First Peoples experience and community aspirations, and

   iv. International/comparative Truth-telling processes and transitional justice

c. **Give effect to the State’s obligations** to:

   i. The rights of First Peoples in accordance with the United Nations Declaration on the Rights of Indigenous Peoples, including their rights to truth, justice and an effective remedy for injustices perpetrated against First Peoples of Victoria, as well as rights contained in Victorian law and Aboriginal law;

   ii. Protecting the rights and interests of Victorians citizens established under any other process or law, including ongoing Traditional Owner Settlement Act 2010 or native title rights.

   iii. Ensuring that the process can promote and not infringe on the rights set out in the Charter of Human Rights and Responsibilities Act 2006.
d. Respect and uphold the sovereignty of First Peoples' knowledge and stories, including through adequate data protection;

e. Ensure adequate ethical protections to avoid causing new harm to victims and survivors;

f. Aim towards historic and inter-generational healing, while enabling all Victorians to understand and acknowledge their shared history and build foundations for new and positive relationships;

g. Be feasible, flexible, and timely, taking into account legitimate demands on government resources, and complement and inform Treaty-making processes already underway.

Objectives

The Mechanism must achieve the following objectives:

1. Establish an official public record of historic wrongs against First Peoples of Victoria, including serious human rights violations, which have occurred since the colonisation of the State of Victoria. The record should also include stories of resilience, strength and positive progress, and examine the links with ongoing injustices First Peoples face in Victoria, with a view to building a shared historical narrative between First Peoples and all citizens of Victoria.

2. Examine the root causes and consequences of historic wrongs and the role of state policies, laws, or relevant institutions, to identify who bears responsibility for the harm suffered;

3. Improve public understanding of both the individual and collective impact of historic wrongs, intergenerational trauma and cultural violations First Peoples continue to experience, as well as the diversity and resilience of First Nations cultures, knowledges, and traditional practices;

4. Provide a culturally appropriate and safe forum for First Peoples to exercise their rights to truth and justice with dignity, and demonstrate their cultural resilience and survival;

5. Build the foundations for a new relationship of truth and recognition between First Peoples and the State of Victoria, including through Treaty or Treaties, to prevent recurrence of violations and injustice.

Outcomes

The outcomes of the Mechanism will include:

1. Ensure public education about Victoria's colonial history informs future memorialisation and commemorative acts;

2. Encourage further reflection and Truth-telling to continue beyond the life of the Mechanism;

3. Identify specific measures and other concrete recommendations for government action on policy and system reform to provide effective redress for historical harms and ongoing injustice, including reparation.

Functions and powers

The Mechanism will undertake at least the following:

1. Community engagement strategies to ensure regular feedback and input from affected communities;

2. Inquiry and investigative functions including access to archives and relevant documentation;

3. Documentary research and analysis of existing literature;

4. Hearing and receiving testimony of affected persons and communities, including measures necessary for the privacy or protection of information and witnesses;

5. Healing or commemorative ceremonies as requested by affected communities;

6. Public educative events and media engagement;

7. Publication of an interim report and comprehensive final report;

In performing its functions, the Mechanism will:

1. Take account of feedback from community consultations conducted prior to the Mechanism’s establishment; and

2. Exercise all powers available under relevant laws which are necessary to fulfil its mandate

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