



## Royal Commission into Aboriginal Deaths in Custody Recommendation

### 53. Provide access to archival records enabling family reunion

*That Commonwealth, State and Territory Governments provide access to all government archival records pertaining to the family and community histories of Aboriginal people so as to assist the process of enabling Aboriginal people to re-establish community and family links with those people from whom they were separated as a result of past policies of government. The Commission recognises that questions of the rights to privacy and questions of confidentiality may arise and recommends that the principles and processes for access to such records should be negotiated between government and appropriate Aboriginal organisations, but such negotiations should proceed on the basis that as a general principle access to such documents should be permitted.<sup>1</sup>*

<b>Background<sup>2</sup></b>	The Royal Commission into Aboriginal Deaths in Custody (RCIADIC) highlighted the importance of giving Aboriginal people access to government records about their family and community histories. This access can help rebuild connections that were disrupted by past policies. While recognising privacy concerns, it recommended that governments and Aboriginal organisations work together to create guidelines for accessing these records.
<b>Intent</b>	Ensure governments provide Aboriginal people with access to archival records needed to reconnect with family and community.
<b>Responsibility</b>	The Commonwealth and all state and territory governments.
<b>Key contacts</b>	Department of Premier and Cabinet (DPC); Department of Families, Fairness and Housing (DFFH); Stolen Generations Reparations Unit, Department of Justice and Community Safety (DJCS); Public Record Office Victoria, Department of Government Services (DGS).
<b>Key action taken</b>	
<b>2005 Review<sup>3</sup></b>	<p>The Department for Victorian Communities assessed Recommendation 53 as <b>fully implemented</b>.</p> <p><b>Department for Victorian Communities</b></p> <p>In 2001, the Public Record Office Victoria (PROV), together with Aboriginal Affairs Victoria and the Koorie Heritage Trust, supported the Victorian Koorie Records Taskforce. The Taskforce consulted widely with Aboriginal communities and used their feedback to fulfil its Terms of Reference as set out in the Bringing them Home Report:</p> <ul style="list-style-type: none"> <li>• Develop common access guidelines to Aboriginal personal, family and community records in accordance with established privacy principles.</li> </ul>

<sup>1</sup> Royal Commission into Aboriginal Deaths in Custody (Final Report, 1991) vol 2, 79 ('RCIADIC').

<sup>2</sup> Ibid vol 2, 72-79.

<sup>3</sup> 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, 196-8 ('2005 Review').

## 53. Provide access to archival records enabling family reunion

- Advise government whether any church or other non-government record-holding agency should be assisted to preserve and index its records and administer access.
- Advise government on memoranda of understanding for dealing with inter-state inquiries and for inter-state transfer of files and information.
- Advise government and churches on policy relating to access to and uses of Aboriginal personal, family and community information.
- Advise government to introduce or amend legislation to put policies into place.

Extensive consultation with Aboriginal communities was central to creating culturally appropriate access to records in Victoria, with the Victorian Koorie Records Taskforce providing a key forum for this engagement through its Aboriginal membership and networks.

The Taskforce reported to the government on access to records by Aboriginal people in Victoria and made recommendations to address issues raised in the Bringing Them Home Report, supporting the development of a new Stolen Generations organisation. Additionally, PROV and Aboriginal Affairs Victoria produced Finding Your Story: A Resource Manual to the Records of Stolen Generations in Victoria. It was a comprehensive guide to archival records in Victoria relating to the Stolen Generations and their families.

### 2018 Review<sup>4</sup>

Deloitte concluded that the Commonwealth Government and Victorian Government had both **fully implemented** Recommendation 53.

#### **Commonwealth Government**

Deloitte noted the tailored access arrangements implemented by the National Archives, and the publication of guides and other information to assist Aboriginal people to access Commonwealth records for the purpose of re-establishing family and community links.

#### **Victorian Government**

Deloitte concluded that Aboriginal people were provided with access to their family records under the *Adoption Act 1984* (Vic) and the *Information Act 1982* (Vic).

### Since then

Victorian government agencies provided updates on this recommendation in 2025:

#### **Public Record Office Victoria<sup>5</sup>**

As part of its continued efforts to address historical description issues and improve access to Victorian Government records of significance to Aboriginal people, PROV has completed several projects, including:

- Publication of item level descriptions in the PROV online catalogue for all record series relating to the Aboriginal Protectorate and Guardian of Aborigines (1838-1860) which is a significant part of PROV's collection.
- A project in collaboration with PROV's volunteer program to transcribe a volume of correspondence relating to Coranderrk (1898–1924).

<sup>4</sup> 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) 109-111 ('2018 Review').

<sup>5</sup> Public Record Office Victoria, 'Response to Aboriginal Justice Caucus' (Response to AJC Request) 4-6.

## 53. Provide access to archival records enabling family reunion

- Digitisation of records relating to the Victorian government's administration of Aboriginal affairs.
- Implementation of a cultural sensitivity pop-up notice for all visitors to the PROV website, and webpages with information about cultural sensitivity, re-use of records relating to Aboriginal people, Stolen Generations and other support services.

To improve access to historical family and community records PROV has:

- Held workshops with the National Archives of Australia for the Victorian Aboriginal Community Controlled Health Organisation and Bringing Them Home workers, on accessing Victorian Government family history records.
- Provided workshops, talks and information for Aboriginal organisations, community groups and support services, as well as university and archives audiences. Typically, at least two of these have occurred each financial year since 2018.
- Multiple staff across the organisation have completed the Australian Society of Archivists online training modules Indigenous Recordkeeping and Archives, and A Trauma-Informed Approach to Managing Archives.
- Completed a formal submission to the Stolen Generations Reparations Steering Committee, which advised the Victorian Government on the design of a reparations scheme for Stolen Generations members who have experienced pain and suffering because of separation during childhood from family, community, culture and Country.
- Digitised key collections of records relating to Victorian Aboriginal peoples and the Aboriginal Protectorate from the period 1838–1860. Aboriginal researchers have direct access to these records in the Victorian Archives Centre Reading Room via a standalone portal designed specifically for accessing digitised Aboriginal records that are not published online for cultural sensitivity and privacy reasons.

### Koorie Records Unit<sup>6</sup>

The Koorie Records Unit raises awareness of Aboriginal records held by PROV and the National Archives of Australia, with a Koorie Reference Officer supporting Aboriginal researchers, including Stolen Generations members and descendants, in locating records about family, community, and culture.

The Unit aims to improve accessibility of these records to the Aboriginal community, by providing a culturally sensitive Koorie Reference Service and developing resources and programs to increase awareness and use of Victoria's collections of government records about Aboriginal people.

The Koorie Reference Service offers confidential support, for Aboriginal people including record searches, copies of search results and relevant records (often free), guidance, and

<sup>6</sup> Public Record Office Victoria, *Koorie Reference Service Charter: Koorie Records Unit* (22 November 2017) ('Koorie Reference Service Charter: Koorie Records Unit'); Public Record Office Victoria, 'Aboriginal Victorians Family History: Step by Step Guide to Using Archives' (Web page 22 October 2024) <<https://prov.vic.gov.au/explore-collection/explore-topic/aboriginal-victorians-1830s-1970s/aboriginal-victorians-family>>; Public Record Office Victoria, 'Koorie Reference Service' (Web page 7 February 2025) <<https://prov.vic.gov.au/about-us/koorie-services/koorie-reference-service>>; Public Record Office Victoria, 'Koorie Records Unit' (Web page 17 November 2022) <<https://prov.vic.gov.au/koorie-services>>.

## 53. Provide access to archival records enabling family reunion

referrals to other support organisations such as Link-Up Victoria, Connecting Home and the Koorie Heritage Trust Family History Service.

### Healing Foundation Historical Records Taskforce

PROV is a member of the Healing Foundation's Historical Records Taskforce, which works to advance the Bringing Them Home recommendations, especially improving access to historical records. The Taskforce has developed consistent access principles for Stolen Generations records in consultation with Aboriginal organisations and record-holding bodies, building on earlier work by the Victorian Koorie Records Taskforce.

### Contribution to National Approaches

In 2021, PROV contributed to the guideline on Maximising Access to Care Leavers' Records developed by the Council of Australasian Archives and Records Authorities (CAARA). The purpose of the guideline was to improve access to out-of-home care records in line with principles identified in earlier work on access for forgotten Australians and former child migrants.

PROV is also active across the archives sector through the CAARA First Nations Special Interest Group responding to recordkeeping recommendations in the Tandanya-Adelaide Declaration and the Healing Foundation Historical Records Taskforce Principles for Nationally Consistent Approaches to Accessing Records.

### **Department of Families, Fairness and Housing<sup>7</sup>**

On 31 March 2020, the Victorian Government opened the Stolen Generations Reparations Package to help address the trauma and suffering caused by the forced removal of Aboriginal children from their families, culture, community, identity and language.

DFFH holds records that pertain to the removal of children from their families. A Memorandum of Understanding (MoU) between DFFH and DJCS established a team within DFFH to work on Package applications, including conducting searches for records held by the department and release of these records to applicants.

A "maximum release" approach ensures Stolen Generations Reparations Package applicants receive as much information as possible to help reconnect with their identity, history, and family, while also supporting their right to access and respond to personal data in line with Indigenous Data Sovereignty.

To support the Reparations Package, DFFH and DJCS obtained a Public Interest Determination from the Office of the Victorian Information Commissioner to depart from complying with Information Privacy Principle 2.1 and support the release of documents outside the constraints of the *Freedom of Information Act*. This resulted in a significant reduction in redactions on released records.

In 2024 an additional MoU was agreed between DFFH and the National Indigenous Australians Agency (NIAA) to support the Territories Stolen Generations Reparations with

<sup>7</sup> Department of Families Fairness and Housing, 'Review of Recommendations from the Royal Commission into Aboriginal Deaths in Custody (RCIADIC) on Data, Research, Funding, Child Protection & Youth' (Response to AJC Request) 13-15.

## 53. Provide access to archival records enabling family reunion

access to information required to progress applications for redress where there has been Victorian involvement.

The department's Freedom of Information (FOI) Unit provides a specialised access pathway with a pro-release approach, aiming to share as much information as possible and help applicants understand the records. The FOI Unit works with Aboriginal organisations and agencies to support access to records, including (among others) the Victorian Aboriginal Legal Service and the Victorian Aboriginal Child and Community Agency. The FOI Unit has implemented a prioritisation pathway to assist applicants seeking to access records through these agencies.

### **Department of Premier and Cabinet<sup>8</sup>**

DPC considers this recommendation fully implemented.

The Stolen Generations Reparations Package offers eligible applicants access to records related to their removal from family. This includes records held by the Victorian Government, the National Archives of Australia (NAA) and PROV. Applicants can also receive support in understanding and interpreting these records.

The Yoorrook Justice Commission was the first formal truth-telling body for Aboriginal people in Victoria. It was established in 2021 to hear, record and address truths about Aboriginal peoples' experiences of colonisation. The Commission was the first inquiry to apply Indigenous Data Sovereignty, whereby Aboriginal people own, control, access and possess data that derive from them, or which pertain to their members knowledge systems, customs, resources or territories. During the Commission's term, Victorian Government departments and Victoria Police responded to various notices to produce to inform the findings of the Commission.

## Evidence of impact

### **Authorising documents**

#### **Archives Act 1983 (Cth)<sup>9</sup>**

This Act governs access to records held by the National Archives of Australia. Records in the open access period are generally available for public access. Following amendments to the Act in 2010, the open access period will begin after 20 years instead of the previous 30 years. Information is withheld from public access for a longer period if it is sensitive. Withheld information falls into two areas: sensitive personal information and information about security, defence and foreign relations.

#### **Memorandum of Understanding with National Archives of Australia<sup>10</sup>**

Some information is withheld from public access on privacy grounds. However, Aboriginal people can look at the files under a Memorandum of Understanding (MoU) reached

<sup>8</sup> Department of Premier and Cabinet (Vic), 'Response to Aboriginal Justice Caucus' (Response to AJC Request) 14-17.

<sup>9</sup> *Archives Act 1983 (Cth)* ('Archives Act').

<sup>10</sup> Public Record Office Victoria, *Finding Your Story: A Resource Manual to the records of the Stolen Generations in Victoria* (Resource Manual, 2005) 1-15, 62-63, 65 ('Finding Your Story: A Resource Manual to the records of the Stolen Generations in Victoria'); Victorian Aboriginal Child and Community Agency (VACCA), *Yoorrook - Nuther-mooyoop on Systemic Injustices in the Child Protection and the Criminal Justice Systems* (Submission to Yoorrook Justice Commission NUT.0001.0077.0003\_R, December 2022) 31-34 ('Yoorrook - Nuther-mooyoop on Systemic Injustices in the Child Protection and the Criminal Justice Systems').

## 53. Provide access to archival records enabling family reunion

between the National Archives of Australia and the Victorian Aboriginal Child and Community Agency (VACCA), through Link-Up Victoria. The MoU outlines the types of records held and procedures for individuals to access them, including:

- Records over 30 years old with sensitive personal information, normally exempt under the *Archives Act 1983*, can be accessed by the person concerned or their family to help restore family and community connections.
- A section relating to repatriation of records stating,  
*the Archives will respond sympathetically and cooperatively to request for copies of Aboriginal related material of specific relevance to an Aboriginal community for their use and retention.*

### **Public Records Act 1973 (Vic)<sup>11</sup>**

This Act establishes the legal framework for the preservation, management and access to Victoria's public records through the Public Record Office Victoria (PROV). Most records listed are open for public access. A small proportion of records are 'closed' as they contain information of a personal or private nature about individuals.

The Keeper of Public Records (who is also the Director, PROV) is empowered to approve the retention or destruction of government records, preventing agencies from destroying records without permission.

### **Freedom of Information Act 1982 (Vic)<sup>12</sup>**

This Act gives the public the right to access government-held information, with exemptions to protect public and private interests, and allows individuals to request corrections to their personal information. Certain information can be withheld if it's exempt, such as personal, commercial, law enforcement, or confidential information, with authorised Freedom of Information officers deciding exemptions.

### **Inquiries Amendment (Yoorrook Justice Commission Records and Other Matters) Act 2024 (Vic)<sup>13</sup>**

This Act enabled the Yoorrook Justice Commission to make orders to close or restrict access to ensure that evidence provided on a confidential basis by Aboriginal people is not disclosed to third parties. It also exempts records subject to such orders from Freedom of Information legislation and access to records under the *Public Records Act 1973 (Vic)*. This Act was the first in Victoria to reflect principles of Indigenous Data Sovereignty.

### **Department of Families, Fairness and Housing<sup>14</sup>**

The MoU between DFFH and DJCS and the Public Interest Determination enhance access to records associated with applications to the Stolen Generations Reparations Package.

The publicly available Care Leavers Access to Records Policy supports the release of out of home care records.

<sup>11</sup> *Public Records Act 1973 (Vic)* ('*Public Records Act*').

<sup>12</sup> *Freedom of Information Act 1982 (Vic)* ('*FOI Act*').

<sup>13</sup> *Inquiries Amendment (Yoorrook Justice Commission Records and Other Matters) Act 2024 (Vic)* ('*Inquiries Amendment Act 2024*').

<sup>14</sup> Department of Families Fairness and Housing, 'Review of Recommendations from the Royal Commission into Aboriginal Deaths in Custody (RCIADIC) on Data, Research, Funding, Child Protection & Youth' 13-15.

## 53. Provide access to archival records enabling family reunion

### Outputs

#### **Department of Government Services**

##### Public Record Office Victoria Rights in Records Action Plan<sup>15</sup>

The State Archival Collection held by PROV contains historical evidence of the controls and injustices experienced by Aboriginal people due to government policy and practices. In response to growing demands by Aboriginal people for greater control of the records held about them and their communities by government, PROV has developed a Rights in Records Action Plan, guided by Indigenous Data Governance and Sovereignty.

The aim of the Action Plan is to increase accessibility of relevant records, improve researcher experience and consider how to increase people's rights in public records, within the confines of the *Public Records Act 1973*.

Implementation of the Action Plan has commenced. PROV is working with the Indigenous Data Sovereignty Living Archive at Monash University on a project to improve the accessibility of records held at PROV which relate to Aboriginal people.

##### Finding Your Story, Public Record Office Victoria<sup>16</sup>

In 2005, PROV published Finding Your Story, a culturally appropriate resource manual on records relating to the Stolen Generations in Victoria. It compiles government and non-government archival collections, including information from agencies like the Koorie Heritage Trust, Department of Human Services, and Link-Up Victoria, and explains access policies including those of community service agencies involved with the care of Aboriginal children.

The guide helps people access records on child protection involvement, government welfare (if the person was a Ward of State, in foster care, a youth training centre or placed in a government children's home), adoption, church and community care, Aboriginal Welfare Board and Aboriginal mission, reserve and stations, birth, death and marriage certificates, and other family-related information.

##### Walata Tyamateetj, Public Record Office Victoria and National Archives of Australia<sup>17</sup>

This guide to government records about Aboriginal people in Victoria assists researchers to locate records held by PROV and the National Archives of Australia. These collections include records created by agencies and officials responsible for managing Aboriginal affairs in Victoria from the 1830s to 1970s. Both have Aboriginal name indexes to improve access to records.

#### **Department of Families, Fairness and Housing<sup>18</sup>**

The department reports its FOI performance via annual reports and through the Office of the Victorian Information Commissioner.

<sup>15</sup> Public Records Office Victoria, 'Response to Aboriginal Justice Caucus' (Response to AJC Request) 4-6.

<sup>16</sup> *Finding Your Story: A Resource Manual to the records of the Stolen Generations in Victoria*, 1-15, 62-63, 65.

<sup>17</sup> Public Record Office Victoria and National Archives of Australia, *walata tyamateetj: A Guide to Government Records About Aboriginal people in Victoria* (26 March 2018) 17, 20, 64 ('walata tyamateetj: A Guide to Government Records About Aboriginal people in Victoria').

<sup>18</sup> Department of Families Fairness and Housing, 'Review of Recommendations from the Royal Commission into Aboriginal Deaths in Custody (RCIADIC) on Data, Research, Funding, Child Protection & Youth' 13-15.

## 53. Provide access to archival records enabling family reunion

In addition, DFFH contributed to Guidance on Facilitating Access to Photographs of Childhood Institutional Care Experiences, developed with academics, government, and Aboriginal organisations like VACCA and the Australian Society of Archivists Indigenous Recordkeeping and Archives Special Interest Group. It includes culturally appropriate practices for Aboriginal and Torres Strait Islander peoples. Adoption of the guidance aims to improve access to photographic records.

DFFH continues to collaborate across agencies to enhance services and access to historical family and community records.

### **Department of Premier and Cabinet<sup>19</sup>**

DPC coordinated whole-of-government responses to the Yoorrook Justice Commission in line with Victoria's commitment to truth-telling. The following reports were noted:

- Yoorrook with Purpose – 2022 Interim Report
- Yoorrook for Justice – 2023 Second Interim Report
- Yoorrook for Transformation – 2025 Third Interim Report

### **Outcomes**

#### **Public Record Office Victoria and National Archives of Australia**

Barriers to accessing historical records remain as reflected in Finding Your Story and Walata Tyamateetj. These include:

- Many individuals or their family members were children when records were created, making it hard to know which agencies hold them or the names/locations of children's homes or foster placements.
- Some agencies, especially non-government ones, lacked resources or policies to maintain records.
- Records may only exist if there was interaction with government departments or association with Aboriginal missions or reserves.
- Many government agencies did not keep records as this was not required by law.
- Archival collections may be hard to search as not all information was indexed.
- Some records do not identify a person's Aboriginality and are therefore excluded from guides.

#### **Victorian Aboriginal Child and Community Agency<sup>20</sup>**

Link-Up Victoria has operated as a program of VACCA for 20 years and provides a gateway to accessing government records.

#### Repatriation of records

The MoU between VACCA and the National Archives of Australia (established in 2000) provides only for copies of records to be shared, rather than transferring custody of records to Aboriginal community agencies. This approach is limited and inconsistent with the Bringing Them Home recommendations, which support the return of records to Aboriginal

<sup>19</sup> Department of Premier and Cabinet (Vic), 'Response to Aboriginal Justice Caucus' 14-17.

<sup>20</sup> Yoorrook - Nuther-mooyoop on Systemic Injustices in the Child Protection and the Criminal Justice Systems, 31-34.

## 53. Provide access to archival records enabling family reunion

repositories. VACCA advocates for amendments to the *Archives Act 1983* (Cth) to allow the repatriation of records to Aboriginal Community Controlled Organisations (ACCOs).

### Non-state entities

VACCA is concerned that non-state entities involved in the removal, care, placement or adoption of Aboriginal children may not be transparent about the records they hold and may not have arrangements in place to provide culturally safe access. VACCA considers a set of minimum standards should apply to all record holders in relation to records management, culturally safe access and repatriations.

### Cultural Support Plans

VACCA is the contracted family finding service for Aboriginal children in Victoria for Cultural Support Plans regarding children in out-of-home care or under a youth justice order. Relevant to Recommendation 53, these plans include a range of information, including the child's family genogram. VACCA has access to national and state records, the Koorie Heritage Trust, Births, Deaths and Marriages and ancestry tools, however, it is difficult to establish a concrete Aboriginal connection for a child that had family members that were a part of the Stolen Generations.

### **First Nations Legal and Research Service, Submission to Yoorrook Justice Commission<sup>21</sup>**

First Nations Legal and Research Service (FNLRS) holds documents and other materials to support Aboriginal people in their formal recognition journeys and native title claims. The material held on behalf of Aboriginal people is difficult for individuals and communities to access due to legal and privacy restrictions. Information collected for the purpose of assessing a native title claim may also be divisive or upsetting when taken out of context.

FNLRS hopes that through the Treaty process, Aboriginal clients will be given the resources and capability to manage, protect and use their data to tell their stories and participate in decision-making. For this material to be useful for self-determination, it must be properly catalogued with ownerships and relevant legal obligations recorded.

FNLRS is working on a pilot program to hand back materials to a native title group. This pilot will assist FNLRS to adjust policies and procedures to align with Indigenous Data Sovereignty principles and establish resourcing needs to undertake a broader hand-back project.

### **Yoorrook Justice Commission, Indigenous Data Sovereignty and Data Governance<sup>22</sup>**

Yoorrook's findings and recommendations were informed by Aboriginal knowledge and stories, safeguarded through Indigenous Data Sovereignty. Individuals and groups controlled how their information was used, with consent sought for use, publication, and future access. Contributors could choose full, partial, or no confidentiality for Yoorrook's

<sup>21</sup> First Nations Legal and Research Services, *Submission to the Yoorrook Justice Commission Inquiry into Land, Water and Sky* (Submission to Yoorrook Justice Commission NUT.0001.0345.0003, 27 November 2023) 9-10 ('FNLRS Submission to Yoorrook').

<sup>22</sup> Yoorrook Justice Commission, *Indigenous Data Sovereignty and Data Governance* (Information Sheet, 2022) ('Indigenous Data Sovereignty and Data Governance').

## 53. Provide access to archival records enabling family reunion

use, and set one of four levels of future access for archived materials, from restricted to fully accessible.

The *Inquiries Amendment (Yoorrook Justice Commission Records and Other Matters) Act 2024* (Vic) allowed Yoorrook to restrict access to confidential evidence from First Peoples, protecting it from disclosure and exemptions under FOI and the *Public Records Act*. This was the first formal recognition of Indigenous Data Sovereignty in Victorian law.

### Community views

#### **Andrew Lovell, Submission to Yoorrook Justice Commission<sup>23</sup>**

In his submission, Mr Lovell describes a lifetime of being blocked by authorities from accessing records about his family's history and heritage.

*In the context of Victoria. They refuse, absolutely refuse, point blank to hand over any of my grandfather's records by way of don't return phone calls, don't return emails.*

*Every FOI that I have lodged, and there have been several in the state of Victoria, every one of them has been ignored... Not even an acknowledgement of a reply.*

*I know now that the suffering that I sought to escape from is around me to this very day. I can't leave anything behind while so much of this history, and its not just about records, but in those records, it's about ... [putting] the story together.*

#### **The Honourable Sheena Watt, MP, speaking about the Inquiries Amendment Bill**

*For many who have already shared their stories, so much has already been taken. It is crucial that your own story, your own truth and your own family remain yours – the story of how you came to be there on the witness stand. As a First Nations person I know that sovereignty was never ceded. Sovereignty is not just about land or governance. It is about self-determination. It is about our identity. It is about control over our own stories. It is about ensuring that our voices, our experiences and our histories are told and preserved on our terms. This bill affirms that sovereignty. It acknowledges that Aboriginal people have the right to control their own information and how it is shared. It is a fundamental step in the process of truth-telling and treaty.*

## Related recommendations

### Yoorrook for Transformation<sup>24</sup>

#### **Recommendation 97**

The Victorian Government must commit funding and resources to systemic reform to facilitate, embed and ensure Indigenous Data Sovereignty and Indigenous Data Governance in relation to Aboriginal people's records, including through Treaty by funding, resourcing and supporting the establishment of a Victorian Aboriginal-controlled statewide body for Aboriginal peoples' data, records and data governance expertise.

<sup>23</sup> Yoorrook Justice Commission, *Transcript of Recording: Andrew James Lovell - 5th August 2024* (Submission to Yoorrook Justice Commission, 5th August 2024) 7, 22 ('Andrew James Lovell Submission to Yoorrook').

<sup>24</sup> Yoorrook Justice Commission, *Yoorrook for Transformation: Third Interim Report* (Summary Report, 2025) ('Yoorrook for Transformation - Summary Report').

## 53. Provide access to archival records enabling family reunion

	<p><b>Recommendation 98</b></p> <p>The Victorian Government must:</p> <ol style="list-style-type: none"> <li>Provide ongoing and sustainable funding for existing Aboriginal-controlled archives, including for operational costs;</li> <li>Increase resources for organisations supporting Aboriginal people to access their records;</li> <li>Prioritise the digitisation and searchability of Aboriginal peoples’ records, including working with Aboriginal people to reframe how records are described; and</li> <li>Provide Aboriginal people with priority access to records and archives identified as relating to Aboriginal people.</li> </ol>
<p><b>Inquiry into the operation of the Freedom of Information Act 1982<sup>25</sup></b></p>	<p><b>Recommendation 51</b></p> <p>That the Victorian Government—in consultation with Aboriginal Community Controlled Organisations, Aboriginal leaders, practitioners and community members (including the Yoorook Justice Commission, Victorian Aboriginal Community Controlled Health Organisation and Victorian Aboriginal Legal Service) — explore the feasibility of recognising and embedding Indigenous Data Sovereignty and Indigenous Data Governance principles into a whole-of government information management framework and in legislation establishing Victoria’s new third-generation ‘push’ FOI system.</p>
<p><b>Yoorook for Justice<sup>26</sup></b></p>	<p><b>Recommendation 45</b></p> <p>By 29 February 2024 the Victorian Government must legislate to create new statutory protections for public records that ensure that information shared on a confidential basis with Yoorook will be kept confidential for a minimum of 99 years once Yoorook finishes its work and its records are transferred to the Victorian Government.</p>
<p><b>Stolen Generations Reparations Steering Committee Report<sup>27</sup></b></p>	<p><b>Recommendation 11</b></p> <p>The Steering Committee recommends that eligible applicants to the Stolen Generations Reparations Package are provided with a copy of their personal records if requested.</p> <p><b>Recommendation 38</b></p> <p>The Steering Committee recommends that the Common Access Guidelines developed by the Koorie Records Taskforce be reviewed, restored and implemented across all government and non-government agencies that hold personal records about Stolen Generations, including those interstate.</p> <p><b>Recommendation 39</b></p> <p>The Steering Committee recommends that an Aboriginal Victoria records repository is established to hold relevant Aboriginal historical and cultural records. It is further</p>

<sup>25</sup> Integrity and Oversight Committee, Parliament of Victoria, *The Operation of the Freedom of Information Act 1982 (Vic)* (Inquiry, September 2024) 155.

<sup>26</sup> Yoorook for Justice: Report into Victoria’s Child Protection and Criminal Justice Systems, *Yoorook Justice Commission* (Report, August 2023) 40 ('*Yoorook for Justice*').

<sup>27</sup> Stolen Generations Reparations Steering Committee, Victorian Government, *Stolen Generations Reparations Steering Committee Report* (3 March 2022) 11-13 ('*Stolen Generations Reparations Steering Committee Report*').

## 53. Provide access to archival records enabling family reunion

recommended that the repository has the capacity to hold personal records at the request of individuals.

### **Recommendation 40**

The Steering Committee recommends that avenues for Stolen Generations stories to be recorded be provided as part of a holistic Stolen Generations Reparations response.

### **2005 Review<sup>28</sup>**

### **Recommendation 17**

That the Department for Victorian Communities (Public Record Office Victoria and Aboriginal Affairs Victoria):

- a) report to both the Minister for Aboriginal Affairs and Stolen Generations Organisation of Victoria on implementation and monitoring of Recommendations 52 and 53 and that these agencies;
- b) review the level of supported access, service consistency and funding support relating to family and community records offered to the Aboriginal community (including prisoners and offenders);
- c) report to the Stolen Generations Organisation of Victoria on progress in implementing the 54 recommendations from the Bringing Them Home Report and the nine recommendations from Stolen Generations Taskforce Report to Government, April 2003, particularly with regard to sectoral reform, records access and developing an understanding between record holding agencies in Victoria and the Aboriginal community; and
- d) provide ongoing access to archival records pertaining to the histories of Aboriginal people and communities.

### **Assessment summary<sup>29</sup>**

The intent of Recommendation 53 was to ensure governments provide Aboriginal people with access to archival records needed to reconnect with family and community.

Actions taken align with the intent of the recommendation. Walata Tyamateetj is a guide to assist researchers to access government records about Aboriginal people in Victoria held in two separate but related collections at the National Archives of Australia and Public Record Office Victoria. Both have Aboriginal name indexes to improve access for mob to records about themselves, their families and communities. Finding Your Story describes government and non-government record and archival collections in Victoria to help people to know what's available and where to search for records relevant to the Stolen Generations and their families.

The Koorie Records Unit with the Public Record Office Victoria promotes awareness of both national and state collections of records about Aboriginal people in Victoria. A dedicated Koorie Reference Officer assists Aboriginal people, including members and descendants of the Stolen Generations, to identify family and community records. The Unit has also developed resources and initiatives to increase the knowledge, accessibility and use of Victoria's collection of government records relating to our people. The Unit also provides advice about other

<sup>28</sup> 2005 Review, vol 1, 35.

<sup>29</sup> Meeting with Aboriginal Justice Caucus Working Group (Project Team, Online, 25 June 2025) ('Working Group Meeting (25 June 2025)'); Meeting with Aboriginal Justice Caucus (Vic) (Project Team, In Person, 6 August 2025) ('Aboriginal Justice Caucus Meeting (6 August 2025)').

## 53. Provide access to archival records enabling family reunion

agencies that may be able to assist and makes referrals to Link-Up Victoria, Connecting Home and the Koorie Heritage Trust Family History Service. ‘

Since this recommendation was made, there has been significant Aboriginal community advocacy through the Stolen Generations Reparations Steering Committee and Yoorrook Justice Commission for providing people with copies of their personal records, implementing common access guidelines across all government and non-government agencies that hold relevant records and establishing an Aboriginal repository for all historical and cultural records about Aboriginal people in Victoria.

A “maximum release” approach provides Stolen Generation Reparations Package applicants with as much information as possible to support reconnection with identity and family, and copies of their records. This is supported by a Public Interest Determination allowing records to be released outside standard Freedom of Information constraints, significantly reducing redactions.

The *Inquiries Amendment (Yoorrook Justice Commission Records and Other Matters) Act 2024* (Vic) allowed the Yoorrook Justice Commission to restrict access to confidential evidence from Aboriginal participants, protecting it from disclosure and exemptions under the *Freedom of Information Act 1982* (Vic) and the *Public Records Act 1973* (Vic). This was the first formal recognition of Indigenous Data Sovereignty in Victorian law.

There is still more to be done to enshrine Indigenous Data Sovereignty principles in law, policy and practice and further enhance access to Aboriginal records and archives. We support the calls of the Victorian Aboriginal Child and Community Agency for legislative change to the *Archives Act 1983* (Cth) to permit full repatriation of records to Aboriginal community-controlled organisations, and advocate for the implementation of related Yoorrook for Transformation recommendations.

### Assessment of Recommendation 53

**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

2

(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

**1**

(Score out of 3)

## Potential actions for further work

### **Embed Indigenous Data Sovereignty, Indigenous Data Governance and Access to Records** (*Yoorrook for Transformation, Recommendation 97*)

The Victorian Government must commit funding and resources to systemic reform to facilitate, embed and ensure Indigenous Data Sovereignty and Indigenous Data Governance in relation to Aboriginal people's records, including through treaty by funding, resourcing and supporting the establishment of a Victorian Aboriginal-controlled statewide body for Aboriginal peoples' data, records and data governance expertise.

### **Aboriginal Records and Archives** (*Yoorrook for Transformation, Recommendation 98*)

The Victorian Government must:

- a) Provide ongoing and sustainable funding for existing Aboriginal-controlled archives, including for operational costs;
- b) Increase resources for organisations supporting Aboriginal people to access their records;
- c) Prioritise the digitisation and searchability of Aboriginal peoples' records, including working with Aboriginal people to reframe how records are described; and
- d) Provide Aboriginal people with priority access to records and archives identified as relating to Aboriginal people.

### **Implement recommendations 11, 38 & 39 from Stolen Generations Reparation Steering Committee Report**

- That eligible applicants to the Stolen Generations Reparations package are provided with a copy of their personal records if requested.
- That the Common Access Guidelines developed by the Koorie Records Taskforce be reviewed, restored and implemented across all government and non-government agencies that hold personal records about Stolen Generations, including those interstate.
- That an Aboriginal Victoria records repository is established to hold relevant Aboriginal historical and cultural records. It is further recommended that the repository has the capacity to hold personal records at the request of individuals.

### **Amend the Commonwealth Archives Act**

Advocate for amendments to the *Archives Act 1983* (Cth) to allow the repatriation of records to Aboriginal Community Controlled Organisations (ACCOs).

## Moderate 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 53	
	Low (0-2)			

## Bibliography

- Meeting with Aboriginal Justice Caucus (Vic) (Project Team, In Person, 6 August 2025)
- Meeting with Aboriginal Justice Caucus Working Group (Project Team, Online, 25 June 2025)
- 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)
- Archives Act 1983* (Cth)
- 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)
- Department of Families Fairness and Housing, 'Review of Recommendations from the Royal Commission into Aboriginal Deaths in Custody (RCIADIC) on Data, Research, Funding, Child Protection & Youth' (Response to AJC Request, 17 July 2025)
- Department of Premier and Cabinet (Vic), 'Response to Aboriginal Justice Caucus' (Response to AJC Request, 24 July 2025)
- First Nations Legal and Research Services, *Submission to the Yoorrook Justice Commission Inquiry into Land, Water and Sky* (Submission to Yoorrook Justice Commission NUT.0001.0345.0003, 27 November 2023)
- Freedom of Information Act 1982* (Vic)
- Inquiries Amendment (Yoorrook Justice Commission Records and Other Matters) Act 2024* (Vic)
- Integrity and Oversight Committee, Parliament of Victoria, *The Operation of the Freedom of Information Act 1982 (Vic)* (Inquiry, September 2024)
- Public Record Office Victoria, 'Aboriginal Victorians Family History: Step by Step Guide to Using Archives' (Web page 22 October 2024) <<https://prov.vic.gov.au/explore-collection/explore-topic/aboriginal-victorians-1830s-1970s/aboriginal-victorians-family>>
- Public Record Office Victoria, *Finding Your Story: A Resource Manual to the records of the Stolen Generations in Victoria* (Resource Manual, 2005)
- Public Record Office Victoria, 'Koorie Records Unit' (Web page 17 November 2022) <<https://prov.vic.gov.au/koorie-services>>
- Public Record Office Victoria, 'Koorie Reference Service' (Web page 7 February 2025) <<https://prov.vic.gov.au/about-us/koorie-services/koorie-reference-service>>
- Public Record Office Victoria, *Koorie Reference Service Charter: Koorie Records Unit*, 22 November 2017)
- Public Record Office Victoria, 'Response to Aboriginal Justice Caucus' (Response to AJC Request, 7 July 2025)
- Public Record Office Victoria and National Archives of Australia, *walata tyamateetj: A Guide to Government Records About Aboriginal people in Victoria*, 26 March 2018)
- Public Records Act 1973* (Vic)
- Public Records Office Victoria, 'Response to Aboriginal Justice Caucus' (Response to AJC Request, 7 July 2025)
- Royal Commission into Aboriginal Deaths in Custody* (Final Report, 1991)
- Stolen Generations Reparations Steering Committee, Victorian Government, *Stolen Generations Reparations Steering Committee Report*, 3 March 2022)
- Victorian Aboriginal Child and Community Agency (VACCA), *Yoorrook - Nuther-mooyoop on Systemic Injustices in the Child Protection and the Criminal Justice Systems* (Submission to Yoorrook Justice Commission NUT.0001.0077.0003\_R, December 2022)
- Yoorrook Justice Commission, *Indigenous Data Sovereignty and Data Governance* (Information Sheet, 2022)
- Yoorrook Justice Commission, *Transcript of Recording: Andrew James Lovell - 5th August 2024* (Submission to Yoorrook Justice Commission, 5th August 2024)
- Yoorrook for Justice: Report into Victoria's Child Protection and Criminal Justice Systems, *Yoorrook Justice Commission* (Report, August 2023)
- Yoorrook Justice Commission, *Yoorrook for Transformation: Third Interim Report* (Summary Report, 2025)