THE MINUTES OF EVIDENCE PROJECT:
“DOING STRUCTURAL JUSTICE”

Research roundtable featuring Jennifer Balint, Lilly Brown, Caitlin Dullard, Julie Evans, Nesam McMillan and Mark McMillan

Introduction

How do we “do” structural justice, particularly in light of long-standing injustice? How do we make structural injustice visible and create just relations in the present? As Julie Evans, lead investigator of the Australian-based Minutes of Evidence Project, asks below,

... how might we establish meeting points that foster collaborative and interpersonal relationships between Indigenous and non-Indigenous people that have the capacity to bring a whole range of shared and distinctive experiences, understandings, knowledges and laws to bear on the question of how to live together justly in settler societies?

In this edited transcript below, participants in the groundbreaking Minutes of Evidence Project share their thoughts and experiences of collaborating across disciplines (from history to law to criminology), sectors (academia, performing arts, government, community) and media (from scholarly publications to theatrical performance to curricula materials for secondary schools). They show how bringing the voices of the past into the present is a means both of making visible the structures of injustice that continue within the settler-colonial state and of moving towards the possibility of coming into relation with one another. Through new insights that are generated through working collaboratively and through bringing the past into the present, this cross-sectoral and innovative methodology demonstrates practical possibilities for engaging in processes of structural justice and living together justly in the present.
The Minutes of Evidence Project (www.minutesofevidence.com.au) aims to spark new ways of engaging with history and structural injustice in the state of Victoria and elsewhere. The project draws upon a little-known chapter of Victoria’s past, the 1881 Parliamentary Inquiry into the Aboriginal Reserve at Coranderrk, to invite new public conversations about colonial injustice and the possibility of a present and future structural justice. Through research, education and performance and public engagement, the project creates a number of “meeting points” in schools, on Country, in theatres and between scholars. Grounded in collaboration between Indigenous and non-Indigenous peoples, the project promotes awareness of the relationship between the past and the present and of our responsibilities – particularly as settlers – to work towards future justice.

A collaboration between Indigenous and non-Indigenous researchers, education experts, performance artists, community members, government and community organisations that sheds light on the little-known history of the 1881 Victorian Parliamentary Coranderrk Inquiry. The project aims to spark public conversations about structural justice and how understanding the relationship between the colonial past and the present can bring about just futures.

Find out more at www.minutesofevidence.com.au

Photos of the cast of Coranderrk: We Will Show The Country by Steven Rhall
Front: Uncle Jack Charles, Tom Long, back: Melodie Reynolds-Diarra; images of the 1875/1881 Coranderrk petitions, courtesy of PROV

Discussion

Ann Genovese (moderator): The Minutes of Evidence Project comes out of an event and a practice of law. For those of you who are not familiar with the history of law in Victoria, we have the infamous honour of being one of the first settler-colonial states to introduce fundamentally apartheid legislation from the late 19th century. The Aboriginal Protection Acts created criteria under law for the removal of Indigenous people from place to quarantine them from the
rest of settler-colonial life, which brings into focus particular questions about settler-colonial practice. The practices and conditions under which people lived on the Coranderrk Aboriginal reserve precipitated the events from which the Minutes of Evidence Project takes its form. I will now hand over to Julie and ask her to comment on how this project, through research and the academy, is a “case study” through which to examine other things. But it has never been only about that – it has other dimensions. Do you want to describe that for everybody?

Julie Evans: Yes, firstly thank you to Rose and Ann who invited us to speak, and for everyone who has come today. I just have a few reflections on how we conceptualise the project and the principles behind it, and I think the key question, one that encapsulates a whole range of things, is “what are the possibilities for attending to place in academic life?” This is a question that Ann theorises and pursues in her own work and is the overarching question I will be addressing over the next few minutes.

As scholars from a whole range of different disciplines, to what extent do we acknowledge, account for, engage with, and seek to ameliorate the structural and historical injustices that have shaped and continue to shape conditions of life in our own backyard, not just in Australia, but also locally here in Victoria, and in Melbourne? How do we conduct ourselves as academics in Victoria, where all of us, Indigenous and non-Indigenous peoples, continue to live with settler-colonialism? Indeed, what do we know about the particularities of our shared past as Indigenous and non-Indigenous peoples here in Victoria? It is of course important to understand settler-colonialism theoretically, and that is how I have largely spent my earlier academic life as a historian – thinking about settler-colonialism as a relatively abstract concept that seeks to account for the commonalities and distinctiveness of how settler-colonial polities have developed in different places and times. But how can we as scholars also move beyond relatively detached engagements with structural injustice both here and abroad, how might we establish meeting points that foster collaborative and interpersonal relationships between Indigenous and non-Indigenous people that have the capacity to bring a whole range of shared and distinctive experiences, understandings, knowledges and laws to bear on the question of how to live together justly in settler societies? How can we pursue possibilities of living together justly in settler societies, within a framework that seeks to expand the field of engagement beyond the academy, to foster relationships with government, with community organisations, with Indigenous communities and organisations and within a process that
is deliberately personal, relational, and individual? How do we also engage the broader public in conversations about a complex concept such as structural justice, not just in terms of its application to Victoria and Australia, but also to other instances of mass harm across a range of times and places? And how do we make other forms of academic talk about the complexity of the past, the complexity of the relationship between the past and the present, more accessible to a wider audience? How do we bring the past, the present and the future into meaningful relation? Can expanding the field of engagement through interdisciplinary, cross-sectoral and interpersonal collaboration enhance the possibilities for a lawful future through facilitating the acceptance of political responsibility for the past in the present? These conceptual questions have framed the formulation of the Minutes of Evidence Project.

I’ll just talk [now] about the project. The project is called the Minutes of Evidence Project. Minutes of Evidence refers literally to the “minutes of evidence” of the 1881 Inquiry into conditions at Coranderrk Aboriginal Reserve. Coranderrk, just outside of Melbourne near Healesville, was one of the reserves established by the government when Aboriginal people were dispossessed in Victoria. As some of you might know, dispossession happened very rapidly in Victoria, it was a very swift and intense process. Within a couple of decades, people were moved off their lands and many of them on to government reserves or missions. Given the overwhelming evidence that settler-colonialism was here to stay, Aboriginal people were very keen to secure a stake in the land, they were very much aware of what their political obligations and possibilities were. Kulin leaders had pushed for a reserve at Coranderrk and fostered its development as a successful self-supporting farm. Over time, however, conservative influences in the colony sought to sell the now productive land to private interests. So on the back of a lot of lobbying, of political engagement with leaders from settler-colonial institutions in Victoria, an inquiry was eventually held into the controversy surrounding Coranderrk. There had been a lot of activism there, a lot of protest, and together with some collaboration from key people within the settler community, the government finally agreed to have an inquiry into the situation.

The inquiry, officially known as the “The Board Appointed to Enquire into, and Report upon, the Present Condition and Management of the Coranderrk Station,” was unique in a number of ways. There were 69 witnesses called, 22 of those witnesses were Aboriginal people, Aboriginal men, women and children. As some of you might know about British colonialism, the 19th century was the year of the public inquiry, there were endless inquiries and submissions all over the Empire. Very few of these inquiries in the Australian colonies had Indigenous peoples as witnesses, if they did, there might have been one or two, sometimes carefully chosen. Coranderrk had 22 Aboriginal witnesses which makes it a unique resource for
historians and for us, who have various scholarly identities in this project, because it is a record for us, a repository, of what Aboriginal and non-Aboriginal people had to say about what was going on at Coranderrk, and by extension, what was going on throughout Victoria and Australia in terms of the impact of settler-colonialism.

So the Inquiry is very distinctive from that point of view as it gives us access to those voices. It is also distinctive because it gives evidence not only of the widespread impact of settler-colonialism, but also of instances of collaboration around issues of justice, and particularly structural justice between Indigenous and non-Indigenous peoples. Some of the key voices from the settlers’ side of the equation in the Inquiry and whose testimony is most potent comes from key collaborators, particularly Ann Bon and John Green, who were very much involved with Aboriginal people living on Coranderrk, and who informed the Commissioners about what was unfolding in Victoria and what needed to be done.

As we are very interested in collaboration and collaborative approaches, the 1881 Inquiry was distinctive, too, in that it could serve as a model for us, a model for collaboration, both in terms of how we might do this project but also in terms of going forward, thinking about how to live justly in settler societies. Importantly, the Inquiry served as a way of contesting those dominant understandings of the past where settlers were positioned on one side and Indigenous peoples on the other, as though there were no common questions being asked about was unfolding at the time in Victoria. One of the key things that we try to convey in the project is the complexity of the past. As historians we have a very profound and immediate understanding of how complex the past is. Trying to capture the nuances of “the present in the past” is something that we are very keen to establish throughout the project. All of us exist in the present, and we would never dream of trying to characterise the present in the simplistic ways that we tend to characterise the past. So a key issue animating the project is to bring the present of the past back into the picture.

The other aspect of the Inquiry that is helpful for us in achieving our conceptual goals is the intensely personal nature of the experiences conveyed throughout the testimonies. They are at once intensely personal but also overtly political, which is really powerful for us. What this does is make the Inquiry have the capacity to talk not only to our immediate interests in terms of our various roles as scholars but also to the broader goals of the project. The Coranderrk Inquiry does not merely tell its own story, it tells the story of what was unfolding elsewhere in Victoria, what was unfolding more broadly in Australia, and what was unfolding in the British Empire and therefore by extension in a whole range of other places in the world. The Coranderrk story has a lot to carry.
So to conclude, before Jennifer takes us to the website, the significance of the role of the 1881 Inquiry has been its immersion in law. The “minutes of evidence” are key in this as they acted as a focal point for all the other dimensions of the project.

Ann Genovese: Jennifer, can you explain for those who have not seen the website how it works?

Jennifer Balint: The website [www.minutesofevidence.com.au], which has been a collaborative effort, is at the core of our project. All 13 partners collaborated on the website. The website has been designed to serve as another “meeting point” for conversations around structural justice and injustice as well as provide a legacy for the project.

There are four key dimensions to the project that are articulated on the site: research and research training, education, performance, and engagement. But first, let me acknowledge who has been a part of this project – our key partners, including a number of Victorian-based partners: VicHealth, the Department of Education and Early Childhood Development, the University of Melbourne, the State Library of Victoria, Arts Victoria, Ilbijerri Theatre Company, La Mama Theatre, Koorie Heritage Trust, Victorian Aboriginal Education Association Inc., Regional Arts Victoria, Deakin University, University of Sussex, and Royal Holloway London.

This has been a very large collaborative project. It also has a number of key dimensions (outlined on our website) that create the ongoing legacy of the project. One key dimension is research and research training. The project has sparked research and publications about structural justice and injustice, about understanding the relationship between the colonial past and the present, and how that can inform just futures. The research focuses on and extends the conception of structural justice and injustice. Our key question is why it is that in so many places there is oppression continuing despite efforts and reform? This question of enduring structural injustice and how we might actually conceptualise the possibility and practice of structural justice is at the heart of our research on this project. It has also provided key research training for early career Indigenous scholars, of which Lilly Brown is one. We have three early career Indigenous scholars on the project.

Another key dimension, education, has been about the development of curriculum and teaching resources for secondary schools and advisory protocols for implementing the curriculum. The education component established a new curriculum in conjunction with the Department of Education and Early Childhood Development and Victorian Aboriginal Education Association Inc. for Years 9 and 10 History and Civics and Citizenship students in Victorian schools. The new
national curriculum responds to two key recommendations of the Royal Commission (1991 *Royal Commission into Aboriginal Deaths in Custody* and 1997 *Bringing Them Home*): the need to educate the broader population about Aboriginal history and the need to redress the full range of disadvantages arising from that history if widespread long-term change is to take place.

Another key dimension is performance which Caitlin from La Mama will be talking more about. The *Coranderrk: We Will Show the Country* verbatim theatre performance takes the actual words from the “minutes of evidence” of the 1881 Parliamentary Coranderrk Inquiry, but also draws on petitions, letters and newspaper articles dating from the time. There have been a number of performances which will be continuing next year. The performance brings key justice themes before a broader audience, creating further meeting points of public engagement and of Indigenous and non-Indigenous collaboration.

Lastly, the key dimension of engagement. The Minutes of Evidence project has been built on a model of engagement and collaboration with university scholars, government and community organisations, Indigenous community members and performing arts. The project has also been focused on creating meeting points, which is at the heart of everything we do. The website has been designed in such a way as to create a further meeting point for these conversations.

**Ann Genovese:** Can I just remind everyone how many people and partnerships are involved in this project? This central idea – that you all agreed to a core commitment to notions of change – through this particular collaboration is extraordinary. I think it is very useful that you share this commitment but also extend it to other people, in the work that you have done individually. So how did this come together? I am sure lots of people here who work on Indigenous projects feel that sometimes these things happen on an ad hoc basis, so how did you draw those interests together? Nesam, can you describe how you became involved in this project?

**Nesam McMillan:** Well, . . . It was an evolving process. It originally started when one of Julie’s PhD students Giordano Nanni – who later became the Senior Research Associate for our project – spoke to Julie about the “minutes of evidence” that he had found in the State Library of Victoria archives. He had thought that this particular episode in Victorian history would be well known but Julie told him that it was not well-known in non-Indigenous communities. So this is where the initial spark was. Some years later Giordano raised the idea
with Julie of making the Inquiry more accessible by dramatising it. Julie then collaborated with Dianne Otto and Jennifer and then I came on when I came to Melbourne University. Julie heard me speak about my PhD research on the Rwandan genocide which raised similar issues to what was being spoken about in the project.

I was particularly interested in the project as my work centres around how to conceptualise the significance of people’s suffering in the world and, in turn, how to respond to this suffering based on how it has been conceptualised and appreciated. From my criminological disciplinary background where the focus is on what harm can be seen, appreciated and addressed in society but also what harm remains hidden from view, I was particularly interested in this project that was focused on new ways of engaging with structural and historical injustice. And to me, structural and historical injustice, particularly that of colonialism, is one of those forms of harm that is incredibly devastating. It has a real effect on society and people’s lives. Yet it is hard to make it tangible, appreciable, concrete and visible. I was interested in this project that sought to use different mediums to think about how we can make structural injustice appreciable. One medium is performance which is really exciting and gives you a very different connection with those experiences of the past. But equally important is academic collaboration. While we talk about this project as interdisciplinary, in fact, I think Mark kept pushing us to see that it is not really interdisciplinary as trying to create something new. So while we talk about our different disciplinary backgrounds, it is also about bringing these different backgrounds to a common problem and then seeing new ways emerging from that.

**Ann Genovese:** I was just going to bring in Mark . . . so what drew you into the project?

**Mark McMillan:** After I started at the Law School in 2011, my first contact with the project was Julie who asked if I would be interested in joining. I had been out of the country and had no real understanding of what was going on within the project. Yet I was very familiar as a public lawyer with how Victoria places itself in the public governing arrangements of Australia, especially leading up to Federation, and the effect of Victoria’s leadership as well as lack of leadership over how Aboriginal people were placed in law – not as being part of the governing apparatus; the governing apparatus was directed at Aboriginal people.
It was also a personal matter. I considered these people as some of my best friends. The trust that was brought about because we were enlivening peoples’ personal experiences, meaning that there was a desire to participate in this not just academically. There were reflections on how we were seeing ourselves as individuals, not just as scholars. Looking at this area makes you conscious of what you do not know, or, similarly, it makes you conscious of what you hope you might be able to do with something like this. That is the reason why I maintained such enthusiasm for not just this project but also for the concept of bringing the past into the present, not to make sense of it for historic reasons. My nan used to keep talking about “the law as a place of hope”. When we talk about structural justice, and when nan says “law as a place of hope”, it is not about black fellas’ laws, it is about white law and how it sees itself. Not our place in it, but how it makes sense of itself with respect to us. And that hope has not diminished because of this project. I think my hope that the law is a place of hope has been elevated because of the participation in the project and because the past and knowing the past now provide legal ways of understanding and opportunities for the future.

Ann Genovese: One of the key things that make it such a special project is not just the collaboration but the communication outside of the academy. Is this the first time that La Mama is involved in a project like this? I mean, obviously, performance is always a joint production but was this new for La Mama?

Caitlin Dullard: On this scale? Absolutely [laughter]. Yes this is the biggest scale multi-faceted project that La Mama has been part of, as I far as I understand it. I think we were invited in because someone saw the potential for the future. We are local and we have a history and reputation of telling important stories, often untold stories and stories of people who might not have had a voice otherwise. I became involved a couple of years in, met this group and thought how perfect it was for La Mama and for theatre in general. I got really excited about the possibilities to work with academic partners in terms of thinking more deeply about what capacity we had – we never had this experience before – as well as working with education partners and seeing how Victorian students would be attending a production. I believe deeply in the way that theatre can change your views of things and move you on an emotional level, which makes you think more deeply about things. I also believe the space of theatre has the capacity to
make you reflect on yourself and society. It is thus a really powerful medium. The power of the "minutes of evidence" seemed so urgent at the time and it still seems urgent today.

Ann Genovese: I was lucky enough to see the production in The Courthouse [Theatre, in Drummond Street, Carlton], and to see it in that particular space of law was incredibly powerful.

Lilly, I would like to hear about your particular focus on education as a form of community engagement. How did your involvement come about?

Lilly Brown: Julie actually contacted me when I was completing my Master’s thesis overseas. After she sent me a DVD of the Project, I was very keen to participate. I have been quite familiar with the story of Coranderrk, I was in awe of William Barak, the struggles and the activism that were apparent during that time. These have always been a source of inspiration for me throughout my undergraduate degree and Honours. When I realised that the project consisted of this intersection between education, academia and theatre, I was very excited. Education here has two components: formally, in terms of teaching these kinds of things in school but also informally for the wider community, in terms of creating awareness. The work that I am doing is in collaboration with Social Education Victoria which is in the process of creating a teacher-resource package and a set of protocols for teachers and is engaging with schools to teach this content to Years 9 and 10 Civics and Citizenship and History in social studies classrooms. I am hoping that by the end of my project we will have interviewed about 50 teachers about their experiences in teaching content related to Aboriginal and Torres Strait Islander people and share history, content and methods. I have done a few interviews so far in the majority of which teachers are extremely excited about the possibility of engaging with this content in their classrooms. As most teachers are teaching or relating to resources which have been created in Western Australia, there is a huge lack of resources for Victorian teachers to be employing that relate to the shared history of this place.

Ann Genovese: Underlying all of this is not just your collaboration with teachers and community. How did you conceive of the multiple
Julie Evans: How do you translate these broader concepts into something that will be funded? We started out with the possibility of having a verbatim theatre performance but, as theatre is expensive, we needed to work out how to fund it. It meant that we had to go down the Linkage grants scheme road, it meant that we needed partners that were willing to help fund it in order for the government to make its contribution. So, how do you make broader concepts a reality and that pragmatic element of getting the funding was what initially provided some kind of framework that we had to work within. Having established those parameters, we wanted to get together a team, including Giordano, a collaborative team that has the capacity to meet the aspirations.

Firstly there was the search for scholars who were interested and hence my approach to Jennifer, and Dianne Otto from Law, and Nesam, so people within my immediate purview. A lot of this came from my shift from history. I used to work in history and shifted to criminology, which meant a move from history to the social sciences for me and a kind of understanding of social science engaging so much more in collaborative work than I had ever done before in history. This shift provided a whole range of different ideas on the possibilities for collaboration and for working outside the academy. Through that I got to know Jennifer’s work around transitional justice which was a new term for me. I had not understood much about the formal processes of transitional justice – that is, how governments move from a point of mass harm to a point of so-called justice – and why we had not undertaken that kind of process in relation to Aboriginal and non-Aboriginal relationships in Australia. That got me thinking about possibilities for bringing together multi-disciplinary teams. This would mean approaching scholars here and in other places and bringing on relevant people in the community.

La Mama Theatre was one of the first community organisations that our fledgling team contacted because it had the possibility and the skill to translate the “minutes of evidence” into a verbatim theatre performance. It was La Mama who suggested we also speak with Ilbijerri, the local Indigenous theatre company in North Melbourne. We spoke with Rachel Maza from Ilbijerri who had ideas about possibly getting this collaboration on the way, how we could speak with descendents from Coranderrk, people in community around Coranderrk. From there we went to the Koorie Heritage Trust, which helped us make those contacts. We spent two years doing this planning, talking with Wurundjeri elder Aunty Joy Murphy,
and other people at Coranderrk, who then introduced us to a range of others that we should speak with to present the ideas and the possibilities, such as Wurundjeri Land Council in Melbourne, and the board of the Victorian Aboriginal Education Association Inc. Soon it became apparent that it was actually quite difficult to understand what we were aiming to do without a model of the performance we’d imagined. Therefore we needed seed funding and after gaining this we asked La Mama to provide us with a model of this performance, a pilot, which could then be taken to community so they could see what it was and see the possibilities. Following that, we held performances “on Country” in Healesville attended by people who were very moved by these performances. We also received valuable feedback from audiences about the nature of the performance as well as stories about people making connections with family through seeing that performance.

Throughout these two years, we formalised what the possibilities could be in terms of outcomes and then decided that education, engagement, research and performance would be our four key dimensions. Performance would be a focal point through which the broader stories and the broader goals of the project might be achieved, through which we could speak to a broader range of communities and make complex ideas accessible. Education was key to making the project last beyond its formal period of funding, so that you establish a legacy for the project and you provide a way for teachers and schools to talk about complex material in an accessible way, focused locally in Victoria’s history, but also contextualised in relation to what happened elsewhere in Australia.

Importantly, we asked how do you tell the story of Coranderrk (and of colonialism in general) in a way that is hopeful while also recognising the full import of what was unfolding in that period? How can we make collaboration a way of connecting the past, present and future, or in the American political philosopher Iris Marion Young’s terms, how do you accept political responsibility for what happened in the past in order to make a more just future? Rather than getting stuck within the old dichotomies of the so-called “history wars”, when all that you are left with is either simply to deny the past or condemn it, this notion of political responsibility that Iris Marion Young puts forward, suggests that you have to know what happened in the past. But rather than getting bogged down in this kind of stifling dichotomy, let us move to a point where we can accept political responsibility in the present on the basis of knowing about what happened in the past and then decide where we go collectively and collaboratively from here in order to establish a just future.

Thinking about education we needed to bring on board the Department of Education, which has a formal relationship with VAEAI (Victorian Aboriginal Education Association Inc) as part of the Victorian government’s response to the recommendations of the Royal Commission into Aboriginal Deaths in Custody.
This commitment to establishing formal relationships between the state and Aboriginal communities in Victoria also involves the Victorian Department of Justice overseeing the Victorian Aboriginal Justice Agreements (we’re now in the third iteration of that). As the Department of Education has a formal agreement to work with VAEAI on anything to do with Indigenous education, both of those organisations are involved. Once they were on board, we reflected on how that legacy might unfold through developing units and teaching resources for the new national curriculum for History and Civics and Citizenship and reflected on Lilly’s role to see how to support teachers in this. How do you teach this material, not just in terms of content but how do you deal with your own anxieties? How do you operate in the classroom when you are not sure about what are the issues at stake? Lilly’s involvement has been crucial here.

In terms of the performance, we also wanted to make sure that it remained a verbatim performance, which was true to the history and voices of the time, and that we could have a production that was accessible to people, that people found moving, and that they would be able to follow up and explore the meanings in their own way. For each of those performances we would have a Q&A at the end. People drawn from everyone involved (actors, academics, producers, etcetera) would be on stage. If anyone from the audience had a question they could ask immediately after the performance. Those questions included, for example, “what happened next?” or “That Edward Curr who has given testimony, is that the same Edward Curr whose memoir was relied on in the Yorta Yorta case?” The audience made that connection through having seen the play.

In terms of research, our understanding of the concept of structural justice has come together through our academic collaboration and now Mark, Jennifer, Nesam and I are writing a book which teases out what we mean about structural justice.

The fourth dimension “engagement” was key to the whole project. As previously said, it took two years to get the project together even to the point of putting an application to the ARC. So engagement was crucial for the telling of the story, for the collaborative telling of the story and for how it might play out in these other dimensions in the project. Through the education component, we have embedded engagement in the whole process. Over the past year, the Department of Education through Social Education Victoria has been compiling this curriculum, in consultation with teachers in schools and in collaboration with Aboriginal and non-Aboriginal people and communities. It has been trialled in a number of schools in the first semester and retralled in the second semester. Every time the curriculum is taught it might initially focus around the Coranderrk story but if it is taught in the western district, for example, there will be reference to a version of the Coranderrk story that is unique to that place. Thus, whenever that curriculum is taught in a region like that it would activate again local links that are already established.
between that high school and local indigenous communities and therefore that kind of engagement is embedded for as long as this curriculum would be taught.

Ann Genovese: I have been lucky enough to have been following this story as it is unfolding over the project and just to get a sense of how difficult this has been. To write an ARC grant with that many partners is an incredible achievement because you have to translate not only between disciplines but between different forms of performance and engagement. Jennifer, do you want to speak about what collaboration has meant personally to you: from your disciplinary training, how have your questions changed (or not) through this particular engagement?

Jennifer Balint: The project has been amazing, particularly because of both the academic collaboration and the collaboration with partners. Coming from a socio-legal background, what I found really interesting is challenging the primacy of law. I look at how is law politically and socially situated, when does law work? A key question within the sociology of law is when and how does law constitute society, what is its impact? What is interesting about Coranderrk is that it is an extraordinary inquiry in the testimonies that were provided and that it was successful (but was then overridden by the “Half-Caste Act”). What I find interesting as a socio-legal scholar is what is then done with the record of law. The project “resurrects” that record of law, that was buried, through the verbatim theatre performance and education, and in a way re-establishes a new justice process. But it is outside of law, so the conversations that Julie was talking about with the Q&As, they are equally important to those in courts of law, in activating a recognition of historical justice and the creation of a structural justice.

How do you establish a structural justice? It has to be situated in societal processes, in those normative orders as much as in law. That decentring of law has been a really interesting challenge to me. The other issue, which Nesam and I have discussed, is that in coming from backgrounds of criminology and looking at historical injustice and transitional justice, when we look at the past, we look at it as harm, as injustice, whereas Julie and Mark have focused on the past as showing what is possible, the past as collaboration. For example, looking at the
collaboration between Barak and Bon, Barak would not have got that Inquiry if he did not have that collaboration. Or the way in which the repressive structure of Empire nevertheless also allowed for the inclusion of Aboriginal voices in this Inquiry. This is what we need to look at if we are going to have a look at some form of justice in the present. It is therefore not merely about recognising past harm. The verbatim production shows us through the Inquiry the particular injustices of the time, as well as particular modes of governance but it also shows us that collaboration which is equally important to recognise as pointing out the injustice. From an academic point of view, these are some of the challenges to my work and the way my work has been engaged has been really very rich. There are so many layers to collaboration here.

Ann Genovese:  Mark, your work has been collaborative in many sectors, politically, jurisprudentially. How has this particular project changed or influenced those practices for you?

Mark McMillan:  As a Wiradjuri person and as an academic, it is about trust in people. It is about coming together knowing that we can have a better future, so trusting the journey that you’re about to go on with strangers is probably the way I go into other collaborations now. It is all about the people, not about the people’s ideas. You have to deal with those personal relationships so that you can actually have the trust and to have really uncomfortable conversations about why this matters to you. The other thing for me is when talking about structural justice and seeing as a public lawyer where there is a limit to non-Indigenous people talking about their structure, their society, their legal system and the absence of the exercising of our own jurisprudence, exercising our own jurisdiction. And it’s not just a matter of performance – because there is an expectation and we all know, it’s not that we suffer from it but there is a responsibility placed on us as Aboriginal people to have a particular way of performing the way we understand things that makes us understandable to everybody. This whole project has been for me personally about being able to translate what are the limitations of the whole story into spillover of jurisdiction because none of this discussion affects my Wiradjuri jurisprudence nor does it affect my Aboriginal existence and these are two of the same. We get targeted as Aboriginal people or we get services delivered to us as Aboriginal people yet we have a particular jurisprudence
that is not Aboriginal. We might have understandings that are common. Placing that understanding back into a discussion with friends and making clear that I will not be responsible as an individual Aboriginal person for everybody else’s understandings of that time as an Aboriginal person.

This was a public inquiry, it was governmental, it was about citizenship, it was about participation in what we have and yet there was a particular desire by some people to say that this is an Aboriginal story and I really had to rally against that. I am not offended as an Aboriginal person but it was not just an Aboriginal story. Because to give privilege to the Aboriginal story distorted the relevance of the Indigenous/non-Indigenous relationship at law.

Caitlin Dullard: For me the point was that it is a shared story. I found that personally and professionally very challenging yet it also provoked fantastic conversations, sometimes open conversations and at other times quite stifled conversations. You could talk and think about it from all these angles and you just read a quarter of someone’s paper and you think “oh my goodness there is all that happening as well”, the logistics were huge, and this is the beauty of it, it was rich but at times difficult as well.

Ann Genovese: This project does quite important work on bearing witness. The project brings “minutes of evidence” as testimony, as a form of witnessing. In your own practices, how do you work with the idea of meeting point or meeting place and witnessing? Lilly, would you like to speak to this?

Lilly Brown: I think in the context of education in this project, for me it was probably one of the first in-depth conversations I had with people outside of education in thinking about future generations and the way they were going to interpret the past. Often people do this in silos, Faculties work with it in silos. Yet we had a group of people from different disciplines and backgrounds, which became a beautiful meeting place of education and academia and research and theatre. I also became involved with the project because I could see these dynamic intersections occurring. It was not just about education in schools and it was not just about teachers’ responsibilities but it became everyone’s responsibility. Everyone could step into a theatre and watch the production
and take responsibility after that fact. So the project offered really beautiful meeting places and really amazing opportunities to think about complexity and the idea of structural justice which does not let you get away with anything. You have to think about the past, the present and the implications for the future but at the same time acknowledge that we are in this moment creating the future in that way.

Nesam McMillan: For me, meeting points are about proximity and fostering that proximity which then creates an ethical relation, which, in turn creates the possibility of response. The performance in that small theatre created a sense of physical proximity, but also, I remember Tony Birch speaking in his introduction at some of the first showings of the play about the significance and power of these testimonies that were originally delivered in the past being spoken again in this time and place, creating “another historical moment”. What is important about that proximity is that it forces you to engage with things in new ways and respond to them. I found it really helpful talking to Lilly about this, about making that ethical commitment to be in proximity even if it is uncomfortable, difficult, or not clear what you do, even if it is a space of injustice that you have to negotiate. This is what meeting points have meant for me throughout this project and why they are so important.

Julie Evans: There was a lot of discussion on the history of verbatim theatre when Giordano and Yorta Yorta playwright Andrea James were initially refining the original “minutes of evidence” into what could be performed in about an hour and a quarter. Everything that you see in the play was said in the Inquiry but not necessarily in the order in which it unfolded as otherwise you would be there for three months, watching the play. We did, however, find it was important to talk about that dramatisation process because one of the potential criticisms of verbatim theatre is to what extent it is exactly what was said. So a book outlining these processes originated from these discussions. It contains the script as well as background on the witnesses and on the history of Indigenous–settler relations in Victoria. It also explains how the script relates to the original “minutes of evidence”. When something was changed for the script, a footnote
describes the change and why, so it is like a record of how the “minutes of evidence” was transformed into something that could be performed in an hour and a quarter.

**Mark McMillan:** The way I understood it when I came on was that verbatim was a way of giving voice to the oppressed which I automatically had problems with, again creating the dichotomy or the dilemma that Aboriginal people are always overly oppressed rather than voicing verbatim of Aboriginal people as a way to bring in their own jurisprudence as speakers not as a footnote or in record. From there we could think about the opportunities for the future of bringing an Aboriginal person’s voice into the present. It was not just about agency and legal agency, there was also a political aspect that I thought was the most intriguing for me, namely, to give Aboriginal voices a place of their own. It was a talk back, it was not a talk within, as in we are talking to you about your sister, which does not affect my Aboriginality and my jurisprudence, rather it affects yours. It made real the Aboriginal person as not just the victim or somebody who has been placed out as the “other”, there was actually political agency in saying “this is your sister” and we can talk to it not being part of it. Verbatim became a reality. From an interdisciplinary point of view, verbatim was something that we were all attracted to. I was attracted to it from a legal point of view and acting as a jurisprudent.

**Ann Genovese:** What does it mean to conduct yourself responsibly as a historian in Australia, in Melbourne? How might the rest of you from your own traditions and disciplinary practices consider what it might mean to conduct your own methods responsibly?

**Lilly Brown:** Discussions within universities are often based on a false dichotomy, between theory and concepts and then practice in the real world. I know historically for the Aboriginal people what’s happened in the university has had a huge impact outside of the university. Looking at it in that way and that dichotomy stops us from taking responsibility for the way that we are informing society. Speaking to what Julie said, for me being an early career researcher and seeing how the people involved in the project have practised in collaboration with one another has been really representative of the
kind of preparation for dialogue in a way that these guys as my supporters and mentors have worked in that collaboration, which is also only made possible because of the collaboration that happened in the past and obviously this collaboration here in the present will have implications for the future too.

Mark McMillan: I suppose my sum after this is: How do we actually allow everybody to say, the law and justice doesn’t happen out there, it happens in here, and we are always responsible as individuals into the law. Structural justice, it’s not something that you can talk about, that it exists out there, it is actually something that we embody, we enliven it as individuals. That’s my quest for life now, be just. But how do you actually explain this to people because justice is always talked about as a lack of responsibility of the individual to something out there.

Nesam McMillan: To reiterate what Lilly said about transcending that division between theory and practice but also what Julie said about expanding fields of engagement beyond academia. I think the question for us conducting ourselves responsibly as academics is embodied in our commitment from the very start that this project would have a legacy beyond. The question was, first, “what do we want to do with this project” but then it became “how does it not just have a three-year life”. That’s where education came to be so crucial. And now La Mama is going to be involved in producing a DVD of the performance as well, so I think that legacy aspect is a really important part of responsibility.

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Notes

1. The Minutes of Evidence Coranderrk Curriculum and Teacher Resource Package was finalised in February 2017 and available from Term 3 2017 for Victorian high school teachers to use in teaching Years 9 and 10 curriculum modules: History and Civics & Citizenship in government and non-government schools. The curriculum was trialled in three schools (Worawa Aboriginal College, Healesville High School and Melbourne Girls’ College) and includes the production of a DVD comprising individual testimonies from the 1881 Parliamentary Coranderrk Inquiry that was at the core of the MoE project, designed to complement the verbatim script of Coranderrk: We Will Show The Country. The Curriculum modules also include protocols for engagement with Indigenous communities around these educational resources. It was produced by Social Education Victoria and overseen by project partners Department of Education and Training and the Victorian Aboriginal Education Association Incorporated in consultation and engagement with Indigenous and non-Indigenous stakeholders.

2. Production of the verbatim theatre performance of the “minutes of evidence” of the 1881 Parliamentary Inquiry into the Coranderrk Station, Coranderrk: We Will Show the Country (in collaboration with partners Ilbijerri Theatre Company, La Mama Theatre and Koorie Heritage Trust), has been performed to sold-out seasons at La Mama Theatre, the Sydney Opera House, on Country and included a regional and metropolitan school tour. The original pilots were presented “on Country” before descendants of Coranderrk residents and other community members in Healesville, and in Melbourne at La Mama Courthouse and the University’s Melba Hall in 2010 and 2011. Further sold-out seasons were held at La Mama in November 2011; as part of the City of Melbourne Indigenous Arts Festival in February 2012; at the Indigenous Arts Festival at the Sydney Opera House in June–July 2012; a reading was held at Parliament House Theatre in Canberra in June 2015; a sold-out season at La Mama Courthouse Theatre in August 2015 and August 2016; and a Coranderrk On Country performance was held in February 2016. A proportion of box office takings supported the Coranderrk Cemetery Restoration Project.


6. The Aborigines Protection Act 1886 (Vic), known as the “Half-Caste Act”, was an amendment to the Aboriginal Protection Act 1869 (Vic): “An Act to provide for the Protection and Management
of the Aboriginal Natives of Victoria.” Its intention, as stated by the Board for the Protection of Aborigines, was to erase Aboriginal identity, and its impact was the breaking up of Coranderrk station.

7. With respect to the constitution of proximity, see Tuathail (1996: 220–221).

8. Tony Birch’s filmed address to the audience can be found on the Minutes of Evidence website: http://www.minutesofevidence.com.au/performance/.


References

