

IN THE BROAD-BASED ANTICORRUPTION COMMISSION
OF THE STATE OF VICTORIA

PUBLIC INTEREST DISCLOSURE

Statutory Declaration of Robert Thorpe bunjilfire@gmail.com

Monday 30 October 2023

1. The most serious systemic wrongdoing requiring urgent whole-of-government action.
2. State officials conspiring in corrupt conduct, detrimental action and improper conduct.
3. Joint Referral to Key Integrity Bodies with public-sector-wide responsibilities.
4. Report to the Prosecutor of the International Criminal Court to consider investigating issues raised.
5. Protection to the discloser against reprisals, bullying and legal action.

This Disclosure delivered at ^{1:15} pm on Monday 30 October 2023 to info@ibac.vic.gov.au
_{RT}

Stephen Farrow, Acting Commissioner
Marlo Baragwanath, Chief Executive Officer
Independent Broad-Based Anti-Corruption Commission
Level 1
North Tower
459 Collins Street
Melbourne
Victoria, 3000
Australia
<https://www.ibac.vic.gov.au/>

NOTE 1: A copy of this document will be included in Robert Thorpe's communication on the Ongoing Genocide against Us First Peoples by Officials of genocidal "State of Victoria" and "Commonwealth of Australia" to Office Of The Prosecutor, International Criminal Court, <https://otplink.icc-cpi.int/>

NOTE 2: A copy of this document will be included In Robert Thorpe's communication to UN Member States Request to take Australia to the International Court of Justice for Failing to Stop and Prevent Genocide.

NOTE 3: A copy of this disclosure document is now online at https://crimesceneaustralia.com/wp-content/uploads/32.Thorpe_v_Windsor_Public_Interest_Disclosure_to_Victoria's_Independent_Broad-Based_Anti-Corruption_Commission_Monday_30.10.23

info@crimesceneaustralia.com

Statutory Declaration

I, Robert Thorpe, 21 Smith St, Fitzroy VIC 3065, community radio host, make the following statutory declaration under the **Oaths and Affirmations Act 2018**:

1. The most serious systemic wrongdoing requiring urgent whole-of-government action.
2. State officials conspiring in corrupt conduct, detrimental action and improper conduct.
3. Joint Referral to Key Integrity Bodies with public-sector-wide responsibilities.
4. Report to the Prosecutor of the International Criminal Court to consider investigating issues raised.
5. Protection to the discloser against reprisals, bullying and legal action.

ATTACHMENT:

Written Submissions to the Royal Commission of the State of Victoria into past and present injustices against First Peoples by the State of Victoria:

Evidence 1, 20 October 2023, Robert Thorpe

<https://crimesceneaustralia.com/wp-content/uploads/7.-Thorpe-v-Windsor-Evidence-emailed-to-Bourke-Hunter-Walter-Lovett-3.20pm-20.10.23.pdf>

Completed submission form to Yoorrook Justice Commission, 23 October 2023

<https://crimesceneaustralia.com/wp-content/uploads/18.-Thorpe-v-Windsor-Robert-Thorpe-signed-completed-Yoorrook-Submission-Form-phone-and-address-redacted-here-12.30-23-10-2023-1.pdf>

Evidence 2, 27 October 2023, Robert Thorpe

https://crimesceneaustralia.com/wp-content/uploads/Thorpe-v-Windsor_22_Evidence-2-of-Robert-Thorpe-to-Yoorrook-Justice-Commission-3pm-27-10-23.pdf

1. The most serious systemic wrongdoing requiring urgent whole-of-government action.

The changing social norms about reporting corruption finally allow First Peoples to make this urgent Public Interest Disclosure (PID) and expect to have it acknowledged promptly (starting with a return-email auto-reply or similar confirming receipt of this PID) and taken very seriously and investigated properly and immediate action taken.

The crime of genocide is universally acknowledged to be the gravest of all crimes.¹

Since first contact, to use a neutral term, with Us First Peoples the self-described “King of Australia” (and his predecessors in title) together with top officials of the entity calling itself “State of Victoria”(and its predecessors in title) have carried out a multigenerational War Of Invasion and a Great Genocide against First Peoples.

Of course we didn’t call ourselves First Peoples or First Nations or Indigenous or Aborigines— some of Our Surviving Names are set out on pages 6-17.

We came from here, we’ve always been here and we always will be here. We. ARE. Here.

We have always had our own system of governance and Law which comes from and is the Law of the Land. This land. These lands.

The multigenerational War Of Invasion and Great Genocide against First Peoples ended with a whimper shortly after 10am on Thursday 27 April 2023 when a representative of the State of Victoria (“Victoria”) admitted to a Royal Commission (sitting to investigate serious injustices past and present against First Peoples by officers and officials of Victoria) that First Peoples have never ceded their Sovereignty.²

Unfortunately it is six months later and neither the representative of “King Charles III” nor the representatives of “Victoria” have formally declared an end to all hostilities against us so technically the War and Genocide against Us continues. This is not just a legalistic technicality because it has ongoing genocidal effects on Us on the ground.

The continuing systemic denial of Our sovereignties is clear proof of the genocidal “intent to destroy” Us as sovereign First Peoples and to continue to despoil the land and usurp The Law here.

But now King Charles III and his crime family are finally exposed as nothing more than genocidal thieving “pretenders” using bogus claims enforced by militia and officials to override our First Peoples sovereignties.

¹ UN Genocide Convention 1949; Rome Statute of the International Criminal Court, 1 July 2002; Australia’s intervention submissions in 2023 to the International Court of Justice in the genocide case of Ukraine v Russian Federation.

² <https://crimesceneaustralia.com/wp-content/uploads/3.-Thorpe-v-Windsor-State-of-Victoria-admits-First-Peoples-sovereignty-never-ceded-27.4.23.pdf>

Similarly Victoria's claims to jurisdiction over the Lands here is based solely on genocide.

You can not now, and never have been able to, invade someone else's country and impose a regime over them. Look around the world today.

Our Law is clear on that and so is the Law of every even-remotely-civilised place on the planet. Certainly every UN Member State is obliged to stop and prevent genocide wherever and whenever it occurs.³

What has to happen now is what usually happens when the aggressor surrenders.

First Peoples may offer them a peace treaty upon terms (if any) as We see fit.

But at the moment certain elements in Victoria are conducting themselves as if Victoria and King Charles can hang on to power.

Victoria and King Charles and his associates are trying to con First Peoples with platitudinous patronising statements on government websites paying respect to Elders and calling us Traditional owners and having glossy engagement guff and culturally-sensitive processes— when the Truth is they are no longer in a position to do any of that.

First Peoples and First Peoples Law are about looking after country so it is not unreasonable to hope that First Peoples will eventually in some way legitimise some of your occupation here.

But the Truth is this. The Law of the Land, Our unceded sovereignty, is now recognised and restored to its rightful primacy here.

You have committed systemic genocide and other serious wrongdoing against First Peoples for generations.

But now you must stop.

Whole of government action is required immediately to hand back the governance here to the Law of the Land.

This is in your best interests because We know how to look after country. And if everyone is working everyday everywhere to care for country and help the Land recover from your ecocide then we can have a future of peace and harmony.

But you must stop this genocidal farce, this pretence that you have any lawful claims to jurisdiction over these lands.

There is only one Law here.

You need to resource a Big Meeting of ALL the surviving mobs, each and every single one, and let Us ALL meet in Our own way to work things out Our way. Without any meddling such as requiring elections or your permission to do anything.

We. Will. Not. Go. Away.

³ op cit fn 1

All the Names of all First Peoples having unbroken sovereignty over their lands and law since time immemorial before the commencement of the Great Genocide and War of Invasion to attempt to occupy Our Lands and usurp Our Laws:

Search of King Charles III royal data:

No record.

All Surviving Names of all Surviving First Peoples having unbroken sovereignty over their lands and law since time began and before the commencement of, and during the still ongoing, Great Genocide and War of Invasion to attempt to occupy Our Lands and usurp Our Laws:

1. Search of King Charles III royal family data:

No record.

2. Search of State of Victoria official data:

No record.

SOME Surviving Names of **SOME** Surviving First Peoples having unbroken sovereignty over their lands and law since time began and before the commencement of, and during the still ongoing, Great Genocide and War of Invasion to attempt to occupy Our Lands and usurp Our Laws:

Recorded on **Thursday 21 June 2018:**

Source: State of Victoria, Legislative Council proceedings, 58th Parliament, first session, Hansard book 9 at pages 2865, 2866 and 2867— see photos of extracts at pages 27-36 below— Names are reproduced on the following 12 pages from page 6 through to page 17.

Barapa Barapa,
Bidwell,
Boonwurrung/Bunwurrung,
Dhudhuroa/Yatmaithang,
Dja Dja Wurrung/Jaara,
Djab Wurrung,
Girai Wurrung/Kirrae Wurrung,
Gulidjan,
Gunditj Mirring/Dhauwurd Wurrung/Gunditjmarra,
Gunai/Kurnai,
Jardwadjali,
Latji Latji,
Monero-Ngarigu/Southern Monero,
Ngintait,
Ngurai Illum Wurrung,
Nyeri Nyeri/Yary Yary,
Tati Tati/Dadi Dadi,
Taungurung, Tjapwurrung,
Wada Wurrung/Wathaurong,
Wadi Wadi/Weki Weki,
Wamba Wamba/Wemba Wemba,
Waywurru/Waveroo,
Wergaia Wergaia/Wotjobaluk/Djupagalk/Jardwajala,
Woi-wurrung/Wurundjeri,
Yorta Yorta
Yuin.

=====

Gunbower Gundidj,
Kurrowertukhe,
Mially Water Clan,
Moyberrer Balug,
Perregoo,
Tanne Balug,
Teerap Balug,
Yulowil Balug;
Bun Wurrung Balug,
Mayne Balug,
Ngaruk Willam,
Yallock Ballug,
Yalukit Willam,
Yowengarra;
Dhudhuroa,
Boengar Mittong,
Ginning Matong,
Tarrer Mittung,
Theddora Mittung,
Gundungerre,
Kandangora Mittung,
Yatte Mittong;
Bial Balug,
Burung Balug,
Bulangurd Gundidj,
Cattos Run Clan,
Galgal Gundidj,
Gurabungalid Gundidj,

Banyul Willam,
Dja Dja Wurrung Balug,
Galgal Balug, Gunangara Gundidj,
Larning Gundidj,
Liarga Balug,
Tardardyinar,
Munal Gundidj,
Dirag Balug,
Durid Balug,
Wurn Balug,
Wungaragira Gundidj,
Yung Balug;
Baumbidj Gundidj,
Djargurd Balug,
Koenghegulluc,
Korrungow Werroke Gundidj,
Leehoorah Gundidj,
Mullungkil Gundidj,
Djargurd Wurrung,
Netcunde,
Tarnbeere Gundidj,
Teerinyillum Gundidj,
Uropine Gundidj,
Wane Gundidj Colac,
Worong Gundidj;
Baradh Gundidj,
Badadgil Gundidj,
Burug Gundidj,

Duram Gundidj,
Flat Topped Hill Clan,
Garar Gundidj,
Garngigung Gundidj,
Girai Wurrung/Kirrae Wurrung,
Gilambidj Gundidj,
Gilidmurar Gundidj,
Gulag Gundidj,
Gular Gundidj,
Gun Gundidj,
Gunawurd Gundidj,
Gunindarar,
Ngalung Barar Balug,
Mt Noorat Clan,
Ngaragurd Gundidj,
Purteet Chowel Gundidj,
Lake Terang Clan,
Warnmbul Gundidj;
Beeac clans,
Birregurra clans,
Guraldjin Balug,
Gulidjan Balug;
Art Gundij —
Ballumin Gudidj,
Bate Gundidj,
Biteboren Gundidj,
Bokerer Gundidj,
Bome Gundidj,

Bonedol Gundidj,
Can Can Corro Gundidj,
Carnbul Gundidj,
Cart Gundidj,
Cartcorang Gundidj,
Corry Gundidj,
Cupponenet Gundidj,
Dandeeyallum,
Direk Gundidj,
Gilgar Gundidj,
Kerrup Gundidj,
Kilcarer Gundidj,
Gundidj,
Koroit Gundidj,
Lay Gundidj Mallo,
Mallun Gundidj,
Meen Gundidj, Mendeet Gudidj Marayn,
Monwer Gundidj,
Moperer Gundidj,
Mordoneneet Gundidj,
Morro Gunditj,
Mum Keelunk Gundidj,
Mumdorrong Gundij,
Nancurrer Gundidj,
Nartitbeer Gundidj,
Net Net Yune Gundidj,
Nilan Gundij,
Omebegare Rege Gundidj,

Pallapnue Gunditj,
Peerracer,
Ponungdeet Gundidj,
Pyipgil Gundidj,
Tarrerwung Gundidj,
Tarerer Gundidj,
Tarngonene Wurrer Gundidj,
Teerar Gundidj,
Tolite Gundidj,
Tone Gundidj,
Ure Gundidj,
Wane Gundidj,
Wanedeet Gundidj,
Warerangur Gundidj,
Waywac Gundidj,
Weereweerip Gundidj,
Woortenwan,
Worcarre Gundidj,
Worerome Killink Gundij,
Worn Gundidj,
Tallo Gundidj,
Yambeet Gundidj,
Yarrer Gundidj,
Yiyar Gundidj,
Yowen;
Brataualung,
Tatungulung,
Braiakaulung,

Brabralung,
Krauatungulung;
Apsley Clan,
Barbadin Balug,
Bernet, Buluga,
Bung Bung Gul Gundidj,
Congbool and Yat Nat Clan,
Darkogang Gundidj,
Djappuminyu,
Djura Balug,
Jardwadjala,
Djurid Balug,
Kallutbeer Kanal Gundidj,
Karrebil Gundidj,
Konongwootong Gundidj,
Koroite,
Konenicen Balug,
Kum Balug,
Larnaget,
Lil Lil Gundidj,
Mideriber Gundidj,
Moody Balug,
Murray Murra Barap,
Ngarum Ngarum Balug,
Pellerwin Balug,
Pobbiberer Balug,
Rockburrer Balug,
Tuan Balug,

Tukallut Balug,
Tununder Balug,
Ullswater Clan,
Wanemollechoke,
Welleetpar,
Whiteburer Gundidj,
Worrercite,
Yamneborer Balug,
Yareen Me Yoke,
Yetteker Balug;
Balug Mernen,
Bandjel Gundidj,
Lail Buil;
Benbedora Balug,
Gunung-Willam,
Ngurai-Illam Balug;
Jungeegatchera;
Buthera Balug,
Look Willam,
Moomoom Gundidj,
Nattarak Balug,
Nira Balug,
Warring-Illum Balug,
Yarran-Illum Balug,
Yeerun-Illam Balug,
Yowung-Illam Balug;
Bankneit, Bar Gundidj,
Beeripmo Balug,

Boner Balug,
Buller Buller Cote Gundidj,
Cartbonong Gundidj,
Cart Cart Worrate Gundidj,
Curruc Balug,
Gnareeb Gnareeb Gundidj,
Jacelet, Kolorer Gundidj,
Konegilwerring Gundidj,
Mingalac Gundidj,
Mitteyer Balug,
Mutterchoke Balug,
Neetssheere Balug,
Tjapwurrung,
Peeripar Balug,
Poit Balug,
Punnoinjon Gundidj,
Puppellenneering,
Tappoc Gundidj,
Terrel Balug,
Terrumbehal Gundidj,
The Gums Clan,
Tillac Gundidj,
Tin Balug,
Tonedidgerer Balug,
Tool Balug,
Toorac Balug,
Uelgal Gundidj,
Ural Balug,

Utoul Balug,
Wattenpeer Balug,
Weeripcart Balug,
Worrembeetbeer Gundidj,
Wurcurri Gundidj,
Yam Yam Burer Balug,
Yourwychall Gundidj;
Barere Barere Balug,
Beerekwart Balug,
Bengalat Balug,
Berrejin Balug,
Borogundidj,
Burrumbeet Balug,
Keyeet Balug,
Carringham Balug,
Carninje Balug,
Corac Balug,
Corrin Corrinjer Balug,
Gerarlture,
Marpeang Balug,
Mear Balug,
Mojerra Balug,
Moner Balug,
Monmart, Neerer Balug,
Pakeheneek Balug,
Peerickelmoon Balug,
Tooloora Balug,
Woodealoke Gundidj,

Wada Wurrung Balug,
Wongerrer Balug,
Worinyaloke Balug,
Yaawangj;
Nat Konedeyoke,
Targundidj;
Bael Bael Gundidj,
Dietchen Balug,
Geroung Bukeer,
Gourrmjanyuk,
Koron Gundidj,
Mallenjerrick,
Moorta Moorta,
Murrabit Gundidj;
Tarrer Mittung;
Banyiinong Balug/Banju Bunan Gundidj,
Bulla Bulla Wycher,
Karroit Balug,
Djubagalg Gundidj,
Duwin Barap,
Jakel Balug,
Jackal Barap,
Jarambiuk,
Wergaia,
Jarrung Jarrung,
Kapun Kapun Bara,
Kreitch Balug,
Gur Balug, Nyill,

Porrone Gundidj,
Wengen Marongeitch,
Witch Wundauk/Njarimbalug,
Yarrikuluk,
Yoonjareup;
Wurundjeri Willam,
Gunung Willam Balug,
Talling Willum,
Kurung Jang Balug,
Marin Balug,
Wurundjeri Balug,
Bulug Willam;
Darrinban,
Wongatban,
Merdiderban,
Maddemowero,
Yewngotban,
Biggolatban,
Ungidderroban,
Mowatban,
Derranatban,
Toolinyagan,
Boongatpan,
Angootheriban,
Kailthiban,
Moiraduban,
Towroonban
Wolithiga.

2. State officials conspiring in corrupt conduct, detrimental action and improper conduct.

There is a blatant conspiracy between top officials of the “King of Australia” and “State of Victoria” to prevent any recognition of First Peoples sovereignty.

This is a conspiracy of silence. a conspiracy of omission, but an clear and obvious conspiracy nonetheless.

It is dishonest, it is unethical and it is criminally genocidal.

Is there any enactment where it is specifically stated: “The sovereignty of First Peoples must never be acknowledged”?

Or anything like this: “The sovereignty of First Peoples was ceded on [date]”?

The unspoken rule top officials in government seems to know is “don’t mention First Peoples sovereignty” – everything else, traditional, culture, Elders, but just don’t mention sovereignty whatever you do. Shhhhh.

The funny thing is that every time you talk about “the Crown” or “the King” you are clearly denying First Peoples sovereignty but you will never come right out and say it.

Anyhow, its over now. The Berlin Wall of your fake sovereignty has come down,

I refer to my letters on 20 October 2023 (set out in Evidence 1) to Premier Allen, Governor Gardner, Chief Justice Ferguson, Chief Magistrate Hannan, and Deputy Chief Magistrates Wakeling and Bourke.

In Evidence 2 on 27 October I referred to their stony failure to even acknowledge receipt of my letters.

I refer to my statutory declaration⁴ made yesterday detailing my emails on Friday 27 October 2023 giving them notice of my application to the Yoorrook Justice Commission to summon them to attend and answer questions.

I refer in Evidence 2 to further summons to other relevant present and former office-holders of the regime of Charles Windsor & Associates aka Victoria.

I believe on reasonable grounds and based on the readily available evidence and not mere suspicion that the conduct of the top officials named therein, when analysed through First Peoples perspective as set out in Section 1 above, constitutes a conspiracy of corrupt conduct, detrimental action and improper conduct within the meaning of those terms in IBAC jurisdiction:

⁴ <https://crimesceneaustralia.com/wp-content/uploads/31.-Thorpe-v-Windsor-Robert-Thorpe-statutory-declaration-at-noon-on-Sunday-29.10.23-re-delivery-on-Friday-27.10.23-of-Evidence-2-to-Hannan-Wakeling-Bourke-Ferguson-Gardner-Allen.pdf>

<https://www.ibac.vic.gov.au/what-public-interest-disclosure>

Corrupt conduct

Corrupt conduct is defined by reference to section 4 of the IBAC Act, which states that corrupt conduct means conduct –

- of any person that adversely affects the honest performance by a public officer or public body of his or her or its functions as a public officer or public body; or
- of a public officer or public body that constitutes or involves the dishonest performance of his or her or its functions as a public officer or public body; or
- of a public officer or public body that constitutes or involves knowingly or recklessly breaching public trust; or
- of a public officer or a public body that involves the misuse of information or material acquired in the course of the performance of his or her or its functions as a public officer or public body, whether or not for the benefit of the public officer or public body or any other person; or
- of a person (the first person) intended to adversely affect the effective performance or exercise by a public officer or public body of the functions or powers of the public body and result in the first person or an associate of the first person obtaining –
 - a licence, permit, approval, authority or other entitlement under any Act or subordinate instrument; or
 - an appointment to a statutory office or as a member of the board of any public body under any Act or subordinate instrument; or
 - a financial benefit or real or personal property; or
 - any other direct or indirect monetary or proprietary gain – that they would not have otherwise obtained; or
- that could constitute a conspiracy or an attempt to engage in any conduct referred to in paragraph (a), (b), (c), (d) or (da) – being conduct that would constitute a relevant offence.

Relevant offence

(for the purpose of the definition of corrupt conduct) means an indictable offence against an Act or the common law offences of attempt to pervert the course of justice, bribery of a public official, perverting the course of justice, misconduct in public office.

Shows or tends to show is not defined in the Act but must be more than mere suspicion. Must have information that indicates or supports a view that the wrong doing or danger has or will occur. Detrimental action

Detrimental action includes –

- Action causing injury, loss or damage;
- Intimidation or harassment;
- Discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action.

Improper conduct is defined in s4 of the PID Act as:

- **corrupt conduct**
 - conduct of a public officer or public body engaged in by the public officer or public body in their capacity as a public officer or a public body that constitutes:
 - a criminal offence; or
 - serious professional misconduct; or
 - dishonest performance of public functions; or
 - an intentional or reckless breach of public trust; or
 - an intentional or reckless misuse of information or material acquired in the course of the performance of the functions of the public officer or public body; or
 - a substantial mismanagement of public resources; or
 - a substantial risk to the health or safety of one or more persons; or
 - a substantial risk to the environment; or
 - conduct of any person that –
 - adversely affects the honest performance by a public officer or public body of their functions as a public officer or public body; or
 - is intended to adversely affect the effective performance or exercise by a public officer or public body of the functions or powers of the public officer or public body and results in the person, or an associate of the person, obtaining –
 - a licence, permit, approval, authority or other entitlement under any Act or subordinate instrument; or
 - an appointment to a statutory office or as a member of the board of any public body under any Act or subordinate instrument; or
 - a financial benefit or real or personal property; or
 - any other direct or indirect monetary or proprietary gain – that the person or associate would not have otherwise obtained; or
 - conduct of any person that could constitute a conspiracy or attempt to engage in any of the conduct referred to in paragraph (a), (b), or (c).
- NB: conduct that is trivial does not constitute improper conduct.

Just by scrutinising the websites of the Magistrates Court and the Supreme Court and the Governor you can make out this case on the face of the documents (web pages). I will tomorrow forward a composite file of those documents with annotations pointing to the clear evidence.

Can I please meet with you as a matter of urgency tomorrow, Tuesday 31 October 2023?

3. Referral to Key Integrity Bodies with public-sector-wide responsibilities for co-investigation.

I include here as if it was reproduced in full the 40-page guide “Safeguarding integrity: A guide to the integrity system in Victoria” (IBAC, 22.12.2016).⁵

Given the whole of government approach to what amounts to a de-Windsorification of the entire system, it makes sense to cooperate with all or many of the other Integrity Bodies to assist with investigation and necessary changes to the system.

Removing the Crown perched on top of Parliament’s logo and elsewhere (e.g. Office of Public Prosecutions, Supreme Court, Parliament) would be obvious cosmetic changes to reinforce the termination of the Windsor era. The wall has come down.



<https://www.opp.vic.gov.au/>



<https://www.governor.vic.gov.au/victorias-governor>



⁵ download from <https://www.ibac.vic.gov.au/publications-and-resources/article/safeguarding-integrity-a-guide-to-the-integrity-system-in-victoria>

4. Report to Prosecutor of the International Criminal Court to consider investigating issues raised.

I refer in Evidence 1 and Evidence 2 to the several ways to engage with both the ICC and the International Court of Justice.

Given the shocking multigenerational genocide committed here, it is understandable that First Peoples should be afforded some independent international monitoring of any peace treaty processes.

Especially after the massive con-job that Victoria has been trying to pull off currently by fraudulently getting First Peoples to assimilate and legitimise the genocidal regime.

Stop the con, Victoria. Its pretty simple— legislating a short Recognition Of Sovereignty Act and accept that all power here is now in the hands of First Peoples, the intergenerational victims of your genocide. We are reasonable peaceful Peoples and our Law responds to those who care for country. You must stop trying to run everything and trust Us to do what's best for this poor shattered land.

Having international monitoring here might make it easier for you to see the White Denial that has blighted First Peoples lives for generations.

5. Protection to the discloser against reprisals, bullying and legal action.

This country is full of rascists, neo-Nazis and idiots who will feel it is their heroic duty to do something stupid.

Please help me craft some culturally-appropriate protection for myself and all First Peoples as we move forward on this journey together.

We need a dedicated well-resourced strike team with rapidly-enacted Great Genocide denial laws and public campaigns to Dob In A Dickhead — everyone out there knows who is likely to do something stupid and it is imperative that they share the info with the protective strike force.

We saw in the referendum business how already-vulnerable First Peoples were left alone and unprotected, especially by lies and disinformation. This has to be addressed now and effective measures taken, erring on the side of overkill initially until the situation is reviewed as time goes on.

I am starting myself right now by giving as many leaders as possible notice of this Public Interest Disclosure and requesting they do whatever they can to immediately get legislation and expert teams together from today to counter both threats of physical violence to First Peoples and the lies, misinformation and incitement we saw from People Who Should Know Better in the referendum runup. I especially ask allies and decent folks to provided info on financial backers of this rubbish and enact immediate legislation to criminalise it including forfeiture of all assets.

Copies of this PID are being emailed simultaneously to:

1. enquiries@yoorrook.org.au
Commissioners Bourke, Hunter, Walter, Lovett.

2. Tim.Read@parliament.vic.gov.au
Chair, Integrity And Oversight Committee.

3. _info@vicinspectorate.vic.gov.au

Inspector Eamonn Moran
General Counsel Cathy Cato

4. ombudvic@ombudsman.vic.gov.au
Deborah Glass, Ombud

5. enquiries@veohrc.vic.gov.au
Ro Allen, Equal Opportunity Commissioner

5. Protection to the discloser against R E P R I S A L S, bullying and legal action.

(continued)

Notice to:

6. Parliamentary Secretary for First Peoples
Christine.Couzens@parliament.vic.gov.au

7. Minister for Treaty and First Peoples
natalie.hutchins@parliament.vic.gov.au

8. Cabinet Secretary
stephen.McGhie@parliament.vic.gov.au

9. Deputy Premier of Victoria
ben.carroll@parliament.vic.gov.au

etc


I declare that the contents of this statutory declaration are true and correct and I make it knowing that making a statutory declaration that I know to be untrue is an offence



Declared at Melbourne in the State of Victoria on Monday 30 October 2023.

I am an authorised statutory declaration witness and I sign this document in the presence of the person making the declaration.

on Monday 30 October 2023.

 NHIAN DO
(Pharmacist)

A person authorised under section 30(2) of the **Oaths and Affirmations Act 2018** to witness the signing of a statutory declaration.

Slade Pharmacy

320 Victoria Parade
East Melbourne VIC 3002
Ph: (03) 9200 5900
Fax: (03) 8672 3339
Email: SladeVicPde@slade.net.au

Extracts from the official record of the State of Victoria, Thursday 21 June 2018

Recorded on **Thursday 21 June 2018**:

Source: State of Victoria, Legislative Council proceedings, 58th Parliament, first session, Hansard book 9 at pages 2865, 2866 and 2867—

Names reproduced at pages in the Statutory Declaration of Robert Thorpe, 30.10.23
submitted to IBAC as a PID

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

**LEGISLATIVE COUNCIL
FIFTY-EIGHTH PARLIAMENT
FIRST SESSION**

**Thursday, 21 June 2018
(Extract from book 9)**

Internet: www.parliament.vic.gov.au/downloadhansard

By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable KEN LAY, AO, APM

The ministry

(from 16 October 2017)

| | |
|---|------------------------------|
| Premier | The Hon. D. M. Andrews, MP |
| Deputy Premier, Minister for Education and Minister for Emergency Services | The Hon. J. A. Merlino, MP |
| Treasurer and Minister for Resources | The Hon. T. H. Pallas, MP |
| Minister for Public Transport and Minister for Major Projects | The Hon. J. Allan, MP |
| Minister for Industry and Employment | The Hon. B. A. Carroll, MP |
| Minister for Trade and Investment, Minister for Innovation and the Digital Economy, and Minister for Small Business | The Hon. P. Dalidakis, MLC |
| Minister for Energy, Environment and Climate Change, and Minister for Suburban Development | The Hon. L. D'Ambrosio, MP |
| Minister for Roads and Road Safety, and Minister for Ports | The Hon. L. A. Donnellan, MP |
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| Minister for Aboriginal Affairs, Minister for Industrial Relations, Minister for Women and Minister for the Prevention of Family Violence | The Hon. N. M. Hutchins, MP |
| Special Minister of State | The Hon. G. Jennings, MLC |
| Minister for Consumer Affairs, Gaming and Liquor Regulation, and Minister for Local Government | The Hon. M. Kairouz, MP |
| Minister for Families and Children, Minister for Early Childhood Education and Minister for Youth Affairs | The Hon. J. Mikakos, MLC |
| Minister for Police and Minister for Water | The Hon. L. M. Neville, MP |
| Attorney-General and Minister for Racing | The Hon. M. P. Pakula, MP |
| Minister for Agriculture and Minister for Regional Development | The Hon. J. L. Pulford, MLC |
| Minister for Finance and Minister for Multicultural Affairs | The Hon. R. D. Scott, MP |
| Minister for Training and Skills, and Minister for Corrections | The Hon. G. A. Tierney, MLC |
| Minister for Planning | The Hon. R. W. Wynne, MP |
| Cabinet Secretary | Ms M. Thomas, MP |

Legislative Council committees

Privileges Committee — Mr Dalidakis, Mr Mulino, Mr O'Sullivan, Mr Purcell, Mr Rich-Phillips, Ms Springle, Ms Symes and Ms Wooldridge.

Procedure Committee — The President, Dr Carling-Jenkins, Mr Davis, Mr Jennings, Ms Pennicuik, Ms Pulford, Ms Tierney and Ms Wooldridge.

Legislative Council standing committees

Standing Committee on the Economy and Infrastructure — Mr Bourman, #Mr Davis, Ms Dunn, Mr Eideh, Mr Finn, Mr Gepp, Mr Leane, #Mr Melhem, Mr Ondarchie, Mr O'Sullivan and #Mr Rich-Phillips.

Standing Committee on the Environment and Planning — Ms Bath, #Mr Bourman, Mr Dalla-Riva, Mr Davis, #Ms Dunn, Mr Elasmarr, Mr Melhem, Mr Mulino, #Mr Purcell, #Mr Ramsay, #Dr Ratnam, #Ms Symes, Ms Truong and Mr Young.

Standing Committee on Legal and Social Issues — #Ms Crozier, #Mr Elasmarr, Ms Fitzherbert, Mr Morris, Ms Patten, Mrs Peulich, #Dr Ratnam, #Mr Rich-Phillips, Ms Shing, Mr Somyurek, Ms Springle and Ms Symes.

participating members

Legislative Council select committees

Port of Melbourne Select Committee — Mr Mulino, Mr Ondarchie, Mr Purcell, Mr Rich-Phillips, Ms Shing and Ms Tierney.

Fire Services Bill Select Committee — Ms Lovell, Mr Melhem, Mr Mulino, Mr O'Sullivan, Mr Rich Phillips, Ms Shing and Mr Young.

Joint committees

Accountability and Oversight Committee — (*Council*): Mr O'Sullivan, Mr Purcell and Ms Symes. (*Assembly*): Mr Angus, Mr Gidley, Mr Noonan and Ms Thomson.

Dispute Resolution Committee — (*Council*): Mr Bourman, Mr Dalidakis, Ms Dunn, Mr Jennings and Ms Wooldridge. (*Assembly*): Ms Allan, Mr Clark, Ms Hutchins, Mr Merlino, Mr M. O'Brien, Mr Pakula and Mr Walsh.

Economic, Education, Jobs and Skills Committee — (*Council*): Mr Bourman, Mr Elasmarr and Mr Melhem. (*Assembly*): Mr Crisp, Mrs Fyffe, Ms Garrett and Ms Ryall.

Electoral Matters Committee — (*Council*): Ms Bath, Ms Patten and Mr Somyurek. (*Assembly*): Ms Asher, Ms Blandthorn, Mr Dixon and Ms Spence.

Environment, Natural Resources and Regional Development Committee — (*Council*): Mr O'Sullivan, Mr Ramsay and Mr Young. (*Assembly*): Mr J. Bull, Ms Halfpenny, Mr Richardson and Mr Riordan.

Family and Community Development Committee — (*Council*): Dr Carling-Jenkins and Mr Finn. (*Assembly*): Ms Britnell, Ms Couzens, Mr Edbrooke, Ms Edwards and Ms McLeish.

House Committee — (*Council*): The President (*ex officio*), Mr Eideh, Ms Lovell, Mr Mulino and Mr Young. (*Assembly*): The Speaker (*ex officio*), Mr J. Bull, Mr Crisp, Mrs Fyffe, Mr Staikos, Ms Suleyman and Mr Thompson.

Independent Broad-based Anti-corruption Commission Committee — (*Council*): Mr Ramsay and Ms Symes. (*Assembly*): Mr Hibbins, Mr D. O'Brien, Mr Richardson, Ms Thomson and Mr Wells.

Law Reform, Road and Community Safety Committee — (*Council*): Dr Carling-Jenkins and Mr Gepp. (*Assembly*): Mr Dixon, Mr Howard, Ms Suleyman, Mr Thompson and Mr Tilley.

Public Accounts and Estimates Committee — (*Council*): Ms Patten, Ms Pennicuik and Ms Shing. (*Assembly*): Mr Dimopoulos, Mr Morris, Mr D. O'Brien, Mr Pearson, Mr T. Smith and Ms Ward.

Scrutiny of Acts and Regulations Committee — (*Council*): Ms Bath and Mr Dalla-Riva. (*Assembly*): Ms Blandthorn, Mr J. Bull, Mr Dimopoulos, Ms Kilkenny and Mr Pesutto.

Heads of parliamentary departments

Assembly — Acting Clerk of the Legislative Assembly: Ms Bridget Noonan

Council — Acting Clerk of the Parliaments and Clerk of the Legislative Council: Mr A. Young

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE COUNCIL
FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

President:

The Hon. B. N. ATKINSON

Deputy President:

Mr K. EIDEH

Acting Presidents:

Ms Dunn, Mr Elasmar, Mr Melhem, Mr Morris, Ms Patten, Mr Purcell, Mr Ramsay

Leader of the Government:

The Hon. G. JENNINGS

Deputy Leader of the Government:

The Hon. J. L. PULFORD

Leader of the Opposition:

The Hon. M. WOOLDRIDGE

Deputy Leader of the Opposition:

The Hon. G. K. RICH-PHILLIPS

Leader of The Nationals:

Mr L. B. O'SULLIVAN

Leader of the Greens:

Dr S. RATNAM

| Member | Region | Party | Member | Region | Party |
|---|----------------------------|--------|--|----------------------------|--------|
| Atkinson, Mr Bruce Norman | Eastern Metropolitan | LP | Mikakos, Ms Jenny | Northern Metropolitan | ALP |
| Barber, Mr Gregory John ¹ | Northern Metropolitan | Greens | Morris, Mr Joshua | Western Victoria | LP |
| Bath, Ms Melina ² | Eastern Victoria | Nats | Mulino, Mr Daniel | Eastern Victoria | ALP |
| Bouman, Mr Jeffrey | Eastern Victoria | SFFP | O'Brien, Mr Daniel David ⁸ | Eastern Victoria | Nats |
| Carling-Jenkins, Dr Rachel ³ | Western Metropolitan | AC | O'Donohue, Mr Edward John | Eastern Victoria | LP |
| Crozier, Ms Georgina Mary | Southern Metropolitan | LP | Ondarchie, Mr Craig Philip | Northern Metropolitan | LP |
| Dalidakis, Mr Philip | Southern Metropolitan | ALP | O'Sullivan, Luke Bartholomew ⁹ | Northern Victoria | Nats |
| Dalla-Riva, Mr Richard Alex Gordon | Eastern Metropolitan | LP | Patten, Ms Fiona ¹⁰ | Northern Metropolitan | RV |
| Davis, Mr David McLean | Southern Metropolitan | LP | Pennicuik, Ms Susan Margaret | Southern Metropolitan | Greens |
| Drum, Mr Damian Kevin ⁴ | Northern Victoria | Nats | Peulich, Mrs Inga | South Eastern Metropolitan | LP |
| Dunn, Ms Samantha | Eastern Metropolitan | Greens | Pulford, Ms Jaala Lee | Western Victoria | ALP |
| Eideh, Mr Khalil M. | Western Metropolitan | ALP | Purcell, Mr James | Western Victoria | V1LJ |
| Elasmar, Mr Nazih | Northern Metropolitan | ALP | Ramsay, Mr Simon | Western Victoria | LP |
| Finn, Mr Bernard Thomas C. | Western Metropolitan | LP | Ratnam, Dr Samantha Shantini ¹¹ | Northern Metropolitan | Greens |
| Fitzherbert, Ms Margaret | Southern Metropolitan | LP | Rich-Phillips, Mr Gordon Kenneth | South Eastern Metropolitan | LP |
| Gepp, Mr Mank ⁵ | Northern Victoria | ALP | Shing, Ms Harriet | Eastern Victoria | ALP |
| Hartland, Ms Colleen Mildred ¹ | Western Metropolitan | Greens | Somyurek, Mr Adem | South Eastern Metropolitan | ALP |
| Herbert, Mr Steven Ralph ⁶ | Northern Victoria | ALP | Springle, Ms Nina | South Eastern Metropolitan | Greens |
| Jennings, Mr Gavin Wayne | South Eastern Metropolitan | ALP | Symes, Ms Jaclyn | Northern Victoria | ALP |
| Leane, Mr Shaun Leo | Eastern Metropolitan | ALP | Tierney, Ms Gayle Anne | Western Victoria | ALP |
| Lovell, Ms Wendy Ann | Northern Victoria | LP | Truong, Ms Huong ¹² | Western Metropolitan | Greens |
| Melhem, Mr Cesar | Western Metropolitan | ALP | Wooldridge, Ms Mary Louise Newling | Eastern Metropolitan | LP |
| | | | Young, Mr Daniel | Northern Victoria | SFFP |

¹ Resigned 28 September 2017

² Appointed 15 April 2015

³ DLP until 26 June 2017

⁴ Resigned 27 May 2016

⁵ Appointed 7 June 2017

⁶ Resigned 6 April 2017

⁷ Resigned 9 February 2018

⁸ Resigned 25 February 2015

⁹ Appointed 12 October 2016

¹⁰ ASP until 16 January 2018

¹¹ Appointed 18 October 2017

¹² Appointed 21 February 2018

PARTY ABBREVIATIONS

AC — Australian Conservatives; ALP — Labor Party; ASP — Australian Sex Party;
DLP — Democratic Labour Party; Greens — Australian Greens;
LP — Liberal Party; Nats — The Nationals; RV — Reason Victoria
SFFP — Shooters, Fishers and Farmers Party; V1LJ — Vote 1 Local Jobs

ADVANCING THE TREATY PROCESS WITH ABORIGINAL VICTORIANS BILL 2018

Thursday, 21 June 2018

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as polar opposites. I think for me, and the reason why I wanted to draw this to everyone's attention, is that this is part of the reason why we have had such profound challenges working through the process of reconciliation and self-determination for Aboriginal people in Australia and Victoria.

I am really proud to be speaking on this bill regardless of our different ideas about how it should look. I think it is an enormous achievement that we have got this far. I would like to congratulate particularly my colleague in the lower house Lidia Thorpe, who is the first and only Aboriginal woman in this Parliament, on her tireless work on this bill. I would also like to congratulate the government for actually going here, because no-one else has.

As I am sure most members of the chamber are aware, the Greens do have a number of amendments to this bill, which I would like to circulate now.

Greens amendments circulated by Ms SPRINGLE (South Eastern Metropolitan) pursuant to standing orders.

Ms SPRINGLE — I just want to briefly go through what the amendments cover. Obviously we will go into more depth in the committee of the whole. We have a number of amendments, which cover the following. There are some terminology changes to make the bill consistent with our groupings. There is the establishment of a clan elders council. There is an amendment to ensure that the act does not affect sovereignty. There is also a new meaning of treaty in this grouping of amendments. There is an amendment that pertains to declarations of Aboriginal representative bodies, which must consist of and be self-determined by the clans and First Nations. There is an amendment that pertains to the *United Nations Declaration on the Rights of Indigenous Peoples*. There is an amendment, amendment 25, that pertains to clans being consulted on any changes in the treaty process as it moves forward.

There are some definitions on the purpose of the treaty authority. There is the establishment of an administration fund for self-determination and a provision for what that self-determination fund should be used for — its purposes. There are also two amendments pertaining to the purposes in relation to the history from the perspective of the clans and Aboriginal Victorians. Finally, the preamble is covered in the amendments. We will obviously go into far more detail in the committee of the whole in relation to each of those amendments when we look to consider them.

I would now on behalf of the Greens like to take the opportunity to name the First Nations and the clans. It is quite shocking and deeply concerning to the Greens that many of the first peoples of this land have never been named, let alone properly acknowledged, in the 162 years that the Victorian Parliament has been in existence. Today we will take a small step towards making that right. Please note that Aboriginal languages were spoken and not written, so often there are many interpretations as to how the names should be spelt. We have chosen spellings that are commonly used but want to acknowledge that there are other ways, and we respect those too. Also, this is not a complete list nor is it necessarily 100 per cent accurate in all the details. Unfortunately the gathering of information about all of the clans and First Nations is a work in progress that we seek support from the government to complete. There are elders out there who have this knowledge, but we need support to bring that knowledge together.

I will start by reading out the list of the First Nations — and I would like to apologise in advance for the potential disaster that will be my pronunciation: Barapa Barapa, Bidwell, Boonwurrung/Bunwurrung, Dhudhuroa/Yatmaithang, Dja Dja Wurrung/Jaara, Djab Wurrung, Girai Wurrung/Kirrae Wurrung, Gulidjan, Gunditj Mirring/Dhauwurd Wurrung/Gunditjmarra, Gunai/Kurnai, Jardwadjali, Latji Latji, Monero-Ngarigu/Southern Monero, Ngintait, Ngurai Illum Wurrung, Nyeri Nyeri/Yary Yary, Tati Tati/Dadi Dadi, Taungurung, Tjapwurrung, Wada Wurrung/Wathaurong, Wadi Wadi/Weki Weki, Wamba Wamba/Wemba Wemba, Waywurru/Waveroo, Wergaia Wergaia/Wotjobaluk/Djupagalk/Jardwajala, Woi-wurrung/Wurundjeri, Yorta Yorta and Yuin.

I will now begin to read out the list of clans of Indigenous first peoples in Victoria. I flag that I will not complete this list in the 4 minutes I have left, so my colleagues here on the Greens benches will complete this list in their contributions. The list is: Gunbower Gundidj, Kurrowertukhe, Mially Water Clan, Moyberrer Balug, Perregoo, Tanne Balug, Teerap Balug, Yulowil Balug; Bun Wurrung Balug, Mayne Balug, Ngaruk Willam, Yallock Ballug, Yalukit Willam, Yowengarra; Dhudhuroa, Boengar Mittong, Ginning Matong, Tarrer Mittong, Theddora Mittong, Gundungerre, Kandangora Mittong, Yatte Mittong; Bial Balug, Burung Balug, Bulangurd Gundidj, Cattos Run Clan, Galgal Gundidj, Gurabungalid Gundidj, Banyul Willam, Dja Dja Wurrung Balug, Galgal Balug, Gunangara Gundidj, Larning Gundidj, Liarga Balug, Tardardyinlar, Munal Gundidj, Dirag Balug, Durid Balug, Wurn Balug, Wungaragira Gundidj, Yung Balug; Baumbidj Gundidj, Djargurd Balug,

Koenghegulluc, Korrungow Werroke Gundidj, Leehoorah Gundidj, Mullungkil Gundidj, Djargurd Wurrung, Netcunde, Tambeere Gundidj, Teerinyillum Gundidj, Uropine Gundidj, Wane Gundidj Colac, Worong Gundidj; Baradh Gundidj, Badadgil Gundidj, Burug Gundidj, Duram Gundidj, Flat Topped Hill Clan, Garar Gundidj, Garnigung Gundidj, Girai Wurrung/Kirrae Wurrung, Gilambidj Gundidj, Gilidmurar Gundidj, Gulag Gundidj, Gular Gundidj, Gun Gundidj, Gunawurd Gundidj, Gunindarar, Ngalung Barar Balug, Mt Noorat Clan, Ngaragurd Gundidj, Purteet Chowel Gundidj, Lake Terang Clan, Warnmbul Gundidj; Becac clans, Birregurra clans, Guraldjinn Balug, Gulidjan Balug; Art Gundidj —

The ACTING PRESIDENT (Mr Ramsay) — Order! Ms Springle, can I just ask: how many more names do you think you would have?

Ms SPRINGLE — There are about 300 names altogether. I can stop and my colleagues can take over the list. That is fine. If we could go sequentially though, that would be wonderful.

The ACTING PRESIDENT (Mr Ramsay) — Perhaps you can leave it to Ms Dunn, who is the next speaker.

Ms SPRINGLE — Thank you.

Ms DUNN (Eastern Metropolitan) (11:03) — I rise today to speak on the Advancing the Treaty Process with Aboriginal Victorians Bill 2018. Before I continue the good work of my colleague Ms Springle I just want to say that the Greens recognise the sovereignty of Aboriginal clans over the land now known as Victoria. Victoria always was and always will be Aboriginal land. We honour their struggle and their strength to have survived the brutal attempt at genocide of their people. The Greens believe that treaties must be negotiated with each and every one of the surviving clans of Victoria.

I also will apologise in advance for any pronunciation I may get wrong in continuing to name the clans across Victoria, and I commend my colleague on her start on this very extensive list. I continue: Ballumin Gudidj, Bate Gundidj, Biteboren Gundidj, Bokerer Gundidj, Bome Gundidj, Bonedol Gundidj, Can Can Corro Gundidj, Carnbul Gundidj, Cart Gundidj, Cartcorang Gundidj, Corry Gundidj, Cupponenet Gundidj, Dandeeyallum, Direk Gundidj, Gilgar Gundidj, Kerrup Gundidj, Kilcarer Gundidj, Gundidj, Koroit Gundidj, Lay Gundidj Mallo, Mallun Gundidj, Meen Gundidj, Mendeet Gudidj Marayn, Monwer Gundidj, Moperer Gundidj, Mordoneneet Gundidj, Morro Gunditj, Mum

Keelunk Gundidj, Mumdorrong Gundij, Nancurrer Gundidj, Nartitbeer Gundidj, Net Net Yune Gundidj, Nilan Gundij, Omebegare Rege Gundidj, Pallapnue Gunditj, Peerracer, Ponungdeet Gundidj, Pyipgil Gundidj, Tarrerwung Gundidj, Tarerer Gundidj, Tamgonene Wurrer Gundidj, Teerar Gundidj, Tolite Gundidj, Tone Gundidj, Ure Gundidj, Wane Gundidj, Wanedeet Gundidj, Warerangur Gundidj, Waywac Gundidj, Weerewceerip Gundidj, Woortenwan, Worcarre Gundidj, Worerome Killink Gundij, Wom Gundidj, Tallo Gundidj, Yambeet Gundidj, Yarrer Gundidj, Yiyar Gundidj, Yowen; Brataualung, Tatungulung, Braiakaulung, Brabrahung, Krauatungulung; Apsley Clan, Barbadin Balug, Bernet, Buluga, Bung Bung Gul Gundidj, Congbool and Yat Nat Clan, Darkogang Gundidj, Djappuminyu, Djura Balug, Jardwadjala, Djurid Balug, Kallutbeer Kanal Gundidj, Karrebil Gundidj, Konongwootong Gundidj, Koroite, Konenicen Balug, Kum Balug, Larnaget, Lil Lil Gundidj, Mideriber Gundidj, Moody Balug, Murray Murra Barap, Ngarum Ngarum Balug, Pellerwin Balug, Pobbiberer Balug, Rockburrer Balug, Tuan Balug, Tukallut Balug, Tununder Balug, Ullswater Clan, Wanemollechoke, Welleetpar, Whiteburer Gundidj, Worrercite, Yamneborer Balug, Yareen Me Yoke, Yetteker Balug; Balug Memen, Bandjel Gundidj, Lail Buil; Benbedora Balug, Gunung-Willam, Ngurai-Ilam Balug; Jungeegatchera; Buthera Balug, Look Willam, Moomoom Gundidj, Nattarak Balug, Nira Balug, Warring-Illum Balug, Yarran-Illum Balug, Yeerun-Illum Balug, Yowung-Illum Balug; Bankneit, Bar Gundidj, Beeripmo Balug, Boner Balug, Buller Buller Cote Gundidj, Carbonong Gundidj, Cart Cart Worrate Gundidj, Curruc Balug, Gnareeb Gnareeb Gundidj, Jacelet, Kolorer Gundidj, Konegilwerring Gundidj, Mingalac Gundidj, Mitteyer Balug, Mutterchoke Balug, Neetssheere Balug, Tjapwurrung, Peeripar Balug, Poit Balug, Punnoinjion Gundidj, Puppellenneering, Tappoc Gundidj, Terrel Balug, Terrumbehal Gundidj, The Gums Clan, Tillac Gundidj, Tin Balug, Tonedidgerer Balug, Tool Balug, Toorac Balug, Uelgal Gundidj, Ural Balug, Utoul Balug, Wattenpeer Balug, Weeripcart Balug, Worrembeetbeer Gundidj, Wurcum Gundidj, Yam Yam Burer Balug, Yourwychall Gundidj; Barere Barere Balug, Beerekwart Balug, Bengalat Balug, Berrejin Balug, Borogundidj, Burrumbeet Balug, Keyeet Balug, Carringham Balug, Carinje Balug, Corac Balug, Corrin Corrinjer Balug, Gerarlture, Marpeang Balug, Mear Balug, Moijerra Balug, Moner Balug, Monmart, Neerer Balug, Pakeheneek Balug, Peerickelmoon Balug, Tooloora Balug, Woodealoke Gundidj, Wada Wurrung Balug, Wongerrer Balug, Worinyaloke Balug, Yaawang; Nat Konedeyoke, Targundidj; Bael Bael Gundidj, Dietchen Balug, Geroung Bukeer,

ADVANCING THE TREATY PROCESS WITH ABORIGINAL VICTORIANS BILL 2018

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Gourmjanyuk, Koron Gundidj, Mallenjerrick, Moorta Moorta, Murrabit Gundidj; Tarrer Mittung; Banyinong Balug/Banju Bunan Gundidj, Bulla Bulla Wycher, Karroit Balug, Djubagal Gundidj, Duwin Barap, Jakel Balug, Jackal Barap, Jarambiuk, Wergaia, Jarrung Jarrung, Kapun Kapun Bara, Kreitch Balug, Gur Balug, Nyill, Porrone Gundidj, Wengen Marongeitch, Witch Wundauk/Njarimbalug, Yarrikuluk, Yoonjareup; Wurundjeri Willam, Gunung Willam Balug, Talling Willum, Kurung Jang Balug, Marin Balug, Wurundjeri Balug, Bulug Willam; Darrinban, Wongatban, Merdiderban, Maddemowero, Yewngotban, Biggolathban, Ungidderroban, Mowatban, Derranathban, Toolinyagan, Boongatpan, Angootheriban, Kailthiban, Moiraduban, Towroonban and Wolithiga.

The ACTING PRESIDENT (Mr Ramsay) — Ms Dunn, it was very admirable that you got through all those. Well done to you both.

Ms BATH (Eastern Victoria) (11:12) — I rise to make some comments today on the Advancing the Treaty Process with Aboriginal Victorians Bill 2018, a bill that establishes the framework for the advancement of treaty. Within my contribution today I would like to touch on a few points. The first one is recognising what is happening and what has happened in the past overseas. The second point will be to identify the importance of our Indigenous culture, our Indigenous heritage and our current Indigenous people and their ways in Victoria and to talk about some of the issues of the past. I would also like to reflect on some of the positive things that are happening — certainly in the federal sphere — that have been pushed for over the last 10 years of *Closing the Gap* and look at those. I would like to again look at the federal sphere in terms of what is going on there in relation to a select committee, which I know Ms Crozier has raised before in this debate.

I would like to touch on the Victorian Traditional Owner Land Justice Group and some of their concerns as set out in a media release around this bill. I will talk about some of my positive experiences and the absolute honour it has been to meet many Indigenous people in the last three years in my role as a member for Eastern Victoria Region, briefly talk about a policy that we have got on the table and mention some great Indigenous people right across Australia but also locally in Eastern Victoria Region.

Many overseas nations have had treaty frameworks, for decades for some, and for hundreds of years for others. In terms of Canada, Canada's Indigenous treaty started way back in the 1800s. In truth it was probably a focus to open up the prairie lands and for the European

cultures to be able to access resources and opportunities there, but certainly in 1982 the Constitution Act in Canada looked at having the supreme law of Canada and recognising and affirming the existence of Indigenous and treaty rights. That was a holistic, whole-of-nation approach. Indeed our New Zealand counterparts over the waters have a historical treaty, the Treaty of Waitangi, made 175 years ago on a national level as well. So the premise of my discussions through this is that The Nationals very much believe that there should be a holistic approach across the nation and a treaty must come from the federal sphere with support from the states, not the other way around.

This is one of the longest, if not the longest, surviving Indigenous cultures here in Australia: 65 million years of a sophisticated social fabric of networks of people with rich traditions and laws. Right across Australia we need to recognise that, and it is the responsibility of all governments to protect and respect our Indigenous people as they are now and their culture and history. There is an absolute dark, dark blight on our history, but we cannot unwrite that history of European settlement 200 years ago, the catastrophic damage that those people did back in the day with diseases, with ignorant violence — it just defies common sense and human dignity, but it was done, and there is no doubt there was barbaric treatment.

Over the Christmas holidays I try and do some reading, and it was interesting to read about Hamilton Hume and his journeys from what was then a mere settlement at Botany Bay down over incredible terrain to what we now call Victoria and Western Port Bay. Indeed his journals spoke about his befriending and attempting to communicate with the Indigenous tribes, and the positive relationships that happened through that, but he also identified the ignorant relationships that came about through some explorers and other people. So back almost 200 years ago there were positive attempts in amongst this total muddle and atrocious behaviour.

Today we know that Indigenous communities still face huge disadvantage. Their health outcomes and education opportunities are still much poorer than those of non-Indigenous communities. Their career prospects and life expectancies are often still of great concern because they are not of equal status. Indeed, unfortunately often Indigenous people are over-represented in our legal system. But there are some definite positives that have been happening over the last 10 years in terms of closing the gap. In 2008 the federal government established the *Closing the Gap* framework, and it has continued on and is supported in a bipartisan fashion across all parties, which is tremendous to see. Indeed Senator Nigel Scullion, who

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Gourmjanyuk, Koron Gundidj, Mallenjerrick, Moorta Moorta, Murrabit Gundidj; Tarrer Mittung; Banyinong Balug/Banju Bunan Gundidj, Bulla Bulla Wycher, Karroit Balug, Djubagal Gundidj, Duwin Barap, Jakel Balug, Jackal Barap, Jarambiuk, Wergaia, Jarrung Jarrung, Kapun Kapun Bara, Kreitch Balug, Gur Balug, Nyill, Porrone Gundidj, Wengen Marongeitch, Witch Wundauk/Njarimbalug, Yarrikuluk, Yoonjareup; Wurundjeri Willam, Gunung Willam Balug, Talling Willam, Kurung Jang Balug, Marin Balug, Wurundjeri Balug, Bulug Willam; Darrinban, Wongatban, Merdiderban, Maddemowero, Yewngotban, Biggolatban, Ungidderroban, Mowatban, Derranatanban, Toolinyagan, Boongatpan, Angootheriban, Kailthiban, Moiraduban, Towroonban and Wolithiga.

The ACTING PRESIDENT (Mr Ramsay) — Ms Dunn, it was very admirable that you got through all those. Well done to you both.

Ms BATH (Eastern Victoria) (11:12) — I rise to make some comments today on the Advancing the Treaty Process with Aboriginal Victorians Bill 2018, a bill that establishes the framework for the advancement of treaty. Within my contribution today I would like to touch on a few points. The first one is recognising what is happening and what has happened in the past overseas. The second point will be to identify the importance of our Indigenous culture, our Indigenous heritage and our current Indigenous people and their ways in Victoria and to talk about some of the issues of the past. I would also like to reflect on some of the positive things that are happening — certainly in the federal sphere — that have been pushed for over the last 10 years of *Closing the Gap* and look at those. I would like to again look at the federal sphere in terms of what is going on there in relation to a select committee, which I know Ms Crozier has raised before in this debate.

I would like to touch on the Victorian Traditional Owner Land Justice Group and some of their concerns as set out in a media release around this bill. I will talk about some of my positive experiences and the absolute honour it has been to meet many Indigenous people in the last three years in my role as a member for Eastern Victoria Region, briefly talk about a policy that we have got on the table and mention some great Indigenous people right across Australia but also locally in Eastern Victoria Region.

Many overseas nations have had treaty frameworks, for decades for some, and for hundreds of years for others. In terms of Canada, Canada's Indigenous treaty started way back in the 1800s. In truth it was probably a focus to open up the prairie lands and for the European

cultures to be able to access resources and opportunities there, but certainly in 1982 the Constitution Act in Canada looked at having the supreme law of Canada and recognising and affirming the existence of Indigenous and treaty rights. That was a holistic, whole-of-nation approach. Indeed our New Zealand counterparts over the waters have a historical treaty, the Treaty of Waitangi, made 175 years ago on a national level as well. So the premise of my discussions through this is that The Nationals very much believe that there should be a holistic approach across the nation and a treaty must come from the federal sphere with support from the states, not the other way around.

This is one of the longest, if not the longest, surviving Indigenous cultures here in Australia: 65 million years of a sophisticated social fabric of networks of people with rich traditions and laws. Right across Australia we need to recognise that, and it is the responsibility of all governments to protect and respect our Indigenous people as they are now and their culture and history. There is an absolute dark, dark blight on our history, but we cannot unwrite that history of European settlement 200 years ago, the catastrophic damage that those people did back in the day with diseases, with ignorant violence — it just defies common sense and human dignity, but it was done, and there is no doubt there was barbaric treatment.

Over the Christmas holidays I try and do some reading, and it was interesting to read about Hamilton Hume and his journeys from what was then a mere settlement at Botany Bay down over incredible terrain to what we now call Victoria and Western Port Bay. Indeed his journals spoke about his befriending and attempting to communicate with the Indigenous tribes, and the positive relationships that happened through that, but he also identified the ignorant relationships that came about through some explorers and other people. So back almost 200 years ago there were positive attempts in amongst this total muddle and atrocious behaviour.

Today we know that Indigenous communities still face huge disadvantage. Their health outcomes and education opportunities are still much poorer than those of non-Indigenous communities. Their career prospects and life expectancies are often still of great concern because they are not of equal status. Indeed, unfortunately often Indigenous people are over-represented in our legal system. But there are some definite positives that have been happening over the last 10 years in terms of closing the gap. In 2008 the federal government established the *Closing the Gap* framework, and it has continued on and is supported in a bipartisan fashion across all parties, which is tremendous to see. Indeed Senator Nigel Scullion, who

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ADVANCING THE TREATY PROCESS WITH ABORIGINAL VICTORIANS BILL 2018

2936

COUNCIL

Thursday, 21 June 2018

These amendments insert a second new purpose for the self-determination fund. Amendment 31 states that a process of truth telling about the true history of Victoria must be funded. There is little awareness in the wider community about Aboriginal culture before colonisation or today. There is little knowledge of the massacres, the frontier wars, the missions people were herded into and the cultural annihilation that occurred. Many Victorian people do not even know what a clan is and could not name one. If a true treaty process is to occur in Victoria, we must build an understanding of what has happened and why a treaty is required, and we must begin that process immediately so it does not become a hindrance to the treaty negotiations. We do not specify what the process should look like in this amendment. All we do is capture the broad sentiment amongst first peoples that the truth must be told.

Mr JENNINGS — We will not be supporting this amendment for the same reasons I have outlined before. Back in clause 30 we recognised that within the treaty the activities of the Aboriginal Representative Body and what is going to be promoted and acted on is a fundamental recognition. Clause 30(3) includes:

- (a) recognise historic wrongs; and
- (b) address ongoing injustices; and
- (c) help heal wounds of the past; and
- (d) support reconciliation; and
- (e) bring pride to Victorians ...

That is the first five of 10. That is totally consistent with the scope and the aspiration that you have just outlined, in my view.

Amendments negated; clause agreed to; clauses 37 to 44 agreed to.

Preamble

The ACTING PRESIDENT (Mr Elasmr) — Dr Ratnam, I believe your amendments 34, 35, 36 and 38 to 42 have been tested, so I ask you to move the only amendment left, which is 37.

Dr RATNAM — I move:

37. Preamble, page 2, omit "Victorian traditional owners maintain that their sovereignty has never been ceded, and" and insert "The State of Victoria recognises that the Clans have never ceded sovereignty over the land now known as Victoria. The State of Victoria recognises that".

The Greens believe it is not enough to state in the preamble that traditional owners maintain their

sovereignty has never been ceded. It is an important symbol and act of good faith in the treaty process that the state of Victoria recognise for itself that the clans have never ceded sovereignty. For many of the first peoples of Victoria seeing such a statement in this act of Parliament would be very powerful and moving. Such a statement would be a symbol of respect and recognition. Whether or not Victoria is a sovereign body does not mean it cannot recognise the sovereignty of the first peoples of this land. State governments have a lot of power and many responsibilities to their citizens. When embarking on a process it is calling a treaty process, acknowledging the sovereignty of the first peoples is an important symbol. I sincerely hope the government supports this change.

Mr JENNINGS — I know you do, and when I oppose it it will not be because I doubt the sincerity or in many ways the appropriateness with which this would be a community expectation and something that would be felt very deeply by Aboriginal people for all the right reasons. The great problem from the government's perspective is that we have pretty clear legal advice that in fact it does have a limiting effect on our ability to enter into agreements that would withstand the test of those who seek to actually undermine its standing, because it would give rise to a legal challenge which would perhaps make this intention fall at the first hurdle. A state has limitations on its ability to do what you are wanting it to do. I say that with a heavy heart, but I am obliged to say it.

Committee divided on amendment:

Ayes, 5

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| Dunn, Ms | Springle, Ms (Teller) |
| Pemicuik, Ms | Truong, Ms (Teller) |
| Ratnam, Dr | |

Noes, 34

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| Atkinson, Mr | Mikakos, Ms |
| Bath, Ms | Morris, Mr |
| Bourman, Mr | Mulino, Mr |
| Carling-Jenkins, Dr | O'Donohue, Mr |
| Crozier, Ms | Ondarchie, Mr |
| Dalidakis, Mr | O'Sullivan, Mr |
| Dalla-Riva, Mr | Peulich, Mrs |
| Davis, Mr | Pulford, Ms |
| Eideh, Mr | Purcell, Mr |
| Elasmr, Mr | Ramsay, Mr |
| Finn, Mr | Rich-Phillips, Mr |
| Fitzherbert, Ms | Shing, Ms |
| Gepp, Mr | Somyurek, Mr (Teller) |
| Jennings, Mr | Symes, Ms |
| Leane, Mr | Tierney, Ms |
| Lovell, Ms (Teller) | Wooldridge, Ms |
| Melhem, Mr | Young, Mr |

Amendment negated.

FLORA AND FAUNA GUARANTEE AMENDMENT BILL 2018

Thursday, 21 June 2018

COUNCIL

2937

Preamble agreed to.**Reported to house without amendment.****Report adopted.***Third reading***Motion agreed to.****Read third time.****FLORA AND FAUNA GUARANTEE
AMENDMENT BILL 2018***Introduction and first reading***Received from Assembly.****Read first time on motion of Ms PULFORD
(Minister for Agriculture); by leave, ordered to be
read second time forthwith.***Statement of compatibility***Ms PULFORD (Minister for Agriculture) tabled
following statement in accordance with Charter of
Human Rights and Responsibilities Act 2006:**

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006*, (Charter), I make this Statement of Compatibility with respect to the Flora and Fauna Guarantee Amendment Bill 2018.

In my opinion, the *Flora and Fauna Guarantee Amendment Bill 2018*, as introduced to the Legislative Council, is compatible with human rights as set out in the Charter. I base my opinion on the reasons outlined in this statement.

Overview

The Bill amends the *Flora and Fauna Guarantee Act 1988* (Principal Act) to promote Victoria's biodiversity, enhance accountability and transparency, and deliver effective protection for native species and important habitats.

Most relevantly for the purposes of assessing compatibility with the Charter, the Bill provides for the application of critical habitat determinations and habitat conservation orders over any land in Victoria, the use of a register to record instruments issued under the Principal Act, and improvements to the compliance and enforcement of the Principal Act. This includes the expansion of inspection, seizure and evidence gathering powers of authorised officers, the introduction of infringeable offences, and increased penalties for breaches.

Human rights issues

The human rights protected by the Charter that are relevant to the Bill are:

The right to freedom of movement in section 12 of the Charter;

The right to privacy and reputation in section 13 of the Charter;

The right to public life in section 18 of the Charter;

Cultural rights in section 19 of the Charter;

Property rights in section 20 of the Charter; and

The right to be presumed innocent in section 25(1) of the Charter.

For the reasons outlined below, in my opinion, the Bill is compatible with each of these rights.

Freedom of movement

Section 12 of the Charter provides for the right of every person within Victoria to move freely within Victoria and to enter and leave it and to have the freedom to choose where to live.

Critical habitats and habitat conservation orders

Clause 15 of the Bill substitutes section 20 of the Principal Act, which allows the Secretary to make critical habitat determinations. Limits on when an area may be declared to be critical habitat are in set out in new section 20(2).

Under new section 26, inserted by clause 20 of the Bill, the Minister may make a habitat conservation order for the purposes of conserving, protecting or managing any critical habitat (being an area determined under substituted section 20), or any area of Victoria that the Secretary proposes to determine as critical habitat but in respect of which a critical habitat determination has not been made. The Minister must not make such an order unless the Minister considers it is necessary to halt, prevent or repair damage that has occurred, is occurring, or is likely to occur to the critical habitat or proposed critical habitat, or to manage that critical habitat or proposed critical habitat to ensure its conservation or protection.

A habitat conservation order may (among other things) restrict or prohibit activities and the use or development of property within the critical habitat or proposed critical habitat. An order may also require that a person proposing to undertake an activity, land use or development obtain a permit from the Minister. Additionally, an order may also restrict or prohibit activities and the use or development of property within an area that is outside the critical habitat or proposed critical habitat if the activity, land use or development is likely to adversely affect the relevant habitat.

To the extent that a habitat conservation order may limit the freedom of movement of a person by imposing conditions that restrict or prohibit movement or actions within a relevant area, any such limitation is reasonable and justified within the meaning of section 7(2) of the Charter. This power is an appropriate management tool to ensure the protection of habitats which may be essential to the survival of threatened species. A habitat conservation order must not be made unless the Minister considers that the order is necessary to halt, prevent or repair damage that has occurred, is occurring, or is likely to occur to the critical habitat, or to manage the critical habitat to ensure its conservation or protection. New section 29 contains a process for providing notice of the making of such an order to relevant landholders, including the opportunity to provide submissions.