

## Appendix 1: Call for Public Submissions

*Victorian Implementation Review of the Recommendations from the Royal Commission into Aboriginal Deaths in Custody*

Final Report 1991

The Victorian Aboriginal Justice Forum, on behalf of the Victorian Government and the Victorian Koori community invites you to contribute to the Implementation Review of the Recommendations from the ***Royal Commission into Aboriginal Deaths in Custody Final Report (1991)***.

The Forum is the peak body overseeing the implementation of the **Victorian Aboriginal Justice Agreement**, established by the Bracks Government in June 2000. A key commitment in the Justice Agreement is the establishment of ongoing and rigorous monitoring of the implementation of the Royal Commission Recommendations across the Victorian government.

The 339 Recommendations contained in the Final Report were the result of the Royal Commission's investigation into the deaths in custody of 99 Indigenous Australians between January 1980 to May 1989. In its work, the Royal Commission found underlying issues to be associated with these deaths, including socio-economic, historical, cultural, as well as justice factors. It concluded that the high rate of Aboriginal deaths in prisons and police lock-ups stemmed from the general over-representation of Aboriginal people in contact with the criminal justice system - this over-representation is continuing nation-wide today.

Jointly leading the Implementation Review Team are prominent community members, Dr Joy Murphy and Dr Mark Rose. From February to June 2004, the Review Team is meeting with local Koori communities, State government departments, agencies and others to obtain their views.

A key task of the Review Team is to analyse the written responses received from government departments and agencies relating to their implementation of the Recommendations. To assist in consultation, a Discussion Paper has been prepared that includes background to the Review and issues to be considered during the consultations.

This Implementation Review is an opportunity for individuals and groups within the Koori community, as well as others, to be heard in relation to matters raised in the Discussion Paper and other issues relating to the Royal Commission. The Report of the Implementation Review will be tabled in Parliament.

The Discussion Paper is available on [www.justice.vic.gov.au](http://www.justice.vic.gov.au) (click on What's New) or from the Implementation Review Team (*Royal Commission into Aboriginal Deaths in Custody Final Report 1991*). A copy of the Royal Commission into Aboriginal Deaths in Custody (Final Report) is also available on CD ROM from the Review Team, or on [www.austlii.edu.au](http://www.austlii.edu.au) (click on Indigenous Resources). You may also wish to call 1800 013 143 for further information.

For the above documents and further information please contact the Implementation Review Team at:

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Melbourne, Vic. 3001  
Phone (03) 9651 7469 Fax (03) 9651 7477  
[antoinette.gentile@justice.vic.gov.au](mailto:antoinette.gentile@justice.vic.gov.au)

Written submissions should be sent to the Review Team by no later than 30 June 2004.

## Appendix 2: Chairperson's Biographies

**Joy Murphy** is a Senior Aboriginal Elder of the Wurundjeri people and is the proud mother of four adult children and very proud grandmother of four adored grandchildren.

In her role as an Elder, Joy has had the privilege to welcome many people to her Father's traditional country such as Mr Mohammed Ali and Ms Naomi Campbell (US), HRH Queen Elizabeth II, Duke of Edinburgh Prince Phillip, Princess Royal Anne, HRH Prince of Wales (UK), Mr Nelson Mandela (South Africa), President Xanana Gusmao (East Timor), Mrs Mary MacAleese (Ireland) and Dott. Alfonso Zardi, Cardinal Martini (Italy).

Joy has been involved with Aboriginal Issues for thirty years, has held executive positions across all sectors of Government and is currently a co-chair reviewing the Victorian Government on their implementation of the Recommendations from the Royal Commission into Aboriginal Deaths in Custody.

Joy is an honorary Professor at Swinburne University of Technology and currently holds the positions of Chair of the Centre for Indigenous Cultural Arts and Development at the Victorian College of the Arts, Board member of Fraynetwork Multimedia (Sisters of Mercy) and Co-Patron for Keeping Koori Kids in Catholic Education. Joy is also an Ambassador for BreastScreen Victoria, Australia Day Victoria and an Animis Ambassador for Zoos Victoria.

Joy has recently retired as a Commissioner of the Equal Opportunity Commission Victoria, Council Trustee of the National Gallery of Victoria, member of the Ethical Standards Committee, Victoria Police and member of the Equal Opportunity Tribunal.

Joy operates her own cultural consultancy business 'Jarlo Visions'.

**Mark Rose** (BA, DipT, MEd Admin, PhD) is a Gunditjmara man whose father is a member of the Stolen Generation.

He is a highly respected administrator, with a particular emphasis in the field of education. Of late Mark has lectured internationally for RMIT University in the field of postgraduate management education.

Mark's community contributions include membership of VAEAI, involvement in the VACSAL Leadership Program, Board Member – Indigenous Enterprise Partnerships (Cairns), Chairperson – First Australians Business, and participant in a range of task forces and national leadership programs.

Mark was appointed Assistant General Manager – Koorie Strategy Branch, Victorian Department of Education and Training in February 2005.

## Appendix 3: Major Phases of the Review

### 1. **Pre-consultation preparation and planning phase**

- Request for government self-assessment responses during 2003-04 about the implementation status of the Royal Commission's Recommendations;
- Analysis of previous implementation reports in Victoria and in other jurisdictions;
- Review of the relevant literature relating to the Royal Commission and its outcomes;
- Development of a consultation approach;
- Chairpersons met with key Government stakeholders including the Attorney-General, Minister for Aboriginal Affairs, Minister for Police and Emergency Services and the Secretary, Department of Justice;
- Chairpersons met with Aboriginal community leaders, the Regional Aboriginal Justice Advisory Committees (RAJAC) and wrote to Aboriginal community organisations informing them about the Review and inviting their participation;
- Meeting with key heads of Justice agencies including the Chief Commissioner, Victoria Police; the Correctional Services Commissioner; the State Coroner and the Chief Magistrate;
- Identification and collection of statistical and research information relevant to the Recommendations from available sources;
- Development and implementation of the Review's communications strategy; and
- Preparation and release of the Discussion Paper to assist the consultation process.

### 2. **Extensive community consultation phase**

- The Review Team, led by the Chairpersons, conducted extensive consultation with Indigenous communities, individuals, organisations and community groups at regional and metropolitan locations across Victoria, and included attending RAJAC meetings in each of the six regions;
- The Review Team, led by Chairpersons, visited police stations and prisons including those where Indigenous people had died in custody;
- The Review Team met with Indigenous people in custody in police cells, prisons and youth detention centres; attended hearings of the Koori Court in Shepparton and Broadmeadows, and visited Community Corrections Centres;
- Strategic directions workshop held to consider the priority to be given to Recommendations and their relevance in the changed environment;
- Chairpersons wrote to Departmental Secretaries, local councils and met with other key government agencies to clarify issues and sought further information for the Review process; and
- Two workshops held in April 2004 for representatives from Justice Portfolio agencies and for non-Justice Departments to discuss the Review and the assessment of implementation.

**3. Analysis of information collected and drafting of report phase**

- Analysis of information received from consultations – through the submission process, by telephone and through discussions, visits and community meetings across Victoria;
- Analysis of statistical and research information;
- Identification of 'best practice' examples from Victoria, interstate and internationally, relevant to the Review;
- Audit of the self-assessment responses, including information about participation of Indigenous people in the implementation of the Recommendations; and
- Preparation of the Implementation Review's draft Report for consideration by the Steering Committee, and related briefing processes, prior to tabling in Parliament.

## Appendix 4: Submissions and Correspondence Received

As a result of the Call for Written Submissions, there were a number of written submissions and correspondence received. The information provided has contributed to the evidence of the community responses and to the categories of Royal Commission's Recommendations.

An analysis of the issues covered in the submissions has been incorporated into the Review Report.

Date	Submission/ Correspondence	Individual/Group	Location
15 Mar 04	Correspondence	Mr Frank Guivarra, Chief Executive Officer Victorian Aboriginal Legal Service	Fitzroy
17 Mar 04	Correspondence	Ms Lynette Hayes & Ms Vera Briggs Chairpersons Victorian Indigenous Family Violence Local Action Group	Morwell & Gippsland
29 Mar 04	Submission	Ms Sandra Laudani	Bairnsdale
5 Apr 04	Correspondence	Mr Andrew & Ms Kaye McKnight	Swan Hill
8 Apr 04	Correspondence	State Coroner Victoria	Southbank
13 Apr 04	Submission	Indigenous Prisoners HM Prison Loddon	Castlemaine
13 Apr 04	Submission	Indigenous Prisoner Fulham Correctional Centre	Sale
11 May 04	Submission	Ms Vicky Walker Aboriginal Catholic Ministry	Thornbury
11 May 04	Submission	Ms Gloria Clark Community Correctional Services	Mildura
12 May 04	Submission	Ms Kaye Alberts	Warrnambool
19 May 04	Correspondence	The Church of Love of the Spiritual Knowledge and the Spiritual Wisdom of Love	Albert Park
23 May 04	Correspondence	Indigenous Prisoner HM Prison Ararat	Ararat
24 May 04	Correspondence	Ms Jan Consedine Director Community and Human Services Northern Grampians Shire Council	Stawell
24 May 04	Correspondence	Indigenous Prisoner HM Prison Ararat	Ararat
25 May 04	Correspondence	Ms Sally Scherger Family Services Co-ordinator Mildura Aboriginal Corporation	Mildura
5 Jun 04	Submission	Mr Gary Banks Chairman Productivity Commission	Melbourne
7 Jun 04	Correspondence	Mr Geoff Lawler Acting Chief Executive City of Melbourne	Melbourne
16 Jun 04	Correspondence	Ms Sheree Lowe & Ms Jodie Ryan	Ballarat
23 Jun 04	Submission	Ms Halina Strnad Convenor – Submissions Committee Humanist Society of Victoria	Box Hill South
24 Jun 04	Submission	Mr Julian Knight	Lara

Date	Submission/ Correspondence	Individual/Group	Location
		HM Prison Barwon	
24 Jun 04	Submission	Mr Byron Powell Aboriginal Policy Officer City of Greater Dandenong	Dandenong
25 Jun 04	Submission	Father Peter Norden Policy Director Jesuit Social Services	Richmond
27 Jun 04	Submission	Mr Paul Williams & Mr Gregor Urbas	ACT
28 Jun 04	Submission	Ms Jill Gallagher Chief Executive Officer Victorian Aboriginal Community Controlled Health Organisation Inc.	Fitzroy
29 Jun 04	Correspondence	Mr Greg Smith Swinburne University Of Technology	Hawthorn
30 Jun 04	Submission	Mr Phil Thompson Manager Education and Learning Central Gippsland Institute of TAFE	Morwell
30 Jun 04	Submission	Mr Richard Edney Deakin University	Geelong
30 Jun 04	Submission	Ms Bev Murray Chief Executive Officer Aboriginal Housing Board of Victoria	North Fitzroy
30 Jun 04	Submission	Mr Peter McLennan	South Yarra
30 Jun 04	Submission	Mr Frank Guivarra Chief Executive Officer Victorian Aboriginal Legal Service	Fitzroy
20 Jul 04	Correspondence	Ms Frances Grindlay Social Development Planner Moreland City Council	Coburg
20 Jul 04	Correspondence	Indigenous Prisoner HM Prison Barwon	Lara

## Appendix 5: Schedule of Community Consultations, Meetings and Visits

Members of the Implementation Review Team held individual and public discussions with the Koori community and organisations, with representatives of state and local government and other persons, as detailed in the table below. Where some participants have been involved over a number of days they have been mentioned only at their initial contact with the Review Team.

Date	Individual/Group	Location
26 Nov 03	RAJAC, IR Team, Mr Rob Hulls, MP Attorney- General	DOJ
01 Dec 03	IR Steering Committee	DOJ
03 Dec 03	Indigenous Women's Justice Forum	Fitzroy
05 Dec 03	Mr Graeme Johnstone, State Coroner Mr Rick Roberts, Principal Registrar and Ms Annette Graham	Southbank
15 Dec 03	Commander Ashley Dickinson Victoria Police	Victoria Police Centre Melbourne
15 Dec 04	Mr Alistair Lever Mr Michael Carroll and Ms Lorraine Beeton	Corrections Victoria Melbourne
18 Dec 03	Members of community and representatives of justice agencies	Koori Court Warrnambool
18 Dec 03	Barwon South West RAJAC members	Gunditjmara Aboriginal Co- operative Warrnambool
22 Dec 03	IR Steering Committee	DOJ
22 Dec 03	Mr Gavin Jennings, MP Minister for Aboriginal Affairs	Melbourne
14 Jan 04	Mr Jim Jenkinson Consultant Stolen Generations Committee	Melbourne
18 Jan 04	Mr Greg Smith	Swinburne Institute of Technology Prahran
23 Jan 04	Professor Ian Freckleton Barrister	Melbourne
27 Jan 04	IR Steering Committee	DOJ
27 Jan 04	Staff from Corrections Victoria (establish 1800 number)	Melbourne
03 Feb 04	Mr André Haermeyer, MP (then Minister for Police and Emergency Services Corrections)	Melbourne
04 Feb 04	Gippsland RAJAC members	Warragul
06 Feb 04	Metropolitan RAJAC members	Worowa College Healesville
10 Feb 04	Barwon South West RAJAC members	Geelong
11 Feb 04	Prison General Managers Meeting	Corrections Victoria Melbourne
11 Feb 04	Commander Ashley Dickinson and Ms Kate Buckeridge	Victoria Police Centre Melbourne
16 Feb 04	Ms Wanda Braybrook	3KND Radio Interview with Chairpersons
17 Feb 04	All RAJAC Chairpersons and Executive Officers	Victorian Law Reform Commission
18 Feb 04	Ms Colleen Coghlan	Communications Strategy

Date	Individual/Group	Location
		DOJ
19 Feb 04	Ms Penny Armytage, Secretary DOJ, and Mr Robert Eldridge, Ass. Secretary, Portfolio Planning, DOJ	DOJ
19 Feb 04	RAJAC Chairpersons and Executive Officers	Melbourne
20 Feb 04	Grampians RAJAC meeting	Horsham
23 Feb 04	Dr Kate Auty Magistrate Professor Kit Carson and staff from Indigenous Issues Unit	Implementation Review Workshop
25 Feb 04	IR Steering Committee	DOJ
27 Feb 04	Mr Ian Gray Chief Magistrate and Court staff	Melbourne
01 Mar 04	Mr Andrew Jackomos, Manager, Indigenous and Diversity Issues	DOJ
03 Mar 04	Ms Lyn Killeen, Aboriginal Wellbeing Officer, Koori inmates and staff	Dame Phyllis Frost Centre Deer Park
04 Mar 04	Hume RAJAC meeting	Shepparton
04 Mar 04	Sgt Gordon Porter, Police Prosecutor and Mr Peter Mithen, Registrar, Shepparton Magistrates' Court	Shepparton
04 Mar 04	Mr David Atkinson, VALS, Mr Larry Jackson, CJP and Mr Howard Nicholls, VACCA	Shepparton
04 Mar 04	Inspector Graeme Wigg	Shepparton Police Station
05 Mar 04	Mr Kelvin Anderson Correctional Services Commissioner and staff	Melbourne
05 Mar 04	Mr Rob Hulls, MP Attorney-General	Melbourne
09 Mar 04	Ms Vicky Armstrong	3CR Radio interview with Chairpersons
10 Mar 04	Mr Shaun Braybrook Aboriginal Liaison Officer and Koori prisoners	Port Phillip Prison Laverton
10 Mar 04	Mr John McGowan Manager	Port Phillip Prison Laverton
12 Mar 04	Professor Chris Cuneen	Melbourne
15 Mar 04	Aboriginal Community Justice Panels Chairpersons Statewide meeting	Airlie Police College Melbourne
15 Mar 04	Barwon South West RAJAC Community meeting	Wathaurong Aboriginal Co-operative Geelong
16 Mar 04	Mr Bob Kumar, Senior Magistrate Ms Anne Collins, Magistrate Ms Terrie Stewart, Koori Justice Worker, Ms Norma Langford, Respected Elder and Ms Jacqui Stewart, Respected Person	Broadmeadows Koori Court
17 Mar 04	Remand prisoners	HM Melbourne Assessment Prison
18 Mar 04	Loddon Mallee RAJAC meeting	Mildura
18 Mar 04	Snr Sgt Kim Norman and Atg Snr Sgt John Alexander	Mildura
18 Mar 04	Name withheld	Mildura
22 Mar 04	Ms Wanda Braybrook	3KND Radio interview with Chairpersons
22 Mar 04	Mr John McGowan and staff	Port Phillip Prison Laverton
23 Mar 04	Mr Graeme Johnstone, State Coroner and staff	Melbourne
23 Mar 04	Mr Brian Hardiman, Deputy Ombudsman, Police Mr Brett Cunningham, and staff	Melbourne

Date	Individual/Group	Location
25 Mar 04	Ms Christine Nixon, APM Chief Commissioner Victoria Police and Assistant Commissioner Kieran Walshe	Victoria Police Centre Melbourne
26 Mar 04	VALS Indigenous Women's Justice Forum	Fitzroy
29 Mar 04	IR Steering Committee	DOJ
31 Mar 04	Mr Tim McDonald, Magistrate Mr Wayne Bell, VALS CSO and Mr John Sutton, Solicitor, VALS	Horsham Magistrates Court
31 Mar 04	Atg Inspector Rob Thompson, Atg Superintendent Brian Malloch, and Atg Snr Sgt Trevor Elsom	Horsham Police Station
01 Apr 04	Koori Justice Workers	Shepparton
01 Apr 04	Hume RAJAC Community meeting	Rumbalara Football Club Shepparton
02 Apr 04	Koori Court	Shepparton Magistrates Court
02 Apr 04	Hume RAJAC Community meeting	Yenbena Learning Centre Barmah
02 Apr 04	Corrections Victoria staff	Melbourne
05 Apr 04	Hume RAJAC Community meeting	Mungabareena Aboriginal Corporation Wodonga
05 Apr 04	Atg Inspector George Bedson	Wodonga Police Station
06 Apr 04	Hume RAJAC Community meeting	The Contact Place Seymour
06 Apr 04	Snr Sgt Laurie Parker	Seymour Police Station
07 Apr 04	Grampians RAJAC Community Meeting	Ballarat and District Aboriginal Co-operative Ballarat
07 Apr 04	Chief Inspector Bob Barby and Snr Sgt Ian Geddes	Ballarat Police Station
13 Apr 04	Sgt Les McPhee	Kerang Police Station
13 Apr 04	Loddon Mallee RAJAC Community meeting	Njernda Aboriginal Co- operative Echuca
14 Apr 04	Loddon Mallee RAJAC Community meeting	Kyabram Sports Club Kyabram
14 Apr 04	Loddon Mallee RAJAC Community meeting	Bendigo TAFE Bendigo
16 Apr 04	Australian Bureau of Statistics	Melbourne
16 Apr 04	Professor Ian Freckleton Barrister	Melbourne
22 Apr 04	Mr Alf Bamblett Ms Deidre King Mr Phil Cooper and Ms Esme Bamblett	Aborigines Advancement League Thornbury
22 Apr 04	Victorian Aboriginal Legal Service staff	Fitzroy
23 Apr 04	Ms Jill Gallagher and Mr Timothy Moore	Victorian Aboriginal Community Controlled Health Organisation Fitzroy
23 Apr 04	Ms Penny Armytage, Secretary, DOJ and Ms Julia Griffith, Executive Director, DOJ	DOJ
26 Apr 04	IR Steering Committee	DOJ
26 Apr 04	Ms Jenny Mikakos, MP Parliamentary Secretary and Chairperson Aboriginal Justice Forum and Ms Julia Griffith, Executive Director	DOJ
26 Apr 04	Koori Justice Workers	Melbourne Assessment Prison

Date	Individual/Group	Location
	Corrections Victoria	Melbourne
26 Apr 04	Justice Agencies and Victoria Police workshop	Melbourne
26 Apr 04	Government Agencies workshop	Melbourne
27 Apr 04	Barwon South West RAJAC Community Meeting	Warrnambool
27 Apr 04	Snr Sgt Ian Armstrong	Warrnambool Police Station
28 Apr 04	Mr Kevin Birtles, Manager, Melbourne Custody Centre and Inspector Lindy Kerr, Victoria Police	Melbourne
28 Apr 04	Consultation workshop with prisoners	Dame Phyllis Frost Centre Deer Park
29 Apr 04	Aboriginal Justice Forum	Echuca
29 Apr 04	Snr Constable Robert Naismith	Echuca Police Station
30 Apr 04	Aboriginal Justice Forum	Echuca
03 May 04	Gippsland RAJAC Community Meeting	Mooji Aboriginal Council Orbost
03 May 04	Name withheld	Orbost
03 May 04	Snr Sgt Martin Dorman Atg/Sgt Rob Dabonde Snr Constable R Valentine Leading Senior Constable Ash Cook Sgt Derek de Vries, and Jamie Hurley	Orbost Police Station
04 May 04	Gippsland RAJAC Community Meeting	Lake Tyers Aboriginal Trust Lake Tyers
04 May 04	Snr Sgt David Bishop and Sgt John Bishop	Lakes Entrance Police Station
06 May 04	Gippsland RAJAC Community Meeting	Ramahyuck Aboriginal Co- operative Sale
06 May 04	Snr Sgt Joe Sestokas Officer in Charge	Sale Police Station
06 May 04	Koori inmates and staff of Fulham Correctional Centre	Sale
11 May 04	Koori Court	Broadmeadows Magistrates Court
11 May 04	Sgt Paul O'Loughlin	Broadmeadows Police Station
11 May 04	Mr Darren Hayes (in custody)	Broadmeadows Police Station
14 May 04	Mr David Sheridan Indigenous Services Officer	Melbourne Assessment Prison Melbourne
14 May 04	Ms Kerry Angwin and Ms Lyn Pickles Department of Education and Training	Melbourne
18 May 04	Commander Ashley Dickinson	Victoria Police Centre Melbourne
18 May 04	Mr Justin Mohamed and Mr John Martin	Melbourne
18 May 04	Metropolitan RAJAC Community meeting	Victorian Aboriginal Health Service Fitzroy
19 May 04	Melbourne Juvenile Justice Centre staff and residents	Parkville
20 May 04	Grampians RAJAC Community meeting	Goolum Goolum Aboriginal Co-operative Horsham
20 May 04	Name withheld	Horsham
20 May 04	Koori inmates and staff of HM Prison Ararat	Ararat
21 May 04	Ms Penny Armytage, Secretary, DOJ and Ms Julia Griffith, Executive Director, DOJ	DOJ
21 May 04	Metropolitan RAJAC Community meeting	Heathdale Community Centre

Date	Individual/Group	Location
		Werribee
24 May 04	IR Steering Committee	DOJ
24 May 04	Metropolitan RAJAC Community meeting	The Gathering Place Maribyrnong
25 May 04	Metropolitan RAJAC Community meeting	Darron Honoy Centre Healesville
25 May 04	Snr Constable Greg Clooney and Snr Constable Bruno Cimo	Healesville Police Station
26 May 04	Corrections Victoria, Cell Fire and Safety Meeting	Melbourne
27 May 04	Victims of Crime Assistance Tribunal	Melbourne Magistrates Court
27 May 04	Koori inmates and staff of Melbourne Juvenile Justice Centre	Parkville
27 May 04	Koori inmates and staff of Melbourne Youth Residential Centre	Parkville
01 Jun 04	Ms Julie Brown Enforcement Management	Melbourne
01 Jun 04	Ms Mary Sullivan Koori Unit Department of Human Services	Melbourne
01 Jun 04	Loddon Mallee RAJAC Community meeting	Allinjara Aboriginal Co- operative Kerang
01 Jun 04	Snr Sgt Ray Patterson	Bendigo Police Station
01 Jun 04	Mr Andrew Lowry Manager	HM Prison Bendigo
02 Jun 04	Ms Lorraine Beeton, Mr Alistair Lever, Ms Lisa Cornelius, Dr Ruth Vine, Mr Nick Petroulious, Corrections Victoria	Melbourne
02 Jun 04	Metropolitan RAJAC Community meeting	Aborigines Advancement League Thornbury
02 Jun 04	Ms Salina Bernard	Craigieburn
03 Jun 04	Mr Brendan Money, Manager and Ms Lyn Killeen, AWO	Dame Phyllis Frost Centre Deer Park
03 Jun 04	Metropolitan RAJAC Community meeting	KODE School Glenroy
03 Jun 04	Koori inmates and staff of Melbourne Juvenile Justice Centre	Parkville
04 Jun 04	Mr Matthew Carroll and staff Equal Opportunity Commission	Melbourne
04 Jun 04	Metropolitan RAJAC Community meeting	Frankston Integrated Health Centre Frankston
07 Jun 04	Mr Darryl Brett and Mr Trevor Felmingham Indigenous Services Officers	Community Correctional Services Morwell
07 Jun 04	Gippsland RAJAC Community meeting	Central Gippsland Aboriginal Health and Housing Co- operative Morwell
07 Jun 04	Sgt Graham Madin	Morwell Police Station
08 Jun 04	Metropolitan RAJAC Community meeting	The Gathering Place Maribyrnong
09 Jun 04	Ms Sarah Gebert Legal Policy, DOJ	DOJ
09 Jun 04	Sgt Greg Chandler and Koori offenders	Warrakoo Station
09 Jun 04	Loddon Mallee RAJAC Community meeting	Mildura Aboriginal Corporation Mildura

Date	Individual/Group	Location
10 Jun 04	Mr Graeme Johnston State Coroner	Melbourne
10 Jun 04	Loddon Mallee RAJAC Community meeting	Robinvale Aboriginal Co-operative, Robinvale
10 Jun 04	Snr Sgt Terry Brymer and Sgt Arthur Cassidy	Robinvale Police Station
10 Jun 04	Loddon Mallee RAJAC Community meeting	Koori TAFE Unit Swan Hill
15 Jun 04	Barwon South West RAJAC Community meeting	Dhawurd-Wurrung Elderly Citizens Association Portland
15 Jun 04	Snr Sgt Colin Renton	Portland Police Station
16 Jun 04	Consultation Workshop with Prisoners	Port Philip Prison Laverton
16 Jun 04	Melbourne Juvenile Justice Centre staff	Parkville
17 Jun 04	Corporate Management Group Victoria Police (Chief Commissioner, Deputy Commissioners, Assistant Commissioners and heads of business units)	Ivanhoe
17 Jun 04	Metropolitan RAJAC Community meeting	Myuna Farm, Doveton
17 Jun 04	Mr Rob Hulls, MP Attorney-General	Melbourne
18 Jun 04	Snr Sgt Andrew Miles and Sgt Glenn Pinder, Victoria Police Education Department	Victoria Police Academy, Glen Waverley
18 Jun 04	Police Recruits (3 squads)	Victoria Police Academy, Glen Waverley
18 Jun 04	Ms Marion Hansen and Mr Glen Howard	Ngwala Willumbong Co-operative, Windsor
21 Jun 04	Mr Paul Spadano, Manager Mr Trevor Pickering, Operations Manager, Mr Geoff Boyle, Supervisor and Ms Desiree Dempsey, AWO	HM Prison Barwon Lara
21 Jun 04	Koori inmates and staff	HM Prison Barwon Lara
22 Jun 04	Mr Kelvin Anderson, Commissioner, Corrections Victoria and staff	Melbourne
22 Jun 04	Mr Johan Topp Corrections Victoria	Melbourne
24 Jun 04	Ms Sue McLennan Liquor Licensing Commission	Melbourne
24 Jun 04	Ms Sandra Laudani and Mr Ross McShane	Elders Hostel Bairnsdale
24 Jun 04	Gippsland RAJAC Community meeting	Elders Hostel Bairnsdale
24 Jun 04	Inspector Rod Wright and Sgt Garry Proudlock	Elders Hostel Bairnsdale
25 Jun 04	Ms Penny Armitage, Secretary and Ms Julia Griffith, Executive Director	Melbourne
25 Jun 04	Ms Jan Noblett Ms Jasmine Thompson Ms Francine McCarten and Juvenile Justice, DHS	Melbourne
25 June 04	1R Steering Committee	DOJ
29 Jun 04	Snr Sgt Paul Binyon, Atg Inspector Mick Carroll and	Swan Hill Police Station

Date	Individual/Group	Location
	Sgt Paul Gardiner	
29 Jun 04	Governor Geoff Thomas	HM Prison Dhurringile Murchison
29 Jun 04	Koori inmates and staff	HM Prison Dhurringile Murchison
30 Jun 04	Mr Glen Howard and staff	Ngwala Willumbong Windsor
30 Jun 04	"Quinnie" and Koori residents	Winja-Ulupna, St Kilda
01 Jul 04	Ms Mandy Smith Operations Manager	HM Prison Tarrengower Maldon
01 Jul 04	Koori inmate	HM Prison Tarrengower Maldon
01 Jul 04	Mr David Prideaux and staff	HM Prison Loddon Castlemaine
01 Jul 04	Koori inmates - 10	HM Prison Loddon Castlemaine
01 Jul 04	Ms Shirley Freeman Chief Executive Officer and staff	Malmsbury Juvenile Justice Malmsbury
01 Jul 04	Koori inmates	Malmsbury Juvenile Justice Malmsbury
01 Jul 04	Inter-Council Aboriginal Committee	Pakenham
07 Jul 04	Ms Jenny Mikakos, MP Parliamentary Secretary (Justice)	Melbourne
08 Jul 04	Ms Angela Jurjevic, Director and Ms Lisa Moore	Aboriginal Affairs Victoria Melbourne
08 Jul 04	Snr Sgt Terry Basford	Victoria Police Traffic Management Unit Brunswick
08 Jul 04	Snr Sgt Glenn Harbeck and Snr Sgt Phil Shepherd	Collingwood Police Station
08 Jul 04	Ms Gayle Kase, Manager, Pacific Shores Healthcare and Mr Steve Littlechild, Manager, Health Services	Melbourne Custody Centre, Melbourne
20 Jul 04	Ms Sharon Landers and senior management Metropolitan Fire Brigade	Fitzroy
26 Jul 04	Mr Alf Bamblett Ms Linda Bamblett Ms Deidre King and Ms Pam Aplin	Victorian Aboriginal Justice Advisory Committee Fitzroy
13 Aug 04	Ms Geraldine Atkinson President	Victorian Aboriginal Education Association Incorporated Fitzroy
07 Sept 04	IR Steering Committee	DOJ
20 Sept 04	Mr and Mrs Barry Ruth Richardson and Ms Amanda George	Melbourne
18 Oct 04	IR Steering Committee	DOJ
09 Nov 04	Gippsland RAJAC Community meeting	Lakes Entrance
09 Nov 04	Gippsland RAJAC Community meeting	Lake Tyers
15 Nov 04	IR Steering Committee	DOJ
15 Dec 04	IR Steering Committee	DOJ
21 Feb 05	IR Steering Committee	DOJ
03 Mar 05	IR Steering Committee	DOJ
06 Apr 05	IR Steering Committee	DOJ
13 May 05	IR Steering Committee	DOJ

## Appendix 6: Historical Background on Aboriginal Victorians

*Extract from the Royal Commission into Aboriginal Deaths in Custody: Regional Report of Inquiry in New South Wales, Victoria and Tasmania by Commissioner the Hon J.H. Wooten 1991, Chapter 15, pages cxxxiii-cxxvii.*

### **The invasion and settlement of Victoria**

Prior to the actual settlement of Europeans at Port Phillip in 1835, populations in what is now Victoria were probably halved by smallpox spreading south from Sydney around 1790, and again significantly reduced by another outbreak in 1830. Only Gippsland appears to have escaped the disease. The aftermath of the white arrival was even more shattering. According to official estimates, about 10,000 Aboriginal people remained in Victoria in 1835, but by 1853 only 1,900 survived – a decline of 80 per cent in 18 years. Disease, malnutrition, declining birth rates and alcohol, all themselves the result of dispossession, accounted for about 90 per cent of the fall of 8,000 in the population. White violence, and to a lesser extent black violence resulting from the disturbance of traditional balances, caused possibly 10 per cent.

The decline occurred in the face of one of the most rapid land occupation known. By 1850 six million sheep and 400,000 other stock grazed the lands of Port Phillip. As hunting and gathering and the depasturing of sheep are both activities which seek to use all available land, the traditional basis of Aboriginal life was rapidly destroyed, except in remote and less accessible areas. The population decline was not halted by the Port Phillip Aboriginal Protectorate, which operated from 1839 to 1849 under humanitarian pressures from Great Britain.

### **The reserves**

For 13 years after 1849, Aboriginals were left to fend for themselves, aided by the gold rushes of the 1850's which drew labour away from pastoral properties and so created a temporary acute demand for Aboriginal labour. There are records of Aboriginals expressing a wish for land to farm as early as 1843. Following the Report of a Select Committee of the Victorian Legislative Council in 1859, a Central Board for Aborigines was established in 1860 to proclaim Aboriginal reserves, distribute Government monies and oversee local Aboriginal protection committees.

The first allocation of land had in fact been made the year before, when the Minister of Lands, impressed by a deputation of Kulin Aboriginals from the Melbourne and Goulburn Valley areas, has allowed them to select 1,820 hectares in an area of special significance to them. Although they received no help with supplies and equipment, they rapidly set about developing the reserve, only to be moved after pressure from settlers who coveted the land. After three such moves between 1859 and 1863, the Kulin 'squatted' on a traditional site near Healesville, which they named Coranderrk, and which came under the control of the Board in 1863. Other reserves under the direct or indirect control of the Board were Framlingham (1861), and the Church mission stations at Ebenezer (1859), Ramahyuck (1861), Lake Tyers (1861) and Lake Condah (1867). By 1869 only a quarter of Victorian Aboriginals had been enticed onto the reserves, and in that year powers of coercion were given to the Board for the Protection of Aborigines.

Where the Aboriginals had cultivable land and sympathetic management, they showed great industry and ability in farming. Coranderrk became for a period a model agricultural settlement. Other reserves with more regimented management gave less scope for Aboriginal creativity, and Coranderrk itself was often in rebellion.

### **Segregation and assimilation**

In 1877 there were still less than half of Victorian Aboriginals on reserves, although there was a continual flow between the reserves and the outside world. In that year the policy of segregation on reserves was questioned by a Royal Commission, and a new Act of 1886 gave effect to a new Board policy of segregating 'full bloods' on reserves, together with 'half castes' over 34 at the time, who were considered too old to adapt. The rest of the mixed blood population was to move into the general community and be 'absorbed', or as the popular term later became 'assimilated'.

The process was aided by the initiation of a policy in 1898 whereby all 'half caste' children living on the reserves were transferred on leaving school to the Department of Neglected Children. After initial training in departmental homes in rural and domestic work, they were sent out to 'service'. The head of the mission station at Lake Condah commented in his annual report for 1900:

*As the blacks are dying out, and the Board removes the half-caste boys and girls by handling them over to the Industrial Schools Department, finality is greatly facilitated and will doubtless be attained in a few years.*

### **Lake Tyers**

The reserves, their viability already undermined by lack of capital for stock and equipment, insecurity of title, dictatorial management, and the Board's unwillingness to let residents keep the fruits of their labour, now had most of their manpower sent away. Their populations and production declines and the Board closed Ebenezer in 1902, and closed and sold most of the others by 1923, by which only Lake Tyers remained a functioning reserve.

Residents of other reserves, including Arthur Moffatt's forebears who had been on Ramahyuck and Coranderrk, were transferred to Lake Tyers, where the numbers increased from about 50 in 1920 to over 230 by 1925.

The management at Lake Tyers was despotic. As late as 1968 people coming on to the reserve had to obtain a permit, and give two weeks notice- even those who had previously lived there and wished to return.

At one time, under sympathetic management, there was flourishing agricultural production on Lake Tyers. Subsequently farm buildings were dismantled by successive managers, conditions were let run down, and pressure was applied to make residents leave. The McLean Report of 1957 recommended that Lake Tyers should be administered with a 'helpful, but firm policy of assimilation' and that there should be a return to the spirit of the 1886 Act 'to encourage or force' the able bodied off the reserve. The reserve itself should be reduced twenty- fold to 200 acres set aside for the care of those unable to fend for themselves. The pressure was maintained and by 1965 there were only 50 people left at Lake Tyers.

But Lake Tyers had become a symbol of Aboriginal survival. Victoria's Aboriginal people, led amongst others by Doug (later Sir Douglas) Nicholls, and Arthur Moffatt's father, Laurence, fought back and finally won. There was a change of policy- instead of Lake Tyers being

closed down, a project committee was set up to make recommendation as to the improvement of the reserve. In 1965 it was gazetted as a permanent reserve. In 1968 the permit system was abolished and residents were allowed to own their own motor vehicles. The mission at Lake Tyers had been established in 1861 and the first accommodation erected in 1864. A church followed in 1968, but it was to be 100 years before the people of Lake Tyers gained any security of title, even to this little residue of the State of which Aboriginals had once been the sole proprietors.

In 1971 the 1,600 hectares remaining of the reserve were handed over to the surviving 40 residents under communal freehold title, each member of the community holding trust shares that prevented future sale if one member objected. Together with Framlingham, Lake Tyers was the first hand back of land to Aboriginals in Australia.

Shares in the Lake Tyers Trust were given to all people who lived on the reserve as at 1 January 1968 and to people subsequently admitted with the approval of Lake Tyers Aboriginal Council. The disenfranchisement of many former residents, who regard Lake Tyers as home, has remained a source of considerable resentment and conflict, as people who had been born on Lake Tyers, but had succumbed to the pressure to move prior to 1 January 1968, did not receive any rights in respect of the reserve. They could become members of the community again only with the approval of those who had been fortunate enough to qualify. Arthur Moffatt was one who had left in 1954 to do his National Service, and thereafter made his life in the Latrobe Valley.

### **Life off the reserves**

Until 1957 the Victorian government did not acknowledge the existence of those Aboriginals who over the years had yielded to the pressures and left the reserves. They eked out an existence, usually by casual work, moving between familiar places and camping or living in humpies and temporary dwellings on river banks. Rabbiting was an important occupation and source of food. The official attitude was expressed in 1941 when the Victorian Chief Secretary replied to suggestions that Aboriginals from Cumeragunja, who had settled in bag and tin humpies on the river bank at Mooroopna, should receive some official help. He explained that they were not Aboriginals; *they were quadroons, octeroons and of light colour, and were ordinary citizens, entitled to the benefits and privileges of citizens, also their responsibilities.* Such an attitude ignored the whole history, and the fact that, whatever the legal position, they were socially stigmatised by the dominant white population as Aboriginals. It also ignored their own sense of identity as a distinct people.

In 1944 a survey was published by two research students in the Melbourne University Agricultural School of all Victorian towns with a population between 250 and 10,000 people. This included towns such as Lakes Entrance, Orbost, Warragul, Morwell, Moe and Bairnsdale. The only mention of Aboriginals anywhere in the book was in a discussion of the prevalent attitudes in the towns:

*The Australian Aborigines, who present no economic competition, for they are only used when labour is very scarce, are not hated. They are despised, good humouredly: 'You can't expect them to learn anything. They're really just like animals'. Generally speaking, in the few districts where there are any numbers of them, there is very little sense of responsibility towards them. When the girls are prostituted by white men the community reaction is not against the latter, but is expressed in such a comment as 'The blacks are like that, they don't know any better.'*

### Modern assimilation policy

However concern about the condition of Aborigines in Victoria built up sufficiently for the Bolte Government in 1955 to appoint Charles McLean, a retired Chief Stipendiary Magistrate, to conduct an inquiry. He counted about 1,346 Aboriginal people, later found to be an under-estimate by about 50 per cent. He found that most rural Aborigines, apart from those at Lake Tyers and Framlingham, lived in squalid humpy conditions. He recommended a new Aborigines Welfare Board to pursue an 'active policy of assimilation', and this was established.

In 1957 there was a major change in Government attitude- in that year the discriminatory laws and the Board of the Protection of Aborigines were abolished, and the Aborigines Welfare Board was established. The new Board was set up to actively implement a policy of assimilation, with the object of assisting everyone of Aboriginal blood to obtain the status of 'a fully accepted member of the general community'.

One of the first steps taken by the new Board was a survey of the Aboriginal population, which concluded that Victoria had a population of 1,400 of whom less than 20 were full-blood. One finding was that they lived in appalling housing conditions. In its report for the year 1959-1960 the Board noted that in country areas there were 77 families with 385 persons who lived in 'appalling shanty town conditions'; 145 families with 771 persons who lived in substandard dwellings; and 110 families with 500 persons who were considered to have satisfactory housing. In the metropolitan area 30 families were in very substandard houses and 30 were considered to be in satisfactory houses. The family of Shane Atkinson was one of the 77 families living in appalling shanty town conditions. Indeed for much of the time they lived in a tent.

The Aborigines Welfare Board existed for only 10 years and in its last report for the year 1966-1967, when the number of part Aborigines whom it had identified in Victoria had grown to 3,500, it claimed that there were not more than 12 river bank shacks, pickers' huts or other rural slums still occupied by Aborigines. The Atkinson family was one of those which had benefited, and by the time Shane was a year old the family had moved into one of the first houses provided for Aborigines in Echuca.

### An Aboriginal perspective

Bevan Nicholls, an Aboriginal who is Cultural Officer at the Swan Hill Pioneer Settlement, gave the Commission an Aboriginal view of the history of the Swan Hill area:

*My great great grandparents came from around here. This land was theirs. With the whites arriving they took all the good land in the end. The Aboriginal people ended up on the river back and over at Wamba Wamba. We got Wamba because it is low lying ground. Nobody else wanted it as it frequently flooded. Eventually, Murray Downs (a pastoral property) extended so far that lots of the people moved away to a place called Aggie Swamp. Three hundred people moved there and never ever came back. Nobody knows what happened to them. There had been conflict between whites and Aborigines all along the river-at Speewa, Aggie Swamp, Tintinda Homestead (West of Swan Hill). I have been told a story about the Beveridge brothers who moved up here. One of them was speared by Aborigines after taking Aboriginal women and chaining them to the beds and using them up. The tribal meeting about this matter decided that one of the brothers should be killed for that and that's what happened. I was told about this by Nellie Stewart. She said that he was quite a good fellow before that. After his death Aboriginal people were poisoned and shot all*

*over the place. Aboriginal people were a nuisance to the whites when they wanted more land, and so they wiped them out.*

*When the families ended up with no land we were moved around by the government. My family went to Cummeragunja which was a mission reserve. It was no better there as the State nurses were do-gooders who didn't like the Aboriginal way of doing things. They were coming in and taking the kids away. Aboriginal people were never asked what they wanted. This problem continues to this day. When we are asked and tell people they don't listen anyway.*

## Appendix 7: Prisoner Free-call Number Flyer (sample)

The Implementation Review Team invites you to call the Free Number

**Call us  
during May and June 2004**

**Dial XX XXXXXXXX To listen to information about the Implementation Review**

**Dial XX XXXXXXXX To record a message (this will be treated confidentially – please note reference to self harm will need to be referred to the correctional authority)**

The calls are free.

To access the numbers lift the handset on the prisoner telephone and enter the number 000000 then enter the pass number of 0000.

To listen to the recorded Implementation Review message enter #X.

To record a comment or message (you have about 12 minutes), enter #X and speak.

The Victorian Implementation Review was established in November 2003. It followed a commitment by Attorney-General Rob Hulls to conduct the Implementation Review in partnership with the Koori community. Highly respected members of the Koori community, Joy Murphy and Mark Rose are the Chairpersons leading the Review on behalf of the Victorian Aboriginal Justice Forum.

The **Victorian Aboriginal Justice Agreement** was launched in June 2000. The aim of the Justice Agreement is to improve justice outcomes for Victoria's Koories. A central feature of the Agreement is the Bracks Government's commitment to developing a rigorous monitoring process into how the Royal Commission recommendations are being implemented across Victorian Government Departments and Agencies.

This is Victoria's first Implementation Review conducted in partnership with the Koori community, and provides an opportunity for the Koori community and the government to get together and identify what's working well and what isn't.

We would like to hear your views and experiences about what's currently happening and what needs to change.

Please contact us during May and June 2004



## Appendix 8: By-products of the Review

As part of the Review a number of by-products were produced. These included:

- The reproduction of a CD-ROM of a collection of Reports pertaining to the Royal Commission including the National Report 1991 (permission was granted by the Commonwealth Government) so that communities and others could access the voluminous set of documents. It was found that hard copies of the reports were difficult to obtain;
- The production of a Booklet containing each of the 339 Royal Commission's Recommendations. This Booklet also contains descriptive summaries of Royal Commission themes and a comprehensive index of the subject matter for easy reference. It was found that access to copies of the 339 Royal Commission Recommendations was found to be severely limited in the community;
- Establishment of a database of relevant contacts; and
- Cataloguing of key reports in relation to the Royal Commission and related Indigenous issues.

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