

Advancing the Victorian Treaty Process

Annual Report 2023-24



First Peoples -
State Relations



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Cover Image: Yoorrook Justice Commission - Wurundjeri Country, April 2024

Inside Cover Image: First Peoples' Assembly of Victoria meeting on Bunurong Country San Remo, November 2023

Image credits: Leroy Miller
First Peoples' Assembly of Victoria

Acknowledgement of Country

We proudly acknowledge the Traditional Owners of Country across all lands and waters now known as the State of Victoria. We pay respect to all Aboriginal and Torres Strait Islander peoples living in Victoria and those who have previously lived in Victoria. We pay respect to their families, communities, Elders and Ancestors. We acknowledge that their sovereignty has never been ceded.

We acknowledge and pay our respects to the ongoing strength and resilience of First Peoples, First Peoples' cultures, knowledge systems and traditions, and the immeasurable value added to Victoria's identity, culture and heritage by the oldest living cultures in the world. We cannot truly understand this State's history, or who we are as Victorians, without first understanding the deep, rich and complex cultural heritage of First Peoples.

We acknowledge the wide-ranging and intergenerational consequences of colonisation and dispossession, against which First Peoples have long fought. Colonisation involved profound wrongs, including widespread and horrific violence; theft of land and removal of children; dispossession of Country and culture; and institutionalisation within systems built on racist beliefs.

We acknowledge all those who have advocated for their rights in the face of these historic and ongoing injustices. We also acknowledge the First Peoples who have told their truth so that we can understand the injustices and impacts of colonisation. The strength of all First Peoples has led us toward truth and Treaty.

To overcome the harms caused by colonisation, we need to understand how it was created and how it continues. We cannot re-write history, but the work arising out of truth, Treaty, and justice is where we act on this acknowledgement and begin to right the wrongs of the past and address ongoing injustices.

Statutory context and reporting requirement

In August 2018, the *Advancing the Treaty Process with Aboriginal Victorians Act 2018 (Vic)* (Treaty Act) became law, having passed through both houses of the Victorian Parliament in June 2018. Under the Treaty Act, the Minister for Treaty and First Peoples (formerly the Minister for Aboriginal Affairs) is required to prepare an annual report on the work of the State of Victoria (State) in advancing the Treaty process. The reporting requirements are set out in Part 8 of the Treaty Act.

The Treaty Negotiation Framework (Framework), agreed between the State and First Peoples' Assembly of Victoria (First Peoples' Assembly) in October 2022, reaffirms this annual reporting requirement in Part 34. The Framework sets out

further reporting requirements, in addition to those in Part 8 of the Treaty Act, that will be included in future annual reports once the Negotiations Database is declared to be established by the Treaty Authority. This document constitutes the Minister's annual report for the 2023-24 financial year.

Part 8 of the Treaty Act and Part 34 of the Framework also require the First Peoples' Assembly to report annually on its work in advancing the Treaty process. The First Peoples' Assembly's annual report will be a separate document.

These reporting requirements ensure that Victorians are transparently informed each year of the work to advance Treaty in Victoria.

Aboriginal readers are advised that this document may include photos, quotations and/or names of people who are deceased.

First Peoples' Assembly of Victoria
meeting on Bunurong Country
San Remo, November 2023

Image credit: Leroy Miller
First Peoples' Assembly of Victoria

Minister for Treaty and First Peoples, address to the First Peoples' Assembly of Victoria on Bunurong Country, November 2023

Image credit: Leroy Miller
First Peoples' Assembly of Victoria



Message from the Minister

I am pleased to present the Treaty Annual Report 2023-24, as Minister for Treaty and First Peoples. I am proud to highlight the achievements of the Victorian Government and the First Peoples' Assembly in advancing the Treaty process and preparing Victoria to embark on landmark Treaty negotiations.

I acknowledge the dedication and commitment of the First Peoples' Assembly, the democratically elected representative body for First Peoples to progress Treaty in Victoria. Following the First Peoples' Assembly's second general election in June 2023, its new chamber of elected representatives has continued its important work to ensure the path to Treaty reflects the aspirations of First Peoples.

I also recognise the significant work of Australia's first formal truth-telling process, the Yoorrook Justice Commission. The Commission is investigating parts of our past that have been buried and shining a light on the injustices of today. Its work will inform Victoria's Treaty process. Learning more about the history of First Peoples in this State will help us build a shared future and shared pride in the Aboriginal heritage of this land we all call home. I appeared before their historic inquiry in April 2024 to speak to injustices related to lands and waters.

Throughout our history, First Peoples have been deliberately excluded from social and economic opportunities. The policies and practices of governments have created a gap that continues today.

Without significant change, this exclusion will continue – regardless of the good intentions of Victorians who embrace and respect Aboriginal people and culture. We won't improve First Peoples' health, education, and economic outcomes until we recognise the truth of what has happened.

Both international and local evidence shows us that First Peoples' self-determination is the key to closing the opportunity gap we have created. Treaty is about putting self-determination into practice. The Treaty process gives us a pathway to change what isn't working and recognises that First Peoples themselves are best placed to design and implement the programs and policies that impact their lives.

Our State has an obligation to negotiate Treaty with First Peoples that is embedded in legislation passed by our Parliament. The Victorian Government will represent all Victorians at the negotiating table and the voices of First Peoples remain fundamental to this process.

Victoria is a proud, multicultural state that celebrates and values diversity, including the 65,000 years of living First Peoples culture. Through Treaty, we are leading the nation on this journey to self-determination and prosperity for all.

I am looking forward to commencing the country's first formal Treaty negotiations and delivering a Statewide Treaty and local Traditional Owner Treaties we can all be proud of.

The Hon Natalie Hutchins MP

**Minister for Treaty and First Peoples
Minister for Women
Minister for Jobs and Industry**

Pathway to Treaty in Victoria

Wilson's Promontory

Victoria's commitment to Truth and Treaty

In response to sustained advocacy from First Peoples and international examples of the benefits of Treaty to all, the Victorian Government committed to pursuing Treaty in 2016. Since then, Victoria has adopted a steady, long-term approach to Treaty, one that is embedded within our democratic structures and supported by Australia's first-ever Treaty legislation.

Victoria has a legal obligation to advance Treaty with our First Peoples in line with the *Advancing the Treaty Process with Aboriginal Victorians Act 2018* (Treaty Act) and the *Treaty Authority and Other Treaty Elements Act 2022* (Treaty Authority Act). These laws, and the Treaty element agreements between the State of Victoria and the First Peoples' Assembly, govern the Treaty process. Victoria's Treaty laws and agreements are all publicly available.

The Treaty process is about progressing self-determination and delivering better outcomes that will benefit all Victorians. In Victoria, self-determination means supporting the local experts, Aboriginal people themselves, to make decisions about their own future.

Victoria's path to Treaty includes a commitment to truth-telling through the 2021 establishment of the Yoorrook Justice Commission. The Commission is tasked with establishing an official public record of First Peoples' experiences from the beginning of colonisation until the present day.



Where we've been

2016: Commitment to Treaty

The Victorian Government commits to progressing Treaty and establishes the Aboriginal Treaty Working Group.

2018: Victorian Treaty Advancement Commission (VTAC)

VTAC commences operation and leads community consultations on the Victorian Treaty process.

2018: The Treaty Act

The law sets out the Treaty elements required to support fair and effective Treaty negotiations in Victoria: the Treaty Authority, the Self-Determination Fund, the Treaty Negotiation Framework, and a dispute resolution process. It provides for an Aboriginal Representative Body, the First Peoples' Assembly, a community elected body tasked with establishing the Treaty elements by agreement with the State of Victoria.

2019: The First Peoples' Assembly of Victoria

The inaugural members of the First Peoples' Assembly are elected to represent First Peoples in Victoria's Treaty process.

2022: The Treaty Authority Act and Agreement

These establish the Treaty Authority, a First Peoples' led institution that will operate as an independent umpire to facilitate Treaty negotiations and resolve any disputes that may arise.

2022: The Treaty Negotiation Framework

This sets out the rules, process and subjects for negotiating Treaties between the State of Victoria and First Peoples.

2022: The Self-Determination Fund

The 2022-23 State Budget invests \$65 million over three years to establish and makes an initial payment towards the Self-Determination Fund. Under the Treaty Act, the Self-Determination Fund supports Aboriginal parties to have equal standing with the State in Treaty negotiations and provides a financial resource, independent from the State, that empowers First Peoples to build capacity, wealth and prosperity.

2023: First Peoples' Assembly's second general election

The second Chamber of the First Peoples' Assembly is elected. First Peoples' Assembly elections are held every four years.

2023: Appointment of Members to the Treaty Authority

Five inaugural members are appointed to the Treaty Authority to oversee the upcoming Treaty negotiations.

2023: Self-Determination Fund is operational

The Self-Determination Fund opened applications for funding to empower Traditional Owner groups in Victoria to become 'Treaty ready'.

2023 - 2024: Preparations for Treaty negotiations to commence

The State continues to prepare for negotiations by establishing the governance and authorisation processes that will enable the State to respond to Treaty matters in an efficient and coordinated way. The State also continues to work closely with the First Peoples' Assembly to operationalise the Treaty elements in readiness for negotiations commencing.

Where we're headed

2024: Meeting the State's Minimum Standards

Under the Treaty Negotiation Framework, all Treaty negotiating parties must meet certain standards to show that they are ready to begin negotiations. The State is preparing to meet its Minimum Standards and Additional Preparations, which will be assessed by the Treaty Authority.

2024: Entry onto the Negotiations Database

The Negotiations Database is an administrative tool maintained by the Treaty Authority that contains information about the Treaty process, including who is negotiating a Treaty and the areas over which Treaties are being negotiated. Once the Treaty Authority is satisfied that the State and the First Peoples' Assembly (as the presumptive First Peoples' Representative Body to negotiate Statewide Treaty), have complied with Minimum Standards, it will enter both parties onto the Negotiations Database.

2024: Treaty Negotiations commence

Treaty negotiations between the State and the First Peoples' Assembly are on track to commence later in 2024. The State must negotiate Treaty in line with Treaty legislation and the Treaty Negotiation Framework. The State of Victoria will be represented in Treaty negotiations by Treaty negotiators in the Victorian Public Service. Treaty negotiations will require the State to represent all Victorians and engage multiple groups, stakeholders and people across the Victorian community. This work will be supported by a Treaty engagement and authorisation structure across all Victorian Government departments and entities, and public communications materials. The Victorian Government will continue to inform and educate the public on Treaty progress.

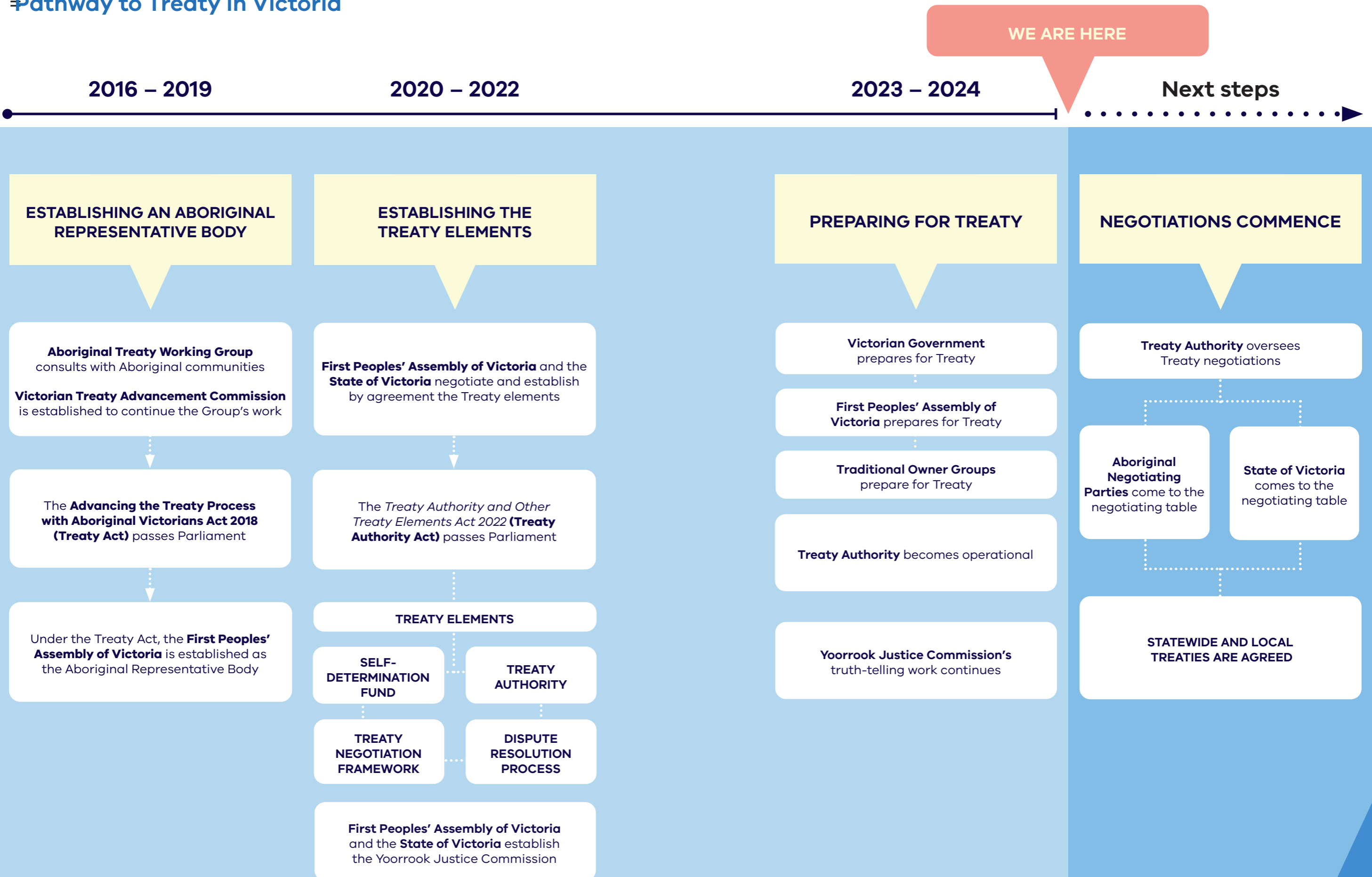
2024 onwards: An ongoing relationship with First Peoples

Treaty defines a new ongoing relationship between First Peoples and the State. We know the Treaty process will be long term – it will take time to negotiate Treaty agreements, and time to implement them.

Statewide Treaty Gathering on Wadawurrung Country in Geelong, April 2024
Image credit: Leroy Miller
First Peoples' Assembly of Victoria



Pathway to Treaty in Victoria



First Peoples' Assembly of Victoria

A representative body for Traditional Owners and Aboriginal Victorians

The State has worked and negotiated with the First Peoples' Assembly since it was established in December 2019. The First Peoples' Assembly has been operating effectively for four years as the independent body representing First Peoples in Victoria's Treaty process. Members of the First Peoples' Assembly are democratically elected Traditional Owners and represent First Peoples in all regions across the state.

The First Peoples' Assembly has made significant progress throughout 2023-24 to engage First Peoples in the Treaty process and prepare for Treaty negotiations.

"The Assembly has a strong purpose, and that is to reclaim our people's power and freedom to make the decisions that affect our families, our communities, our Country, our lands and waters. In Treaty, we have a critical opportunity to heal the land. When we can repair, rekindle and expand our ability to care for Country, both the land and our communities will thrive. When that happens, everyone benefits."

Ngarra Murray, Assembly Co-Chair, opening statement to Yoorrook Justice Commission, 17 April 2024

Second term

In June 2023, the First Peoples' Assembly announced its second Chamber of elected representatives chosen to negotiate Treaty in Victoria. The second Chamber of the First Peoples' Assembly has committed to progressing Treaty negotiations with the Victorian Government within their elected term.

At the first meeting of the First Peoples' Assembly's second Chamber in July 2023, Wamba Wamba, Yorta Yorta, Dhudhuroa and Dja Dja Wurrung woman Ngarra Murray and Gunditjmara man Rueben Berg were elected as Co-Chairs.

The First Peoples' Assembly currently comprises 33 members reflecting the diversity of Aboriginal voices across Victoria. A seat is reserved for each of the 11 formally recognised Traditional Owner groups in Victoria, with 22 seats elected by votes held in five voting regions. An additional pathway has also been established for Traditional Owner groups who do not have formal recognition under legislation to apply for a reserved seat.

In March 2024, the Wamba Wemba Aboriginal Corporation became the first Traditional Owner group without recognition under Government legislation to obtain a reserved seat in the First Peoples' Assembly. This was approved by a unanimous decision of the First Peoples' Assembly.

Community engagement: preparing for Treaty negotiations

The First Peoples' Assembly has been critical to ensuring the Treaty process reflects the broad and diverse views across Aboriginal communities in Victoria. Throughout 2023-24, Members and staff of the First Peoples' Assembly have engaged with First Peoples through a broad range of events, community forums, meetings and consultations.

In November 2023, the First Peoples' Assembly called on Elders to nominate to be part of the Elders' Voice. The Elders' Voice was established in March 2023 and is a platform for Elders in Victoria to provide cultural authority and cultural guidance to inform the work of the First Peoples' Assembly on

the journey to Treaty. The Elders' Voice also provides advice, guidance, wisdom to the First Peoples' Assembly's Youth Voice.

In February 2024, the First Peoples' Assembly held a sold-out Treaty Day Out on Wadawurrung Country in Ballarat. Over 3,500 Victorian Aboriginal and Torres Strait Islander community members and allies attended the festival to celebrate the journey to Treaty in Victoria.

In April 2024, the First Peoples' Assembly held a Statewide Treaty Gathering on Wadawurrung Country, including guest speakers, workshops, Treaty information sessions and performances.

For more information on the activities of the First Peoples' Assembly please refer to their 2023-24 Annual Report.

The first meeting of the second term of the First Peoples' Assembly of Victoria, 27 July 2023



Rueben Berg and Ngarra Murray, Co-chairs of second term of the First Peoples' Assembly of Victoria, 28 July 2023

Image credits:
Leroy Miller
First Peoples' Assembly of Victoria

Governor of Victoria, her Excellency Professor the Honourable Margaret Gardner AC, with the Yoorrook Justice Commissioner Chair, Professor Eleanor Bourke AM

Image credit: Leroy Miller
First Peoples' Assembly of Victoria



Truth: Yoorrook Justice Commission

Victoria's formal truth-telling process

First Peoples have been clear and consistent in calls for truth-telling in Victoria. In May 2021, the First Peoples' Assembly and the Victorian Government jointly established the Yoorrook Justice Commission (Commission), a fundamental step on the path to Treaty. The Commission is investigating historical and ongoing injustices experienced by Victorian First Peoples since the beginning of colonisation, across all areas of social, political and economic life.

Intersection with Treaty

Reckoning with past injustice is an integral part of Victoria's Treaty process. The Commission will produce an official public record that will help Victorians understand the State's history from the perspective of First Peoples, how this history impacts the present, and how Treaty can be the pathway to practical changes and solutions. The Commission has already recommended a range of institutional and legal reforms to be considered in future Treaty negotiations.

Government's engagement with Yoorrook

The Commission released its second interim report, *Yoorrook for Justice*, in August 2023. The report documents First Peoples' experiences of injustice in the child protection and criminal justice systems and makes 46 recommendations to the Victorian Government.

In April 2024 the Government released its response to the report: 28 of the recommendations are supported either in full or in principle, 15 recommendations are being considered further, and three recommendations are not supported. The Government's response to the report reaffirms its commitment to truth and Treaty.

In 2024, the Commission conducted two further lines of inquiry: the first focused on injustices relating to land, sky and waters; the second on social injustices relating to health, education, housing and economic life. In response to the Commission's requests, the Victorian Government produced approximately 5,200 documents relating to these inquiries. State officials — including the Premier of Victoria, Ministers and senior departmental executives — appeared at formal hearings held by the Commission from April to June 2024.

Premier's appearance at Yoorrook

The Premier's appearance before the Commission in April 2024 was a historic first for an Australian head of government. The Premier acknowledged the many injustices that First Peoples have experienced throughout Victoria's history and identified the Treaty process as laying a strong foundation to build a new relationship between the State and First Peoples based on truth, trust, mutual respect and equality.

"This process of truth-telling demonstrates why we need Treaty: the evidence presented to the Commission shows that self-determination, and therefore Treaty, is common sense - if you listen to the people directly affected, you get better outcomes. Treaty is about ensuring that First Peoples get a say over their healthcare, their family's housing, their kids' education, and the practice of their culture now and into the future."

Hon. Jacinta Allan, Premier of Victoria,
Evidence to the Yoorrook Justice
Commission, 29 April 2024

Ongoing inquiry

In response to an interim recommendation, the Commission's inquiry was extended by 12 months to June 2025. The Commission is due to deliver its third interim report by 27 June 2025 and its final report by 30 June 2025.

Hon. Jacinta Allan, Premier of Victoria, Evidence to the Yoorrook Justice Commission, April 2024

Achievements in Victoria's Treaty process in 2023-24

The 2023–24 Victorian Budget provided \$138.2 million over four years and \$8.4 million ongoing to ensure the State can meet its legal obligations to enter into Treaty negotiations. The Victorian Government is delivering this funding to progress a well-supported, well-planned and transparent Treaty process that delivers meaningful outcomes for First Peoples.

Regular engagement with the First Peoples' Assembly

Throughout the 2023-24 year, the Victorian Government maintained regular and collaborative engagement with the second term of the First Peoples' Assembly, as the representative body for Victorian First Peoples in the Treaty process.

Under Part 3 of the *Advancing the Treaty Process with Aboriginal Victorians Act 2018* (Treaty Act), the Victorian Government and the First Peoples' Assembly must act at all times in accordance with the guiding principles. The guiding principles recognise the particular relationship required to negotiate Treaties and are:

- self-determination and empowerment
- fairness and equality
- partnership and good faith
- mutual benefit and sustainability
- transparency and accountability.

Consistent with the Treaty Act, the State respects the First Peoples' Assembly's independent engagement and representation of the diversity of community views through negotiations as a fundamental principle in the Treaty process.

The Self-Determination Fund is operational

In 2022, the State and the First Peoples' Assembly established the Self-Determination Fund by agreement as required under the Treaty Act, as an independent financial resource owned and controlled by First Peoples. Designed to advance economic self-determination, the Self-Determination Fund supports First Peoples to have equal standing with the State in Treaty negotiations and generate capacity, wealth and prosperity now and for generations to come.

The Self-Determination Fund became fully operational in 2024. As required by the Treaty Act, the First Peoples' Assembly administers the Self-Determination Fund and has appointed an all-First Peoples Board of Directors to manage the day-to-day operations of the Fund. Directors Dr Rohan Henry, Nadina Brockhurst, Chris Croker, Jason Mifsud and Lisa Briggs are joined by CEO Sandra Jacobs. The directors have extensive experience in community governance and financial management.

The State committed \$65 million to the Self-Determination Fund to support Traditional Owner Treaty negotiations, in-part realised by a second contribution of \$15 million in September 2023.

In December 2023, the Self-Determination Fund opened applications for funding to empower Traditional Owner groups in Victoria to become 'Treaty ready'. The Self-Determination Fund has made distributions of \$200,000 each to the Barengi Gadjin Land Council Aboriginal Corporation, Wadawurrung Traditional Owners Aboriginal Corporation and Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation to provide immediate support to come together to form aspirations for Treaty.



First Peoples' Assembly of Victoria meeting on Bunurong Country, San Remo, November 2023

Image credit: Leroy Miller | First Peoples' Assembly of Victoria

Appointment of Treaty Authority members

The Treaty Authority is a nation-leading institution, drawing on international best practice of institutions overseeing Treaty negotiations, but adapted for Victoria. The Treaty Authority is the independent 'umpire' responsible for overseeing Treaty negotiations, making sure that the process is fair for all negotiating parties, and follows the rules set out in the Treaty Negotiation Framework.

The Treaty Authority and Other Treaty Elements Act 2022 (Treaty Authority Act) was enacted by the Victorian Parliament on 23 August 2022 with bipartisan support, following a historic agreement reached between the Victorian Government and the First Peoples' Assembly.

In December 2023, five inaugural members were appointed to the Treaty Authority to serve during upcoming Treaty negotiations in Victoria. All five Treaty Authority Members bring diverse expertise, skills and experience to their new roles:

- Dr Petah Atkinson is a Yorta Yorta woman and health researcher with an extensive background in the Aboriginal health sector
- Thelma Austin is a Gunditjmara woman with experience as a cultural advisor and manager in corporate and legal sectors
- Jidah Clark is a Djab Wurrung man and lawyer with strong policy expertise across the private, public and community sectors in youth justice, community engagement and policy development
- Andrew Jackomos is a Yorta Yorta man with decades of government expertise, including time as the Commissioner for Aboriginal Children
- Duean White is a Biripi woman with corporate, legal, government and not-for-profit experience.

The historic appointments were recommended by an independent panel following a rigorous and competitive selection process. The independent selection panel comprises distinguished Aboriginal leaders, Karinda Taylor, Auntie Vicki Clark OAM, Eddie Cubillo, Marcus Clarke and former Minister Richard Wynne.

In its first year of operation, the main role of the Treaty Authority Members has been to operationalise the Treaty Authority, including to prepare the opening of the Negotiations Database so that Treaty negotiations can begin.

NAIDOC week march

Image credit (top): Leroy Miller
First Peoples' Assembly of Victoria



Announcement of the Treaty Authority members, December 2023
- Left to Right, Ngarra Murray, Duean White, Jidah Clark, Dr Petah Atkinson, The Hon Natalie Hutchins MP, Uncle Andrew Jackomos, Thelma Austin and Rueben Berg.

Preparing the State for Treaty

Whole of Victorian Government approach to Treaty

We know from international experience that Treaty-making and implementation requires a coordinated, whole of Victorian Government approach.

In her statement to the Yoorrook Justice Commission, Premier Allan stated the importance of Treaty preparedness - cultural change within established government practices and the creation of new processes to enable government to enter into Treaty negotiations in good faith.

“To bring about this change will require deep cultural change within government, both our own practices and structures, and how we go about the business of forming policy and developing policy, and having our own deliberations ... we have to acknowledge that it is hard, it is going to be complex but we have to push on. We have to push through these complexities.”

Hon. Jacinta Allan, Premier of Victoria, Evidence to the Yoorrook Justice Commission, 29 April 2024

In 2023-24, the Victorian Government has put in place the structures and processes required to begin Treaty negotiations.

- ✓ We’ve developed governance structures and authorisation pathways to make sure Treaty negotiations are efficient and all parts of the government are engaged and prepared to respond to Treaty negotiations.
- ✓ We’ve recruited dedicated Treaty positions within the Victorian Government who will support Treaty preparedness and negotiations.
- ✓ We’ve delivered Treaty education to embed a strong understanding of the principles underpinning the Treaty process within the public sector.

Treaty Education Program

As of June 2024, DPC has supported 379 employees of the Victorian Public Service to undertake at least one of the ‘Understanding Treaty Micro-Credentials’ delivered by the University of Melbourne to enhance Treaty literacy across government.

“The modules are engaging and developed in a way that provides learners with the necessary tools and resources to build knowledge around Treaty.”

The MicroCerts have supported my understanding of Treaty, and the impacts of colonisation on First Peoples. I was also encouraged to personally reflect on Treaty and the role I play in supporting the process.

It has invigorated my passion for and emphasised the importance of the Treaty Coordinator role. I will use this knowledge to share what I have learnt to build education around Treaty.”

Victorian Government participant

Looking forward to future Treaty outcomes

Treaty negotiations between the State and the First Peoples’ Representative Body are expected to commence in the second half of 2024. Until then, work will continue to ensure that all the State of Victoria is well prepared for Treaty negotiations.

Treaty represents a new, ongoing relationship between First Peoples and the State of Victoria. This will see the State negotiate multiple agreements, over time, that reflect the diverse needs and priorities of First Peoples across Victoria and the outcomes sought for all Victorians.

This new era of Treaty-making presents countless opportunities – to embed self-determination, provide far-reaching benefits for First Peoples and create positive impacts for all Victorians.



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First Peoples –
State Relations

