

Yoorrook Justice Commission**BALERT KEETYARRA OF UNCLE LARRY WALSH****Introduction**

- 1 My full name is Uncle Larry Walsh. I am a Nirai Bulluk man of the Daung Whurrung.
- 2 I currently live on Dja Dja Wurrung Djandjak (country) but have spent most of my life living on with Wurundjeri (Woi Wurrung) biik (country) or my own ancestral lands. As you will see however, I have travelled and spent time across much of what is now known as the state of Victoria.
- 3 I worked with the Counsel and Solicitors Assisting team and my family to make this *balert keetyarra* (witness statement) ahead of the Elders' truth-telling *wurrek tyerrang* (hearings) for the Yoorrook Justice Commission.
- 4 This is not the sum of my story, of who I am. There are things about my family, culture and community that make me unbelievably proud. I am taking after my great Grandma Grannie Annie and choosing to speak out about injustice, racism and harsh treatment. What she testifies in the Coranderrk Inquiry was not the sum of her and my uncle David's story, she was so much more than the words captured in a process created by a culture that was not her own. As too am I.
- 5 This statement concerns my experiences as an Aboriginal person in Victoria, including:
 - (a) being raised as a young Aboriginal child in foster care and my experience as a member of the Stolen Generations;
 - (b) the lifelong impacts of my criminal record (including for my first criminal 'offence' of being taken from my mother, age 2 years);
 - (c) my experiences of racism, including in my early education;
 - (d) my dealings with Victoria Police and Victorian Courts;
 - (e) my experiences with Aboriginal deaths in custody; and
 - (f) my advocacy and community work.
- 6 I have previously contributed to media articles about my life experiences, and contributed to submissions into public inquiries, including as follows:

- (a) **Submission to the Aboriginal Justice Forum (2017):** In 2017, my story was included in Woor-Dungin's submission to the Aboriginal Justice Forum for the Criminal Record Discrimination Project;¹
- (b) **NITV News article on my story:** In 2017, I was interviewed by NITV about my story, including my advocacy work on the spent convictions scheme;²
- (c) **NITV News article on the spent convictions scheme:** In 2018, I was interviewed by NITV News about the impact of my early childhood criminal record.³

7 I also contributed to Museums Victoria's *First Peoples'* exhibition, and my story is included on the Museums Victoria website.⁴

8 I wish for Yoorrook to have regard to these background information sources, in addition to this *balert keetyarra*.

9 During the course of preparing this *balert keetyarra*, some questions have arisen which I understand will be the subject of requests for documents (including Notice(s) to Produce). Given the possibility that further documents will become available, I have been advised by the Solicitor Assisting team that:

- (a) additional documentation relating to this *balert keetyarra* may be tendered in future; and
- (b) it is possible that I may be recalled at a later *wurrek tyerrang*.

My early life

10 I was taken from my family when I was two and a half and sent to Turana Children's Home. I then went to Kardinia Children's Home – an orphanage. When I turned 5, I moved to Nala Lodge in Box Hill, which was run by the Salvation Army. Nala Lodge's original name was the Salvation Army Boys Home. A lot of my cousins went to Nala Lodge.

11 Up until the age of 5, I was with one of my sisters. Then we were separated. The orphanage started separating us at the age of 5 – they said: "*you're going to a boys' home, and you're going to a girls' home*". We still tried to remain close across our childhoods, often requesting photographs, letters and meetings with each other and our respective foster homes. Many of these requests were denied. However, some were not and as a result my sister was able to give me a photograph of myself at age 8 that she held on to until I was in my sixties when my nephew (her son) made me a copy.

¹ See: https://www.parliament.vic.gov.au/images/S5A_-_Attachment_Redacted.pdf

² See: <https://www.sbs.com.au/nitv/nitv-news/article/2018/03/08/victorian-government-expunge-criminal-records-wrongly-given-stolen-generations>

³ See: <https://www.sbs.com.au/nitv/feature/guilty-being-aboriginal-0>

⁴ See: <https://museums victoria.com.au/bunjilaka/about-us/first-peoples/yulendj-group/>

- 12 My experience of being separated from my sister was incredibly traumatic. I believe for us both. There are sad and horrible incidents that occurred around our separation that involve grievous and unnecessary violence. However, this is a story that my sister and I share together. One I am unwilling to tell unless she is with me and wants to tell this story.

My experience of foster care

- 13 I suffered severe psychological and physical trauma from being an Aboriginal child in state welfare and care. I grew up feeling angry and alone. I could not trust the system. I have physical evidence of the physical trauma I went through in my childhood. I have scarring throughout my shoulder and back muscle tissue which they say was caused in my childhood.
- 14 Each time I was fostered, I was put in non-Aboriginal homes and areas. My foster parents, case workers, orphanage staff and welfare authorities also lied to me about myself and my family. I was told I was not Aboriginal despite me clearly knowing and stating I am Aboriginal. I was told repeatedly by various people in the aforementioned positions that I was in care because I was unwanted and that I didn't have a family. I was told that no one, not a parent or family member requested information about me. I found out many years later that my instincts about them lying was correct. It turns out my mother wrote numerous times to me and my sisters (all withheld), requesting information about us (often denied) and requesting to see us (always denied). They even discuss it callously in my files. I found out only through gaining access to my government files when I was involved with criminal convictions (discussed later). This happened late in my adult life. So, there were decades of time where I knew they were lying before proof was handed to me in my files.
- 15 The orphanage tried to foster me a few times. They sent me to the first family – two old women – for a weekend, with another Aboriginal boy. I think he was about a year older than me, and he was taken when he was a bit older. I remember them saying that we were going to have roast chook for dinner. We asked if we could help, and they said yes. The other lad went into the kitchen and grabbed a large knife. He gave me a large knife too. We then went to the chook shed out the back and he grabbed a chook by the neck. Everybody freaked out – they called us murderers. We were back in the boys' home in two hours. Where we came from when you wanted to eat roast chook you had to go catch, kill, pluck and cook your chook. We were trying to help out.
- 16 The best chance I had of being fostered was when I was 6. My teacher took a liking to me and allowed me to spend weekends at her parents' place where she lived. She wanted to foster me, with her mother and father as co-signees. She was a young woman in her early 20s. She asked me if I wanted her to foster me – I said "yeah" straight off. I remember that the orphanage told her that if she fostered me, as a single woman fostering me it would reduce her chances of getting married. They also told her that her parents were too old. These reasons were enough to reject her application. I have sometimes wondered what my life would have been like to be raised with a younger foster parent who actually liked me and was

invested in my growth. I have also wondered what it would have been like to be in the home of a teacher and one whom could remember childhood and its 'joys'.



- 19 Shortly after this, a soldier who was in my foster father's mob told my foster father: "*why don't you take this kid. If he doesn't leave the system soon, he'll turn dangerous*". He agreed to foster me. He and his wife were an older couple who lived in Hadfield. They were good for a while. They received approval to foster me for 6 months at a time, then when I turned 8, my foster parents got approval to foster me.
- 20 My foster father CN was a hard-working man. Pre the mid 1960's he had only gotten into trouble with the law twice on two driving offences. However, in the mid-sixties he started having nightmares and vivid memories about his time in World War II. He was a veteran. This started him drinking, and very quickly drinking heavily. An example of this was around the garden he would hide flagons of plonk (cheap red wine) and whiskey. It was never hard to find his hiding spots.
- 21 This is where my life with the Noakes's changed. By age 8 I was banned from fighting (I will talk about this later) and so Mr Noakes' response was to teach me self-defence. This meant learning holds or quick hits that would hurt someone. This meant being put in the various holds. How else does one learn than experience I suppose he thought. I didn't really enjoy learning self-defence when he was drunk as the pressure would get worse and it would hurt a little bit more.

- 22 At this time as the drinking took a hold of Mr Noakes so too did his rage and he became violent on occasion to me and regularly beat Mrs Noakes. There are instances that I remember when he would walk onto the street with a rifle or a sword. It is clear to me now that he was suffering from Post-Traumatic Stress Disorder. But at this time there was never any help or even understanding about this condition for any of the returned servicemen. This is a recent discussion.
- 23 As I said he hit my foster mum and one day when I was 14 or so I decided I couldn't bear it anymore. I thought I know I can't win but I have a plan. So, when he began on her I started punching into him and then he turned his attention to me. I bolted out the back door knowing he would chase me. As he did, I was outside waiting with a piece of wood telling him to never touch her again.

Turning 8 years old

- 24 The age of 8 was a significant year in my life. A few things happened that year that altered or shaped the course of my life to come. The first thing was that a kid in Year 6 (12 years old) decided to pick a fight with me. I was reluctant to fight but he taunted me and hit me, and, in a moment, I lost it. All I could see was red. I fought back. After he was no longer standing the teachers came out and asked about what was happening. The boy replied that I was going to kill him. They wondered if they should take him to hospital. They decided not to. However, I was immediately taken into the headmaster's office, awaited my foster parents (Noakes's) to arrive and discuss what to do with me. It was decided that I was banned from fighting on the threat of being expelled. I wasn't banned from being hit I was just banned from hitting back or retaliation. I was told no matter what circumstance, what violence was imparted on me that if I responded by raising my fists I would be expelled and sent back to the orphanage. I was the only Aboriginal person at the school. Just me. And suddenly I and every other child in the school knew that I couldn't defend myself. That made me a target as children knew they could hit me without any consequence. This is when Mr Noakes began the self-defence training, I spoke about above.
- 25 The second big thing to happen to me in my 8th year was my 8th birthday party. It was my first party. I had my first panic attack at this party. I knew the kids who were there weren't there for me – they were there for the ice cream and lollies – and they wanted protection from the bullies. It was the first time in my life that I felt alone. I turned really pale, collapsed and vomited. Funnily enough there was a photo taken of me mid panic attack at the party. I sent it to my sister, and she kept it all these years. My foster mother reported what happened. This incident was recorded by social workers as is in my file and states from a social worker's perspective that I was showing signs of distress and needed help. This was never followed through or actioned. I never to this day received help by the state for the issues the state documented about my mental health.

- 26 This file about my distress and social worker's reaction sits with lawyers who worked at Phillips Fox. They took these files when they were looking into whether I might have a case against the state government. This didn't come to anything, but they remain in possession of this file.
- 27 I later found out that Phillips Fox was the law firm assisting the government on what should be released in the Freedom of Information Act and what should and should not be released to someone in my position. When you look at my file you can see parts are redacted and there are also references to whole documents that have been redacted for reasons I still remain unsure of.
- 28 The third big incident that occurred in my 8th year was the first encounter with the police (which ended in violence done to my person). It was also the first time I became aware or was accused of having a criminal record. I will discuss this in detail later in the section discussing police.

My time at school and starting at Turana

- 29 I had four different primary schools and I stopped 'formal education' (colonial education) around 14. School was not a fun place. At school, I refused to play sport because people around me would tell me that Aboriginal people are only good at sport. Because I was Aboriginal, they thought I was going to be a servant, labourer, or a farm hand. I did not do any homework and I had the best wagging record, and yet I got 80 in five subjects. The only thing that was taught about Aboriginal people was that we were primitive and violent savages.
- 30 I was bullied and often hit. I had many fights and many more instances where I was hit and not able to defend myself. I don't view these as fights as I wasn't an active participant. For the two years of secondary school I attended I was allowed to defend myself and despite not wanting to fight I found myself in many. Often because I was Aboriginal and or because I was a ward of the state, an 'unwanted bastard'. When these fights would happen if a teacher intervened, they would always punish me not the person who started it. I often felt caught. Dammed if you do fight, dammed if you don't.
- 31 Sometimes to ensure people would keep away from me I would lash out. For example, once when forced to play football I knew that I would be picked on by both players on my team and the other side so in the first quarter I deliberately swung the full-forward into a goal post resulting in him breaking his arm and not playing the remainder of the game. I didn't come out of that match unbruised, but I believe I came out better than I would have had I not been seen to be 'tough' and not worth attacking. I got punches in the packs but no direct confrontation. This gave me peace from everyone, from the fighting for a few weeks. Again, I was caught. I caused violence to get peace. These were not the choices I wanted to make but these were the only choices I had at that time in my life.

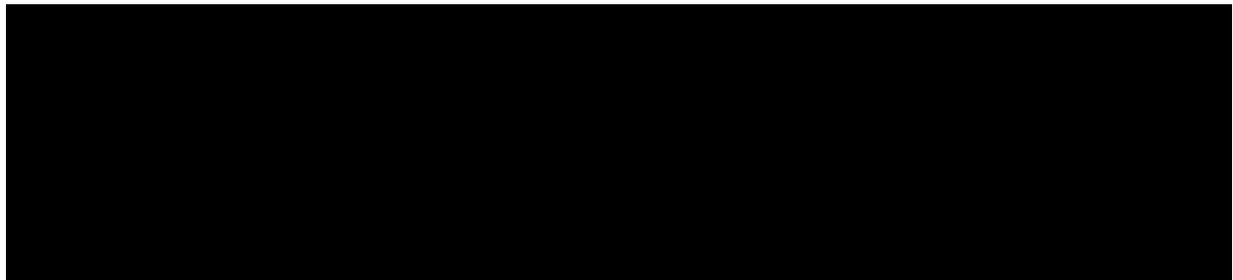
- 32 I was committed to Turana when I was 14 for minor offences (doing time for breaking into a house and stealing an electric shaver, a transistor radio and some money from a moneybox). The reason given on the court order was that I was “likely to lapse into a life of crime”. My pre-existing criminal record from when I was 2 years old is the reason why I was sent to Turana. I later spent time at Malmsbury Youth Justice Precinct, and in Pentridge.
- 33 Whilst I was in Turana every now and again I would walk out of Turana and if I had pocket money buy an ice cream or bottle of soft drink or sneak into a pub and have a quiet beer. Once I was recorded as missing for six days. I got arrested for escaping but because I was a ward of the state it didn’t end up in court. The funny thing from my perspective was the job they kept giving me was in maintenance, which meant I could roam around Turana as long as I was on my way to supposedly fix something. They also knew that I was smoking marijuana at that time, but they could never catch me, and I also had a stash of cigarettes.
- 34 After I got out of Turana, I worked at a sheet metal factory and the guillotines did not have guards back then. While using the guillotine I chopped the tips off my two index fingers. I received \$5,000 compensation which back then was a stack of cash – I used it to buy a car and check out different parts of Australia.

Stolen Generations

- 35 On 24 May 1956, my two sisters and I were taken from our home while my mother was in hospital giving birth to my younger brother. I was two and a half years old. I later found out the authorities came in and picked up me and a group of kids all at the same time.
- 36 I knew I had two sisters – we were separated from Patsy after 6 months as she was a baby who could be fostered with future prospect of adoption. Joylene and I were together for longer. We were in the Cardinia Orphanage together till I was around 5 when we were separated. Due to our persistent questions and attempts we were able to sporadically keep in touch, with years often between actually seeing each other.
- 37 After the referendum that happened in 1967, I turned up in Turana a year later in May. When I was going through intake I jokingly said “*hey, I’m a citizen now, does that mean you can let me out of here because I’m no longer a ward of the state?*”. Whilst it didn’t lead to anything in the moment it led my case worker to consider me and my file. And it was decided for the first time in my life that they would give me one of the letters written to me by my family. I found out years later that there were many other letters, but this was the first and one of the only given to me.
- 38 A few days later I was handed a letter that was post marked 1965. It was from a baby brother of mine, telling me about his mother’s birthday. They tried to have a party for her and instead she broke down and started crying. The letter said that my mum had told him about me, and how I had been taken while she was in hospital having my younger brother. He said the government authorities gathered lots of my cousins while their parents were out fruit and

veggie picking. He said he was my brother, and that I had another sister and three more brothers. My brother enclosed a photograph of my siblings with my mum. If I had not made this joke after the referendum, I would never have gotten the letter from my brother, may never have found him or my family, or become who I am today.

- 39 When I got out, I went and visited my mum. Under the State government rules at the time, I had to go with my foster parents. My mum was a bit wary of them. I went by myself the next time and my mum told me about the other brothers and sisters who had been taken. My dad, whom I never met in conscious memory, died in 1968. This was around the time I was finding out about my family, so I never got the chance to meet him.



- 41 When I was around 16 or 17, I had a good probation officer. I was telling him that I thought I had other brothers and sisters, and nobody seemed to know where they were. He asked me if I wanted a cup of tea while he opened my file. I said yes. I had an idea he was up to something. He left my file open and left the room. I had a look and there was my sister's address and the foster parents she was living with. I phoned up and spoke to my sister's foster parents first. I then met with her foster father to discuss it and found out that they had never told her she was adopted or fostered, and they wanted time to tell her so that meeting me would not be a surprise. I agreed and over time I was able to meet her and tell her about her family, our brothers and sisters. I reached out to Joylene whom I had remained in contact with to let her know. Both involved in Nursing (it turns out like our great Grannie Annie and many Aunties) they were able to connect.

- 42 I have another brother, whom unfortunately I have never met. When my father left, he took him with him. He would have been 3 or 4 years older than me. The story goes when he first came home after he had left with our father, mum made him promise that the siblings shouldn't meet until she had passed away (this would be decades later). I believe this was to do with my younger brother dying in a police cell and the circumstances happening at the end of his life. She had two sets of children; 4 that were taken and 5 that she raised. Her trauma made her blame the return of her children for the opening of painful wounds both in herself, her siblings but most importantly for their kids (my brother, sisters, cousins and me). When I returned home my younger brother lost the leadership responsibilities that had been bestowed on him by my mother when I was taken. She gave these responsibilities to him thinking I would never return again. For it was actually I who was chosen in infancy to be trained for family eldership. This caused issues when I did come home for both my brother, mother and me all for different reasons. I not wanting it (at that age), my brother feeling displaced –

handing it over but lost without it. But to me he was still a leader. I didn't interfere in his business. I loved my baby brother and he loved me, so the pain was strong and hard for us all. Ultimately my mum blamed part of his death on our return and she didn't want another return to cause another death.

- 43 If my brother ever reads this or hears it, I want to give him a personal message that I don't believe what mum thought was right, but I do believe she thought it was the right thing to do. I am waiting to meet you and your children and the stories of our families and lives we have to share.
- 44 Loss of cultural identity is a big problem. Loss of blood relationships, never seeing your brothers and sisters as they grew up. I missed out on knowing my brothers and sisters as they grew up. Even now when they talk about stories from growing up – I'm not part of it. They joke about incidents at school, things they've seen. My cousins tell me stories from growing up as if I was there – I'm standing back, I'm not part of it. I'm learning about them, but I can't live what they lived but I'm not part of it and yet I am. It's a dark cloud that hangs over our whole community and affects all of us slightly differently. Whether you were taken, were the one who wasn't, were the parent of a stolen child or the close family members, whether you were the kids left behind, the community wondering if we or our nieces, nephews, children are next, it affected us all. It still does. This doesn't even take into account the kids that are in the state welfare system today.
- 45 My brothers and sisters were affected by the same loss. As I said above it has affected our entire community. It created a rage on all sides – an anger at what happened – with no way of knowing why or how.
- 46 All the other Aunties and Uncles tell me about their sons and daughters missing. I know some of them from the orphanages. I didn't know back then that they were relatives. I remember one day my mother took me over to her sister's house, Auntie Teresa, and who do I see sitting in her house but Chocko (Talguim Edwards). We knew each other through reputation and having spent time in the same institutions. We are still finding out more member of the family today. Most recently with Uncle Jack Charles through *Who do you think you are?* doing a special on him and tracking down that his father was my Uncle Hilton Walsh!
- 47 I have post-traumatic stress syndrome. A big part of this is because I was taken. Another part of it is because of what I experienced as a ward of the state. Another part of this is the treatment I received from society and its institutions such as schools, police and welfare workers. I'm not the only one who experiences trauma from being a member of the Stolen Generations – for example a lot of my family does too – my siblings/cousins and their children, my children have trauma, as do many of my nieces and nephews. The notes from my file show that I had post-traumatic stress syndrome from an early age and also that my foster father beat me repeatedly. What's interesting to me about the notion of intergenerational trauma is that my daughter Isobel Paipadjerook has a similar diagnosis to me of PTSD. I can

see that I handed some of my fears and issues on. I was the best parent I could be, but I also never had a healthy model of parenthood. Very few of the Stolen Generations did. Anyway, we are testifying together so I will let her talk further about this.

The impact of my early childhood criminal record

48 When I was taken at aged 2 and a half, I was charged with a criminal offence at the Magistrates' Court. They criminalised me. The "offence" is listed on the form as:

Was deemed to be a child in need of care and protection that is to say has no visible means of support and no settled place of abode.

49 It turns out that in order to remove children for a time period they were given criminal convictions. I was one of these children. I have had a criminal conviction ever since. And every time I did have involvement with the police or the judicial system it was brought up and used as evidence of my character and potential. I was 2. I first remember hearing about my criminal past when I was eight years old by two policemen who had picked me up off the street as I was walking to where I lived at the time. The police stopped me and asked if I had a criminal record. I said no. They came back five minutes later and took me to the police station and gave me a beating – calling me a liar. I was only released when my foster father came to pick me up. This was the first interaction that I had with police, the first time I found out about my criminal record, and the first time I was taken into custody and received a beating.

50 After the first time I was picked up by the police, I was stopped whenever a crime was committed in the local area. If a shop got robbed, I was picked up, questioned and often beaten. They didn't ask the white kids, or the Italian kids, or any of the other migrant kids; they came to me.

51 I got sick of being told that I had a criminal conviction that I didn't know anything about, and for being pulled up for things that I hadn't done, so I started doing things. I started to do things they were accusing me and assuming I was already doing. I had to fight people at school because I was bullied for being the only Aboriginal person. Then I had the police pick on me too. So, I reacted exactly how they thought I was going to react; by doing crimes they were accusing me of.

52 I remember once when I was in first form (12), a group of form 6 (17-18) kids walked up to me and said "we've seen you. That's right, your face is on the police wall in Brunswick". Another form 6 (17/18) said "your photo is also on the police wall in Coburg", and another said, "your photo is on the wall in Broadmeadows".

53 When I began getting into trouble my childhood criminal conviction was always taken into account in the judging and sentencing of me. One judge, when I appeared before the County

Court on an appeal, I was told by a judge I was a “*disgrace to my race*”, because of that conviction.

54 At one stage, I went to court for driving without a licence, and they wanted me to plead to other charges, but I refused. They raised the fact that I had convictions dating back to 1956. The judge would say “is this right, you have criminal convictions?” and I said, “your Honour, I don’t know about ‘56 because I was about two and a half”. The judge didn’t listen to me. Every time I argued with them, it would only make my record and sentencing worse.

55 My record meant I would be put in high security prisons not proportionate to the crime I was charged or convicted with. I remember when I was in Pentridge for a car offence, the other inmates were asking why I was there – they were all in for armed robbery, manslaughter and other serious offences. Now I know why I was placed in high security environments when I entered the prison system. It would seem when I didn’t like an orphanage or youth training centre, or when I was angry or sad, I would disappear for a bit. Instead of seeing this as an attempt to communicate about my treatment and circumstance they saw this as a disrespectful attempt to escape. It says on my files when I was interviewed about escaping and questioned about whether I would escape again I am reported to have said “I don’t know, it depends on how I feel”.

56 Then I reached adulthood and suddenly now believed that I had an early childhood criminal conviction. No one believed that this was possible or could have influenced later criminal proceedings. No one – not the organisations, not the community, not even my own children. It’s an unbelievable injustice. I was even knocked back by Government bodies for convictions that I did not know about.

57 Some people asked me why I didn’t foster because I’ve raised two daughters, Isobel Paipadjerook and Hannah Nayook. I told them that to do that I would have to fill out a form that required me to get a police check, and that I would be rejected.

Stolen Generations

58 After the deaths in custody report came out it seemed that about 45 more of the people that died in custody were all from foster care, orphanages, the state ward background. There just so happened to be a conference on Aboriginal rights and the law in the Northern Territory. A couple of QC’s whom I knew were attending that conference and made important connections. They hosted a dinner back in Melbourne which I attended. Others in attendance were Francesca Cubilio, Jackie Contona (I may have spelt her name incorrectly sorry Jackie if so) and a representative of the Northern Territory Aboriginal Legal Service (at the time). We discussed the Stolen Generations (not then known as the Stolen Generations in the broader ‘Australian’ community). They were looking into court cases and how this issue could be raised at a national level. I said “I think I can handle that”. Already there were some people from Victoria at that conference and beginning these thoughts and actions. So, it was easy to

go into a couple of Aboriginal controlled organisations and raise the right questions. SNAIC was first to get on board from my memory.

59 It then became a discussion point amongst the Aboriginal and Torres Strait Islander community and community-controlled organisations. Because of this widespread discussion it became an issue taken up by the Victorian branch of ATSIC. I had several conversations with the Victorian ATSIC Commissioners. In the meantime, more Stolen Generations were raising their voices as well for example Lyn Austin and Neville Austin. There were others too of course. This sometimes happened because of the support provided inside and by the Aboriginal controlled organisations.

60 I had meetings with the directors of ATSIC. I was invited to attend a state-wide conference where ATSIC's chair Aunty Lowitja O'Donoghue was talking. The people who were taken into care by the state became an issue on the agenda. It was raised and people from the floor could speak. And I like a few others spoke. At some point I found myself yarning to Lowitja and I remember saying to her "you're one of us too! But some of us had better lives than others, so we need to stand up and protect those ones and the kids" (because it was still happening then. To be honest it's still happening today under a different name in most States and Territories of 'Australia').

61 We went public. We got in the papers, and we said we are sick of this. We told our story and we pushed. The Minister for Aboriginal Affairs and ATSIC took it to Paul Keating who agreed that there needed to be an inquiry into the separation of Aboriginal and Torres Strait Islander children from their families.

62 Each one of the investigators came to meet me. Several community meetings were held across the state in different regions (Bendigo Shepparton, Gippsland, Melbourne, Ballarat and others). These meetings were to discuss what the investigation would look like and how we could involve ourselves (private submission, public testimony, representative on your behalf).

63 I went to many of the hearings, most of the Melbourne based ones. But I was keeping in touch with family, friends, and community in the regions to know what was going on. Many people (in our community including many of the state-wide and local Aboriginal Controlled organisations) were doing the same. Having said this when the enquiry came there had not been a sustained coordinated trauma informed approach to this process. What I mean by that is we didn't have the time as a community (of Stolen Generations, and of the Aboriginal community whom I have stated above were all affected by these policies) to work out what we truly wanted immediately done. We also didn't know how the trauma this enquiry would open up would affect the Stolen Generations survivors, our families and our broader community. There wasn't the understanding about counselling and trauma informed responses. This was a mistake we collectively made.

64 Again, acknowledging the understanding that has changed about trauma and trauma informed practises and responses, I still have to acknowledge it wasn't like that then. People needed

support to go in and tell their stories, practical support, emotional support and mental health support. This wasn't available so our community made do as we usually do with each other. That meant that members of our community (mostly black but also including some wonderful allies) were the ones swooping in to provide support, hold someone's hand while they cried, bear witness to the depths of someone else you know (and often love's) trauma, all whilst reliving your own trauma which relates to the testimony of other Stolen Generations survivors (including parents).

65 This affected me. It still does to this day. You have to understand, hearing other people's stories of such deep pain and suffering, thinking about my own and those of the people I loved it made me sad. It made me angry. At this time, I became anti-social and disconnected from my family. I would try to come home after the kids were asleep and leave before they awoke. After it I was a mess (my children will talk about the effect on them). The Parkies especially two brothers in particular Tedja and Baby Cass came up and grabbed me for a few days and helped me get my focus back. For that I can thank them.

66 Even though I supported a lot of other people to give evidence I have never spoken about my experience in this way before. Instead, I spoke about the ones I'd lost; friends; people from the same places as me; family members. Because they were dead, they weren't getting a voice, so I made sure I spoke for them. There's also a lot who didn't make it as far as that enquiry. It was easier than talking about myself. It's hard to create a document like this. Whilst I've been preparing it my shoulders ache and my sleep is affected.

My advocacy on the spent convictions scheme

67 In 2016, for the first time someone believed me, or at least thought it was worth checking out. There was a group of us, Jackie Charles, Talguim Edwards and others all making the same claim that we had early childhood criminal convictions. The chair of Woor-Dungin Michael Bell approached me after hearing me speak on this issue at a community meeting. He asked if I would come to Woor-Dungin, tell my story and contribute to their efforts to change the spent criminal conviction act. I met with their staff and lawyers. At first the lawyer looked puzzled and in disbelief, however she went home and discussed it with her mother who was a forensic lawyer. Her mother thought it was worth checking. She did, she put in FOI requests and checked and found that indeed I did have a criminal conviction at 2 and a half. This was the beginning, Woor-Dungin (and I) began reaching out and looking for others who had a similar story. This is where Naomi Murphy came into the picture and was of great assistance. Naomi had been looking into the problem of childhood criminalisation and the Victorian Aboriginal Legal Service. She began to coordinate the responses and process.

68 Woor-Dungin helped me to apply for my full criminal history through the Criminal Record Discrimination Project. It was then that I discovered that the criminal record that the police were talking about was my removal from my mother by the State.

69 My story was included in Woor-Dungin's submission to the Aboriginal Justice Forum, which was held in Swan Hill on 12 and 13 December 2017. I said in the submissions:

This is not a soft on crime issue, this is an issue where people need to give us the opportunity to be key players here in Australia, to be upstanding members of the community, you can't do that if you have a criminal record hanging over you like a black cloud.

70 On 1 July 2019, I spoke before the Inquiry into a legislated spent convictions scheme. I said that I was concerned less about whether I got onto a committee, and more about how the generations under me were being discriminated against. I gave the example of a young nephew who approached me. He was coaching the local Aboriginal football team as a trainer – assistant coaching – and when he did a police check, they kicked him off because in his youth he had trouble. I didn't think anybody should have to learn to live with discrimination. There were other people who approached me with the same story of being held back by a supposed early-childhood criminal conviction.

71 For this I want to thank Woor-Dungin, all their staff, the Victorian Aboriginal Legal Service, the Aboriginal Justice Forum, Jackie, Choc and Naomi Murphy. It can be hard for the younger generations of stolen (not acknowledged by the broader "Victorian" and "Australian" communities but indeed acknowledged inside the Aboriginal and Torres Strait Islander communities) to bear witness and then advocate for the acknowledged older Stolen Generations. I also want to acknowledge the non-Aboriginal people who were also in these institution / orphanage systems at the same time as us. They too were affected by these policies and supported the overturning of these unjust criminal convictions.

Deaths in custody

72 Deaths in custody has had a big impact on my life and my communities. My uncle died in a police cell. My baby brother was also found dead in a police cell, and some of my mates in the orphanage system also died in custody or took their own lives. The next generation in my family have had horrible instances inside police cells today.

73 I started out just by myself helping get my family back together, and other cousins. It all seemed to lead to the same problem. All these people, some of them I knew, were dying in jails. They all came from orphanage and foster home backgrounds.

74 It all started for me with a phone call at around seven or eight pm. It was my brother cousin (I have not named this cousin brother out of respect and in mourning), who was also an advocate for his communities at the time and across his life. He said Uncle ---- Moffatt died in a police cell and his brother (his brother but my cousin brother) would pick me up in 30 minutes. When we got there some of the Walshs and Moffatts were there waiting for us, so we could find out what had happened with Uncle. How did he get arrested? What happened to

him in the police cells? How did he die? We wanted to know why he had died when he was well before.

75 When we found all the information, we held a local community meeting. With the information that we had gathered the meeting had nearly all the local Gunnai/Kurnai and other local but off country mob, who were there, asking questions about what happened and what the community would do next. I say questions because we were full of so many. There was of course discussion and plans being made as well. We had representation from many including not just the Walshs and Moffatts but also the Hoods, the Terricks, the Moburns, the Hayes, the Harrisons, the Harrises and others whom I may have forgotten due only to time not their efforts. We organised a demonstration outside the courts and police headquarters in Moe/Morwell where we educated and advocated on deaths in custody in the region. We demanded to meet with the superintendent of police and the head of the courts in that region to try and get some answers and raise this as an issue of significance. Losing our family members in police custody was pretty significant to us. So, thanks to the publicity we were able to generate we got that meeting. We had a community meeting about the upcoming meeting and invited local community to participate in the upcoming meeting. They all said yes and turned up in droves. Some of the young ones spoke and some of the elders spoke, and some of the traditional custodians spoke on these issues that were affecting us all. My cousin-brothers were able to put out the word and gather information about if this was happening across the 'state of Victoria'. In some cases, we started meeting with people about it. While my cousin brothers continued this work I returned to Melbourne and returned to working at the Koorie Heritage Trust. After all, I had a family to support.

76 Whilst I was working at the KHT cousin Maxine came in to see me. I could tell from the look on her face something was wrong. She started to cry and tell me that my brother was found dead in a police cell. After the shock one of my cousin brothers came into the trust. We shot up to Bendigo to find out what had happened. We were fucking Angry. My brother was in his 30s and had 3 kids. So, when we got up there, we found out that he had been drinking in a pub, we went down to the pub and had a quiet few beverages. We refused however to leave at closing time, telling the publican "Go'm call the cops". We wanted to meet them. See we had hit a rage threshold unlike any other. We were so aggressive when the police arrived, they left the pub not wanting to fight the two of us. This is the first time in twenty or more years that I let my rage out. I did want to kill for my baby brother's death. I didn't. We calmed down and the police came back with my sister-in-law who had just been widowed (my dead baby brothers' wife) asking us to please leave with her. She was grief stricken. It was wrong to do that to my sister-in-law. Just wrong. She didn't need any more of anything that evening, so we agreed and went home to my nieces and nephews.

77 So, I got reinolved again. By this time my cousin brothers had found out where all the deaths in police custody had occurred across 'Victoria'. So, we started talking to local organisations to organise meetings with the families of those who died to see what collectively they wanted to do about it. In some regions some local Aboriginal controlled organisations had funding or

ways to support these meetings. We then began to meet with mobs from different states. This was through my cousin brothers' connections who were well known nationally for their political activism.

78 I was on the State Committee and National Committee for Deaths in Custody.

79 It was harrowing, very difficult hearing these stories about losing sons, daughters, nieces and nephews – without any support. I was trying to give them the confidence to speak up – but emotionally I still suffer. For that reason, I did not go to any deaths in custody rallies.

Discrimination and its consequences

80 My community has picked me to represent it on Aboriginal advisory panels to Government, including the Victorian Government Ministerial Advisory Council for Indigenous Affairs. I have always been turned down. I have never been given a reason for being refused, but the applications involve a criminal record check. I think I have been rejected because of my criminal record.

81 I'm still suffering today because of what happened to me. These rejections damage peoples' trust in me as an Elder – people assume I must have committed serious crimes. I'm not just suffering because the government forced me to grow up without my family, I am suffering today because of police checks. It's like a wound that won't heal. I see this as one more violation of Aboriginal self-determination by the state.

82 I am wary of hospitals and police. I still am to this day. Both these institutions have been places where I have received direct discrimination and racism all throughout my life. In hospitals in my childhood having things occur to me that I had no control of or knowledge about. No one bothered to communicate just get angry if I didn't comply. In one incident recently when I was taken to the emergency department in Bendigo Hospital for gall stones and pancreatitis attack at the same time. My GP had even sent ahead my latest test results and notes showing that this was the case. Despite this I and my daughter (whom was with me) were asked repeatedly if I was an alcoholic. We both replied no and that I had not had a drink for 6 months. The last one was during the grand final and I had 2 cans. When I was admitted staff called my other daughter up to ask her if indeed, we were not telling the truth and again ask if I was an alcoholic. A lot more happened in this hospital visit but it got to the point where I discharged myself as opposed to deal with the lack of care and racist assumptions and attitudes towards me.

83 On the front of being wary of the police, I am still used to being stopped and searched when I am doing nothing and am often on my way home. Daughter can attest to an incident recently. This has happened countless times across my life and still happens today despite the fact that I am now an old man. You would think they would have better things to do and bigger threats than an old man with crippling shoulder injuries on his way home, but I'm used to it. I have had instances when one of my children were being held by police and they refused to release

her into my custody despite me being sober, sensible and her father. I had to call another one of my daughters who was working for the Victorian Aboriginal Legal Services at the time and wait 2 hours in the police station while I could hear locked up Daughter screaming from the cells, for my other daughter to arrive before they would release her. Again, not to me her father with whom she lived with, but to her sister who was in her early 20's yet had light skin and had the law degree on the go. I do not believe that the police are there to help me as they have never helped me. Just hurt, criminalise and attempted to humiliate me. They were successful at hurting and criminalising me, but they never succeeded in humiliating me.

Disenfranchisement

- 84 My foster parents never gave me any money because I am Aboriginal – they told me that I would spend it and that they couldn't trust me. The Noakeses my foster parents always told me and also told my mother that despite not being able to be trusted with money I would be alright as they would make sure I had land. He used to take me to it, to get away. There was a shack, and we could go rabbiting. It was in Wandong. I didn't know it at the time, but that land and shack was actually on my ancestral clan lands.
- 85 In my twenties the Noakeses split up. In my 30s Mrs Noakes got cancer. I cared for her until she died. She didn't trust an Aboriginal man to manage money, so she left money to the Lost Dogs' Home. When my foster father died, suddenly the land that he had promised me went to his nephews. I don't know quite how this happened, but I suspect because my foster father wrote no will and my or my mother's word was not seen as reliable, I was not considered. My foster parents' nieces and nephews cut me out of the family completely when my foster parents died. I was no longer a part of their family.
- 86 Many years later I met a non-Aboriginal person who was hanging around in the Aboriginal movement who had the surname Noakes, the same as my foster parents. So, I started to email with him. I told him that I believed I was the foster kid of one of his parent's uncles. I wanted to talk to them about Mr Noakes. I believe that to this day they have assumptions about him which a not true. They didn't know the complete picture. They didn't know that he was a man suffering PTSD due to his war efforts. They just perhaps saw him as a violent drunk. Not a troubled veteran, which is how he would have been seen and treated today. He emailed me back saying that he was going to visit his mother who lived up at Wandong and he would ask her what she knew and if they could meet. Well to this day I have never heard back from him. I have never seen him at another rally or march or gathering. He dropped his passion for Aboriginal Rights and vanished into thin air.

Leadership, resilience and culture

- 87 I am an uncle. There are many kinds of elders in our community. And I was the last one (thus far as I am still living) to be chosen in infancy in my family line by my grandparents to have a designated role to play within the family.

- 88 From an early age, I had a leadership role in the orphanages. I don't know why – it just happened. If anybody was going to break the rules, they always discussed it with me first.
- 89 I remember when I first found out that I was supposed to have a leadership role in the family. I was at a pub with a couple of my older cousins. The one mentioned above. They got into trouble and their mum was telling them off for fighting at the local pub. We got banned at the end of the fight and Auntie was waiting. I remember thinking, I'm sweet, I'm safe, because I was younger than them how could she blame me? Then their mum started blasting me and telling me that as their Elder, I should have known better. That is because of that role I was given at birth. This bought me back in a way. For a while I didn't want this role, I had my own stuff to deal with, anger, reputation, surviving. But in my 30s my cousin brothers began to enforce it by contacting me when they needed help or to set up family discussions. So over time and thanks to an uncle Grumpy of mine, I too received that tittle of uncle grumpy.
- 90 When I have taken a leadership role, I have seen people change, young people, from being loutish to actually being respected by their communities because they have learned their lesson. I have even had cousins and nephews go, "*Unc, we've learned. We're not going to do that again*". So I did not have to tell them off and they are looked at as good community people.
- 91 My totems and the animals that carry great significance to me and my family play dual roles for us. They act as messengers and storytellers, but we too have cultural obligations to them. To their ongoing existence, to their family's ongoing existence, to the ongoing existence of their habitat, food sources and eco-systems they rely upon. Not a small order when we are busy logging forest across my country, clearing land for new housing developments, moving rivers and controlling water flows without our animal and bird family considered. I take this a little further. I am a storyteller. And as a storyteller to protect and maintain the strength, knowledge and existence of creation we must ensure the animals that feature also survive. I am very worried the koala stories will one day disappear. For if they do my family will not speak of them anymore. I am particularly connected to Wah Crow and his family, to the Tawny Frogmouth, and to the goanna and their families.
- 92 I am a storyteller. I come from a long line of story tellers. My Great Grandfather's Talguim Hamilton's name meant "speaker". My Great Grandma, Grannie Annie wrote letters and she like me, and my daughter today gave testimony about her story at important enquiries. She appears in the Coranderrk Inquiry. I think storytelling and carrying on the oral history tradition that our mobs have is a natural way to revitalise and remember our culture. Storytelling and creation stories link us to each other. To the rest of Aboriginal Australia and depending on the story beyond (7 sisters moves into the pacific and spans across 'Australia'). Many people talk about this as song lines. The same stories travel across place and link us not just in song but in dance, spoken word and visual forms (traditional arts and symbology). An example of this is when I was in South Australia, I was talking to their people, and I told them how we got fire.

They had the same story, but a different variation. There are other detailed examples I could use but one is enough to show my point.

93 I think it is important to raise awareness of the stories of Aboriginal people that have gone untold. For example, Ned Kelly's mother, Ma' Kelly was in Beechworth Prison when Ned went to trial and got hung. Ma' Kelly sent her servant down, an Aboriginal man, to witness the hanging. The words attributed to Ma' Kelly about the hanging was actually the Aboriginal fella – a local. I believe that connection to the local Aboriginal community was the reason that Ned Kelly was the only successful bush ranger who could travel between New South Wales and Victoria. This story has been in my family for five generations.

94 Because I am a storyteller, I have been invited to tell stories, but I haven't done it because I want to wait until I'm retired. I always thought this was something that I would do in my retirement – to see the connections – and to know that I was part of something bigger. When I retire, I want to visit the area where my great grandparents were from and write a story about them.

Heritage and the environment

95 Many may not believe this due to my involvement with the environmental movement, anti-logging movement, land management rights, native flora and the Indigenous gardening movement but I am no expert at planting a plant. I am however an expert at planning and connecting, remembering the old connections, finding new ways we connect. I've always thought you should learn about a person's skills and encourage them to use them. By creating or reawakening connections with people's skills big things can happen. Big changes, big wins. Not always but enough to make it worth trying every time.

96 As an Aboriginal person I have been very lucky to have been one of the first Aboriginal Cultural Officers in the Western Suburbs. I was based not in an Aboriginal organisation but based in a non-Aboriginal organisation, The Living Museum of the West.

97 In order to form the gardening team out at the Living Museum of the West (as we worked in a large public park) we worked with VAEI, Mellissa Brickall, two community members who have passed to get up the partnership scheme. Melissa, bless her, because of her connections and work was able to find a training provider who had the skills in Indigenous gardening and plant recognition. Jeff Walsh, I believe provided the training. I liked him – a bit of a hippy.

98 Seven years later, this led Esmæ Mannaham (I am so sorry I think I've misspelled your married name, but her maiden name was Jakamos), myself and representatives from other states, representatives from the relevant union, to meet with the federal training board to create Indigenous gardening and landscaping at an apprentice level. Esmæ is fantastic at writing these kinds of policies and supporting documentation up. Not my best skill so I was very lucky to work with her.

99 Having said some of the stuff I have been involved in my next project is to combine the Aboriginal Heritage Act and the Environment Protection Act as well as the Heritage Act for all of Australia. I say this as I believe my heritage, my children's heritage if lost is a loss of 'Australia's' heritage. If we lose our unique landscapes, animals, waterways and plants that is a loss both to me culturally, to my heritage but also to the heritage and culture of everyone who calls my country home. If I lose my heritage, you will lose your heritage. If the bush goes so too does the romanticism and mysticism within the non-aboriginal 'Australian' view of the 'Australian' bush environment. There won't be another Banjo Patterson if our land is not protected, and its beauty can't be wondered and pondered by an artist. There are many more losses I could list from the degradation to our environment and heritage that will occur if nothing is done.

100 Aboriginal heritage is not just based on sites, it is based on the whole environment. The totems come from the environment – so do the tools and the food. If you destroy the environment, you are actually destroying heritage.

101 I will say again If I lose my heritage – Australia loses its heritage.

Other advocacy and community work

102 My first outreach job with the Victorian Aboriginal Legal Service was going down to the "Parkies" of Old Fitzroy. I was hired to help all of the street people – they were the same folk as me. Half of them were from orphanages too. I started helping the boys. I'd go talk to the Aboriginal Housing Board. Some of them had drug problems, alcohol, that were getting them into trouble. Over the years I've maintained friendships with them all. Every time I go down to the park, the old Parkies always introduce me to the new Parkies and say, "this is Uncle Larry". They accepted me as Uncle Grumpy and their Elder.

103 I met Aunty Iris through Aboriginal Community Elders. Aunty Iris would yarn with me because she liked the way I did things. She spoke to me about how some of my rellies died alone because they weren't living with family. I helped Aunty Iris to organise meetings with ministers so we could set up an Aboriginal Elders' Hostel. I don't like mentioning the names of the dead, but I thought it may be seen as disrespectful not to name this particular Aunty whom to this day I carry love and respect for.

104 I assisted the elders' committee at the time to set up ACES (Aboriginal Community Elders Services) with Aunty Iris and Uncle Stewart. I was also partly responsible for setting up the 3KND radio station. I also was around and played a part in the formation of the Koorie Heritage Trust. (Note the same goes with Uncle S above. I have labelled enough that mob will know whom they are but not their whole names to keep with my respect practise).

Documents about me obtained from the State

105 In the past I have obtained documents held by the State about me that I would like to share. They show what was being recorded about me during all those years. They are included here as **Annexure A**.

Dated 19 May 2022