

Submission

Inquiry into racism, hate and violence directed at Aboriginal and Torres Strait Islander people

Submitted to the Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs 2026.

Please note this submission includes content about racial discrimination and racism against First Peoples, including *Appendix A* which includes examples of online extreme forms of racist abuse.

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Executive Summary

1. *Gellung Warl* (meaning ‘tip of the spear’ in Gunaikurnai) is the permanent representative and deliberative body of First Peoples in Victoria, established under the Statewide Treaty agreed between the First Peoples’ Assembly of Victoria and the Victorian government in November 2025.
2. *Gellung Warl*’s submission argues that racism, which is a direct product of colonial dispossession, operates at all levels of our society: health, education, employment, housing, justice and financial. First Peoples are actively excluded from these systems, such as from participating in economic life and wealth creation. This view is supported by what *Gellung Warl* has heard from past and current members of the First Peoples’ Assembly of Victoria, their families and communities across the State.
3. Consequently, *Gellung Warl*’s recommendations are centred in truth telling and healing and Treaty, and seek to go beyond policies, programs and reporting mechanisms to delivering structural change that results in self-determination and the transfer of decision-making powers to First Peoples on issues that impact us.
4. *Gellung Warl* recommends the following to eliminate institutional and structural racism, discrimination and unconscious bias and embed cultural safety across all levels of Australian society:
 - a. The Australian Government should negotiate treaties with First Peoples as peoples who have never ceded sovereignty.
 - b. Establish a national truth-telling and healing commission.
 - c. Establish a national equivalent of Nginma Ngainga Wara.
 - d. Promote First Peoples’ economic self-determination and sovereignty.
 - e. Consider measures to create a culturally capable workforce.
 - f. Include First Peoples’ culture, history and truth-telling in the national curriculum.
 - g. Elevate First Peoples and culture through physical markers, ceremonies and events, renaming of places in First Peoples’ language.
 - h. Consider the national applicability of the Yoorrook Justice Commission’s recommendations aimed at addressing systemic racism and structural injustices in the child protection and criminal justice systems.
 - i. Consider the national applicability of the Yoorrook Justice Commission’s recommendations aimed at addressing systemic racism and structural injustices in justice, economic prosperity and social (education, health and housing), and political life.
 - j. Strengthen Commonwealth legislation and enforcement for offensive online behaviour based on racial hatred.
5. This submission was developed during the transition period from the previous First Peoples’ Assembly of Victoria to *Gellung Warl*. It is recommended that the Inquiry invites the newly elected Members of the First Peoples’ Assembly within *Gellung Warl* to provide further testimony, including oral testimony at the upcoming public hearings. This submission and the opportunity to provide further testimony is an exercise of our right to truth-telling. It enables *Gellung Warl* to stand in its

sovereign truth and continue a much older story of truth-telling in this country – to express what has been experienced, and what continues to be experienced by the First Peoples of this place. No longer can First Peoples speak this truth. and experience the failure of governments to listen.

1 Introducing the First Peoples Assembly of Victoria within Gelling Warl

'This Statewide Treaty honours the unbroken relationship of First Peoples to Country, and to Aboriginal Lore, Law and Cultural Authority. These obligations have been carried faithfully since the first sunrise. The ancient stories of these lands, waters, skies and stars still speak to those willing to listen and the more we come to know them, the better we can care for Country together.

*Treaty is an opportunity to listen, to learn, and to affirm the rightful place of First Peoples as decision-makers of their own futures, on their own Country. It recognises the need for meaningful change – enabling self determination to flourish, for the good of all.'*¹

1. On 13 November 2025, the First Peoples' Assembly of Victoria (**previous Assembly**) signed Australia's first Treaty between First Peoples and the State of Victoria. The Statewide Treaty, among other things, establishes Gellung Warl as the permanent representative and deliberative body for Traditional Owners and First Peoples in Victoria. Gellung Warl, meaning tip of the spear in Gunakurnai, commenced on 1 May 2026.
2. The establishment of Gellung Warl by the Statewide Treaty represents a renewed relationship between First Peoples and the State in the new Treaty Era in Victoria, which is demonstrated by the commitments and outcomes agreed to under the Statewide Treaty that include:
 - a. Gellung Warl's functions that include decision making, representation and advising powers and functions in relation to First Peoples, the ability to continue further Statewide Treaty negotiations, ongoing truth telling, and holding the State government to account in relation to its commitments and impact on First Peoples, and
 - b. a range of outcomes and reforms that aim to support First Peoples' cultural, social and economic self-determination, including the elimination of structural and institutional racism.
3. The Statewide Treaty acknowledges the role of truth-telling in identifying the many ways racism and other injustices began with colonisation and continue today and how it can be addressed,

"Through the truth-telling process instigated by First Peoples and established by agreement between the Assembly and the State, the Yoorrook Justice Commission has illuminated this painful history, making clear that 'the past is the present'. For the first time, many of these truths have been spoken plainly. Truth-telling has not been easy to hear, but it has opened a door – to understanding, and to a more honest conversation about who we are as a state. The injustices that began with colonisation – dispossession, racism, and discrimination – continue to shape the lives of First Peoples today.

¹¹ First Peoples' Assembly of Victoria and the State of Victoria, (13 November 2025). Statewide Treaty ([Statewide Treaty – First Peoples' Assembly of Victoria](#)), p.7

Treaty is the next step through that door. It is not about dwelling in the past, nor laying blame. It is about acknowledging that the past still shapes the present and choosing to do better from here.²

2 The nature, prevalence and impact of racism and violence towards our People, the First Peoples of Victoria

4. We know that First Peoples' experience racism, with substantial numbers of First Peoples reporting everyday experiences of racism, regardless of age, gender or location. Racism operates at the interpersonal, institutional and structural level, and continues to shape inequities across all areas of our society: health, education, employment, housing, justice and financial systems.³
5. This view is supported by what Gellung Warl has heard from past and current Members, their families, and Community across Victoria. Our lived experience of racism and its impacts is supported by substantial research⁴ and most recently in the body of work of the Yoorrook Justice Commission (**Yoorrook**). As Australia's first formal truth telling inquiry into the historical and ongoing injustices perpetrated against First Peoples since colonisation, led by First Peoples, Yoorrook provided an opportunity for our people to speak their truth, while being held and supported by their community. Despite this, it is acknowledged that the truth-telling process has ongoing impacts for First Peoples.
6. Over four years, Yoorrook held public hearings with more than 200 witnesses and received evidence from First Peoples of their lived experiences of racism, including systemic and structural racism, which form part of Yoorrook's official public record. Yoorrook found that systemic racism and individual racist attitudes lie at the heart of injustices⁵. It found that the racism is embedded in laws, policies and institutions, and received evidence about the ongoing presence of racism towards First Peoples across all societal institutions⁶.
7. The following sections provide an overview of the nature, prevalence and impact of racism towards First People evidenced by:

² First Peoples' Assembly of Victoria and the State of Victoria, (13 November 2025). Statewide Treaty ([Statewide Treaty – First Peoples' Assembly of Victoria](#))

³ Mandy Truong and Edward Moore (2023), 'Racism and Indigenous wellbeing, mental health and suicide'. Australian Institute of Health and Welfare.

⁴ See for example, Siddharth Shirodkar: Bias against Indigenous Australians: Implicit association test results for Australia (Journal of Australian Indigenous Issues, Vol 22 Nos 3-4, December 2019 and research and data reported by the Australian Institute of Health and Welfare (**AIHW**) such as Mandy Truong and Edward Moore (2023), 'Racism and Indigenous wellbeing, mental health and suicide'. Australian Institute of Health and Welfare; Dudgeon, P., Bray, A., & Walker, R. *Mitigating the impacts of racism on Indigenous wellbeing through human rights, legislative and health policy reform* (2023).

⁵ Professor Eleanor Bourke AM, Adjunct Professor Sue-Anne Hunter, Travis Lovett, Distinguished Professor Emerita Maggie Walter and The Hon. Tony North KC, Yoorrook for Transformation Summary Report, 18 June 2025 ([Yoorrook for Transformation Summary Report](#))

⁶ Professor Eleanor Bourke AM, Adjunct Professor Sue-Anne Hunter, Travis Lovett, Distinguished Professor Emerita Maggie Walter and The Hon. Tony North KC, Yoorrook for Transformation Summary Report, 18 June 2025 ([Yoorrook for Transformation Summary Report](#))

- a brief overview of the findings of Yoorrook (which are expanded on further in the recommendations section), and
- examples of racism experienced by First Peoples across Victoria that includes online racist abuse that the previous Assembly and *Gellung Warl* receives on its social media platforms.

2.1 Yoorrook Justice Commission: link between colonisation and racism, which has impacted on all areas of life – social, cultural, economic.

8. Yoorrook consistently explained racism in Victoria as a direct product of colonisation, not as a later social attitude or individual prejudice. This explanation appears across the *Official Public Record* (*Yoorrook: Truth Be Told*) and throughout *Yoorrook for Transformation*, particularly Volume 1 and specific sections in Volumes 3, 4 and 5 on racism in schooling, the health system and economic systems, respectively.
9. In *Yoorrook: Truth Be Told*, Yoorrook set out that British colonisation relied on racial ideologies that constructed First Peoples as inferior, primitive, or incapable of sovereignty. These beliefs were not incidental: they were used to justify theft of Country, brutal violence, slavery, stealing of children, and legal exclusion. Racism was foundational, embedded in the very logic that enabled invasion and settlement. The report explains that once First Peoples were racialised as lesser, colonisers could portray dispossession and violence as lawful, moral, or necessary rather than criminal.
10. *Yoorrook for Transformation*, Volume 1, repeatedly emphasises the principle that “the past is the present”, explaining that colonial racism was institutionalised through laws, policies, and administrative systems that persist today. The Commission concluded that racism did not disappear when overtly violent frontier practices ended; instead, it mutated into bureaucratic and systemic forms, embedded in government decision-making, funding models, service delivery and attitudes that the broader community held about First Peoples.
11. In relation to land injustice, which has links to economic prosperity and wealth creation, Yoorrook heard that since colonisation First People have been deprived of their rights to access, use and manage water and natural resources derived from their Country. Based on the fiction of *aqua nullius* and *terra nullius* the State has created market-based systems in resources such water, minerals, coal, gas, agriculture that generate significant revenue and profits that have not flowed to Traditional Owners.⁷ For example, between 2010 and 2023, the State received a total of \$83 billion in water related revenue, and \$1 billion in royalties for mineral, stone and petroleum resources. None of this revenue has been distributed to Traditional Owners⁸.
12. *Yoorrook for Transformation*, Volume 5 documents how First Peoples have been excluded from economic markets and prosperity in Victoria. Land and wage theft, relocation to missions and control of labour has had the overall effect of preventing First Peoples from participating in economic life and wealth creation, including from education, employment opportunities, owning properties, and being denied access to capital for business development.⁹
13. An earlier *Yoorrook for Justice* report traced systemic racism in child protection and criminal justice to colonial surveillance and control mechanisms. The Commission explained that these systems were originally designed to manage and discipline Indigenous populations viewed as inferior and threatening. Contemporary over-representation of First Peoples, the report argues, reflects the endurance of those racialised control structures rather than individual wrongdoing.

⁷ Yoorrook Justice Commission, *Yoorrook for Transformation: Third Interim Report* (2025), summary report, p.33

⁸ Yoorrook Justice Commission, *Yoorrook for Transformation: Third Interim Report* (2025), p.7

⁹ Yoorrook Justice Commission, *Yoorrook for Transformation: Third Interim Report* (2025), volume 5 p.27

14. Across all reports, Yoorrook concluded that racism is a structural legacy of colonisation, continuously reproduced unless the colonial foundations of law, governance, and power are addressed.
15. Truth-telling, treaty, and the transfer of decision-making power to First Peoples are necessary steps to dismantle the racial hierarchy created by colonisation.¹⁰ It is a recognition of First Peoples sovereignty, a sovereignty that was never ceded. Despite what the narrative of *terra nullius* would have Australians believe.

2.2 Examples of racism experienced across Victoria

2.2.1 Camp Sovereignty attack

16. Camp Sovereignty in Kings Domain, Naarm (Melbourne), is located beside a burial site for the remains of unknown First Nations people from 38 nations who were repatriated from the Museum of Victoria and buried at the site on 22 November 1985. Camp Sovereignty was first established in 2006 and operated for two months in protest of the Melbourne Commonwealth Games. The Camp was re-established on 26 January 2024 and is a gathering place for First Nations people and broader community members.¹¹
17. Following the anti-immigration “March for Australia” rally on 31 August 2025, a large group of approximately 40 men launched an unprovoked attack on community members at Camp Sovereignty. The attackers, some affiliated with the National Socialist Network, attacked using sticks, flagpoles and batons, stomped on Aboriginal flags and attempted to extinguish the ceremonial fire. Four people were injured with two hospitalised due to their injuries¹².
18. Chants such as “White Power” and other racial slurs were reported and footage was taken of the attack by community members in attendance at the site. Seven men have been charged by police following the attack and the matter is proceeding through the court system.

2.2.2 Online abuse

19. The previous Assembly and Gellung Warl’s Communications team moderate the organisation’s social media platforms seven days a week, receiving a torrent of racist abuse on comments.
20. In March 2023, the Assembly wrote to Meta’s Head of Public Policy (Australia) advising that in the week prior, it had blocked 300 people who had posted racist attacks. This was before the Voice referendum, after which the level of abuse became worse.
21. When the Assembly reported comments, the initial advice was that the posts didn’t breach Facebook’s community standards, despite the racism. Assembly staff members had to follow up directly with individual Meta staff with screenshots of the racist comments before they were removed.
22. Assembly staff members met with Meta in June 2023. The advice was that if someone is reported to be making racist comments, they first get a warning. If they continue to make racist comments, they might lose their ability to place ads on Facebook. This sanction will likely have little deterrence

¹⁰ Yoorrook Justice Commission, Yoorrook: Truth Be Told (2025).

¹¹ [Camp Sovereignty is Sacred: Past, Present and Future | Common Ground](#)

¹² Victorian government condemns far-right attack on Camp Sovereignty after anti-immigration rally (ABC News, 1 September 2025 - [Victorian government condemns far-right attack on Camp Sovereignty after anti-immigration rally - ABC News](#))

as most users are not using Facebook to advertise. The Assembly were advised that a person had to receive five strikes before being banned.

23. Racist abuse continues across all social media platforms, and while it is unlawful to offend, insult, humiliate or intimate another person or group of people in a public place, there is little enforcement of this prohibition or sanction for unlawful behaviour. Offensive behaviour online is not being treated the same way as it would if done verbally in person or in print.
24. **See Appendix A** for examples of online abuse, including abuse that Members received while being candidates in 2026 elections to First Peoples' Assembly of Victoria. Readers should be warned that examples included in Appendix A feature extreme forms of racist abuse.

2.2.3 Fitzroy Stars netball players racially vilified

25. At a Northern Football Netball League netball game which took place in Macleod on 20 February 2026, an opposition player allegedly made remarks aimed at Fitzroy Stars Football Netball Club (**Fitzroy Stars**) players using the phrase “you people” before making noises and movements imitating a monkey or ape¹³.
26. Northern Football Netball League umpires referred the matter to the League’s tribunal. The opposition player received a penalty during the game for the conduct, and the player appealed the decision resulting in an appearance at the independent tribunal.
27. According to players and staff who attended the tribunal hearing, the three Fitzroy Stars netball players who gave evidence could not have a club representative present in the room alongside them while the opposition player was accompanied by a representative of their club. The Fitzroy Stars players were asked to reenact the incident.
28. The tribunal panel found the opposition player not guilty with Fitzroy Stars appealing the decision.
29. The incident highlighted the racism faced by First Nations players in grass roots sport and potential unfair and inconsistent processes in the tribunal’s review of the incident, with issues surrounding the cultural safety of Fitzroy Stars players both on court and through the course of hearing the complaint.

2.2.4 Australian Football League (AFL) grand final weekend

30. Over the Australian Football League (AFL) grand final weekend of September 5-7, 2025, a video that targeted and degraded First Peoples in a way that was offensive and harmful was shared on social media. It showed a player mocking Indigenous dance during celebrations after singing the club song. A previous video from the NAIDOC round on 5 July 2025 showed players around a potbelly shed heater sarcastically chanting and clapping bits of timber together¹⁴.
31. Following the dissemination of the videos, Gippsland & East Gippsland Aboriginal Co-operative (**GEGAC**), Moogji Aboriginal Council, YooWINNA Wurnalung Aboriginal Healing Service, Lakes Entrance Aboriginal Health Association (**LEAHA**), Lake Tyers Health and Children’s Service, Gunaikurnai Land and Waters Aboriginal Corporation (**GLaWAC**), Ramahyuck District Aboriginal

¹³ Netball players at Aboriginal-led club Fitzroy Stars feel ‘hurt’ and ‘dehumanised’ after racist on-court incident – ABC listen. Presenter Ally Moore, 25 February 2026 ([Netball players at Aboriginal-led club Fitzroy Stars feel 'hurt' and 'dehumanised' after racist on-court incident - ABC listen](#))

¹⁴ Blake Metcalf-Holt and Liam Durkin, ‘Shameful controversy overshadows Omeo decider’, *The La Trobe Valley Express*, 17 September 2025. Accessed 22 May 2026 at: https://issuu.com/lvexpress.com/docs/latrobe_valley_express_wednesday_17_september_2025

Corporation, and the Lake Tyers Aboriginal Trust met to discuss the racism and released a statement on 11 September 2025, which read:

“While the behaviour appears to have involved only a few individuals, the impact has been widespread. Targeting and degrading Aboriginal people in this way is deeply offensive, harmful, and will never be tolerated. This has caused hurt and anger.”¹⁵

32. Chief Executive of GEGAC advised:

“Today, on R U OK? Day, we say clearly: no, we as Aboriginal and Torres Strait Islander Peoples are not okay. The hurt caused by racism is ongoing in the region and across the country. The attacks against First Nations Peoples must stop.”¹⁶

33. A day after this statement was issued, Omeo-Benambra Football Netball Club issued a public apology¹⁷. The matter was then referred to the AFL integrity unit for investigation under Section 10 - Vilification and Discrimination (Peek Rule) of the National Community Football Policy Handbook¹⁸.

2.2.5 Yorta Yorta Native Title decision, Voice Referendum, and the role of Rumbalara Football Netball Club and Goulburn Murray Regional Prosperity Plan in tackling racism

34. In 1994, Yorta Yorta lodged one of the first claims seeking native title over their Country under the *Native Title Act 1993* (Cth). The Federal Court dismissed the claim in 1998, with subsequent appeals through to the High Court which were unsuccessful. This has left a devastating impact on the Yorta Yorta peoples, and wider First Peoples community.

35. The decision, reasoning and language used by the Federal Court Judge has been heavily criticized, specifically in relation to the greater weight given to the historical recordings of a squatter in the 1840s over the oral testimony of Yorta Yorta peoples, and the failure to recognise the adaption of traditional laws and customs over time in the face of invasion, colonisation and dispossession, and the resistance of the Yorta Yorta peoples.¹⁹ The Judge held that the Yorta Yorta group's native title had been 'washed away by the tide of history' – a deeply harmful, traumatising, and untrue statement that still sits with the Yorta Yorta peoples today.

36. The Shepperton region attracted one of the larger no votes in the 2023 Voice Referendum, with more than 76.2% of the population voting against the Voice proposal which was higher than the national average of 60.6%.²⁰

37. Rumbalara Football Netball Club (**Rumbalara FNC**) is an Aboriginal community run sporting club located in Shepperton, Victoria, and one of only a few First Nations sporting clubs in the State. The Club was established in 1989 but only admitted to the Central Goulburn Football League in 1997. The Club's history is rich and deeply connected to the Yorta Yorta people and the 'Cummeragunja

¹⁵ 'Racism Has No Place Here', 11 September 2025. Accessed on 22 May 2026 at:

¹⁶ Ibid.

¹⁷ Omeo-Benambra Football Netball Club, 'Public statement', 12 September 2025, Omeo District Football Netball League, Facebook. Accessed on 22 May 2026 at: <https://www.facebook.com/100075983725541/posts/public-statement-from-the-omeo-benambra-football-netball-club/804255482117235/>

¹⁸ Shane Jones, 'Omeo-Benambra apologises for recent incidents following grand final win', *The Weekly Times*, 12 September 2025.

¹⁹ Wright, Paul & Dr Harry Hobbs, *The Yorta Yorta Decision 2022*, ANTAR, pp. 3-6

²⁰ [Forget Australia's referendum. Indigenous people make strides on their own | Indigenous Rights News | Al Jazeera](#)

Invincibles,' an inspirational football team born on the Cummeragunja mission. The club's aim is to strengthen the community and bring families together.²¹

38. To support governing bodies of football and netball tackle racism in the region and continue to support their members, the Kaiela Institute, Rumbalara FNC and partners in 2024 undertook a study aimed at determining how involvement in the club benefits members' wellbeing, connectedness, resilience and interactions with mainstream systems like employment and education. The study found that,

"Nearly 98% of Indigenous respondents reported that Rumbalara FNC is vitally important for affirming cultural identity, supporting community connection and cultural expression, combating racism, and providing positive role models and leadership opportunities" ²²

39. Key recommendation arising from the report included for the League to:

- implement an anti-racism strategy that involves all clubs to promote positive relationships between all players, officials and spectators,
- developing clear guidelines for responding to incidents of racism both on and off the field in a proactive manner and
- education and training to improve cultural understanding and awareness for all League staff.²³

40. The Goulburn Murray Regional Prosperity Plan aims to generate a thriving and sustainable First Nations economy through a shared prosperity model to deliver an additional \$150m GRP per annum and 460 full time job by 2036 for the region. The plan differs in many ways to other plans, specifically, it calls out the impact of systemic racism on Yorta Yorta and First Nations people in the region, with a critical outcome of the plan to dismantle racism in the region.²⁴ To support achieving this outcome the plan includes as a strategic focus area the promotion of First Nations culture and tackling racism in the community. The plan states,

"The act of acknowledging and promoting First Nations' history and culture within the broader community brings the opportunity for deeper conversations and understanding that challenge racist attitudes and beliefs that have come from a place of ignorance. Further, through cultural respect and understanding, opportunities are provided to build valued friendships.

*Racism remains a pervasive barrier for many First Nations people in their daily lives. Impactful and targeted programs that aim to shift long held ignorant and racist views across the spectrum of people who live in the region is critical to tackling this in a meaningful way."*²⁵

2.2.6 Assembly Members' grandson's primary school experience

41. An Assembly Member recounted a story involving his grandson at school,

"Recently our grandson was called a horrible name while at primary school. He told the teacher and it was followed up, he was very upset about the named used. He spoke about it with his mother and father, along with me as his grandfather.

²¹ C Ponting, S Crumpton, R Reilly, H Winkenweder, C Ellinghaus, E Schioldann, M Milicevic, M Lambin, L Sivak , A Yung. 2024. *Final Report: Rumbalara Wellbeing and Resilience Project*. Yorta Yorta Country, Shepparton:Kaiela Institute. p. 10. [About | Rumbalara Football Netball Club](#).

²² Media release, New Study Highlights Importance of Indigenous Football and Netball Club, [20240515_kaielainstitute_rumbalaresilience_mediarelease.pdf](#)

²³ C Ponting et al., 2024. *Final Report: Rumbalara Wellbeing and Resilience Project*. Yorta Yorta Country, Shepparton:Kaiela Institute. p. 9.

²⁴ Kaiela Institute, 2021, *Murray Goulburn Regional Prosperity Plan*, pp. 15-18.

²⁵ Kaiela Institute, 2021, *Murray Goulburn Regional Prosperity Plan*, pp.29-30

I told him that he was very brave to let the teacher know as it hurt him, when we yarned I could tell he was concerned for other Koori Kids and he felt the need to speak out at the age 9. I said I was very sad that he was called that name and also acknowledged how brave he was to speak out.

The school followed up and the kid who called my grandson the name was suspended. It was also acknowledged that it's a name used at home, hence why the kid said it to our grandson.

Our grandson is very engaged, he has two non Koorie Older Brothers who support him and were also offended by the naming.”²⁶

3 Victoria's Treaty architecture seeks to eliminate institutional and structural racism

42. Statewide Treaty gives effect to a renewed relationship between First Peoples and the State, grounded in self-determination, mutual respect, justice, equality and healing for First Peoples. This renewed relationship is foundational to ensuring Treaty delivers meaningful and long-lasting change for First Peoples.
43. Truth-telling is at the heart of a more just and equitable Australia so that the wrongs of the past and the present, including the racism, hate and violence towards First Peoples, are not repeated.
44. Victoria's Treaty architecture and processes in combination with actions and initiatives undertaken by Aboriginal Community Controlled Organisations, Traditional Owner groups and other bodies show how First Peoples led processes and entities can address structural and institutional racism and its impacts.
45. The following sections outline key elements of Victoria's Treaty architecture.

3.1 Gellung Warl

46. Gellung Warl is a First Peoples' representative and deliberative body underpinned by Aboriginal Lore, Law and Cultural Authority and answerable to First Peoples' Community. It is a statutory body under the *Statewide Treaty Act 2025* (Vic) and is designed to continue to evolve as further Treaties are agreed. *Gellung Warl* is comprised of three arms, each with distinct functions and powers:
 - the First Peoples' Assembly (**Assembly**), the representative and political decision-making arm
 - *Nginma Ngainga Wara*, an independent oversight and accountability mechanism, and
 - *Nyerna Yoorrook Telkuna*, an independent mechanism for ongoing truth-telling and healing.
47. This structure supports Gellung Warl by:
 - ensuring government accountability and ongoing truth-telling operate with appropriate independence from the political functions of the Assembly within Gellung Warl, and

²⁶ Assembly Member provided to Assembly policy staff, 25 May 2026.

- enabling the arms of Gellung Warl to operate in a coordinated way, which is essential to delivering tangible changes under Treaty.

3.2 Nginma Ngainga Wara

48. Statewide Treaty establishes *Nginma Ngainga Wara* (meaning ‘You will do’ in *Wadi Wadi* language²⁷), a new Outcomes and Justice Commission within Gellung Warl. Its core purpose is to evaluate and monitor government’s performance towards achieving outcomes directed to First Peoples, and the implementation of Yoorrook recommendations.
49. Nginma Ngaingwa Wara will have the power to hold government and publicly funded bodies accountable to outcomes for First Peoples by holding Parliamentary Committee-style hearings, asking questions from Ministers, conducting system-wide inquiries and running program level evaluations.
50. The establishment of an independent accountability mechanism responds to Yoorrook recommendations and longstanding calls from First Peoples for oversight of government on First Peoples issues. It also fulfills the Victorian Government’s commitment in the Closing the Gap Agreement to establish an independent monitoring mechanism. It will conduct independent monitoring and inquiries of the outcomes achieved by the State’s decisions and actions in relation to First Peoples. For example, it will:
 - monitor and evaluate the actions and performance of State Government in relation to First Peoples to provide for greater accountability of the State’s actions and impacts on First Peoples
 - monitor the State Government’s implementation of Yoorrook recommendations, and
 - make recommendations and propose solutions to transform the State Government by recommending measures to support self-determination and eliminate discrimination.

3.3 Nyerna Yoorrook Telkuna

51. Through truth-telling, Yoorrook began a process of healing and created a public record of Victoria’s true history. Statewide Treaty establishes *Nyerna Yoorrook Telkuna* (meaning ‘to sit, to listen, to hear, to remember’ (*Nyerna*), ‘to truth’ (*Yoorrook*), ‘to cure, to heal’ (*Telkuna*) in *Wamba Wamba/Wemba Wemba* language²⁸) within Gellung Warl to continue the truth-telling and healing process.
52. Nyerna Yoorrook Telkuna builds on Yoorrook’s legacy, however it is not a Royal Commission. Nyerna Yoorrook Telkuna will provide healing and ensure the relationship between First Peoples and the State is built on a shared understanding of the truth of colonisation, and its lasting impacts. It will:
 - facilitate truth-telling, truth-sharing and truth-doing about historical events and their continuing impact on First Peoples,
 - facilitate ongoing, Community-led healing,
 - collect and archive information to complement Yoorrook’s Official Public Record, and
 - conduct research and education to build public understanding of First Peoples’ history, strength and diversity.

²⁷ [About TREATY for Victoria | The First Peoples’ Assembly of Victoria](#)

²⁸ [About TREATY for Victoria | The First Peoples’ Assembly of Victoria](#)

3.4 Self-Determination Fund

53. The Self-Determination Fund (**Fund**) is a First Peoples' financial resource to support and build economic self-determination, both through the Treaty process and into the future.
54. The Fund is a key element of Victoria's initial Treaty architecture, which along with the Treaty Authority and Treaty Negotiation Framework are provided for under the *Advancing the Treaty Process with Aboriginal Victorians Act 2018* (Vic) and were established in 2022, following negotiations between the inaugural Assembly and the State.
55. The *Advancing the Treaty Process with Aboriginal Victorians Act 2018* (Vic) provides the Fund's purposes which are to:
- support Traditional Owners to have equal standing with the State in Traditional Owner Treaty negotiations, and
 - provide a financial resource independent from the State, which empowers First Peoples to build capacity, wealth and prosperity.
56. To date, the Fund has committed around \$7million in funding across 30 Traditional Owner groups to support the groups prepare for Traditional Owner Treaty negotiations with the State.

4 Recommendations

4.1 Negotiate treaties with First Peoples

57. Central to addressing racism is Australia recognising the inherent rights of First Peoples. Racism and discrimination flow from a disrespect of First Peoples' rights. The Australian Government should recognise the rights of First Peoples and negotiate treaties with First Peoples as peoples who have never ceded sovereignty. Treaties between the Commonwealth and First Peoples, in which the rights of First Peoples are recognised, will counter the social dominance orientation that is prevalent throughout Australia.
58. When signing the Victorian's Statewide Treaty, former Co-Chair of the First Peoples' Assembly of Victoria, said
- "The key thing ... is the concept of equality. That to me is what this moment is most powerfully about...We sat there as equals to sign that Treaty."*²⁹
59. First Peoples have long called for treaties and previously called for the Australian Government to establish a Makarrata Commission that would establish frameworks and supervise treaty-making. The Australian Government should follow the lead of Victoria to establish a commission to create a framework for negotiating treaties with First Peoples; and then negotiate treaties with First Peoples.
60. The journey to the Treaty era in Victoria was supported by the significant work of the Aboriginal Treaty Working Group and Victorian Treaty Advancement Commission. This led to Australia's first Treaty legislation, the *Advancing the Treaty Process with Aboriginal Victorians Act 2018* (Vic), enshrining the State's commitment to Treaty and establishing the previous Assembly.

²⁹ Treaty For Victoria: Signing Australia's First Treaty (First Peoples' Assembly of Victoria, 29 January 2026). Accessed on 22 April 2026 at: https://www.youtube.com/watch?v=_CDf9zi5FDY

61. The previous Assembly and State established the Treaty Authority to ensure fair processes for negotiating parties, and the *Treaty Authority and Other Treaty Elements Act 2022* (Vic)³⁰.
62. In October 2022, the Assembly and Victorian Government reached agreement on the Treaty Negotiation Framework, which sets out the ground rules for Treaty-making³¹, and the Self-Determination Fund as described earlier in this submission³².
63. These are important structures and legislation that enabled agreement of Victoria's first Statewide Treaty. This is something all Victoria, all Australians, should be proud of. The Australian Government should create similar structures at the national level.

4.2 Establish a national truth-telling and healing commission

64. As outlined earlier, Victoria's first Statewide Treaty establishes Nyerna Yoorrook Telkuna within Gellung Warl to continue the truth-telling and healing process. Gellung Warl recommends that there should be a similar body to Nyerna Yoorrook Telkuna established at a national level to facilitate truth-telling and healing at national, regional and local levels.
65. Through truth-telling, Yoorrook began a process of healing and created a public record of Victoria's true history. Gellung Warl recommends that the Inquiry reviews the reports of the Yoorrook Justice Commission which describe in detail examples, drivers and impact of racism on First Peoples in Victoria.
66. The Assembly notes that Queensland commenced a similar Truth-telling and healing inquiry which was abolished and their legislation repealed. Notwithstanding that, the Assembly recommends that the testimony and evidence gathered is relevant to the work of this Inquiry.
67. In 2025, former Deputy Chair and Commissioner of the Yoorrook Justice Commission and Kerrupmara Gunditjmara man, Travis Lovett, walked the 513-kilometre journey from Portland to the Victorian Parliament coinciding with the completion of Yoorrook's final report to raise awareness of Yoorrook's findings, recommendations and Victoria's shared history of injustices perpetuated on First Peoples.
68. From April to May 2026, Mr Lovett walked from the Victorian Parliament on Wurundjeri Woi-Wurrung Country, to Parliament House in Canberra on Ngunnawal and Ngambri Country³³. The national Walk for Truth called on the federal government to act on delivering national truth-telling for First Peoples³⁴. On 26 May 2026, Mr Lovett concluded the National Walk for Truth by delivering an open letter on kangaroo skin to Prime Minister Anthony Albanese, asking that he deliver on his commitments to implement the Uluru Statement from the Heart in full, with truth-telling a key pillar of that process.

³⁰ First Peoples' Assembly of Victoria and the State of Victoria, (13 November 2025). Statewide Treaty ([Statewide Treaty – First Peoples' Assembly of Victoria](file:///C:/Users/KimberleyDuggan/Downloads/fpav0473-Statewide-Treaty-Documents-FA-SIGNED%20(1).pdf))[file:///C:/Users/KimberleyDuggan/Downloads/fpav0473-Statewide-Treaty-Documents-FA-SIGNED \(1\).pdf](file:///C:/Users/KimberleyDuggan/Downloads/fpav0473-Statewide-Treaty-Documents-FA-SIGNED%20(1).pdf)

³¹ Treaty Negotiation Framework – 20 October 2022 ([Treaty Negotiation Framework – First Peoples' Assembly of Victoria](#))

³² SDF Strategic Review – First Peoples' Assembly of Victoria, 23 March 2026 ([SDF Strategic Review – First Peoples' Assembly of Victoria](#))

³³ National Walk for Truth 2026 ([Walk For Truth! – LET'S WALK TOGETHER IN SUPPORT OF NATIONAL TRUTH](#))

³⁴ For a future built on dignity, justice and truth – Travis Lovett, National Indigenous Times (22 December 2025) ([For a future built on dignity, justice and truth | National Indigenous Times](#))



4.3 Establish a national equivalent of Nginma Ngainga Wara

69. Gellung Warl recommends that a body with the same objects and functions as *Nginma Ngainga Wara* is established at a Commonwealth level.
70. As outlined earlier, Victoria's Statewide Treaty establishes Nginma Ngainga Wara, a new accountability arm, within Gellung Warl to provide for greater accountability for the State's actions and impacts on First Peoples. One of Nginma Ngainga Wara's objects is to support the enduring transformation of State government by identifying and recommending measures to eliminate institutional racism, discrimination, and unconscious bias and to embed cultural safety. To achieve this, it will conduct ongoing monitoring of State government performance in these areas.
71. Although the Australian Human Rights Commission has similar functions on reporting racism and advising government, it does not have the same focused role in conducting ongoing monitoring of efforts to eliminate institutional racism and discrimination, the Commission is not led by First Peoples does it have a specific focus on First Peoples.

4.4 Promote First Peoples' economic self-determination & sovereignty

72. As identified by Yoorrook, self-determination means transferring decision-making power, authority, control and resources to First Peoples on nation-based, collective, regional and statewide levels so that First Peoples can make decisions about the matters that affect them. This includes decisions about systems design, revenue raising, resource allocation, and powers and composition of bodies and institutions, including accountability and oversight bodies, so that these are First Peoples led.³⁵
73. Yoorrook's recommendations on economic prosperity and Victoria's Treaty architecture, particular, the Self-Determination Fund, provide examples of how to support First Peoples economic self-determination and sovereignty that does not only rely on policies or programs, but involves structural change to address economic barriers, which in turn address racism.
74. A key Yoorrook recommendation was the establishment of a capital fund, through the Victorian Self-Determination Fund or other means to enable investment by First Peoples and First Peoples organisations in capital markets and other initiatives to promote economic prosperity.³⁶

4.5 Victoria's Statewide Treaty: eliminate institutional racism

75. Victoria's Statewide Treaty contains multiple agreements and commitments that could be replicated at the Commonwealth level to eliminate institutional racism, discrimination and unconscious bias and embed cultural safety.

4.5.1 Create a culturally capable public sector workforce

76. The Statewide Treaty amends legislation to so that Victorian public service body Heads and special body Heads must establish processes that:
- support the development of a culturally capable workforce,
 - provide ongoing education and training to develop and maintain an understanding of Treaty and ongoing truth-telling.

³⁵ Yoorrook Justice Commission, *Yoorrook for Transformation, Third Interim Report*, 2025, p. 30

³⁶ Yoorrook Justice Commission, *Yoorrook for Transformation, Third Interim Report*, 2025, p. 82.

77. As part of implementing these processes, the State commits to develop a model performance goal or obligation for public service body Heads and special body Heads. The State will also develop public reporting mechanisms and engage with Gellung Warl on cultural competency, including developing cultural competency frameworks, and public sector values across the Victorian Public Service.

4.5.2 First Peoples' culture, history and truth taught in the curriculum

78. The State has committed through Treaty to include truth-telling in the Victorian Curriculum from Foundation to Year 10. Gellung Warl and the State will co-design how truth-telling is included. The Treaty states that the Yoorrook Justice Commission Official Public Record must be used as a resource to support the implementation of truth-telling in the curriculum.
79. As well as designing resources and methods for truth-telling, the State must develop reporting mechanisms as part of its implementation and incorporate into annual reporting processes undertaken by the Victorian Registration and Qualifications Authority and State bodies.
80. The current Victorian Curriculum is more comprehensive in its approach to First Peoples' culture and history as compared to the National Curriculum and the application of First Peoples' culture and history commences at an earlier level than the National Curriculum. For example, First Peoples' culture and history is referenced in Level 3 in Victoria but Level 7 in the National Curriculum.

4.5.3 Elevation of First Peoples and culture

81. Statewide Treaty states that Gellung Warl will be a key part of the ceremonial life of the State and that there will be physical markers to celebrate Victoria as a Treaty state. The State and Gellung Warl will agree a protocol to guide Gellung Warl's involvement in ceremonies and events and can be used to strengthen the role of First Peoples' culture and ceremony in State symbols and events.
82. To support the repatriation of language and reclaiming of Aboriginal-language names for places, Gellung Warl is a Naming Authority for National and State parks, waterways and waterfalls on State-controlled land. Every year, Gellung Warl and the State will agree on a prioritised list of places to be renamed.

4.6 Consider the national applicability of Yoorrook for Justice

83. Yoorrook's second interim report *Yoorrook for Justice* was delivered in 2023 reporting on Victoria's child protection and criminal justice system. It contains 46 recommendations for urgent change aimed at addressing systemic racism and structural injustices across the child protection and criminal justice systems.
84. *Yoorrook for Justice* documents truths about the systemic racism at the heart of Victoria's criminal legal and child protection systems while advocating for self-determined reform and transformative change. Recommendations include calls for the Victorian government to:
- Transfer decision-making power, authority, control and resources to First Peoples in both child protection and criminal justice systems (recommendation 1).
 - Raise the minimum age of criminal responsibility to 14 years old without exception and prohibit detention of children under 16 years (recommendation 35).
 - Ensure child protection staff complete cultural awareness and human rights and cultural rights training, including on systemic racism inherent in child protection work (recommendation 14).
 - Amend the *Sentencing Act 1991* (Vic) to require courts to take into account the unique systemic and background factors affecting First Peoples (recommendation 37c).

- Introduce mandatory criteria for the selection and appointment of the Chief Commissioner of Police when undertaking annual executive performance reviews of the Commissioner, including (recommendation 31):
 - knowledge, experience, skills and commitment to changing the mindset and culture of Victoria Police, to end systemic racism and to ensure the human rights of First Peoples are respected, protected and promoted in all aspects of police operations,
 - understanding of the history of colonisation and in particular the role of Victoria Police in the dispossession, murder and assimilation of First Peoples, and the ongoing, intergenerational trauma and distrust of police this has caused,
 - recognition of ongoing systemic racism within Victoria Police and the need for this to be identified, acknowledged and resisted, and
 - experience, skills in, and commitment to, changing the culture of Victoria Police to end systemic racism and to ensure the human rights of First Peoples are respected, protected and promoted in all aspects of police operations and the organisation³⁷.

4.7 Consider the national applicability of *Yoorrook for Transformation* and *Truth be Told*

85. *Yoorrook*'s final interim report, *Yoorrook for Transformation*, and final report, *Yoorrook Truth be Told*, were tabled in the Victorian Parliament on 1 July 2025.
86. *Yoorrook for Transformation* contains 100 recommendations for urgent change across land justice, economic prosperity and social (education, health and housing) and political life. Recommendations include calls for the Victorian government to:
- Acknowledge the responsibility of its predecessors for laws, policies and practices that contributed to systemic injustices against Victorian First Peoples (recommendation 99a).
 - Provide redress for injustice that occurred during and as a result of colonial invasion and occupation of First Peoples' territories and all consequent damage and loss, including economic and non-economic loss of genocide, crimes against humanity and denial of freedoms (recommendation 100).
 - Commission an independent survey of First Peoples school staff to assess experiences of racism, discrimination, cultural safety and their impact on retention; strengthen racism and discrimination complaints processes to ensure staff safety and accountability for perpetrators (recommendation 55).
 - Provide guaranteed ongoing funding and support the establishment of independent funding streams at both Statewide and local levels to support healing Country, relationships and connection from the legacy of colonisation, including by funding (recommendation 5):
 - First Peoples-led organisations to deliver programs that support healing and rebuilding relationships between clans/groups to address the ongoing impacts of dispossession including where harms have occurred from participation in recognition regimes, and
 - healing processes, led by local First Peoples groups, to assist non-First Peoples to tell their truths and walk together with First Peoples.

³⁷ Professor Eleanor Bourke AM, Adjunct Professor Sue-Anne Hunter, Travis Lovett, Distinguished Professor Maggie Walter and Professor the Honourable Kevin Bell AM QC, Report into Victoria's Child Protection and Criminal Justice Systems, Yoorrook Justice Commission, 31 August 2023 ([Yoorrook-for-justice-report.pdf](#))

- Establish an oversight body for the tertiary education sector that would address racism against First Peoples, develop governance, oversight and accountability mechanisms, including sanctions for breaches and embed First Nations student support systems are embedded into mainstream university business (recommendation 65).
- Invest in primary prevention initiatives which address racism, before family violence occurs; and develop and invest in initiatives to educate, prevent and reduce the likelihood of escalation of behaviour and/or repeat offences of users of violence once they have been identified (recommendation 80).
- Invest in high-quality, First Peoples-authored or endorsed teaching materials to support the Aboriginal and Torres Strait Islander Histories and Cultures cross-curriculum priority and set targets for school libraries to audit and decolonise collections, removing outdated or racist materials (recommendation 54)³⁸.

4.8 Strengthen Commonwealth legislation and enforcement

87. As noted in section 4.2, First Peoples continue to experience significant racism online without the perpetrators experiencing any sanction. While legislation encompasses racism conducted online, there is very little enforcement of the prohibition on offensive behaviour based on racial hatred when conducted online. The Australian Government needs to provide resources and work with online publishers to ensure that laws prohibiting offensive behaviour based on racial hatred are enforced and respected.

88. The *Racial Discrimination Act 1975* (Cth) prohibits offensive behaviour based on racial hatred but does not make it a criminal offence. In Victoria, by contrast, serious cases of hate speech and hateful behaviour can be considered a crime and reported to Victoria Police. Vilification offences are included in the *Crimes Act 1958* (Vic) as incitement and threat offences. Both incitement and threat offences can be punished by imprisonment.

89. Inciting hatred means:

- a person engages in conduct that is likely to incite hatred against serious contempt for, revulsion or severe ridicule towards people or groups,
- a person engages in that conduct because of the protected characteristic of another person or group of persons, and
- the person intends their words or behaviour to incite these responses or believes it will probably do so.

90. Threatening physical harm means:

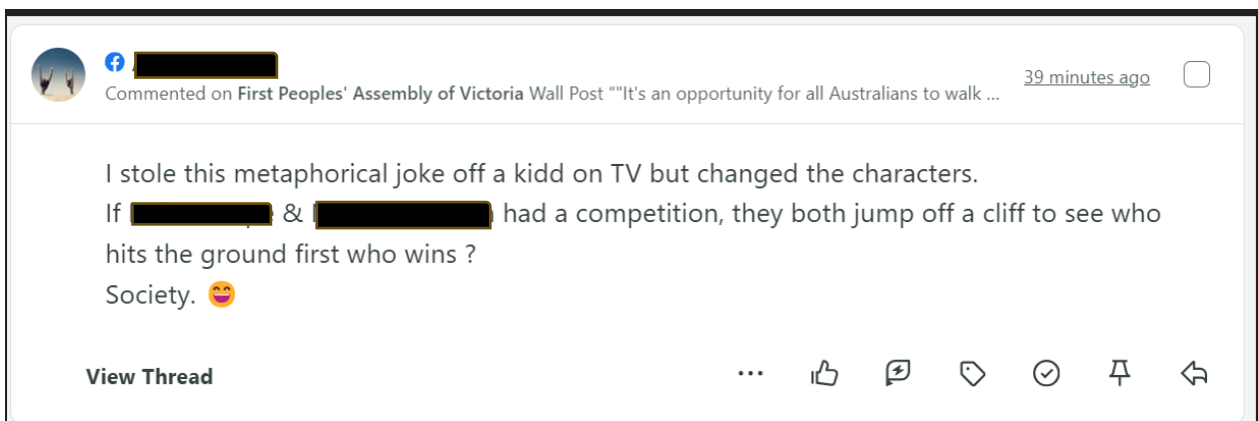
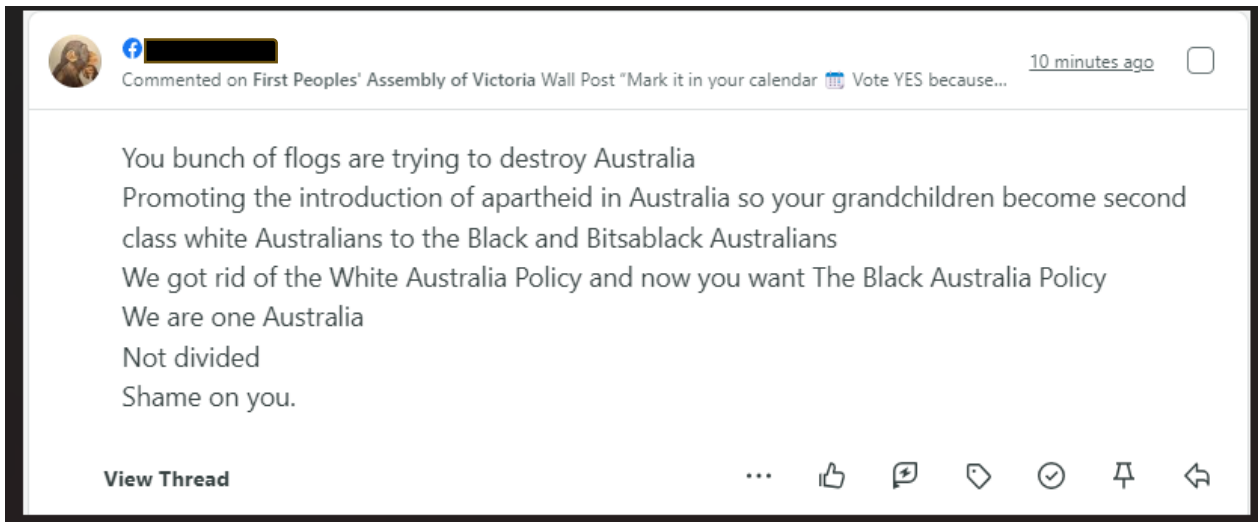
- a person threatens physical harm to a person or group of people, or damages property,
- a person makes those threats because of the protected characteristic of the other person or group, and
- the person intends the other person or group to believe the threat will be carried out or thinks that they will probably believe the threat will be carried out.

³⁸ Professor Eleanor Bourke AM, Adjunct Professor Sue-Anne Hunter, Travis Lovett, Distinguished Professor Emerita Maggie Walter and The Hon. Tony North KC, Yoorrook for Transformation Summary Report, 18 June 2025 ([Yoorrook for Transformation Summary Report](#))

APPENDIX A - examples of comments on Gellung Warl's social media platforms

Below is a selection of a racist comments posted on our social media platforms.

Examples of racist comments on Meta platforms:




17 hours ago

Commented on First Peoples' Assembly of Victoria Wall Post "Was great to have Linda Burney come to our Ye..."

 This message has been hidden on Facebook.
 [unhide](#)

Puss off with your "voice" bullshit!
 This breed gets enough as it is..

[View Thread](#)
...








2 days ago

Commented on First Peoples' Assembly of Victoria Wall Post "Congratulations to Bruce Pascoe for takin..."

 This message has been hidden on Facebook.
 [unhide](#)

This is More factual than [REDACTED]'s book




Jan 2, 2024

Commented on Post by firstpeoplesvic "It's a new year but we are pushing ahead on the same path to Tr..."

Stop blaming whites for ur problems and petrol sniffing Australia will always belong to the white man

[View Thread](#)
...







Jan 2, 2024

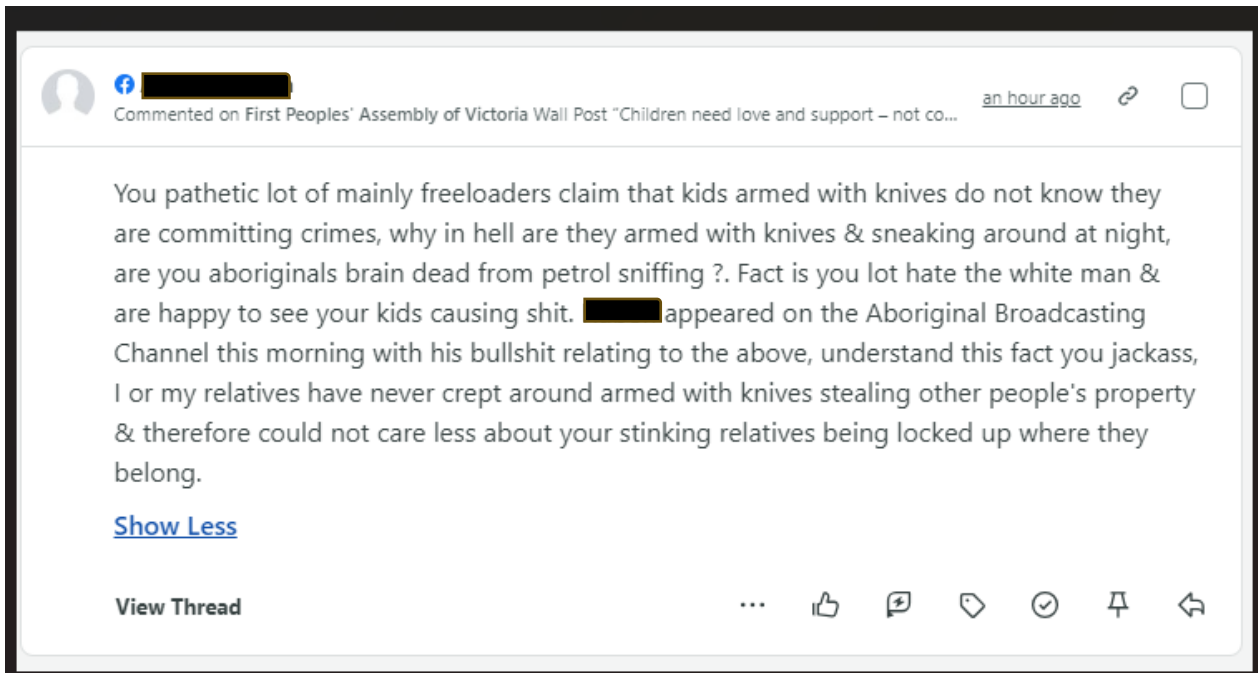
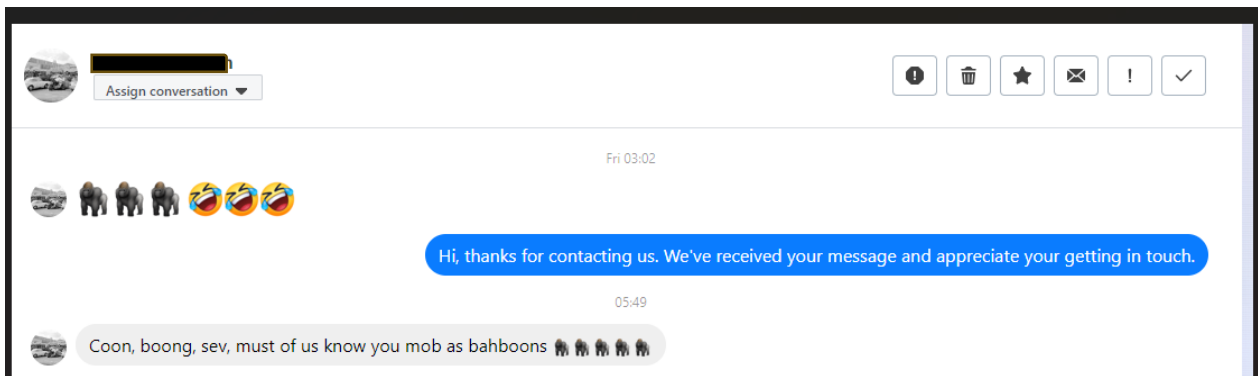
Commented on Post by firstpeoplesvic "It's a new year but we are pushing ahead on the same path to Tr..."

Fvck off abo clean ur yard and stop sniffing petrol

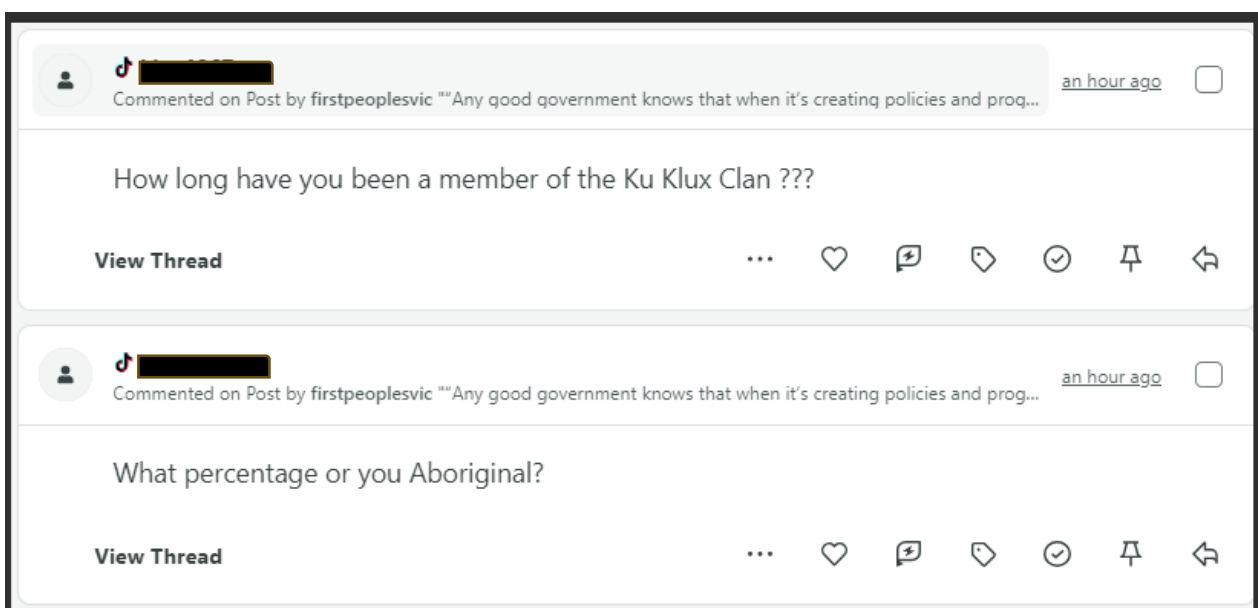
[View Thread](#)
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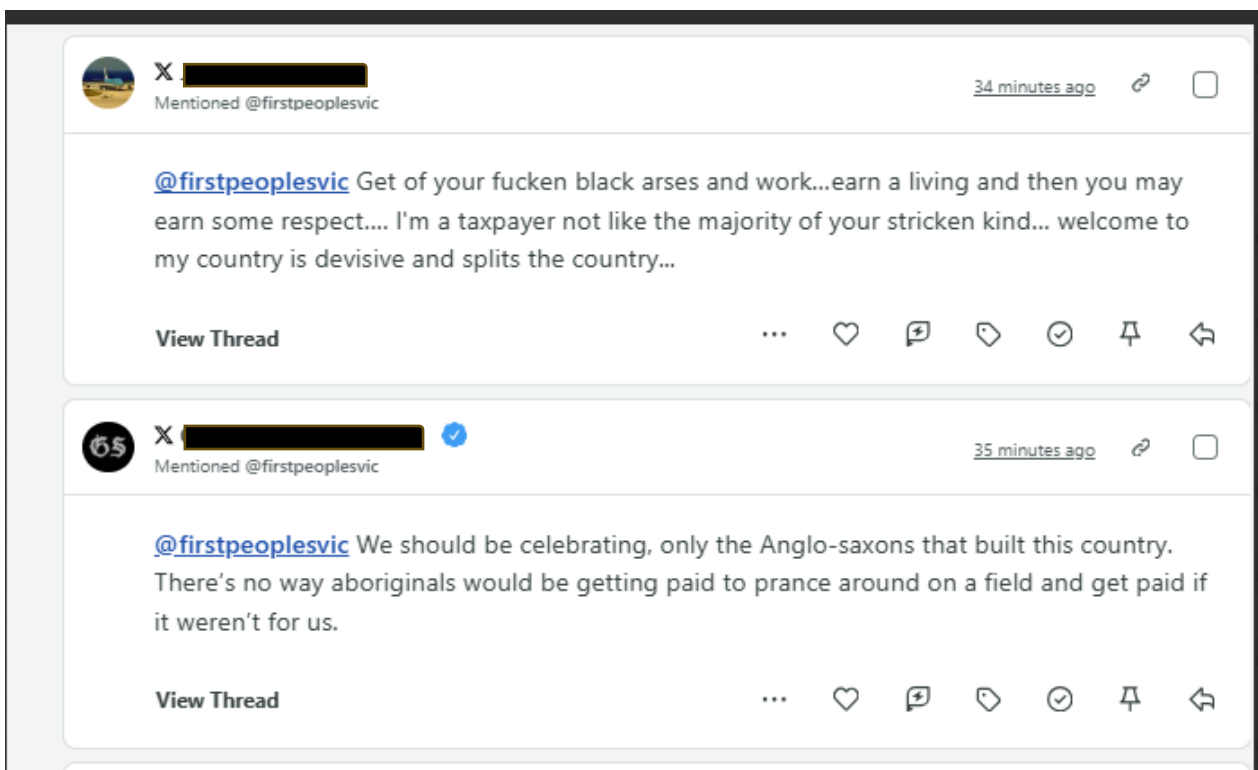
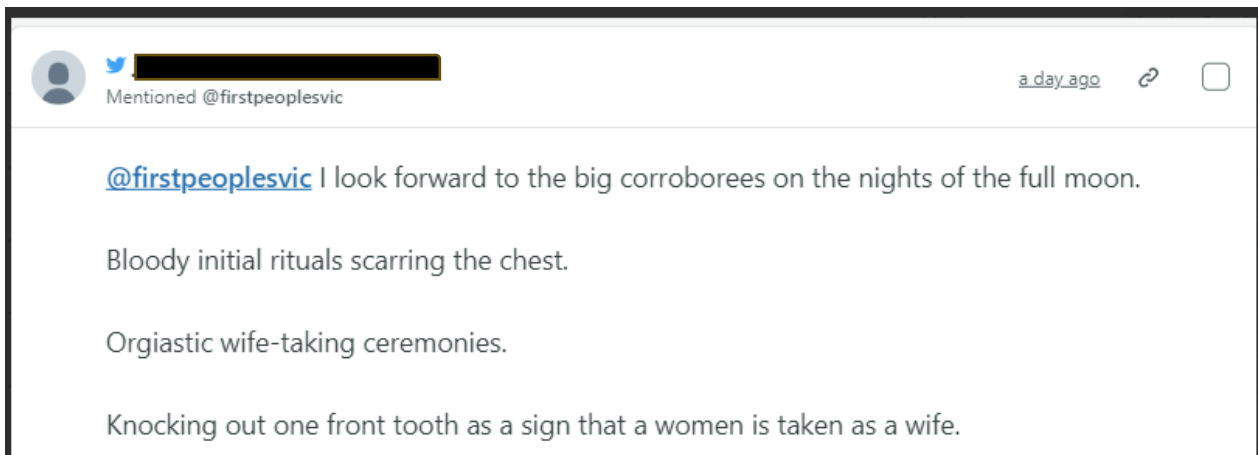


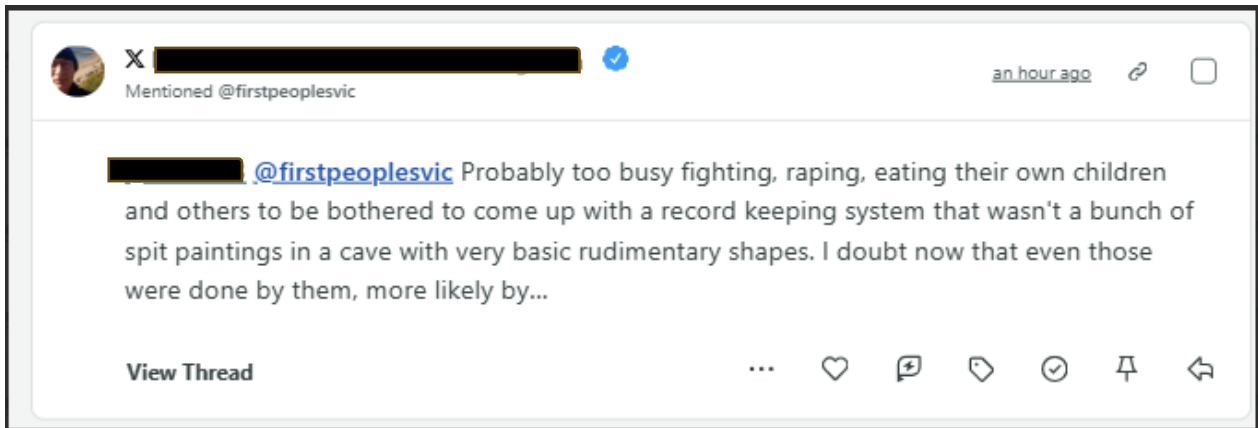



Examples of racist comments on TikTok:



Some examples of racist comments on Twitter:





Examples of racist comments on YouTube:

The image shows a screenshot of three YouTube comments, each from a user with a profile picture containing the letter 'J'. The comments are directed at videos from the 'First Peoples' Assembly of Victoria'.

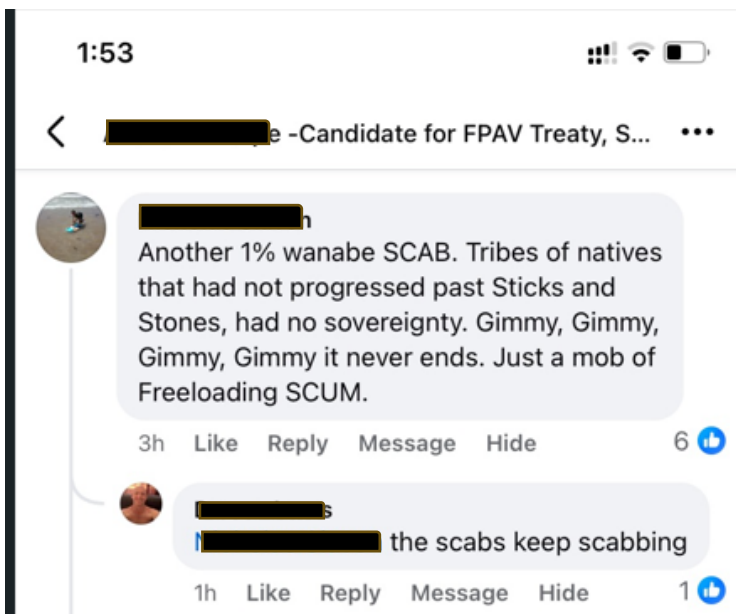
Comment 1 (14 minutes ago):
Commented on Video by First Peoples' Assembly of Victoria "Assembly Member [redacted] speech made..."
But you are ALL part White. And you live a clever, advanced easy White lifestyle and all for free. Enjoy 🍌 AU

Comment 2 (16 minutes ago):
Commented on Video by First Peoples' Assembly of Victoria [redacted] ...
You are on Australia. Never was and never really will be. You all live a clever advanced easy White lifestyle now. Enjoy...or resume your stone age culture. Most Aborigines are part White now. How does that fit in with your racism.

Comment 3 (21 minutes ago):
Commented on Video by First Peoples' Assembly of Victoria "Gunditjmarra [redacted] was elected as..."
You now live a very advanced clever easy White lifestyle. And everything for free. We saved you from your very harsh, primitive, stone age existence . Enjoy...or get back to the stone age. Get real. You now live in Australia. 🍌 au. So black yet so White looking. Got to love that.

Examples of racist comments received by Members:





Tim Like Reply Message Hide



Want,land back than that,means,no modern comforts you will have to live as you were grass humpies grass skirts and throwing sticks

6h Like Reply Message Hide 5 👍 😂



not another [redacted] in parliament 🙄

1h Like Reply Message Hide 5 👍



Always was, always will be



about the money

16h Like Reply Message Hide 12 👍 😂