



Royal Commission into Aboriginal Deaths in Custody Recommendation

339. Reconciliation between Aboriginal and non-Aboriginal communities

*That all political leaders and their parties recognize that reconciliation between the Aboriginal and non-Aboriginal communities in Australia must be achieved if community division, discord and injustice to Aboriginal people are to be avoided. To this end the Commission recommends that political leaders use their best endeavours to ensure bi-partisan public support for the process of reconciliation and that the urgency and necessity of the process be acknowledged.*¹

Background²	<p>The Royal Commission into Aboriginal Deaths in Custody (RCIADIC) emphasised the importance of reconciliation between Aboriginal and non-Aboriginal communities in addressing the structural causes of disadvantage. This requires ‘complete rejection of concepts of superiority and inferiority,’ bi-partisan support and education of the non-Aboriginal community to succeed. Any move toward reconciliation must include substantive change to address ongoing social and economic disadvantage, with practical outcomes taking precedence over symbolic language.</p> <p>The Commission acknowledged significant obstacles to reconciliation, including racism and ignorance among non-Aboriginal people, and distrust and anger in Aboriginal communities. It identified the 1967 referendum as the ‘first step in the process of reconciliation’, and reaffirmed the central, ongoing importance of self-determination for Aboriginal communities, particularly the right of Aboriginal communities to choose their own leaders and representatives.</p> <p>The concept of ‘Makarrata,’ meaning ‘coming together after a struggle’ in the Yolŋu language, entered settler Australian political discourse in the 1970s. Despite commitments by both the Fraser and Hawke governments to pursue a treaty, these efforts did not progress.</p>
Intent	That political parties acknowledge the urgent need for reconciliation to reduce division and injustice toward Aboriginal people, and that governments build bipartisan public support for this process.
Responsibility	The Commonwealth Government and all state and territory governments.
Key contact	Department of Premier and Cabinet.
Key Action Taken	
2005 Review³	The Department of Premier and Cabinet (DPC) assessed Recommendation 339 as fully implemented .

¹ Royal Commission into Aboriginal Deaths in Custody (Final Report, 1991) vol 5, 65 [38.32] ('RCIADIC').

² Ibid vol 5, 57-65 [38.1]-[38.32].

³ Aboriginal Justice Forum (Vic), Department of Justice (Vic), *Victorian Implementation Review of the Recommendations from the Royal Commission into Aboriginal Deaths in Custody* (Review Report, October 2005) vol 1, 331, 343-7 ('2005 Review').

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Council of Australian Governments

DPC were on national working groups to develop and implement the reconciliation commitments of the Council of Australian Governments (COAG) from 2002. This included:

- Whole-of-government trials in up to ten Aboriginal communities around Australia, including one community in Victoria identified in partnership with Aboriginal Affairs Victoria.
- Development of a national framework of indicators for reporting on Aboriginal well-being.
- Advocacy for a greater national focus on Aboriginal child protection.

Premier's Aboriginal Advisory Committee

DPC supported the Premier as chair of the Premier's Aboriginal Advisory Committee (PAAC) to progress issues, assist in agenda setting, liaise with Aboriginal representatives, manage meetings and provide advice.

2018 Review⁴

Deloitte concluded that the Commonwealth Government and state and territory governments had **partially implemented** Recommendation 339 through symbolic and legislative changes. Reconciliation is a continuing process that requires additional action, particularly in relation to achieving constitutional recognition.

Commonwealth Government⁵

Reconciliation Australia replaced the Commonwealth's Council for Aboriginal Reconciliation as a non-government body promoting ongoing reconciliation. Their timeline of key moments in Australia's reconciliation history includes:

Year	Key moments in Australia's reconciliation history
1991	The RCIADIC delivered its final report and recommendations to the Australian Parliament, including a call for a national reconciliation process. The Australian Parliament unanimously passed the <i>Council for Aboriginal Reconciliation Act 1991 (Cth)</i> , formally commencing the national reconciliation process and establishing the Council for Aboriginal Reconciliation. Its vision was for: <i>A united Australia that respects the land, values Aboriginal and Torres Strait Islander heritage, and ensures justice and equity for all.</i>
1992	The High Court recognised native title in the landmark <i>Mabo v Queensland (No. 2)</i> decision, overturning the doctrine of <i>terra nullius</i> . Prime Minister Paul Keating delivered the 'Redfern Speech,' acknowledging the history of dispossession, violence, and the forced removal of Aboriginal children.
1993	<i>Native Title Act 1993 (Cth)</i> enacted. Australia's major faith communities supported the first National Week of Prayer for Reconciliation.

⁴ Deloitte Access Economics, Department of Prime Minister and Cabinet, *Review of the Implementation of the Recommendations of the Royal Commission into Aboriginal Deaths in Custody* (Report, August 2018) 298, 697-8 ('2018 Review').

⁵ Reconciliation Australia, 'Reconciliation Timeline: Key Moments', *Reconciliation Australia*, June 2025)

<<https://www.reconciliation.org.au/reconciliation-timeline-key-moments/>> ('Reconciliation Timeline').

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1995	The Commonwealth Government formally recognised the Aboriginal and Torres Strait Islander flags, as flags of Australia under the <i>Flags Act 1953</i> (Cth).
1996	The Council for Aboriginal Reconciliation expanded the Week of Prayer for Reconciliation, launching Australia's first National Reconciliation Week.
1997	Bringing Them Home report on the Stolen Generations released at the inaugural Australian Reconciliation Convention in Melbourne, attended by 2,000 people.
2000	Following a decade of research, education, consultation, and partnership-building, the Council for Aboriginal Reconciliation presented its final reports to the Australian people, The Australian Declaration towards Reconciliation and The Roadmap for Reconciliation, at the Corroboree 2000 event in Sydney. Hundreds of thousands of Australians walked across Sydney Harbour Bridge and other bridges around Australia in support of Aboriginal and Torres Strait Islander aspirations.
2001	Reconciliation Australia established in response to recommendations from the Council for Aboriginal Reconciliation.
2006	Close the Gap campaign for Indigenous health equality developed following the <i>Social Justice Report 2005</i> . Reconciliation Australia launched its Reconciliation Action Plan (RAP) program.
2007	Australia marked the 40th anniversary of the 1967 referendum. The Commonwealth Government, led by Prime Minister John Howard, began the Northern Territory Emergency Response, commonly known as the Intervention.
2008	Prime Minister Kevin Rudd formally apologised to the Stolen Generations on behalf of the Australian Parliament.
2009	Australia endorsed the United Nations Declaration on the Rights of Indigenous Peoples, having previously been one of only four countries to oppose it.
2010	National Congress of Australia's First Peoples established.
2011	The Expert Panel on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples led extensive public consultations and presented its report in 2012.
2012	Recognise, Reconciliation Australia's national campaign for constitutional recognition of Aboriginal and Torres Strait Islander peoples, began.
2016	First State of Reconciliation in Australia report published.
2017	Uluru Statement From the Heart released by delegates to an Aboriginal and Torres Strait Islander Referendum Convention held near Uluru. The Turnbull Government rejected the Uluru Statement from the Heart. The <i>Recognise</i> campaign was disbanded after the Commonwealth Government ceased to fund it.

Victorian Government

2018	Victoria became the first Australian state to pass Treaty legislation with the <i>Advancing the Treaty Process with Aboriginal Victorians Act 2018</i> (Vic).
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Since then

DPC were asked about implementation of this recommendation and provided this response:

Department of Premier and Cabinet⁶

In 2025, DPC does not focus its work on the concept of 'reconciliation'. Instead, the Victorian Government is working towards self-determination, and this has been a guiding principle for First Peoples affairs in Victoria since the Victorian Aboriginal Affairs Framework was released in 2018. Self-determination is being progressed through the Treaty and Truth processes currently underway, as detailed elsewhere.

DPC noted the classification of this recommendation as 'fully implemented' in the 2005 Review was inaccurate. As the 2018 review notes, it is difficult to say that reconciliation between Aboriginal and non-Aboriginal Australians is completed as it is an ongoing process. The concept of 'reconciliation' as a desirable endpoint for Aboriginal peoples' relations with the State and with non-Aboriginal people has also fallen out of favour since the Royal Commission. Since these previous reviews were conducted, DPC's focus has moved towards self-determination for Aboriginal people.

Uluru Statement from the Heart⁷

Relevant to concepts of reconciliation, the Uluru Statement from the Heart declared,

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...

We invite you to walk with us in a movement of the Australian people for a better future.

Commonwealth Government

After rejection of the Uluru Statement from the Heart by the Turnbull Government in 2018, in 2023 the Albanese Government committed to implementation of the Uluru Statement from the Heart in full.

A referendum was held in 2023 that would have recognised Aboriginal people as Australia's First Peoples and enshrined an Aboriginal and Torres Strait Islander Voice to Parliament in the Constitution. The Referendum, which proceeded without bi-partisan support, failed to pass.

Victorian Government

Victoria was the first Australian jurisdiction to commit to and begin to action the Uluru Statement from the Heart. As demonstrated through the commitment from the Victorian Government to establish a Treaty for Victoria, between Aboriginal peoples and the State.

First Peoples' Assembly of Victoria⁸

The First Peoples' Assembly of Victoria (FPAV) was established to act as the sole representative body of Aboriginal people during Treaty negotiations in Victoria, the FPAV met for the first time

⁶ Department of Premier and Cabinet (Vic), 'Response to Aboriginal Justice Caucus' (Response to AJC Request) 46-48.

⁷ Uluru Dialogue, UNSW Sydney Indigenous Law Centre, *Uluru Statement from the Heart* (26 May 2017) ('Uluru Statement from the Heart').

⁸ First Peoples' Assembly of Victoria, *Annual Report to Parliament 2020* (Annual Report December 2020) 4 ('FPAV Annual Report 2020').

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in December 2019. Recognised through the *Advancing the Treaty Process with Aboriginal Victorians Act 2018* (Vic), the Victorian Treaty Advancement Commissioner AO, Jill Gallagher, was tasked with declaring the FPAV to be the Aboriginal Representative body for the purpose of treaty-making. Made up of thirty-four members, up to twelve seats are reserved for 'formally recognised Traditional Owner groups,' with the remaining seats determined by a statewide Aboriginal community vote.

Treaty Authority⁹

The Treaty Authority is responsible for facilitating and overseeing Treaty negotiations between Aboriginal people and the State of Victoria and for administering the Treaty Negotiation Framework within the *Advancing the Treaty Process with Aboriginal Victorians Act 2018* (Vic). Negotiations began in November 2024.

Purpose

Statewide Treaty will benefit all Victorian Aboriginal people, including Victorian Traditional Owners and other Aboriginal peoples living in Victoria. In the spirit of reconciliation, Statewide Treaty will also benefit all Victorians.

Unlike Traditional Owner Treaties that relate to Traditional Owners' aspirations for their own local areas, Statewide Treaty will empower the voices and self-determination of all Aboriginal people living in Victoria.

Treaty Negotiation Framework

The FPAV and the Victorian Government reached a landmark agreement on a framework to enable Traditional Owners of Country to negotiate Treaties across the state, and for the Assembly – as the democratic voice for Aboriginal people in Victoria – to negotiate a state-wide Treaty to deliver structural reform.

The Treaty Negotiation Framework sets out principles that guide Treaty-making in Victoria and provides Traditional Owner groups with the ability to choose their own pathways and timelines for negotiating Treaties that reflect their priorities and aspirations.

The Treaty Negotiation Framework supports reconciliation, noting,

The injustices of the past cannot be undone. The State is pursuing Treaty-making because it is the right thing to do. The State of Victoria needs a Treaty or Treaties that are reciprocal and that through truth and justice provide far-reaching benefits for First Peoples. For Traditional Owners, Aboriginal children, Elders, and stolen people; for a society that all Victorians can be proud of; Treaty-making will be for all First Peoples.

In the spirit of reconciliation, Treaty-making will be for all Victorians. A future Treaty or Treaties should acknowledge truth and healing, as guided by the recommendations of the Yoorrook Justice Commission, enhance the existing laws of this State, bring pride to all Victorians and have positive impacts for all of Victorian society.

⁹ Treaty Authority, 'Declaration and Public Notice of the Treaty Authority' (Public Notification 1 July 2024) <<https://treatyauthority.au/public-notification/declaration-and-public-notice-of-the-treaty-authority/>>; First Peoples' Assembly of Victoria and State of Victoria, *Treaty Negotiation Framework* (20 October 2022) 4, 7 ('Treaty Negotiation Framework'); First Peoples' Assembly of Victoria, 'Treaty Negotiation Framework' (Media Release 21 October 2022) <<https://www.firstpeoplesvic.org/reports-resources/treaty-negotiation-framework/>>.

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Yoorrook Justice Commission¹⁰

Established by an agreement between the FPAV and the Victorian Government, the Yoorrook Justice Commission was the first formal truth-telling process into historical and going injustices experienced by Aboriginal people in Victoria. Yoorrook were urged by the FPAV to:

...lay the evidence clear for all to see, as a foundation stone on the path to Treaties and self-determination.

Walk for Truth¹¹

The Yoorrook Justice Commission invited all Victorians to be part of the Walk for Truth marking the conclusion of the Yoorrook Justice Commission, Australia's first formal truth-telling process. The Aboriginal-led inquiry, launched in 2021, spent four years documenting the history and ongoing impacts of colonisation on First Peoples in Victoria and will formally conclude on June 30 as the state's longest-running royal commission. In its final weeks, Kerrupmara Gunditjmara man and Yoorrook Deputy Chairperson, Commissioner Travis Lovett led the 25-day walk across Victoria to raise awareness of the commission's work, emphasising truth, understanding, and building a fairer future together.

This powerful journey aims to bring everyone together to walk toward truth, celebrate the strength and resistance of Aboriginal people, and be proud to have the oldest living culture in the world as ours.

As Victoria's first formal truth-telling process, over the past four years Yoorrook has heard powerful truths from people right across the state, giving evidence on the impacts of colonisation, including systemic injustice, as well as the strength, resistance and achievements of First Peoples. These truths form the basis of Yoorrook's final reports, documenting the past and providing a roadmap to transform the future.

The walk will be a powerful way to build shared understanding of these truths, talking together about our history, while walking together to transform our future. For Aboriginal people and for all Victorians.

Evidence of impact

Authorising Document

Department of Premier and Cabinet¹²

- Letters Patent of the Yoorrook Justice Commission
- *The Inquiries Amendment (Yoorrook Justice Commission Records and Other Matters) Act 2025 (Vic)*

¹⁰ Yoorrook Justice Commission, *Yoorrook for Justice: Report into Victoria's Child Protection and Criminal Justice Systems* (Report, August 2023) ('Yoorrook for Justice').

¹¹ Yoorrook Justice Commission, 'Join us on the Walk for Truth' (Web page May 2025) <<https://yoorrookjusticecommission.org.au/events/walkfortruth/>>.

¹² Department of Premier and Cabinet (Vic), 'Response to Aboriginal Justice Caucus' 46-48.

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Advancing the Treaty Process with Aboriginal Victorians Act 2018 (Vic)¹³

The Act provides the legislative foundation for treaty negotiations between traditional owners, Aboriginal Victorians and the State of Victoria. Relevantly, the Preamble declares,

Victorian traditional owners maintain that their sovereignty has never been ceded, and Aboriginal Victorians have long called for treaty. These calls have long gone unanswered. The time has now come to take the next step towards reconciliation and to advance Aboriginal self-determination...

Through this historic Act, all Aboriginal Victorians and the State are building on this and other good work and embarking on a renewed and mature relationship. This relationship is one of equal partnership, founded on mutual respect and a commitment to justice and equality for Aboriginal Victorians, and to promoting reconciliation between Aboriginal and non-Aboriginal Victorians...

The parties to the treaty process must commit to advancing the treaty process in a manner that promotes reconciliation and celebration of cultures of traditional owners and Aboriginal Victorians and, in doing so, provides benefits to the whole of the Victorian community.

United Nations Declaration on the Rights of Indigenous Peoples¹⁴

Australia endorsed the UNDRIP in 2009. The Expert Mechanism on the Rights of Indigenous Peoples stated that recognition, reparation and reconciliation are central to the right to self-determination in UNDRIP (articles 3-5) being fully realised. The following articles are noted with their relevance to reconciliation and treaty.

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.

Article 19

States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

Outputs

Timeline of key events on the pathway to Treaty in Victoria:

Year	Key events
2016	Community consultations held across Victoria to seek communities' guidance on how an Aboriginal representative body should operate.

¹³ *Advancing the Treaty Process with Aboriginal Victorians Act 2018* 1-3 ('Advancing the Treaty Process Act'); *Yoorrook for Justice* 74.

¹⁴ United Nations, *Declaration on the Rights of Indigenous Peoples*, UNDRIP, UN General Assembly Comm, 61 sess, Agenda Item 68, UN Doc A/RES/61/295 (13 September 2007) art 3-5, 19 ('UNDRIP'); *Yoorrook for Justice* 79.

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2018	The Victorian Treaty Advancement Commission began operations with Dr Jill Gallagher appointed as its Commissioner. The Commission led the delivery of recommendations on the design of the Aboriginal Representative Body.
2018	The <i>Advancing the Treaty Process with Aboriginal Victorians Act 2018</i> (Vic) sets out a roadmap towards Treaty negotiations. It reflects the intent to work in genuine partnership with Traditional Owners and Aboriginal people to give meaningful and practical effect to the right of self-determination.
2019	The First Peoples' Assembly of Victoria held its first general member elections, with Geraldine Atkinson and Marcus Stewart elected as inaugural Co-Chairs. The Assembly consists of thirty-four members, including twelve reserved seats for Traditional Owner groups and twenty-two general seats, reflecting the diversity of Aboriginal voices across Victoria. The Assembly was formally recognised as the Aboriginal Representative Body under the Treaty Act.
2021	Yoorrook Justice Commission established. By establishing the Commission, the State committed to formally reckoning with past and ongoing injustices and laying the foundations for healing with all First Peoples in Victoria.
2022	Treaty Authority established as the 'independent umpire' for the Treaty process. Establishment of Treaty Negotiation Framework
2024	The First Peoples' Assembly of Victoria and the Victorian Government formally began negotiations for Australia's first Treaty.
2025	The Victorian Labor Government and the First Peoples' Assembly of Victoria agreed on priorities for the first round of Treaty negotiations, aiming to establish a strong foundation for Treaty in Victoria. The focus was on recognising the relationship between the State and First Peoples and delivering practical change through legal recognition of a Statewide Treaty, an ongoing representative body, accountability under Closing the Gap, and measures to support truth-telling, healing, reconciliation, and future negotiations. ¹⁵ The Yoorrook Justice Commission delivered its final reports to the Co-Chairs of the First Peoples' Assembly and the Governor of Victoria. The reports were tabled in Parliament, bringing to a close Australia's first Truth-telling Commission, and the longest running Royal Commission in Victoria.

Outcomes

Reconciliation Australia

Submission to Yoorrook Justice Commission on Economic Prosperity¹⁶

Reconciliation Australia promotes reconciliation between Aboriginal peoples and the broader Australian community, envisioning a reconciled nation where Aboriginal people participate equally in all areas of life and their rights and cultures are respected. Its work focuses on building relationships, respect, and trust across five key areas: historical acceptance, race relations, equality and equity, institutional integrity, and unity.

¹⁵ Minister for Treaty and First Peoples and First Peoples' Assembly of Victoria, 'Joint Statement on Treaty Negotiations' (Media Release 13 January 2025) <<https://www.premier.vic.gov.au/joint-statement-treaty-negotiations>>.

¹⁶ Reconciliation Australia, *Reconciliation Australia Submission on the Yoorrook Issues Paper on Economic Prosperity* (Submission to Yoorrook Justice Commission NUT.0001.0518.0003, 27 March 2024) 1-4 ('Reconciliation Australia Yoorrook Submission').

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Through programs such as the Reconciliation Action Plan (RAP) Program, now adopted by over 3,000 organisations, Reconciliation Australia supports practical action toward reconciliation, self-determination, and economic participation. Evidence shows organisations with RAPs are more effective at sustaining reconciliation efforts.

RAP Impact Report¹⁷

The 2023 RAP report, based on data from 1,873 organisations, shows progress across the RAP network between July 2022 and June 2023. Nearly 5.4 million people worked or studied in organisations with a RAP (a 44 percent increase since 2022), participation in National Reconciliation Week increased (6,543 events were held), and Aboriginal representation in board and executive roles continued to grow (606 Aboriginal people sat on the boards of RAP organisations, compared to 491 in 2022). Engagement in cultural learning expanded (701,239 employees of RAP organisations participated in online cultural learning), employment and procurement opportunities for Aboriginal people increased, and most RAP organisations reported meaningful changes to internal policies and external practices and services because of their RAP.

Negotiations Finalised for Victoria's Treaty¹⁸

The Victorian Government introduced the Statewide Treaty Bill to Parliament on 9 September 2025, proposing to make the First Peoples' Assembly of Victoria a permanent body with expanded powers to improve outcomes for Aboriginal people. Subject to the Bill's passage, both parties would sign a negotiated Statewide Treaty.

The Bill aims to strengthen Aboriginal self-determination by giving the Assembly greater decision-making authority over policies and services that affect Aboriginal communities, including accountability under Closing the Gap, consultation on laws and policies, leadership in truth-telling and healing, key statutory appointments, oversight of major Aboriginal programs and funds, and the establishment of a First Peoples' Institute to build leadership capability.

Community Views

Travis Lovett, Yoorrook Deputy Chair Commissioner on the Walk for Truth¹⁹

Yoorrook invites everyone to join us on this powerful journey, to walk together toward truth, to be part of the positive change for Victoria and Australia, to celebrate the strength and resistance of Aboriginal people and to be proud to have the oldest living culture in the world as ours.

Ebony Hickey, Chairperson, Barwon South West Regional Aboriginal Justice Advisory Committee²⁰

¹⁷ Reconciliation Australia, *2023 RAP Impact Report* (7 December 2023) 1-2 ('2023 RAP Impact Report').

¹⁸ Premier of Victoria, 'Negotiations Finalised For Victoria's Treaty', *Premier of Victoria*, (Web page, 9 September 2025) <<https://www.premier.vic.gov.au/negotiations-finalised-victorias-treaty>> ('Negotiations Finalised For Victoria's Treaty').

¹⁹ Yoorrook Justice Commission, 'Join us on the Walk for Truth'.

²⁰ Meeting with Aboriginal Justice Caucus Working Group (Project Team, Online, 30 May 2025) ('*Working Group Meeting (30 May 2025)*').

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As I reflect on the landscape we've inherited post the referendum, racism and abuse towards our Aboriginal Community amplified and has gained significant momentum since.

In a federal election and State Budget sense, we've seen zero investment from any level of government in supports and services for our Peoples in the Colac Otway Region. We've got a beautiful Aboriginal Community here, resilient, passionate and determined but the work is exhausting, we're dealing with the consequences of ineffective and systemically unjust policy while simultaneously stuck in the same system, advocating for change with zero resources and making little ground.

As a Nation talking about reconciliation, we've fallen short on Closing the Gap, implementing the recommendations from the Royal Commission into Aboriginal Deaths in Custody amongst other areas in the social justice arena; but I think what's the most alarming is at a local level reading the comments section of anything remotely relating to Aboriginal People or Country to see the vitriol targeting and belittling us and our practices.

Knowing these degrading and dehumanising comments are being made by people we walk past in the street, work in our community, play at the football clubs, teach our children and run the property next door, truthfully is frightening.

If Reconciliation isn't working effectively – it really is time to start talking Treaty.

Open Letter to Members of Parliament²¹

This open letter, penned by Reconciliation Victoria, was supported by over sixty community organisations urging bipartisan support for Treaty in Victoria:

Dear Member of Parliament,

As groups dedicated to meaningful reconciliation with Victoria's First Peoples, we are deeply committed to Treaty for Victoria.

No one who heard the testimony given to the Yoorrook Justice Commission or read its findings can doubt that Treaty is the only possible next step for Victoria to take.

Yoorrook showed that the legacy of violence, discrimination and neglect which Aboriginal People have faced in Victoria since settlement continues to impact their health, welfare, education, socio-economic status and opportunities right to this day.

Attempted solutions to these issues by governments have not worked because they have not been informed by, led by or owned by Aboriginal Peoples. First People must make decisions on matters that affect them. Treaty will deliver this.

Treaty accepts the true history of our state. It will use this knowledge to guide policy and programs that will address equity and equality issues.

Treaty will unify Victoria by valuing and recognising Aboriginal and Torres Strait Islander cultures and heritage as a proud part of a shared identity.

²¹ Reconciliation Victoria, 'Open Letter to MPs on Treaty, Sept 2025', *Reconciliation Victoria* (Open letter, September 2025) <<https://www.reconciliationvic.org.au/portfolio/open-letter-to-mps-on-treaty-sept-2025>> ('Open Letter to MPs on Treaty, Sept 2025').

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It will ensure that our public and private institutions play their important roles in supporting First Peoples and can be held to account when they fail to do so.

Treaty should have happened when settlers first came to Victoria – it's long overdue. By establishing Treaty, Victoria joins New Zealand, Canada and the United States as jurisdictions that have acknowledged their First Peoples' prior occupation and spiritual connection with land through the establishment of treaties.

We acknowledge the tremendous courage and strength of generations of Aboriginal People in Victoria to resist the impact of colonisation. We acknowledge the tenacity, skill and hard work that went into producing this nation's first truth-telling reports, into creating a highly effective First Peoples Assembly, and into negotiating the Treaty Bill that has recently been tabled in Parliament.

We urge all members of the Victorian Parliament to accept the pressing need for Treaty and the healing process that can only start when the Treaty Bill is passed.

Related recommendations

2005 Review²²

Recommendation 33

That the Department for Victorian Communities report to the Statewide Indigenous Representative body on the status of the reconciliation process within the State, with a particular emphasis on the public sector and local government areas.

That the Victorian Government continue to implement and monitor Recommendations 339 through any monitoring process established as a consequence of this Review.

Assessment Summary²³

The intent of Recommendation 339 was that political parties acknowledge the urgent need for reconciliation to reduce division and injustice toward Aboriginal people, and that governments build bipartisan public support for this process.

At the time of assessment, the *Statewide Treaty Bill 2025* (Vic) had not been introduced to the Victorian Parliament. It proposed to make the First Peoples' Assembly of Victoria (FPAV) permanent and expand its responsibilities to deliver better outcomes for Aboriginal people in Victoria. This will put decision-making power about initiatives and services that impact Aboriginal people into the hands of the FPAV.

This builds on the legacy of our Ancestors, Elders and leaders who have fought for our rights to be heard and upheld since colonisation. The long-awaited recognition of the need to renegotiate our relationship with the state is not something that will divide Victorians but rather bring us together. Treaty is the only path forward to have Aboriginal voices heard and self-determination realised.

We need to be the decision makers because at the moment, we're just the onlookers. We're looking from the outside in, and that's how we've been for the last 200 plus years. It's got to change. We've got to be a

²² 2005 Review, 43.

²³ Working Group Meeting (30 May 2025); Meeting with Aboriginal Justice Caucus (Project Team, Online, 21 October 2025) ('AJC Meeting (21 October 2025)'); Victorian Aboriginal Legal Service, 'Treaty is the only path forward', *Victorian Aboriginal Legal Service* (Web page, 17 October 2025) <<https://www.vals.org.au/treaty-is-the-only-path-forward/>> ('Treaty is the only path forward').

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part of the decision making. (Marion Hansen, Co-chairperson, Aboriginal Justice Caucus (AJC) and Chairperson, Southern Metropolitan Regional Aboriginal Justice Advisory Committee (RAJAC))

We are deeply concerned by the Liberal Party's announcement that they will repeal Treaty legislation within their first one hundred days if elected next November, and that their proposed model would instead establish a new advisory body. The Liberal Party failed to articulate how this 'new' department differs from previous government agencies responsible for coordinating the government's policy work with Aboriginal peoples, or how it will function in practice to deliver improved outcomes. We do not need to repeat past failures.

This type of divisive attitude to reconciliation is unfortunately prevalent – notable in the failure of the Voice to Parliament referendum and the over 600 Aboriginal deaths in custody across Australia since the RCIADIC. Although there have been efforts through Reconciliation Action Plans, the Yoorrook Justice Commission, Aboriginal Justice Agreements, NAIDOC, Reconciliation Weeks and other initiatives by governments at all levels, there remains an overall lack of genuine and sustained effort from the wider community to take meaningful action towards reconciliation.

We have significant concerns that reconciliation is losing its meaning, being watered down to symbolic gestures or 'box-ticking' exercises. This is deeply disappointing, leaving Aboriginal people with the responsibility to bridge the gap with non-Aboriginal people and spearhead change. We want to see genuine efforts by non-Aboriginal people to engage with Aboriginal communities, support anti-racism and aid us in our efforts to have greater self-determination.

I still have hope that things will change, because I've seen that positive change in my own hometown over many, many years. We've got to continue to try. Not just for the here and now, but for the future and for our kids. (Marion Hansen, Co-chairperson, AJC and Chairperson, Southern Metropolitan RAJAC)

We look to Treaty as a path to meaningful reconciliation in Victoria, a significant step towards self-determination, and addressing past injustices. Our sentiments are reflected in a statement prepared by Ebony Hickey, Chairperson of the Barwon South West RAJAC, in the lead up to Reconciliation Week in 2025:

As I reflect on the landscape we've inherited post the referendum, racism and abuse towards our Aboriginal Community amplified and has gained significant momentum since.

In a federal election and State Budget sense, we've seen zero investment from any level of government in supports and services for our Peoples in the Colac Otway Region. We've got a beautiful Aboriginal Community here, resilient, passionate and determined but the work is exhausting, we're dealing with the consequences of ineffective and systemically unjust policy while simultaneously stuck in the same system, advocating for change with zero resources and making little ground.

As a Nation talking about reconciliation, we've fallen short on Closing the Gap, implementing the recommendations from the Royal Commission into Aboriginal Deaths in Custody amongst other areas in the social justice arena; but I think what's the most alarming is at a local level reading the comments section of anything remotely relating to Aboriginal People or Country to see the vitriol targeting and belittling us and our practices.

Knowing these degrading and dehumanising comments are being made by people we walk past in the street, work in our community, play at the football clubs, teach our children and run the property next door, truthfully is frightening.

If Reconciliation isn't working effectively – it really is time to start talking Treaty.

Overall, Recommendation 339 remains highly relevant and is a high priority for further work.

Assessment of RCIADIC Recommendation 339

Is the intent of the recommendation accurately described?

Yes No

Does the action taken align with the intent of the recommendation?

- 0 – No action taken
- 1 – Action taken is of little relevance to the intent of the recommendation
- 2 – Action taken partially aligns with the intent of the recommendation
- 3 – Action taken fully aligns with the intent of the recommendation

2

(Score out of 3)

Is there evidence of the desired impact or outcome/s?

- 0 – No evidence
- 1 – Evidence of output rather than outcome
- 2 – Some evidence action contributed to outcome/s
- 3 – Clear link between action and impact or outcome/s

1.5

(Score out of 3)

How relevant is the recommendation in the current context?

- 0 – No relevance – refers to practices, agencies or laws that no longer exist
- 1 – Low – some relevance, but most aspects of the recommendation no longer apply
- 2 – Moderate – remains relevant, but some aspects of recommendation no longer apply
- 3 – High – entirely relevant to current context

3

(Score out of 3)

Does full implementation have the potential to reduce incarceration, increase safety in custody and/or progress Aboriginal self-determination?

- 0 – No potential to improve Aboriginal justice outcomes
- 1 – Low – potential to improve Aboriginal justice outcomes, but none of the three identified
- 2 – Moderate – potential to progress one or two of the outcomes identified
- 3 – High – potential to reduce incarceration AND increase safety in custody AND self-determination

2

(Score out of 3)

Potential actions for further work

Political leaders must demonstrate bipartisan support for Treaty making and Treaty/ies in Victoria.

Accountability to Aboriginal Community *(Recommendation 9, Yoorrook for Transformation)*

To ensure State accountability and give effect to Aboriginal people’s self-determination in relation to Aboriginal-related policies and programs:

- a) Building on Recommendation 4 in Yoorrook for Justice and through negotiation with the First Peoples’ Assembly of Victoria, the Victorian Government must support the establishment of an accountability mechanism to transfer monitoring functions and full decision-making power, authority, control and resources to Aboriginal people for Aboriginal-related policies and programs;
- b) For all policies, strategies, frameworks and plans related to Aboriginal people for which the Victorian Government is responsible, the Victorian Government must develop an easily accessible online tool showing implementation stages, funding, days outstanding and date of completion, and identify the person responsible for implementation; and
- c) The Victorian Government must reduce and streamline reporting requirements for Aboriginal Community Controlled Organisations and Traditional Owner bodies for service and program delivery and managing requests and notifications, including by negotiating single funding agreements with organisations.

High priority for further work

Relevance and potential impact

		Low (0-2)	Moderate (3-4)	High (5-6)
Extent of action taken and evidence of outcomes	High (5-6)			
	Moderate (3-4)			Rec 339
	Low (0-2)			

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